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Current Affairs Yearly Compilation

Jan 2021 - Feb 2022



Acts & Bills

- 1 All recent Acts and Bills Covered**
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1.

New provisions of the amended Foreign Contribution (Regulation) Act, 2010 (FCRA)

Context: The Supreme Court asked 6,000-odd NGOs to go back to the government for redressal of their grievances on non-renewal of their **Foreign Contribution Regulation Act (FCRA) registration**.

What is the FCRA?

- The FCRA regulates foreign donations and ensures that such contributions do not adversely affect internal security.
- **Applicability:** The FCRA is applicable to all associations, groups and NGOs which intend to receive foreign donations.
- **Mandatory registration:** It is mandatory for all such NGOs to register themselves under the FCRA.
- **Validity:** The registration is initially valid for five years and it can be renewed subsequently if they comply with all norms.
- Registered associations can receive foreign contribution for social, educational, religious, economic and cultural purposes.
- Filing of annual returns, on the lines of Income Tax, is compulsory.
- **Prohibition:** The Act prohibits receipt of foreign funds by candidates for elections, journalists or newspaper and media broadcast companies, judges and government servants, members of legislature and political parties or their office-bearers, and organisations of a political nature.

Foreign contribution

A donation, delivery or transfer of any article, currency or foreign security by any person who has received it from any foreign source, either directly or through one or more persons refers to foreign contribution.

Amendments

- The FCRA was enacted during the Emergency in 1976.
- **2010 amendment:** An amended FCRA was enacted under the UPA government in 2010 to “consolidate the law” on utilisation of foreign funds, and “to prohibit” their use for “any activities detrimental to national interest”.

- **2020 amendment:** The law was amended again by the current government in 2020, giving the government tighter control and scrutiny over the receipt and utilisation of foreign funds by NGOs.

Non-Governmental Organization (NGOs)

- An NGO is any non-profit, voluntary citizens' group which is organized on a local, national or international level.
- An NGO can either be registered as a trust, society or as a company.
 - ▶ **Trust:** A trust is a possible form of not-for-profit entity in India, registered under the Indian Trusts Act, 1982.
 - ◆ A trust is a legal arrangement in which a person holds the property for the sake of some other person.
 - ▶ **Society:** Society is an association of person, who come together to fulfil any particular purpose, described under the act.
 - ◆ A society registered under the provisions of the **Societies Registration Act, 1860 (the Act)** with the Registrar of the Societies, with aims and structure as laid down in the Act.

2.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021

Context: The Delhi High Court has recently granted Twitter three weeks to state on record that it has appointed a resident grievance officer and observed that it has to comply with the IT Rules, 2021 if they have not stayed.

IT Act, 2000

- The Act provides a legal framework for electronic governance by giving recognition to electronic records and digital signatures.
- It also defines cybercrimes and prescribes penalties for them.
- The Act directed the formation of a Controller of Certifying Authorities to regulate the issuance of digital signatures.
- It established a Cyber Appellate Tribunal to resolve disputes arising from this new law.
- The Act amended various sections of the Indian Penal Code, 1860, the Indian Evidence Act, 1872, the Banker's Book Evidence Act, 1891, and the Reserve Bank of India Act, 1934 to make them compliant with new technologies.

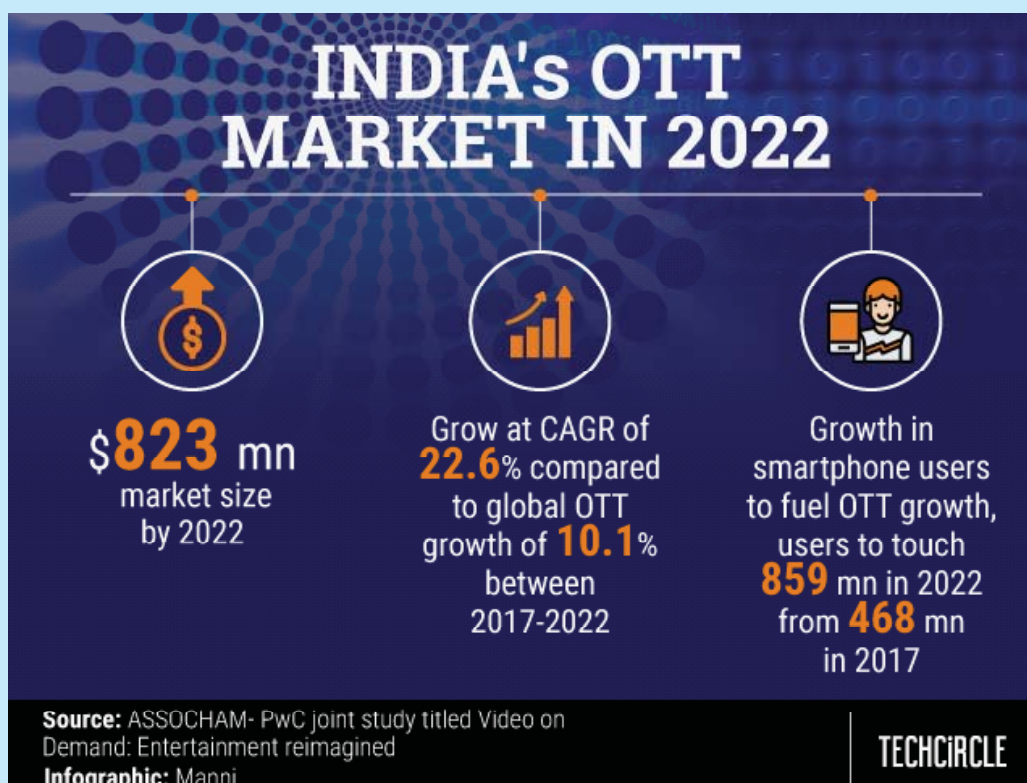
What are IT Rules, 2021?

- The Rules aim to empower ordinary users of **social media and OTT platforms** with a mechanism for redressal and timely resolution of their grievance with the help of a Grievance Redressal Officer (GRO) who should be a resident in India.
- **Safety measures:** Special emphasis has been given to the protection of women and children from sexual offenses, fake news, and other misuses of social media.
- **Source identification:** Identification of the "first originator of the information" would be required in case of an offense related to the sovereignty and integrity of India.

- **Appointment of Chief Compliance Officer:** A Chief Compliance Officer, a resident of India, also needs to be appointed and that person shall be responsible for ensuring compliance with the Act and Rules.
- **Complaint monitoring:** A monthly compliance report mentioning the details of complaints received and action taken on the complaints would be necessary.
- **Code of Ethics:** The OTT platforms, online news, and digital media entities, on the other hand, would need to follow a Code of Ethics.
- **Self-classification:** OTT platforms would be called 'publishers of online curated content' under the new rules.
 - ▶ They would have to self-classify the content into five categories based on age and use parental locks for age above 13 or higher. They also need to include age verification mechanisms for content classified as 'Adult'.
- **Redressal mechanism:** A three-level grievance redressal mechanism has been mandated. This includes the appointment of a GRO, self-regulatory bodies registered with the Ministry of Information & Broadcasting (MIB) to look after the Code of Ethics, and a Charter for the self-regulating bodies formulated by MIB.

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.



3. Section 124A of IPC

Context: Major General (retired) SG Vombatkere has challenged the constitutional validity of **Section 124A of the IPC** which deals with the offense of sedition.

- During hearing the petition, the Chief Justice of India N V Ramana observed that the “colonial law” was also used by the British to silence Mahatma Gandhi and Bal Gangadhar Tilak.

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.
- 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.”

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.

4. Arbitration and Conciliation (Amendment Act), 2021

Context: The 2021 Amendment, which was passed into law on 10 March 2021 follows the **Arbitration and Conciliation (Amendment) Ordinance, 2020** promulgated by the President of India in November 2020.

Brief history of arbitration in India

- In India, the first arbitration regulation procedure was enacted under the Arbitration Act, 1889.
- Later it was improvised in the year 1940 as Arbitration Act, 1940.
- Further, with an intention of lawmakers to make the process of arbitration a friendly regime, the principal Act of 1996 was enacted under the title the Arbitration and Conciliation Act, 1996.
- With the change in the legal system and progress of arbitration, **the Arbitration and Conciliation (Amendment) Bill, 2021** was passed by the Parliament in March 2021.

Key-highlights of the Act

- The **Arbitration and Conciliation (Amendment) Bill, 2021** seeks to amend the **Arbitration and Conciliation Act, 1996**.
- The Act contains provisions to deal with domestic and international arbitration and defines the law for conducting conciliation proceedings.
- **Automatic stay on awards:** The Bill specifies that a stay on the arbitral award can be provided (even during the pendency of the setting aside of the application) if the court is satisfied that:
 - ▶ the relevant arbitration agreement or contract
 - ▶ the making of the award, was induced, or effected by fraud or corruption
- This change will be effective from October 23, 2015.
- **Qualifications of arbitrators:** The requirements under the schedule include that the arbitrator must be:
 - ▶ an advocate under the Advocates Act, 1961 with 10 years of experience
 - ▶ an officer of the Indian Legal Service, among others
- Further, the general norms applicable to arbitrators include that they must be conversant with the **Constitution of India**.
- The Bill removes the **Schedule for arbitrators** and states that the qualifications, experience, and norms for accreditation of arbitrations will be specified under the regulations.

Basic Terms

- **Alternative Dispute Resolution (ADR)** is the procedure for settling disputes without litigation, such as arbitration, mediation, or negotiation.
- **Arbitration** - A process similar to an informal trial where an impartial third party hears each side of a dispute and issues a decision; the parties may agree to have the decision be binding or non-binding
- **Binding and Non-Binding** - A binding decision is a ruling that the parties must abide by whether or not they agree with it; a non-binding decision is a ruling that the parties may choose to ignore
- **Arbitrator** - An impartial person given the power to resolve a dispute by hearing each side and coming to decision
- **Hearing** - A proceeding in which evidence and arguments are presented, usually to a decision-maker who will issue ruling
- **Mediation** - A collaborative process where a mediator works with the parties to come to a mutually agreeable solution; mediation is usually non-binding.

5.

Government of National Capital Territory of Delhi (Amendment) Act (GNCTD) 2021

Context: The Government of National Capital Territory of Delhi (Amendment) Act, 2021, came into force.

What is in the Act?

- The Act amends the **GNCT of Delhi Act, 1991**.
- According to the legislation, the “government” in Delhi means the “Lieutenant Governor.”

- The city government will now mandatorily have to take the opinion of the L-G before taking any executive action.
- It also provides that the opinion of the LG “shall be obtained” on all such matters as may be specified by the LG, before taking any executive action.

Governor and Lieutenant-Governor

- Governor is the head of the state, appointed by the President.
 - ▶ After the **7th Constitutional Amendment, 1956** a Governor can be appointed for more than one state.
- Lieutenant-Governor is the head of a Union Territory. A Lieutenant Governor also has the same powers.
- **Powers of Governor:** The powers a Governor has in the state they administer is equivalent to that of the President.
 - ▶ They can appoint Chief Ministers, Ministers, the State Election Commissioner and judges of the District Courts.
 - ▶ They also serve as Chancellors of all the universities in the state.
 - ▶ The Governor can also dissolve the state Assembly if they see the need, and if the Assembly is not in session, they can promulgate ordinances. Based on the recommendation of the Election Commission, the Governor can also disqualify a legislator.
 - ▶ Another power the Governor holds is to rule the state in case the ruling party loses its majority in the Assembly.
- The LG, like the Governor, acts a titular head of the Union Territory. But, the powers of an LG are wider than that of a Governor.
- However, in India, the post is present only in the Union Territories of **Andaman and Nicobar Islands, Delhi and Puducherry**.
 - ▶ In other Union Territories, administrators are appointed.

6.

Haryana State Employment of Local Candidates Act, 2020 (Reservation for locals)

Context: The Punjab and Haryana High Court stayed the Haryana government’s law guaranteeing 75% reservation to locals in private sector jobs.

Background

- On January 15, 2022, the government notified the “**Haryana State Employment of Local Candidates Act, 2020**”.
- The law provides for 75% of new employment for local candidates having a salary of less than Rs 30,000 a month in various privately managed companies, societies, trusts, limited liability partnership firms, partnership firms, etc.

Is it constitutionally valid?

- This development is raising eyebrows since it prima facie exercises a power exclusively within the domain of Parliament under **Article 16(3)**, breaches the 50% ceiling on the reservation, and also interferes with the constitutional right of citizens to conduct business or trade.

- While **Article 16(3)** allows Parliament to make any law with residence qualifications necessary for government jobs, introducing domicile-based preferential treatment, there is no such provision in the Constitution empowering states to pass laws on domicile-based reservation.
- On the other hand, the Supreme Court has in a body of judgments berated such endeavors by state governments.

Key-judgments

- In **Uttar Pradesh vs. Pradip Tandon (1974)**, the top court held that “no reservation can be made based on place of birth as that would offend Article 15”, which prohibits the state from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth.
- In **Dr. Pradeep Jain vs. Union of India, 1984**, the top court dealt specifically with the issue of domicile-based reservation, underscoring that to regard an individual from one state as an outsider in another state “would be to deny him his constitutional rights and to derecognize the essential unity and integrity of the country...”

Current scenario of Reservation

- The Supreme Court ruling that reservations cannot exceed **50% (which it judged would violate equal access guaranteed by the Constitution)** has put a cap on reservations.
- The current scenario of Reservation in India is:
 - 15% seats are reserved for Scheduled Castes (SC)
 - 5% seats are reserved for Schedule tribes (ST)
 - 27% seats are reserved for Other backward classes (OBC)

What are the provisions in the Constitution that enable reservation/quota?

- **Article 14** guarantees equality and equal protection of law to all.
- **Articles 15 (1) and 15 (2)** prohibit the State from discriminating against any citizen on the ground of religion, race, caste, sex, or place of birth.
- But **clauses (3) to (5) of Article 15** empower the State to positively discriminate in favor of the grossly underrepresented and neglected sections of the society to promote substantive equality.
 - **Article 15(3)** empowers the State to make special provisions for women and children while Article 15(4) authorizes the State to make special provisions for the advancement of socially and educationally backward sections or SC/STs.
 - **Article 15(5)** goes one step further and says the State can make a reservation in admission to educational institutions, whether or not aided by the government.
- Similarly, **Articles 16 (1) and 16(2)** lay down that the State cannot discriminate against citizens in matters of employment.
- However, **clause 3 of article 16** allows Parliament to enact a law with residence qualifications necessary for government jobs, thus introducing the domicile-based preferential treatment.
- **Article 16(4)** also allows the State to make a reservation for any backward class of citizens, which in the opinion of the state is not adequately represented in services. This opens the door for reservations for Other Backward Classes (OBCs).
- **Article 16(4A)** was incorporated permitting reservation in promotions but restricting the same to Scheduled Caste (SC) and Scheduled Tribes (ST).

- After the **Constitution (103rd Amendment) Act, 2019**, clauses 6 and Articles 15 and 16 were inserted to provide for a further 10% reservation in jobs and educational institutions to economically backward sections in the general category.

7.

Medical Termination of Pregnancy (MTP) Amendment Act, 2021

Context: Recently, the Medical Termination of Pregnancy (Amendment) Bill (MTP), 2020 received the President's assent and has become law.

Assessing the cases of 'abortions' in India

- Around 15.6 million **abortions** take place in **India** every year, but most of these are expected to be unsafe.
- As per the **National Health and Family Survey (2015-16)**, only 53% of abortions are performed by a registered medical doctor and the balance is conducted by a nurse, auxiliary nurse midwife (ANMs), dai, family member, or self.
- Unsafe abortion** is the third largest cause of maternal mortality in India.

Key features of the MTP Act, 2021

- The bill amends the MTP Act 1971 to **increase the upper limit for termination from 20 to 24 weeks** for certain categories of women.
- It also removes this limit in the case of substantial foetal abnormalities but constitutes Medical Boards at the state level to give clearance to such abortions.

Time since conception	Requirement for terminating a pregnancy	
	MTP Act, 1971	MTP(Amendment) Bill, 2020
Up to 12 weeks	The advice of one doctor (two doctors if >12 and <20)	The advice of one doctor
20 to 24 weeks	Not Allowed	Two doctors
More than 24 weeks	Not Allowed	A Medical board in case of substantial foetal abnormality
Any time during pregnancy	Recommendation of one doctor if immediate abortion needed to save the life of a pregnant woman	

- Termination due to failure of contraceptive method or device:**
 - MTP Act allows termination up to 20 weeks only for **married women** in case of failure of contraception. The 2020 amendment allows **unmarried women** as well.
- Medical Boards:**
 - All state and union territory governments will constitute a Medical Board.
 - The Board will decide if pregnancy may be terminated after 24 weeks due to substantial fetal abnormalities.
 - Each Board will have a gynecologist, pediatrician, radiologist/sonologist, and other members notified by the state government.

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- **Privacy:**

- A registered medical practitioner may only reveal the details of a woman whose pregnancy has been terminated to a person authorized by law.
- Violation is punishable with imprisonment up to a year, a fine, or both.

8. The Insurance (amendment) Act, 2021

Context: The Parliament passed the **General Insurance Business (Nationalization) Amendment Bill 2021** which removes the condition that the Central Government should hold **51% shareholding** in state-owned general insurance companies.

Background

- The **General Insurance Business (Nationalisation) Amendment Bill, 2021** was introduced in Lok Sabha on July 30, 2021.
- The Bill seeks to amend the **General Insurance Business (Nationalisation) Act, 1972**.
- The Act was subsequently amended in 2002 to transfer the control of these four subsidiary companies from GIC to the central government, thereby making them independent companies.
- Since 2000, GIC has exclusively undertaken the reinsurance business.

The General Insurance Business (Nationalisation) Act, 1972

- The 1972 Act set up the General Insurance Corporation of India (GIC).
- The businesses of the companies nationalized under the Act were restructured in four subsidiary companies of GIC:
 - National Insurance
 - New India Assurance
 - Oriental Insurance
 - United India Insurance

Key features of the Bill

- **Government shareholding threshold:**
 - **Previous provision:** The Act requires that shareholding of the central government in the specified insurers (the above five companies) must be at least 51%.
 - **Bill:** The Bill removes this provision.
- **Change in definition of general insurance business:**
 - **Previous provision:** The Act defines general insurance business as fire, marine, or miscellaneous insurance business.
 - It excludes capital redemption and annuity from certain businesses from the definition.
 - Capital redemption insurance involves the payment of a sum of money on a specific date by the insurer after the beneficiary pays premiums periodically.
 - Under annuity certain insurance, the insurer pays the beneficiary over some time.

- ▶ **Bill:** The Bill removes this definition and instead, refers to the definition provided by the Insurance Act, 1938. Under the Insurance Act, capital redemption and annuity certain are included within the general insurance business.
- ▶ **Transfer of control from the government:** The Bill provides that the Act will not apply to the specified insurers from the date on which the central government relinquishes control of the insurer.

Control means: (i) the power to appoint a majority of directors of a specified insurer, or (ii) to have power over its management or policy decisions.

- **Liabilities of directors:** The Bill specifies that a director of a specified insurer, who is not a whole-time director, will be held liable only for certain acts.
- These include acts that have been committed:
 - ▶ with his knowledge, attributable through board processes
 - ▶ with his consent or connivance or where he had not acted diligently

Government scheme promoting insurance sector :

- AB PM-JAY is an entitlement-based scheme under **Ayushman Bharat** and is fully funded by the Government.
- It is the largest health assurance scheme in the world and aims at providing a health cover of INR 500,000 (\$6,900) per family per year for secondary and tertiary care hospitalization to over 107 million vulnerable families (approximately 500 million beneficiaries).

9. 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.

10. 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 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 Councilors:** It states that the central government, on the recommendation of the Select Committee of Investigators, removes the Chairperson or Member.

Madras Bar Association v. The Union of India

- Supreme Court in the case of **Madras Bar Association v. 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, 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.

11. Model Panchayat Citizens Charter framework

Context: A Model Panchayat Citizens Charter/ framework for delivery of the services across the 29 sectors, aligning actions with localised **Sustainable Development Goals (SDGs)** has been released.

About

- The model is prepared by **Ministry of Panchayati Raj (MoPR)** in collaboration with **National Institute of Rural Development & Panchayati Raj (NIRDPR)**.
- **Objective:** To empower the citizens in relation to public services and to improve the quality of services without any prejudice, and in accordance with the expectations of the citizens.

Panchayats

- Panchayats constitute the third tier of government in the rural areas and represents the first level of Government interaction for over 60 per cent of the Indian populace.
- Panchayats are responsible for delivery of basic services as enshrined under article 243G of the Constitution of India, specifically in the areas of Health & Sanitation, Education, Nutrition, Drinking Water.

12.**Consumer Protection (E-Commerce) (Amendment) Rules, 2021**

Context: The government has proposed certain amendments to the rules in the form of **Consumer Protection (e-commerce) (Amendment) Rules, 2021**

Who is a Consumer?

- The **Consumer Protection Act** defines a consumer as a person who buys goods or services for consideration (NOT for resale).
- Also, a consumer is who uses the goods and services with the permission of the person who purchases the goods or services.
- The Act covers all goods and services including **banking, e-commerce, telecom, insurance, electricity, transportation in the private and public sector.**

Consumer Protection in India

- **Consumer Protection Act** is one of the main laws that provide protection to consumers in India.
- The Act was introduced in the year 1986 and then amended in the year 2002 through the Consumer Protection Amendment Act, 2002.

Key-highlights of Consumer Protection (e-commerce) (Amendment) Rules, 2021**E-commerce**

- The **Organization for Economic Co-operation and Development (OECD)** has defined e-commerce as the “sale or purchase of goods or services conducted over computer networks by methods specifically designed to receive or place orders.”

- **Ban on flash sales:** These are special sales organised by an e-commerce entity wherein selected goods or services are sold at reduced prices and high discounts for a predetermined time.
- **Fall back liability:** The e-com platform will be liable when the delivery of goods or services fails, causing loss to the consumer.
 - ▶ Earlier, in case of such failures, the e-com platforms used to direct the buyer to the vendor who had originally put the product on the e-com site.
- **Consumer data:** The e-com entity cannot share consumer data without express and affirmative consent by the consumer.
- **Related parties and associated enterprises:** To maximize sales, e-commerce entities usually launch their own brands or products on their site which compete with other vendors. The new rules state that parties and associated enterprises related to a particular e-commerce company will not be allowed to be enlisted as seller on that platform.
 - ▶ Any entity having 10% or more common ultimate beneficial ownership will be considered an “associated enterprise” of an e-commerce platform.
- **Mandatory registration with the Department for Promotion of Industry and Internal Trade (DPIIT):** Every e-commerce entity which intends to operate in India shall register itself with the DPIIT.

Department for Promotion of Industry and Internal Trade (DPIIT)

- DPIIT was established in the year 1995.
- It was reconstituted in the year 2000 with the merger of the **Department of Industrial Development**.
- The department was earlier called Department of Industrial Policy & Promotion; and was renamed as DPIIT in January, 2019.
- In 2018, matters related to e-commerce were transferred to the Department and in 2019, the Department has been given charge for matters related to Internal Trade, welfare of traders and their employees and Startups.
- The role of DPIIT is to promote/accelerate industrial Development of the Country by facilitating investment in new and upcoming technology, foreign direct investment and support balanced development of industries.

- **Compliance measures:** Platforms must appoint a **Chief Compliance Officer, Nodal Contact Person and Resident Grievance Officer**.
 - ▶ The person appointed should be a citizen of India and a resident in the country.
 - ▶ The entity will be required to publish the name, contact details and mechanism to lodge a complaint on their websites and mobile applications.

13. Model Tenancy Act, 2021

Context: The central government has recently approved the Model Tenancy Act (MTA) to streamline the process of renting a property in India.

Key features of the Act

- **Unlocking of the vacant house:** The Act will facilitate the unlocking of vacant houses for rental housing purposes.



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- **Balancing the rights of both landlords and tenants:** It is aimed at bridging the trust deficit between tenants and landlords by clearly delineating their obligations.
 - ▶ **Monetary ceiling:** There is no monetary ceiling under MTA, which enables parties to negotiate and execute the agreement on mutually agreed terms. It will give confidence to landlords to let out their vacant premises.
 - ▶ **Mandatory agreement:** MTA mandates for a written agreement for all new tenancies which are to be submitted to a Rent Authority.
 - ▶ **Digital platform:** A digital platform will be set up in the local vernacular language or the language of the state/UT for submitting the tenancy agreement and other documents.
 - ▶ **Mutual consent:** The rent and duration of the tenancy will be fixed by mutual consent between the owner and tenant through a written agreement.
- **Existing tenancies:** MTA will be applied prospectively and will not affect existing tenancies.
- **Position of States:** States can adopt the new act as it is by fresh legislation, as it is a state subject, or they can amend their existing rent acts suitably to factor in the new MTA.
- States and Union Territories have MoUs signed with the Centre under the **Pradhan Mantri Awas Yojana-Urban** which has this provision.

Need for this Act

- As per Census 2011, more than 1 crore houses were lying vacant in urban areas across the country, and existing rent control laws are restricting the growth of rental housing as they discourage the owners from renting houses due to fear of not getting them back.
- In absence of a model law, there are informal agreements with arbitrary clauses and often litigation arising out of disputes.

14.

Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021

Context: The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021, was passed in the Rajya Sabha.

About the Bill

- The Bill amends the **Juvenile Justice (Care and Protection of Children) Act, 2015**.
- The Statement of Objects and Reasons of the 2021 Bill states that adoption cases have witnessed significant delay in courts.

A juvenile is a person less than 18 years of age.

Key-highlights of the Bill

- **Empowerment of DM:** The amendments include authorizing **District Magistrate** including **Additional District Magistrate** to issue adoption orders under **Section 61 of the JJ Act**, in order to ensure speedy disposal of cases and enhance accountability.

- ▶ The District Magistrates have been further empowered under the Act, to ensure its smooth implementation, as well as garner synergized efforts in favour of children in distress conditions. As per the amended provisions of the Act, any Child Care Institutions shall be registered after considering the recommendations of the District Magistrate.
- ▶ The DM shall independently evaluate the functioning of District Child Protection Units, Child Welfare Committees, Juvenile Justice Boards, Specialized Juvenile Police Units, Child care Institutions etc.
- **CWC appointment:** The eligibility parameters for appointment of CWC members have been redefined.
- ▶ Criteria for disqualification of the CWC members have also been introduced to ensure that only the persons capable of rendering quality service with requisite competence and integrity are appointed to CWC.
- The Bill proposes that all offences under the earlier Act be tried in children's court.
- The Bill provides that instead of the court, the District Magistrate (including Additional District Magistrate) will issue such adoption orders.
- The Bill provides that any person aggrieved by an adoption order passed by the District Magistrate may file an appeal before the Divisional Commissioner, within 30 days from the date of passage of such order.

15.

Ministry of Jal Shakti notifies jurisdiction of GRMB and KRMB

Context: The Ministry of Jal Shakti has notified the jurisdiction of **Godavari River Management Board and Krishna River Management Board**, which provide the required authority and power to the two Boards in terms of administration, regulation, operation and maintenance of listed projects in Godavari and Krishna rivers in the two States.

Andhra Pradesh Reorganization Act 2014 (APRA)

- The Andhra Pradesh Reorganization Act 2014 (APRA) contains provisions for the effective management of river waters in the states of Andhra Pradesh and Telangana.
- Constitution of the **Godavari and Krishna River Management Boards** and the constitution of an Apex Council for the supervision of the functioning of these Boards, is laid down in this Act.

Godavari River Management Board (GRMB)

- Godavari River Management Board (GRMB) is an autonomous body.
- It was constituted under the administrative control of the Central Government in pursuance of the **Andhra Pradesh Reorganisation Act, 2014**.
- **Agenda:** administration, regulation, maintenance and operation of such projects, as may be notified by the Central Government from time to time.

Krishna River Management Board (KRMB)

- The Krishna River Management Board (KRMB) is an autonomous body.
- It was established as per AP Re-Organization Act, 2014 under the administrative control of MoWR.

- **Agenda:** to manage and regulate the Waters of Krishna Basin in the states of Andhra Pradesh and Telangana.

Ministry of Jal Shakti

- Ministry of Jal Shakti was formed in May 2019.
- This was formed by merging of two ministries;
 - ▶ Ministry of Water Resources, River Development & Ganga Rejuvenation
 - ▶ Ministry of Drinking Water and Sanitation

16. Draft Cinematograph (Amendment) Bill, 2021

Context: The Ministry of Information and Broadcasting announced the **Cinematograph (Amendment) Bill of 2021**.

Cinematograph Act of 1952

- The **Cinematograph Act of 1952** came into force as an act to ensure that films made for public consumption go through certain checks so that they may be eligible for display in theatres and other public displays.
- The Act also established the board which would be responsible for ensuring such checks and balances i.e., the **Central Board of Film Certification ("CBFC")**.
 - ▶ The CBFC is responsible for providing the necessary permits and certificates of viewing, or if the film requires another round of editing which would be exhibited in the public.
- As **per Section 5A of the Act**, the CBFC, upon examining a film, shall provide either of the following certifications to classify the category for viewing the film.

- The classification has been divided into four categories:
 - ▶ The film is suitable for unrestricted public exhibition (**U**)
 - ▶ The film is unrestricted but subject to parental guidance for children below the age of 12 (**U/A**)
 - ▶ The film is only restricted to adults (**A**)
 - ▶ The film is restricted towards a class or a profession (**S**)

The proposed amendments

- **Validity of certificate for perpetuity:** As per the current law, a certificate granted by the CBFC shall be valid for 10 years.
 - ▶ Under the 2021 Bill, they have extended this period to perpetuity.
- **Power of the Central Government to re-examine a film for certification:** It grants revisionary powers to the Central Government to direct the CBFC to re-examine an already examined (thereby certified) film.
 - ▶ Thus, the Central Government will have the power to reverse the decision of the CBFC.

- ▶ Although Courts in India have been against such revisionary powers of the Central Government, the Supreme Court had opined that the Government may overrule or nullify such judicial decisions by enacting appropriate legislation.
- **Power to re-certify a film by the Central Government:** The Central Government has also been given revisionary powers to direct the CBFC to recertify an already certified film.
- **Insertion of new Section 6AA:** The amendment of the Act has been to curb film piracy in the country. Keeping this intent in mind, a section has been proposed to be added as Section 6AA. The section penalizes the recording of any sound or video without the permission of the author of the film.
- **Additional categories to the existing UA certification classifications:** The 2021 Bill proposes further subcategories for the existing UA certification categories.
- To further classify and categorize, the upcoming 2021 Bill has been further segmented into age-based classifications. As per the proposed 2021 Bill, the following classifications shall apply:
 - ▶ U/A 7+
 - ▶ U/A 13+
 - ▶ U/A 16+

17. Insolvency and Bankruptcy Code (Amendment) Bill 2021

Context: The government introduced the **Insolvency and Bankruptcy Code (Amendment Bill), 2021** in the Lok Sabha. It aims to replace the **Insolvency and Bankruptcy Code Amendment Ordinance 2021** promulgated in April 2021.

What is Insolvency and Bankruptcy code?

- It is the bankruptcy law which seeks to consolidate the existing framework by creating a **single law for insolvency and bankruptcy**.
- It was implemented through an act of Parliament.
- The law was necessitated due to a huge pile-up of non-performing loans of banks and a delay in debt resolution.

Changes introduced by Insolvency and Bankruptcy Code (Amendment Bill), 2021

- It specifies a minimum threshold of not more than Rs 1 crore for initiating the **pre-packaged insolvency resolution process (PIRP)**. **Distressed Corporate Debtors (CDs)** are permitted to initiate a **Pre-packaged Insolvency Resolution Process (PIRP)** with the approval of two-thirds of their creditors to resolve their outstanding debt under the new mechanism.

What are Pre-Packages?

- A pre-pack is the resolution of the debt of a distressed company through an agreement between secured creditors and investors instead of a public bidding process.
- Pre-packs are largely aimed at providing MSMEs with an opportunity to restructure their liabilities and start with a clean slate.

- Penalty for fraudulent or malicious initiation of pre-packaged insolvency resolution process or with intent to defraud persons, and for fraudulent management of the corporate debtor during the process.
- Punishment for offences related to the pre-packaged insolvency resolution process.

18.

Draft 'Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021' (TIP Bill)

Context: The Union Ministry of Women and Child Development (WCD) has invited suggestions for the **draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021**.

About

- The objective of the bill is “to prevent and counter-trafficking in persons, especially women and children, to provide for care, protection, and rehabilitation to the victims, while respecting their rights, and creating a supportive legal, economic and social environment for them

What is Human Trafficking?

- According to the UNODC, Human Trafficking is “the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, to exploit them for profit.”

Severity of the problem (at global level)

- The United Nations Office on Drugs and Crime (UNODC) report, 2019 shows that 60% of the trafficking occurs internally in a country. As per the UNODC report,
 - ▶ 90% of the sexual victims are women and girls.
 - ▶ In the South Asia region, 85% of the victims are exploited for forced labor.
- Human trafficking is the third most challenging crime in the world in terms of turnover and human misery. The first is drugs and the second is weapons.

Legal and Constitutional Frameworks to Counter Human Trafficking in India

- **Constitution of India**
 - ▶ Article 23 **prohibits human trafficking and beggar** (forced labor without payment).
 - ▶ Article 24 **forbids the employment of children** below the age of 14 years in dangerous jobs like factories and mines.
- **Immoral Traffic Prevention Act, 1986**
 - ▶ The purpose of this Act is to give effect to the Trafficking Convention and to prohibit immoral human trafficking.
 - ▶ It constitutes authorities at the centre and state level to combat trafficking. However, it does not elaborate on the role, function, and composition of these authorities
- **Criminal Law (Amendment) Act 2013**
 - ▶ It has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking.

Others

A number of laws and provisions exist in India that cover trafficking and related crimes

- Bonded Labour System (Abolition) Act, 1976
- Child Labour (Prohibition and Regulation) Amendment Act, 2016
- Juvenile Justice (Care and Protection of Children) Act, 2015
- Protection of Children from Sexual Offences Act, 2012
- Prohibition of Child Marriage Act, 2006

19. Inland Vessels Bill, 2021

Context: Recently, the Union Cabinet has unveiled the **Inland Vessels Bill, 2021**, which will replace the **Inland Vessels Act, of 1917**.

Key features of the bill

- This will be the unifying law of the whole world and will replace the different laws made by the Nations
- The registration certificate issued under the proposed law will be deemed to be valid for all countries in the United States and the Union Territories, and there will be no need to seek special permits in the States
- According to the bill, a central database will be maintained that will record the details of each vessel such as its registration and personnel, all on an electronic site
- Vessel vessels will be required to register legally, and non-mechanized vessels will also be required to register by region, taluk or pan, or valley
- Extends the definition of 'inland water', by including seawater and national waterways declared by Central Government.

Inland Waterway in India

- India has around 15,000 km of inland waterways network that comprise rivers, channels, backwaters, creeks, etc.
- In 2016, 111 inland waterways were notified as National Waterways of India under the National Waterways Act, 2016.
- Of these, 13 National Waterways are operational for shipping and navigation and cargo/passenger vessels are moving on them, according to the government.
- The **Inland Waterways Authority of India** which comes under the **Ministry of Shipping** is developing the **National Waterways for commercial navigation**, with assistance from **World Bank**.

20. Airport Economic Regulatory Authority of India (Amendment) Bill, 2021

Context: The **Airports Economic Regulatory Authority of India (Amendment) Bill, 2021** was introduced in Lok Sabha on March 24, 2021.

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About

- It seeks to amend the **Airports Economic Regulatory Authority of India Act, 2008**.
- The 2008 Act established the **Airport Economic Regulatory Authority (AERA)**.
- AERA regulates tariffs and other charges (such as airport development fees) for aeronautical services rendered at major airports in India.

Major airports:

- The 2008 Act designates an airport as a major airport if it has an annual passenger traffic of at least 35 lakh.
- The central government may also designate any airport as a major airport by a notification.
- The Bill adds that the central government may group airports and notify the group as a major airport.

21. Factoring Regulation (Amendment) Bill, 2020

Context: The Parliament passed into law the **Factoring Regulation (Amendment) Bill, 2020**, which is an amended version of the **Factoring Regulation Act, 2011**.

What is factoring?

- Factoring is an arrangement where a business sells its receivables (outstanding bills of sale against which it is yet to collect cash) to an interested buyer.
- The buyer who purchases the receivables from the business later collects cash from the party that owes these bills.
- The buyer makes a profit in the process since he usually purchases the outstanding receivables at a discounted price from the seller.

22. The Constitution (One Hundred And Twenty-Seventh Amendment) Bill, 2021

Context: The Lok Sabha passed **The Constitution (One Hundred and Twenty-Seventh Amendment) Bill, 2021**.

What is the Constitution (One Hundred and Twenty-Seventh Amendment) Bill, 2021?

- The Bill seeks to clarify “some provisions in the 102nd Constitutional amendment Bill” to restore the power of the states and union territories to prepare their own list of **socially and educationally backward classes (SEBC)**.
- The Amendment Bill amends **Articles 342 A (clauses 1 and 2)**.
 - It will introduce a new clause - **342 A (3)** specifically authorising states to maintain their state list.
- There will be a consequential amendment in **Articles 366(26c) and 338B (9)**.
- The states will thus be able to directly notify SEBCs without having to refer to the **National Commission for Backward Classes (NCBC)**.

The National Commission for Backward Classes (NCBC), a key constitutional body for consultation on OBC policies.

Need of the Bill

- The amendment was necessitated after the Supreme Court, in its **Maratha reservation** ruling in May, upheld the **102nd Constitutional Amendment Act**.
 - The Apex Court said the President, based on the recommendations of the NCBC, would determine which communities would be included on the State OBC list.
- The **102nd Constitution Amendment Act of 2018** gave constitutional status to the NCBC, and empowered the President to notify the list SEBCs for any state or union territory.
- The 2021 Bill, however, amends this to provide that the President may notify the list of socially and educationally backward classes only of the central government.
- Thus the amendment Bill bypasses the SC ruling and restores the powers of the state governments to maintain a state list of OBCs.

23.

Constitution (Scheduled Tribes) Order (Amendment) Bill, 2021

Context: The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2021 was introduced in Rajya Sabha.

Key-highlights of the Bill

- The Bill amends the **Constitution (Scheduled Tribes) Order, 1950**.
- The Constitution empowers the President to specify the Scheduled Tribes (STs) in various states and union territories.
- Further, it permits Parliament to modify this list of notified STs.
- The Statement of Objects and Reasons of the Bill states that the Bill has been introduced to give effect to modifications proposed by the state of Arunachal Pradesh.
- The Bill removes the **Abor tribe** from the list of identified STs in Arunachal Pradesh.

Proposed changes in list of STs in Arunachal Pradesh under the Bill

Original list	Proposed changes under the Bill
Abor	Deleted from the list
Khampti	Tai Khamti
Mishmi, Idu, and Taroan	Mishmi-Kaman (Miju Mishmi), Idu (Mishmi), and Taraon (Digaru Mishmi)
Momba	Monpa, Memba, Sartang, and Sajolang (Miji)
Any Naga Tribes	Nocte, Tangsa, Tutsa, and Wancho

India's recognition of tribal rights

- India is a signatory to:
 - the **UN Declaration on Rights of Indigenous Peoples**
 - the **Universal Declaration on Human Rights**
- India has ratified the **Indigenous and Tribal Populations Convention**
- The country is party to the **Convention on Biological Diversity**

24. Deposit Insurance And Credit Guarantee Corporation (Dicgc) (Amendment) Act, 2021

Context: The Deposit Insurance and Credit Guarantee Corporation (Amendment) Bill, 2021 was introduced in Rajya Sabha.

About

- The Bill seeks to amend the **Deposit Insurance and Credit Guarantee Corporation Act, 1961**.
 - The Act established the Corporation to provide insurance for bank deposits and guarantee credit given by banks and financial institutions.
- The Bill seeks to provide depositors time-bound access to their insured deposit amount, in case they are restricted from accessing their bank deposits.

25. Amendment In All India Services (Ais) (Conduct) Rules, 1968

Context: The Centre has amended over a 50-year-old rule to allow IAS, IPS and IFoS officers to retain gifts received from foreign dignitaries while being members of the Indian delegation.

The amended rules

- The Personnel Ministry has now amended these rules and inserted a new sub-rule under **Section 11** of the **All India Services (Conduct) Rules, 1968**.
- “a member of the service, being a member of the Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries in accordance with the provisions of the **Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Rules, 2012**, as amended from time-to-time”

The present system

- Gifts received from foreign dignitaries, from known or unknown sources, are usually deposited with the ‘**toshakhana**’ -- a repository of such articles -- in the **Ministry of External Affairs**.

26. Anti Defection Law

Context: Anti-defection proceedings are going on in many states.

Anti-defection law

- The **anti-defection law or the Tenth Schedule**, was added to the Constitution by the **52nd Amendment Act in 1985**.
- Any question regarding disqualification arising out of defection is to be decided by the **presiding officer of the House**.
- The purpose of the Amendment was to bring stability to governments by **detering MPs and MLAs from changing their political parties** on whose ticket they were elected.
- The **penalty for shifting political loyalties** is the loss of **parliamentary membership and a bar on becoming a minister**.

The Office of the Speaker

- The Office of the Speaker occupies a pivotal position in our parliamentary democracy.
- He/She is looked upon as the true guardian of the traditions of parliamentary democracy.
- He/She symbolizes the dignity and power of the House over which he/she is presiding.
- Speaker holds Office from the date of his/her election till immediately before the first meeting of the Lok Sabha after the dissolution of the one to which he/she was elected.
- He/She is eligible for re-election.

27. Forest Conservation Act

Context: The Union environment ministry called for expressions of interest from consultancies to prepare a draft comprehensive amendment to the **Indian Forest Act 1927**.

Indian Forest Act, 1927

- The act sought to consolidate and reserve the areas having forest cover, or significant wildlife.
- It also aimed to regulate movement and transit of forest produce, and duty leviable on timber and other forest produce.
- It also defined the procedure to be followed for declaring an area as Reserved Forest, Protected Forest or a Village Forest.
- The act has detailed definition of what a forest offence is, what are the acts prohibited inside a Reserved Forest, and penalties leviable on violation of the provisions of the Act.

What are the main environmental laws in India?

- **Water (Prevention and Control of Pollution) Act 1974 (Water Act)**, which also initially identified the powers, functions and hierarchy of the environmental agencies, the CPCB and the SPCBs.
- **Air (Prevention and Control of Pollution) Act 1981 (Air Act)**
- **Environment (Protection) Act 1986 (EP Act)**. This umbrella law enables the central government to take measures it deems necessary to protect and improve the environment, and to prevent, control and abate environmental pollution. A wide range of rules and notifications have been adopted under it, such as the:
 - **E-Waste (Management) Rules 2016**, as amended in 2018 (E-Waste Rules)

- ▶ **Batteries (Management & Handling) Rules 2001** (and the proposed draft Battery Waste Management Rules 2020)
- ▶ **Bio-Medical Waste Management Rules 2016**
- ▶ **Plastic Waste Management Rules 2016** (and a proposed draft 2021 amendment)
- ▶ **Solid Waste Management Rules 2016**
- ▶ **Construction and Demolition Waste Management Rules 2016**
- ▶ **Hazardous and Other Waste** (Management and Transboundary Movement) Rules 2016, as amended in 2019 (HW Rules)
- ▶ **Manufacture, Storage and Import of Hazardous Chemicals Rules 1989** (MSIHC Rules)
- ▶ **Coastal Regulation Zone Notification 2019** (and related 2021 procedure for violation of the CRZ Notification)
- ▶ **Environment Impact Assessment Notification 2006.**
- **Wild Life (Protection) Act 1972**
- **Forest (Conservation) Act 1980**
- **Public Liability Insurance Act 1991**
- **Biological Diversity Act 2002**
- **National Green Tribunal Act 2010**

Key regulatory authorities:

- Ministry of Environment, Forests and Climate Change (MoEFCC)
- Central Pollution Control Board (CPCB)
- State Pollution Control Board (SPCB)
- District Level Authorities (that is, municipal corporations)

28.

Mineral Conservation And Development (Amendment) Rules, 2021

Context: Ministry of Mines has notified the Mineral Conservation and Development (Amendment) Rules, 2021 to amend the Mineral Conservation and Development Rules, 2017.

Who owns minerals in India?

- In India's federal structure, the state (provincial) governments are the owners of minerals located within the boundary of the state concerned.
- The central government is the owner of the minerals under the ocean within the territorial waters or the **exclusive economic zone of India**.
- The state governments grant permission for mining, known as mineral concessions, for all the minerals located within the boundary of the state, under the provisions of the **Mines and Minerals (Development and Regulation) Act, 1957** and **Mineral Concession Rules, 1960**.
- However, for minerals specified in the **First Schedule to the Mines and Minerals (Development and Regulation) Act, 1957**, Central government approval is necessary before granting the mineral concession.

- Minerals specified under the **First Schedule** include hydrocarbons, atomic minerals and metallic minerals such as iron ore, bauxite copper ore, lead precious stones, zinc and gold.

Key-highlights of the Rules

- The MCDR have been framed under **section 18** of the **Mines and Minerals (Development and Regulation) Act, 1957 [MMDR Act]** to provide rules regarding conservation of minerals, systematic and scientific mining, development of the mineral in the country and for the protection of environment.
- The amendment rules have been framed after extensive consultations with the State Governments, industry associations, miners, other stakeholders and general public.

The highlights of amendments in the Rules are as follows:

- Rules prescribed that that all plans and sections related to mine shall be prepared by combination of **Digital Global Positioning System (DGPS)** or Total Station or by drone survey in relation to certain or all leases as may be specified by **Indian Bureau of Mines (IBM)**.

Indian Bureau of Mines (IBM)

- The **Indian Bureau of Mines (IBM)** was established in 1948.
- It is a multi-disciplinary government organisation under the **Department of Mines, Ministry of Mines**.
- It is engaged in promotion of conservation, scientific development of mineral resources and protection of environment in mines other than coal, petroleum & natural gas, atomic minerals and minor minerals.

- New Rule inserted to provide for submission of digital images of mining area by lessees and Letter of Intent holders.
 - Lessees having annual excavation plan of 1 million tonne or more or having leased area of 50 hectare or more are required to submit drone survey images of leased area and up to 100 meters outside the lease boundary every year.
 - Other lessees to submit high resolution satellite images.
- Requirement of submitting satellite images obtained from **CARTOSAT-2 satellite LISS-IV sensor** on the scale of cadastral map deleted in view of the insertion of provision for submission of high resolution **Georeferenced Ortho-rectified Multispectral satellite** and use of drone survey as per Rule 34A.
- Provision of daily return omitted to reduce compliance burden. Power of taking action against incomplete or wrong or false information in monthly or annual returns given to IBM, in addition to State Government.
- Allowed engagement of a part-time mining engineer or a part-time geologist for category 'A' mines having leased area below 25 hectares. This will ease compliance burden for small miners.
- In order to increase employment opportunity, diploma in mining and mine surveying granted by duly recognized institute along with a second class certificate of competency issued by the **Director General of Mines Safety** is added in qualification for full time **Mining Engineer**. Also, qualification for part time Mining Engineer added.
- Penalty provisions in the rules have been rationalized. Previously, the rules provided for penalty of imprisonment upto 2 years or fine upto 5 lakh rupees or both for violation of each and every rule irrespective of the severity of the violation. Amendment in the rules categorized the violations of the rules under the following major heads:

- ▶ **Major Violations:** Penalty of imprisonment, fine or both.
- ▶ **Minor Violations:** Penalty reduced. Penalty of only fine for such violations prescribed.
- ▶ **Violation of other rules has been decriminalized.** These rules did not cast any significant obligation on the concession holder or any other person. Thus, violation of 24 rules has been decriminalized.
 - Provision of forfeiture of financial assurance or performance security of the lease holder added in case of non-submission of final mine closure plan within the period specified.
 - Amount of financial assurance increased to five lakh rupees for Category 'A' mines and three lakh rupees for Category 'B' mines from existing three and two lakh rupees, respectively.

29. Legal Metrology (Packaged Commodities), Rules 2011

Context: The central government has amended the Legal Metrology (Packaged Commodities) Rules 2011 making declaration of maximum retail price (MRP) in Indian currency inclusive of all taxes on pre packed commodities and date of manufacture mandatory.

- The amendments to come into effect from 1st April, 2022.

What has been amended?

- The **Department of Consumer Affairs** under **Ministry of Consumer Affairs, Food and Public Distribution** has omitted the **Rule 5** of the **Legal Metrology (Packaged Commodities), Rules 2011** defining the Schedule II prescribing the pack sizes of various types of commodities.
- A new provision has been introduced to indicate the **unit sale price** on pre packed commodities, which will allow easier comparison of the prices of the commodities at the time of purchase.
- The provisions of declarations of MRP has been simplified by removing illustration and providing for making the mandatory declaration of MRP in Indian currency inclusive of all taxes.
- This has allowed the manufacturer, packer and importer to declare the MRP on the pre packed commodities in a simplified manner.
- Earlier such declarations could be denoted as 'N' or 'U' only. Now the quantities can be expressed in terms of the number or unit or piece or pair or set or such other word which represents the quantity in the package.
- This will remove the ambiguity of declaration of quantity sold by number in pre packed commodities.

Department of Consumer Affairs

- Department of Consumer Affairs is one of the two Departments under the **Ministry of Consumer Affairs, Food & Public Distribution**.
- It was constituted as a separate Department in **June 1997** as it was considered necessary to have a separate Department to give a fillip to the nascent consumer movement in the country.

Ministry of Consumer Affairs, Food & Public Distribution

- **Formed in:** 1946
- The Ministry of Consumer Affairs, Food and Public Distribution is a government ministry of India.

- The Ministry is headed by a Cabinet rank minister.
- The ministry is divided into two departments:
 - ▶ Department of Food and Public Distribution
 - ▶ Department of Consumer Affairs

30. The Personal Data Protection Bill (PDP Bill), 2019

Context: The Joint Parliamentary Committee (JPC) set up to go into the **Personal Data Protection Bill**, which was first tabled in Parliament in 2019, has finalized its report on the long-pending legislation that seeks to provide rights to individuals against the misuse of data pertaining to them, paving the way for its tabling in Parliament.

Important provisions of the Bill

Personal data

- The Bill defines ‘personal data’ as any information “about or relating to a natural person who is directly or indirectly identifiable” being linked thus to any “characteristic, trait, attribute or any other feature of the identity of such natural person, whether online or offline”.
- The Bill covers the processing of any personal data which has its source within India by the government and its agencies, Indian companies, private citizens, or “any person or body of persons incorporated or created under Indian law”.
- It also extends broadly to entities based abroad who process data arising in India.
- **Data owners:** The owner of the data under the Bill are identified as ‘data principals’ while companies or entities storing or processing such data are classified as data fiduciary’.
- **Data processor:** It also identifies any person or entity “who processes personal data on behalf of a data fiduciary” as a ‘data processor’.
- A data fiduciary under the Bill is obligated to ensure that personal data is processed only for specific and lawful purposes with a focus on transparency and accountability.
- **Protection safeguards, grievance resolving:** The collector of data is tasked with the responsibility of putting in place adequate data protection safeguards and creating a mechanism for receiving and resolving grievances submitted by users, among other things.
- **Right to seek confirmation:** The Bill empowers individuals to seek confirmation from the data fiduciary regarding the processing of their data and obtain rectification of inaccurate, incomplete, or out-of-date personal data.
- **Right to be forgotten:** The bill had provisions to grant the right to be forgotten to data owners as well as the right to erase, correct, and port data.
- **Fines for violation:** The Bill also lays down hefty fines for the violations of its terms, going up to Rs 15 crore or 4 percent of a company’s worldwide turnover, whichever is higher.

Concerns regarding the Bill

- It is argued that there are exemptions provided to government agencies to collect and process data in a way that violates a person’s right to privacy, held by the Supreme Court to be a fundamental right.

- Two specific features that have been flagged as being of concern are those contained in Articles 12(a) and 35 of the Bill.
- Article 12(a)** does away with the need for informed consent of the data principal for the processing of her data
- Article 35**, lays down that the government may, “in the interest of sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order” direct that “all or any of the provisions of this Act shall not apply to any agency of the government in respect of the processing of such personal data”.
- Privacy is a fundamental human right specifically recognized under-
- Article 12** of the **Universal Declaration of Human Rights**
- Article 17** of the **International Covenant on Civil and Political Rights (“ICCPR”)**
- The **Protection of Human Rights Act, 1993** has referred to the ICCPR as a human rights instrument and the latter makes it mandatory for states to take steps for the realization of such rights and ensure protection against interference by private parties.
- Article 51 of the Constitution of India, which forms part of the Directive Principles of State Policy, requires the state to endeavor to “foster respect for international law and treaty obligations in the dealings of organized people with one another”.

Data protection law in other countries

- European Union:** General Data Protection Regulation (GDPR)
- California:** California Consumer Privacy Act (CCPA)
- South Africa:** Protection of Personal Information Act (POPI Act)

31. The Election Laws (Amendment) Bill, 2021

Context: The Rajya Sabha passed the **Election Laws (Amendment) Bill 2021** which seeks to enable electoral authorities to mandate linking voter identity cards with Aadhaar.

Key highlights of the Bill

- Mandatory Aadhaar linking** (insert **sub-section (3) in Section 23 of the RPA Act**)
- The Bill proposes to allow **electoral registration officers** to seek the **Aadhaar number** of people who want to register themselves as voters “for the purpose of establishing the identity”.
- The Bill also allows the electoral registration officers to ask for Aadhaar numbers from “persons already included in the electoral roll for the purposes of authentication of entries in the electoral roll, and to identify registration of the name of the same person in the electoral roll of more than one constituency or more than once in the same constituency”.
- Towards this end, it seeks to insert **sub-section (3) in Section 23 of the Representation of the People Act, 1950**.

Gender-neutral:

- The Bill also seeks to amend Sections 20 and 60 of the Representation of People’s Act, which will allow elections to become gender-neutral for service voters.
- The amendment will replace the word “**wife**” with the word “**spouse**” making the statutes “**gender-neutral**.”

32. Biological Diversity (Amendment) Bill, 2021

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

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 fairly and equitably.
- India responded to the CBD by creating the **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 sustainably, and that the benefits accrued from their use are shared with local communities fairly and equitably.
 - ▶ The last bit is formally derived from the '**Access and Benefit Sharing**' model defined by the **Nagoya Protocol**.

Three-tier decentralized system

Biological Diversity Act 2002 has a three-tier, decentralized 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.

Analysis

Key highlights of the Bill

- **Biological Resource**
 - A biological resource is any plant, animal, or microorganism – including its parts, genetic material, and by-products – that has any known or potential scientific or commercial application.
 - 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, decriminalizes certain offenses
 - ▶ bring more foreign investments in biological resources, research, patent and commercial utilization, without compromising the national interest

- **Traditional Indian systems of 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 practicing traditional Indian systems of medicine – vaidas, 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.

National Biodiversity Authority (NBA)

- ▶ The National Biodiversity Authority (NBA) was established by the Central Government in 2003 to implement **India's Biological Diversity Act (2002)**.
- ▶ It is a Statutory Body.
- ▶ It performs facilitative, regulatory, and advisory functions for the Government of India on issues of conservation, sustainable use of biological resources, and fair and equitable sharing of benefits arising out of the use of biological resources.

How does the 2002 Act link to India's intellectual property system?

- The Biodiversity Act, 2002 was being developed when the intellectual property system was also being refined.
- The **World Trade Organization (WTO)** Agreement came in 1994 and the **Convention on Biological Diversity (CBD)** happened in 1992.
- The idea was that through the intellectual property system India's biological resources should not be taken into the private sector and locked, and the traditional conservers of biological diversity are cheated from the benefits these resources bring.
- The Act talks about access and benefit-sharing.
- The other traditional conservers of biological diversity, like farmers who have been generating their seeds, are protected under the **Protection of Plant Varieties and Farmers Rights Act, 2001 (PPVFR Act)**.
- This is the link to the intellectual property regime of India and in turn to the **Trade-Related Intellectual Property System (TRIPS)** of the **World Trade Organization**.

33. Wild Life (Protection) Amendment Bill, 2021

Context: India enacted its **Wild Life (Protection) Act**, or WLPA, 50 years ago as its principal law to protect and conserve its wildlife. In December 2021, the Union environment ministry announced a plan to amend this Act by introducing the **Wild Life (Protection) Amendment Bill, 2021**.

The original Act

- The original Wild Life (Protection) Act acts to:
 - ▶ Prohibits people from hunting wildlife
 - ▶ Provides legal safeguards for different species based on their threat status

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- ▶ Regulates trade and commerce in wild species
- ▶ Imposes penalties for wildlife-related crimes
- ▶ Specifies the terms to declare protected areas
- The Act has been amended several times, in 1982, 1986, 1991, 1993, 2002, 2006, and 2013.
- The proposed amendment is likely the most expansive so far in scope: it covers more areas of legislation, from trade in wild species to permitting filmmaking in protected areas and controlling the spread of invasive species.

Facts on India's incredible Biodiversity

- India is the only country in the world with native populations of both tigers and lions.
- India is just 2% of the world's land mass but is home to 8% of the world's biodiversity.
- Among plants, 33% of the world's species are endemic to India, which means they are found nowhere else in the world.
- Mangroves in India account for about 3% of the world's entire mangrove vegetation.
- India is one of the 17 megadiverse countries in the world. Out of 35 biodiversity hotspots in the world, India has 4 biodiversity hotspots.
- India is home to 12% of the world's bird species.
- India is home to nearly half of the world's aquatic plants.

Objects and reasons of the bill

- The **Wild Life (Protection) Act, 1972**, was enacted to provide for the protection of **wild animals, birds, and plants** to ensure the ecological and environmental security of the country.
- The bill seeks to include the aspects of "conservation" and "management" of wildlife that are covered by the Act and make amendments for better management of protected areas.
- It proposes to rationalize and amend the schedules, which list out wildlife species, for clarity, and ensure better care of seized live animals and disposal of seized wildlife parts and products.
- India is a party to the **Convention on International trade in Endangered Species of Wild Fauna and Flora (the Convention)** which requires that appropriate measures are taken to enforce the provisions of the Convention.
- It is proposed to amend the Act to provide for the implementation of the Convention.

34. The 'Landmark' Dam Safety Bill, 2019

Context: The Dam Safety Bill, 2019, which provides for the surveillance, inspection, operation, and maintenance of all specified dams across the country, and has been debated for decades, finally got the nod of the Rajya Sabha.

- In August 2019, the Bill was approved by the Lok Sabha.

Key highlights of the Bill

- **Coverage:** The Bill covers those dams having a height of over 15 meters and between 10 and 15 meters with certain stipulations.

- It seeks to create two national institutions:
 - National Committee on Dam Safety
 - National Dam Safety Authority

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.
- Recently, the breach in the **Tiware dam** in Maharashtra's Konkan region swept away more than 20 people.

National Committee on Dam Safety:

- The National Committee on Dam Safety will be constituted and will be chaired by the Chairperson, Central Water Commission. All other members will be nominated by the central government.
- **Functions-**
 - Formulating policies and regulations regarding dam safety standards and prevention of dam failures.
 - Analyzing causes of major dam failures and suggesting changes in dam safety practices.

National Dam Safety Authority:

- The National Dam Safety Authority will be headed by an officer, not below the rank of an Additional Secretary, who will be appointed by the central government.
- **Functions-**
 - Implementing the policies formulated by the National Committee on Dam Safety.
 - Resolving issues between State Dam Safety Organizations (SDSOs) or between an SDSO and any dam owner in that state.
 - Specifying regulations for inspection and investigation of dams.
 - Providing accreditation to agencies working on construction, design, and alteration of dams.
- The legislation also envisages the formation of State Dam Safety Organizations and State Committees on Dam Safety.
- Dam owners will be held responsible for the construction, operation, maintenance, and supervision of dams.

What are dams?

- A dam is defined as a barrier **built across a stream, river, or estuary to confine and check the flow of water for uses such as human consumption, irrigation, flood control, and electric power generation.**

Different Kinds of Dams

- **Diversion Dam** - A diversion dam is used to divert water. They provide pressure to push water into ditches, canals, or other areas used for conveyance.
- **Buttress Dam** - Buttress dams could take many forms, but they all consist of a sloping deck supported by intervals of buttresses
- **Embankment Dam**: It is a large, artificial dam that is constructed with natural excavated materials or industrial waste materials, such as compacted plastics, and various compositions of soil, sand, rock, and clay.
- **Cofferdam** - A cofferdam is a temporary, portable dam used for a variety of projects.
- **Storage Dam** - These dams are not meant to divert or keep water out, but to keep water in.
- **Detention Dam** - Detention dams are specifically constructed for flood control by retarding flow downstream, helping reduce flash floods (to some extent).
- **Gravity Dam** - A gravity dam is a massive, man-made concrete dam designed to hold large volumes of water.

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.

35. Assisted Reproductive Technology (Regulation) Bill, 2021

Context

Recently, Lok Sabha passed the **Birth Control Bill, 2021** which aims to regulate and assist reproductive technology clinics and banks, prevent the misuse of technology and promote ethical services.

Key-Highlights of the ART (Regulation) Bill, 2021

- **Definition of ART:** Under the Bill, ART will include all methods that attempt to detect pregnancy by carrying sperm or oocyte (an immature egg) outside the human body, and transmitting the gamete or embryo into the female reproductive system.
- **Establishment of ART Banks:** The Bill defines an ART bank as an organization established to provide sperm or semen, oocyte, or oocyte donors to ART clinics or their patients.
- **ART Clinical Management:** The Bill provides for the establishment of a National Register of Clinics and Banks, which will serve as a database of all clinics and banks in the country. The Registry will provide registration at ART clinics that will be valid for five years and renewable for another five years. Registration may be canceled or terminated if the organization violates the provisions of the Bill.
- **National and State Boards:** The Bill also provides for the establishment of National Boards and Government Marriages to regulate ART services. The National Board will advise the Central Government on policy matters relating to assisted reproductive technology.
- **ART Service Provider Rules:** ART procedures can only be performed with the informed consent of both the person seeking ART services and the gamete provider.
- **Rights of the Child Born on ART:** The Bill provides that a child born with the help of reproductive technology will be considered a natural child of an authorized couple and that child will be entitled to all the rights and privileges available to the natural child only from the authorized couple under any law currently in force.
- **Pre-implantation implantation:** The bill stipulates that pre-implant genetic testing will be used to test an embryo for any known, pre-existing, genetic, or genetic diseases. The National Board will set pre-installation conditions.
- **Cases:** Cases under this bill include clinics that provide sex selection, abandonment or exploitation of children born with ART, trafficking, buying, or importing human embryos, and abusing a couple or donors involved in any way. Proposed prison sentences for offenses range from five to 12 years, with fines ranging from Rs. 5 lakh to Rs. 25 lakh.

What is Assisted Reproductive Technology (ART)?

- Assisted Reproductive Technology (ART) incorporates medical procedures used primarily to address infertility.
- It includes oral contraceptives that treat a woman's egg and a man's sperm.
- **Examples of ART services include**
 - gamete donation (sperm or oocyte)
 - in-vitro-fertilization (egg fertilization)
 - pregnancy (the baby is not biologically related to the baby mother)

Note: Surrogacy is a form of infertility treatment where a third party is involved and that third person, the woman, will be the mother of the spouse. For ART, it is not always necessary for a third party to be involved.

36. Anti-Doping Bill

Context: The National Anti-Doping Bill, 2021 was introduced in Lok Sabha on December 17, 2021.

About

- The Bill seeks to prohibit doping in sports and establish a National Anti-Doping Agency, which will replace the existing **National Anti-Doping Agency**.
- **Doping** is the consumption of certain prohibited substances by athletes to enhance performance.

Key features of the Bill

- **Prohibition of doping:** The Bill prohibits athletes, athlete support personnel and other persons from engaging in doping in sport.
 - **Exemptions:** If any athlete requires a prohibited substance or method due to a medical condition, they may apply to the National Anti-Doping Agency for a therapeutic use exemption.
- **Consequences of violations:** Consequences for a violation will be determined by the National Anti-Doping Disciplinary Panel after a hearing.

National Anti-Doping Agency

National Anti-Doping Agency: Currently, anti-doping rules are implemented by the **National Anti-Doping Agency**, which was established as a society.

- The Bill provides for constituting this National Anti-Doping Agency as a body corporate.
- It will be headed by a Director General appointed by the central government.
- Functions of the Agency include:
 - planning, implementing, and monitoring anti-doping activities
 - investigating anti-doping rule violations
 - promoting anti-doping research

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

Context: The government is contemplating raising the age of marriage for girls from 18 years (as prescribed under the **Prohibition of Child Marriage Act, 2006**) to 21 years.

Background

- **Prior to Independence**

- ▶ The legal marriage age for women in India was first set to 14 years in 1929. It was defined in **Child Marriage Restraint Act**.
- ▶ The same act also set the legal marriage age for men to 18 years.

- **Post-Independence**

- ▶ After the independence, the law was amended twice i.e., in 1949 and 1978. Both the amendments have increased the marriage age for women.
- ▶ In 1949, the age for women was increased to 15 and no changes were made to the marriage age of men.
- ▶ The ages for women and men were increased to 18 and 21 respectively in 1978.

Current law that defines legal marriage age of women

- **Section 5(iii) of the Hindu Marriage Act, 1955** sets 18 years as the minimum age for the bride and 21 for the groom.
- The **Special Marriage Act, 1954** and the **Prohibition of Child Marriage Act, 2006** also prescribe 18 and 21 years as the minimum age of consent for marriage for women and men, respectively.

38. The Mediation Bill, 2021

Context: The Mediation Bill, 2021 was introduced in Rajya Sabha on December 20, 2021.

About

- Mediation is a form of alternative dispute resolution (ADR), where parties attempt to settle their dispute (outside courts) with the assistance of an independent third person (mediator).
- The Bill seeks to promote mediation (including online mediation), and provide for enforcement of settlement agreements resulting from mediation.

Key-highlights of the Bill

- **Applicability:**

- The Bill will apply to mediation proceedings conducted in India where:
 - ▶ all parties reside in, are incorporated in, or have their place of business in India
 - ▶ the mediation agreement states that mediation will be as per this Bill
 - ▶ there is an international mediation (i.e., mediation related to a commercial dispute where at least one party is a foreign government, a foreign national/resident, or an entity with its place of business outside India)

- In these cases, if the central or state government is a party, the Bill will only apply to:
 - commercial disputes
 - other disputes as notified by such government
- **Mediation process:**
 - Mediation proceedings will be confidential.
 - A party may withdraw from mediation after the first two mediation sessions.
 - The mediation process must be completed within 180 days (even if the parties fail to arrive at an agreement), which may be extended by another 180 days by the parties.
 - In case of court annexed mediation (i.e., mediation conducted at a mediation centre established by any court or tribunal), the process must be conducted in accordance with directions or rules framed by the Supreme Court or High Courts.
- **Mediation Council of India:**
 - The central government will establish the Mediation Council of India.
 - The Council will consist of a chairperson, two full-time members (with experience in mediation or ADR), three ex-officio members (including Secretaries in the Ministries of Law and Justice and Finance), and one part-time member (from an industry body). Functions of the Council include: (i) registration of mediators, and (ii) recognising mediation service providers and mediation institutes (providing training, education and certification of mediators).

Interface with other laws:

- The Bill will override other laws on mediation (except certain laws such as the **Legal Services Authorities Act, 1987, and the Industrial Relations Code, 2020**).
- The Bill also makes consequential amendments in certain laws (such as the **Indian Contract Act, 1872, and the Arbitration and Conciliation Act, 1996**).

39. The Biological Diversity (Amendment) Bill, 2021

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

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 fairly and equitably.
- India responded to the CBD by creating the **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 sustainably, and that the benefits accrued from their use are shared with local communities fairly and equitably.
 - The last bit is formally derived from the '**Access and Benefit Sharing**' model defined by the **Nagoya Protocol**.

Three-tier decentralized system

Biological Diversity Act 2002 has a three-tier, decentralized 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.

Key highlights of the Biological Diversity Amendment Bill 2021

• Biological Resource

- ▶ 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, decriminalizes certain offenses
 - bring more foreign investments in biological resources, research, patent and commercial utilization, without compromising the national interest

A biological resource is any plant, animal, or microorganism – including its parts, genetic material, and by-products – that has any known or potential scientific or commercial application.

Traditional Indian systems of 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 practicing traditional Indian systems of medicine – **vaidas, 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.

National Biodiversity Authority (NBA)

- The National Biodiversity Authority (NBA) was established by the Central Government in 2003 to implement **India's Biological Diversity Act (2002)**.

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/iasscore

- It is a **statutory body**.
- It performs facilitative, regulatory, and advisory functions for the Government of India on issues of conservation, sustainable use of biological resources, and fair and equitable sharing of benefits arising out of the use of biological resources.

39. Draft Rules under the Industrial Relations Code, 2020

Context: The recent versions of three labour codes namely Industrial Relations Code Bill, 2020, Code on Social Security Bill, 2020 and Occupational Safety, Health and Working Conditions Code Bill, 2020 were introduced.

India boasts of a labor force of around 500 million workers in the organized and unorganized sector.

Which labor laws have been subsumed in the four new codes?

Acts Subsumed by the Four Labor Codes	
Labor Codes	Acts being subsumed
Code on Wages, 2019	<ul style="list-style-type: none"> ◦ The Payment of Wages Act, 1936; ◦ The Minimum Wages Act, 1948; ◦ The Payment of Bonus Act, 1965; and ◦ The Equal Remuneration Act, 1976
Occupational Safety, Health and Working Conditions Code, 2020	<ul style="list-style-type: none"> ◦ The Factories Act, 1948 ◦ The Contract Labor (Regulation and Abolition) Act, 1970 ◦ The Mines Act, 1952 ◦ The Dock Workers (Safety, Health and Welfare) Act, 1986 ◦ The Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 ◦ The Plantations Labor Act, 1951 ◦ The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 ◦ The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955 ◦ The Working Journalist (Fixation of rates of wages) Act, 1958 ◦ The Cine Workers and Cinema Theatre Workers Act, 1981 ◦ The Motor Transport Workers Act, 1961 ◦ The Sales Promotion Employees (Conditions of Service) Act, 1976 ◦ The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

Industrial Relations Code, 2020	<ul style="list-style-type: none"> ◦ The Trade Unions Act, 1926; ◦ The Industrial Employment (Standing Orders) Act, 1946, and ◦ The Industrial Disputes Act, 1947
Code on Social Security, 2020	<ul style="list-style-type: none"> ◦ The Employee's Compensation Act, 1923 ◦ The Employees' State Insurance Act, 1948 ◦ The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ◦ The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 ◦ The Maternity Benefit Act, 1961 ◦ The Payment of Gratuity Act, 1972 ◦ The Cine-Workers Welfare Fund Act, 1981 ◦ The Building and Other Construction Workers' Welfare Cess Act, 1996 ◦ The Unorganized Workers' Social Security Act, 2008

40.

The Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2021

Context: The Narcotic Drugs and Psychotropic Substances (Amendment) Bill has been passed by the Lok Sabha.

Key-highlights of the Bill

- The NDPS (Amendment) Bill, 2021 aims to address a “clerical error” that was corrected by an ordinance issued in September of this year, and the Bill is intended to incorporate that amendment into the Act.
- It makes a revision to Section 27A, which deals with the penalties for supporting illicit activities and harbouring offenders.

Error made in 2014 Act

- In 2014, when defining “essential drugs,” the legislature renamed Section 2. The list of offences, which had previously been listed under Section 2(viia), had been moved to Section 2(viib).
- Section 2(viia) of the amendment defined necessary narcotic drugs. However, the drafters failed to convert Section 2(vii)a to Section 2(vii)b in the enabling provision in Section 27A.

What substances are consumed by masses?

- In India, **alcohol** is the most commonly consumed psychoactive substance by the masses.
- Next to alcohol is-
 - **Cannabis:** legal form: bhang and illegal form: **ganja and charas**. It is used widely in states like Uttar Pradesh, Punjab, Sikkim, Chhattisgarh and Delhi

- ▶ **Opioids:** opium, Heroin and other pharmaceutical Opioids: It is used in Sikkim, Arunachal Pradesh, Nagaland, Manipur and Mizoram.
- **Heroin** is the most used Opioids nationwide and people in the NE region mostly use the Opioid at a large scale.

Golden Triangle

- The Golden Triangle is an area formed roughly by the upland frontier areas of **Thailand, Laos, Myanmar, and China.**
- This area covers approximately 950,000 square kilometres (367,000 sq mi) of mountainous areas of the three adjacent countries.
- Today, the Golden Triangle is once again flooding regional and global markets with opium, methamphetamines, and other drugs.
- Nearly 95% of the total opium produced in the Golden Triangle region is produced in Myanmar.



Government measures against drug trafficking

- **NDPS Act:** The Narcotic Drugs and Psychotropic Substances Act (NDPS Act) came into force in 1985.
 - ▶ Under the Act, it is illegal for any person to produce/ manufacture/cultivate, possess, sell, purchase, transport, store, and/or consume any narcotic drug or psychotropic substance.
- **Narcotics Control Bureau (NCB):** NCB was created in 1986 to enable the full implementation of the NDPS Act.
 - ▶ The NCB is the chief law enforcement and intelligence agency of India responsible for fighting drug trafficking and the abuse of illegal substances.

- **E-portal, SIMS:** For digitization of pan-India drug seizure data, the MHA has launched an e-portal called 'SIMS' (Seizure Information Management System) in 2019 for all the drug law enforcement agencies under the mandate of NDPS Act.
- **Nasha Mukht Bharat Abhiyan:** The Centre launched it under the aegis of the Ministry of Social Justice and Empowerment.
- **Coordination with international organization:** The Narcotics Control Bureau (NCB) coordinated with various international organizations for sharing information and intelligence to combat transnational drug trafficking. They included the
 - SAARC Drug Offences Monitoring Desk
 - Brazil, Russia, India, China and South Africa (BRICS)
 - Colombo Plan
 - Association of Southeast Asian Nations (ASEAN)
 - ASEAN Senior Officials on Drug Matters (ASOD)
 - Bay of Bengal Initiative For Multi-Sectoral Technical and Economic Co-Operation (BIMSTEC)
 - United Nations Office on Drugs and Crime (UNODC)
 - International Narcotics Control Board (INCB)

41. The Central Vigilance Commission (Amendment) Bill, 2021

Context: The Central Vigilance Commission (Amendment) Bill, 2021 was introduced in Lok Sabha on December 3, 2021.

Key-highlights of the Bill

- It replaces the **Central Vigilance Commission (Amendment) Ordinance, 2021**.
- The Bill seeks to amend the **Central Vigilance Commission Act, 2003**.
 - The 2003 Act provides for the constitution of a Central Vigilance Commission to conduct inquiries into offences alleged to have been committed under the Prevention of Corruption Act, 1988.
 - **Committee:** Under the 2003 Act, the Director of Enforcement is appointed by the central government, on the recommendation of a Committee.
 - This Committee is chaired by the **Central Vigilance Commissioner**, and includes the Secretaries from the Ministries of Home Affairs, Personnel, and the Revenue Department.
 - **Tenure:** The Director of Enforcement has a tenure of minimum two years.
 - The Bill adds that the tenure of the Director may be extended by up to one year at a time, till the completion of five years from the initial appointment.
 - Such extensions may be granted in public interest, on the recommendation of the Committee.

Central Vigilance Commission (CVC)

- CVC was set up in 1964 on the recommendations of the **Committee on Prevention of Corruption**, headed by **Shri K. Santhanam**.
- It was given “**statutory status**” under the **Central Vigilance Commission Act 2003**.
- **Mandate:** To fight corruption and to ensure integrity in public administration.

- **Functions:** CVC is conceived to be the apex vigilance institution, free of control from any executive authority.
 - ▶ To monitor all vigilance activity under the Central Government
 - ▶ To advise various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilant work.

Composition of CVC

- The Commission shall consist of a Central Vigilance Commissioner and not more than two Vigilance Commissioners.

The Central Vigilance Commissioner (CVC) is the Chairperson and the Vigilance Commissioners (Members) of the Committee

- **Appointment:** They are appointed by the **President**.
- **Tenure:** They hold the office for a term of 4 years or until they attain the age of 65 years, whichever is earlier.

41.

The Delhi Special Police Establishment (Amendment) Bill, 2021

Context: The **Delhi Special Police Establishment (Amendment) Bill, 2021** was introduced in Lok Sabha on December 3, 2021.

Key-highlights

- The Bill seeks to amend the **Delhi Special Police Establishment Act, 1946**.
- The Act provides for the constitution of the Delhi Special Police Establishment for investigation of certain offences, as notified.
- **Extension of the Director's term:** The Act provides for the appointment of the Director of the Delhi Special Police Establishment (Central Bureau of Investigation).
- The Director is appointed by the central government on the recommendation of a Committee consisting of the:
 - ▶ Prime Minister (Chairperson)
 - ▶ Leader of Opposition in Lok Sabha
 - ▶ Chief Justice of India (CJI) or a judge of the Supreme Court nominated by the CJI.
- Under the Act, the Director has a tenure of minimum two years.
 - ▶ The Bill permits extension of the tenure by up to one year at a time, till the completion of five years from the initial date of appointment.
 - ▶ Such extensions may be granted in public interest, on the recommendation of the Committee.

42.

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021

Context: The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021 was introduced in the Lok Sabha on November 30, 2021.

Key-highlights

- The Bill seeks to amend:
 - the High Court Judges (Salaries and Conditions of Service) Act, 1954
 - the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958
- These Acts regulate the salaries and conditions of service of the judges of High Courts and the Supreme Court of India.
- Additional quantum of pension or family pension: Under the Acts, all retired judges of the Supreme Court and High Courts and their family members are entitled to pension or family pension.
- They are also entitled to an additional quantum of pension or family pension when they attain a certain age in accordance with a specified scale.
- The scale contains five age brackets (with minimum age of 80, 85, 90, 95, and 100 years), and the additional quantum increases with age (from 20% to 100% of the pension or family pension).
- The Bill clarifies that a person will be entitled to the additional pension or family pension from the first day of the month in which they complete the minimum age under the concerned age bracket.

43. The Farm Laws Repeal Bill, 2021

Context: The Lok Sabha passed the **Farm Laws Repeal Bill, 2021**. The Bill was aimed at repealing three farm laws.

Key-highlights of the Farm Laws Repeal Bill, 2021

- The Farm Laws Repeal Bill, 2021 is aimed at repealing the three farm laws –
 - Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020,
 - Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020
 - Essential Commodities (Amendment) Act, 2020 – and amending the Essential Commodities Act, 1955.

44. The National Commission for Homoeopathy (Amendment) Bill, 2021

Context: The National Commission for Homoeopathy (Amendment) Bill, 2021 was introduced in Lok Sabha on August 9, 2021.

- It amends the National Commission for Homoeopathy Act, 2020.

About

- The 2020 Act replaced the Homoeopathy Central Council Act, 1973. The 1973 Act set up the Central Council of Homeopathy for regulating homoeopathic education and practice.
- The 2020 Act replaced the Council with a national commission for regulating homoeopathic education and practice.
 - **Note** that the 1973 Act was to be repealed on a date notified by the central government.
- Before the 2020 Act was passed, the 1973 Act was amended in 2018 to provide for the reconstitution of the Central Council.

- The Central Council was to be reconstituted within a year.
- Between 2019 and 2021, this time period was extended from one year to four years.
- The 1973 Act was also amended to provide that till the Council was reconstituted, its powers would be exercised by a Board of Governors, constituted by the central government.
- Since, setting up of the National Commission was taking time and the Central Council was not reconstituted, the Board continued to function.
- The National Commission was constituted on July 5, 2021 to supersede the Central Council and on the same date the 1973 Act was repealed.
- The 2021 Bill specifies that all powers exercised and functions performed by the Board of Governors (as under the 1973 Act) will be deemed to have been done under the 2020 Act and will continue to remain in force.

45.

The Constitution (One Hundred and Twenty-seventh Amendment) Bill, 2021

Context: The Constitution (One Hundred and Twenty-Seventh Amendment) Bill, 2021 was introduced in Lok Sabha on August 9, 2021.

Key-highlights of the Bill

- The Bill amends the Constitution to allow states and union territories to prepare their own list of socially and educationally backward classes.
- **List of socially and educationally backward classes:** The National Commission for Backward Classes (NCBC) was established under the National Commission for Backward Classes Act, 1993.
- The Constitution (One Hundred and Second Amendment) Act, 2018 gave constitutional status to the NCBC, and empowered the President to notify the list of socially and educationally backward classes for any state or union territory for all purposes.
- The 2021 Bill amends this to provide that the President may notify the list of socially and educationally backward classes only for purposes of the central government.
- This central list will be prepared and maintained by the central government.
- Further, the Bill enables states and union territories to prepare their own list of socially and educationally backward classes. This list must be made by law, and may differ from the central list.
- **Consultation with the NCBC:** Article 338B of the Constitution mandates the central and state governments to consult the NCBC on all major policy matters affecting the socially and educationally backward classes.
- The Bill exempts states and union territories from this requirement for matters related to preparation of their list of socially and educationally backward classes.

46.

The National Commission for Indian System of Medicine (Amendment) Bill, 2021

Context: The National Commission for Indian System of Medicine (Amendment) Bill, 2021 was introduced in Lok Sabha on August 9, 2021.

- It amends the National Commission for Indian System of Medicine Act, 2020.

India has the unique distinction of having six recognized systems of medicine in this category. They are-**Ayurveda, Siddha, Unani and Yoga, Naturopathy and Homoeopathy.**

Key-highlights of the Bill

- The **National Commission for Indian System of Medicine (Amendment) Bill, 2021** proposes to amend the National Commission for Indian System of Medicine Act, 2020.
 - The 2020 Act replaced the **Indian Medicine Central Council Act, 1970.**
- The 1970 Act set up the Central Council of Indian Medicine to regulate the education and practice of the Indian Medicine system which includes **Ayurveda, Yoga, Naturopathy.**
 - The 2020 Act replaced the Council with a National Commission for regulating education and practice of the Indian medicine system.

- The **National Commission for Homeopathy (Amendment) Bill** proposes to amend the National Commission for Homeopathy Act, 2020 to provide a medical education system that improves access to quality and affordable medical education.
 - The 2020 Act replaced the **Homeopathy Central Council Act, 1973.**
- The 1973 Act set up the Central Council of Homeopathy for regulating homeopathic education and practice.
 - The 2020 Act replaced the Council with a national commission for regulating homeopathic education and practice.

47. The Taxation Laws (Amendment) Bill, 2021

Context: The Taxation Laws (Amendment) Bill, 2021 was introduced in Lok Sabha on August 5, 2021.

Key features of the Bill include:

- The Bill amends the Income Tax Act, 1961 (IT Act) and the Finance Act, 2012.
 - The Income-tax Act, 1961 (ITA) was enacted to provide for levy and collection of tax on income earned by a person.
- The 2012 Act had amended the IT Act to impose tax liability on the income earned from the sale of shares of a foreign company on a retrospective basis (i.e., also applicable to the transactions done before May 28, 2012).
- The Bill proposes to nullify this retrospective basis for taxation.

Article 265 of the **Constitution of India** provides that “no tax shall be levied or collected except by the authority of law”.

48. Panchayat (Extension to the Scheduled Areas) Act, 1996

Context: It is the silver jubilee year of the **Panchayat (Extension to the Scheduled Areas) Act, 1996**. However, the law remains disempowered as 40% of the states under its purview have not been able to frame their rules for its implementation even after 25 years of its existence.

Panchayat rule in India

- The **Constitution (73rd Amendment) Act** enacted in 1992 vests power in the Government of the respective State to endow Panchayats with such powers and authority as may be necessary to allow them to function properly as institutions of self-government.
- With the amendment of the Act, Panchayats were given '**constitutional status**' as an institution of local self-governance for rural India.
- The Act mandates provisions for:
 - Establishment of a three-tier structure
 - Village Panchayat
 - Panchayat Samiti or intermediate level Panchayat
 - Zilla Parishad or district level Panchayat
- Establishment of Gram Sabhas (village level).
- Regular elections to Panchayats every five years.
- Proportionate seat reservation for SCs/STs.
- Reservation for women (not less than one-third of seats).
- In 1996, the Panchayat (Extension to the Scheduled Areas) (PESA Act), took local self-governance rules to the areas listed under the fifth schedule.

About PESA Act

- **Provisions of the Panchayat (Extension to the Scheduled Areas) Act of 1996 or PESA** was India's first law to recognize people's powers, in the form of the gram sabha at the hamlet level.
- The Act extends the provision of the Indian Constitution to formalize the three-tier Panchayati Raj system to fifth Schedule areas with certain modifications and exceptions.
- **Promotion of self-government:** It mandates the state to devolve certain political, administrative, and fiscal powers to local governments elected by the communities.
- **All tribals inclusive:** PESA was meant to benefit not only the majority of tribals but also extended to cover minority non-tribal communities.
- **Effective reservation:** It guarantees tribes half of the seats in the elected local governments and the seat of the chairperson at all hierarchical levels of the Panchayat system.

Fifth Schedule of the Constitution

- The Fifth Schedule deals with the administration of scheduled areas where the majority of the population comprises of the tribal communities.
- Currently, the schedule is in force in 10 states of the country.

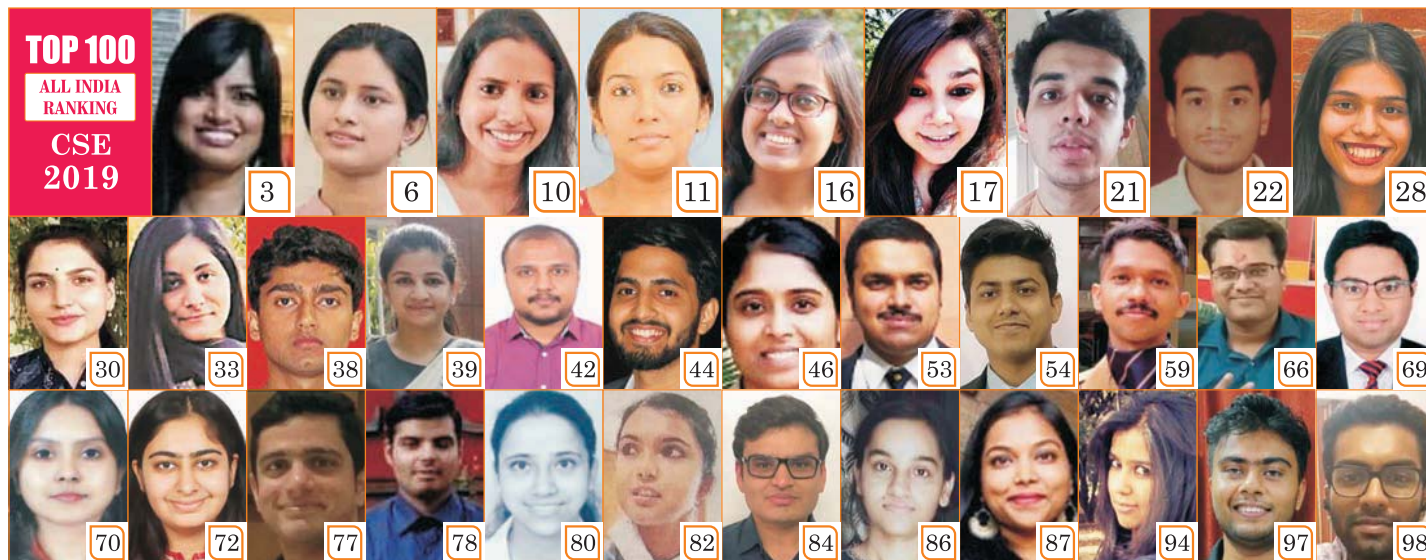
- These states include Andhra Pradesh, Jharkhand, Chhattisgarh, Odisha, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Rajasthan, and Telangana.
- **Sixth Schedule of the Constitution**
- The Sixth Schedule of the Constitution of India consists of provisions for the administration of tribal areas in north-eastern states of **Assam, Meghalaya, Mizoram, and Tripura**, according to **Article 244** of the Constitution.
- Along with protecting the tribal population, the Schedule provides autonomy to the communities through the creation of autonomous development councils (ADCs) which are empowered to frame laws on land, public health, agriculture, and others.

What are Scheduled areas?

- Under Article 244 of the Constitution, the President of India notifies the habitations where scheduled tribes (STs) were the preponderant social group as 'scheduled areas'.
- Scheduled areas have been notified in Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Odisha, Madhya Pradesh, Maharashtra, Rajasthan, and Telangana.
- In the country, STs are not notified in Punjab and Haryana and the UTs of Chandigarh, Delhi, and Puducherry.

Scheduled Tribes

- **Article 366(25)** prescribes that the Scheduled Tribes means such tribes or tribal communities as are deemed under **Article 342** of the Constitution to be Scheduled Tribes.
- The criteria followed for specification of a community, as a scheduled tribe are:
 - indications of primitive traits
 - distinctive culture
 - geographical isolation
 - the shyness of contact with the community at large
 - backwardness



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