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## The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020

**Context:** The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 was collectively passed as part of the 2020 Farm Bills.

### About the Act

- The Act aims to create a national framework for contract farming through an agreement between a farmer and a buyer before the production or rearing of any farm produces.

### Provisions under the Act

- **Protection of farmers:** The Government asserts that the Act helps protect farmers engaging with agribusiness firms, processors, wholesalers, exporters, or large retailers for farm services and sale of future farming produce by a mutually-agreed lucrative price framework fairly and transparently through a contract.
- **Regulation of sale purchase:** State Acts for regulation of sale purchase do not apply to Farm Agreements under this Act. Therefore, Sponsor not bound by MSP and Farmer not bound by Essential Commodities Act or control orders. Choice with farmer, whether to sell at MSP or to Sponsor.
- **Dispute resolution:** The Act provided for a 3-level dispute settlement mechanism by the conciliation board, Sub-Divisional Magistrate, and Appellate Authority. The agreement had to provide for a conciliation board as well as a conciliation process for the settlement of disputes.
- **Appeals:** Appeals to Collector or Additional Collector nominated by the Collector.
- **Penalties:** Non-payment of dues by Sponsor – 1.5 times of amount due. For farmers – actual amount due.
- **Definition of some important terms:** Probably the first time 'force majeure' has been defined in a statute. Includes terms like 'bad weather' craves rethinking. Epidemic has been included.

### Contract farming

- Contract farming is agricultural production undertaken under the terms of an agreement between a purchaser and farmers that specifies the requirements for production and marketing of a farm product or series of farm products.

- The farmer usually offers to supply agreed-upon amounts of a given agricultural commodity.
- These must meet the purchaser's quality requirements and be shipped on schedule.
- In exchange, the customer agrees to buy the commodity and, in certain situations, to assist with processing by providing agricultural inputs, land planning, and technical guidance, among other things.

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## The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020

**Context:** The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 is an act of the Indian Government, collectively passed as part of the 2020 Farm Bills.

### About the Act:

- The act permits intra-state and inter-state trade of farmers' produce beyond the physical premises of Agricultural Produce Market Committee (APMC) market yards (mandis) and other markets notified under state APMC Acts.

### Provisions under the Act

- **Trading outside Mandis:** Agricultural trade in India could only be conducted in APMC market yards (mandis). This Act, however, allows trading in "outside trade areas"—such as farm gates, factory premises, warehouses, silos, and cold storages.
- **Free of charges:** It prohibits state governments from levying any market fee or cess on farmers, traders, and electronic-trading platforms for trading the produce of farmers in such areas.
- **Competitive trading:** The Act seeks to facilitate lucrative prices for farmers through competitive alternative trading channels to promote barrier-free inter-state and intra-state trade of agriculture goods.
- **Electronic trading:** It also permits the electronic trading of farmers' produce in the specified trade area, facilitating direct and online buying & selling of such products through electronic devices and internet.
- **Barrier free trading:** It will also promote barrier-free inter-state and intra-state trade and commerce outside the physical premises of markets notified under State Agricultural Produce Marketing legislations.
- **Lesser intermediaries:** Farmers will be able to engage in direct marketing thereby eliminating intermediaries resulting in full realization of price.

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## The Essential Commodities (Amendment) Act, 2020

**Context:** The Essential Commodities (Amendment) Bill 2020 with provisions to remove commodities like cereals, pulses, oilseeds, edible oils, onion and potatoes from the list of essential commodities was passed.

### Provisions under the Act

- The Essential Commodities (Amendment) Act, 2020 amended the Essential Commodities Act, 1955, by introducing a new Subsection (1A) in Section 3.

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- After the amendment, the supply of certain foodstuffs — including cereals, pulses, oilseeds, edible oils, potato — can be regulated only under extraordinary circumstances.
- It includes an extraordinary price rise, war, famine, and natural calamity of a severe nature.
- The amendment takes these items out from the purview of Section 3(1), which gives powers to central government to “control production, supply, distribution, etc, of essential commodities”.

### What are Essential Commodities?

- There is no specific definition of essential commodities in the Essential Commodities Act, 1955.
- Section 2(A) states that an “essential commodity” means a commodity specified in the Schedule of the Act.
- **Commodities under the Act:** According to the Ministry of Consumer Affairs, Food and Public Distribution, which implements the Act, the Schedule at present contains seven commodities —
  - ▶ Drugs
  - ▶ Fertilisers, whether inorganic, organic or mixed
  - ▶ Foodstuffs including edible oils
  - ▶ Hank yarn made wholly from cotton
  - ▶ Petroleum and petroleum products
  - ▶ Raw jute and jute textiles
  - ▶ Seeds of food-crops and seeds of fruits and vegetables, seeds of cattle fodder, jute seed, cotton seed
- **Power to central government:** The Act gives powers to the central government to add or remove a commodity in the Schedule.
  - ▶ The Centre, if it is satisfied that it is necessary to do so in public interest, can notify an item as essential, in consultation with state governments.

### Significance of the Act

- **Investment in infrastructure:** The legislation will help drive up investment in cold storages and modernization of food supply chain.
- **Price Stability:** It will help both farmers and consumers while bringing in price stability.
- **Competitive environment:** It will create competitive market environment and also prevent wastage of agri-produce that happens due to lack of storage facilities.
- **Removal of excessive regulation:** It will help to remove fears of private investors of excessive regulatory interference in their business operations.
- **Private investment:** The freedom to produce, hold, move, distribute and supply will lead to harnessing of economies of scale and attract private sector/foreign direct investment into agriculture sector.
- **Protection of consumer’s interest:** The Government, while liberalizing the regulatory environment, has also ensured that interests of consumers are safeguarded.
- **Regulation during harsh situation:** It has been provided in the Amendment, that in situations such as war, famine, extraordinary price rise and natural calamity, such agricultural foodstuff can be regulated.

## The Insolvency and Bankruptcy Code (Second Amendment) Act, 2020

**Context:** The Insolvency and Bankruptcy Code (Second Amendment) Act, 2020 received the assent of the President in September 2020.

### About the Act

- The Act seeks to amend the Insolvency & Bankruptcy (Amendment) Ordinance, 2020 & Insolvency & Bankruptcy Code, 2016.
- Objective: To determine the solutions for Non-Performing Assets.

### Key Provisions of Insolvency & Bankruptcy (Second Amendment) 2020

- **Collective mechanism:** This Code provides for the collective mechanism for resolving the insolvency within the framework of equity and fairness to all the stakeholders and to preserve economic value in the process.
- **Time bound process:** It prescribes for the process that is time-bound for resolving Insolvency in companies as well as among the individuals.
- **Suspension of CIRP:** It seeks to suspend the Corporate Insolvency Resolution Process also known as CIRP and is mentioned under Chapter 4 of Insolvency & Bankruptcy Code, 2016.
- **Liability for Wrongful Doing:** Under the Insolvency & Bankruptcy Code, any director or the partner of the corporate debtor might be held liable to add their contributions to the assets of the company in certain situations.
- **Prohibitions:** Furthermore, it prohibits the Resolution Professional from filing such an application in relation to the defaults for which initiation of Corporate Insolvency Resolution Process has been prohibited.

## The Insolvency & Bankruptcy Code

### Background

- Insolvency occurs when the companies or the individual are unable to pay their Outstanding Debts.

### About the code

- The **Insolvency and Bankruptcy Code, 2016 (IBC)** is the bankruptcy law of India which seeks to consolidate the existing framework by creating a single law for insolvency and bankruptcy.
- **Onestopsolution:** The bankruptcy code is a one stop solution for resolving insolvencies which previously was a long process that did not offer an economically viable arrangement.
- **Protection of small investors:** The code aims to protect the interests of small investors and make the process of doing business less cumbersome.
- **Divisions:** The IBC has 255 sections and 11 Schedules.
- **Tribunals:** The Insolvency & Bankruptcy Code provides for the National Company Law Tribunal, Debt Recovery Tribunals and creation of Insolvency and Bankruptcy Board of India which will govern the Insolvency & Bankruptcy Processes in India.

### Suspension of the Insolvency and Bankruptcy code

- The Insolvency and Bankruptcy code was suspended during the lockdown on the principle that Covid-19 pandemic does not allow the business to work as usual as they used to work earlier.



- Due to the Nationwide Lockdowns and Closing of Businesses will lead the businesses into greater losses which may lead them to insolvent and it is suspended in order to protect the businesses.
  - ▶ The whole Insolvency & Bankruptcy Code was not suspended but only certain provisions are temporarily Suspended.
  - ▶ The suspended Provisions are Sections 7, 9 & 10 of the Insolvency & Bankruptcy Code, 2016.

### Need of the Second Amendment

- **Ambiguity in the insolvency process:** This code focus on Insolvency Utility (IU) but it does not specify that full information about a company will be accessible through a single query from any IU.
- **Overtly Regulation by Board:** Multiple licensed professionals are required to regulate IPAs.
- **Non-specific Fund:** The Code creates an Insolvency and Bankruptcy Fund but it does not specify the manner in which the Fund will be used.
- **Time delay:** Due to delay in the resolution cases, it increases the litigation costs of banks which are already reeling with stresses assets. IBC allows a maximum of 270 days for lenders to clear a rescue plan.
- **Non-coherence in the orders of Tribunals:** Because of the absence of the jurisprudence and precedents different NCLTs are giving different rulings.

## 5 The Companies (Amendment) Act, 2020

**Context:** The Companies (Amendment) Act, 2020 recently received the President's assent.

### About the Companies (Amendment) Bill, 2020

- The Companies Amendment Bill, 2020 was introduced to amend the Companies Act, 2013 (Act).

### Objectives

- To improve the ease of doing business in India
- de-criminalizing various minor offences
- regulating producer companies, amongst other aspects.

### Changes made through the Bill

- **Producer companies:** Under the 2013 Act, certain provisions from the Companies Act, 1956 continue to apply to producer companies. The Bill removes these provisions and adds a new chapter in the Act with similar provisions on producer companies.
- **Changes to offences:** The Bill makes three changes.
  - ▶ It removes the penalty for certain offences. For example, it removes the penalties which apply for any change in the rights of a class of shareholders made in violation of the Act.
  - ▶ It removes imprisonment in certain offences. For example, it removes the imprisonment of three years applicable to a company for buying back its shares without complying with the Act.
  - ▶ It reduces the amount of fine payable in certain offences. For example, it reduces the maximum fine for failure to file annual return with the Registrar of Companies from five lakh rupees to two lakh rupees.
- **Penalty provisions:** Under the Act, one person companies or small companies are only liable to pay up to 50% of the penalty for certain offences. The Bill:

- ▶ extends this provision to all producer companies and start-up companies
- ▶ extends this provision to apply to violation of any provision of the Act
- ▶ limits the maximum penalty to two lakh rupees for the company and one lakh rupees for a defaulting officer
- **Direct listing in foreign jurisdictions:** The Bill empowers the central government to allow certain classes of public companies to list classes of securities in foreign jurisdictions.
- **Beneficial shareholding:** The Bill empowers the central government to exempt any class of persons from complying to make a declaration of his interest to the company.
- **Exclusion from listed companies:** The Bill empowers the central government, in consultation with the Securities and Exchange Board of India, to exclude companies issuing specified classes of securities from the definition of a "listed company".
- **Filing resolutions exemptions:** However, banking companies are exempt from filing resolutions passed to grant loans, or to provide guarantees or security for a loan. This exemption has been extended to registered non-banking financial companies and housing finance companies.
- **Corporate Social Responsibility (CSR):** The Bill exempts companies with a CSR liability of up to Rs 50 lakh a year from setting up CSR Committees. Further, companies which spend any amount in excess of their CSR obligation in a financial year can set off the excess amount towards their CSR obligations in subsequent financial years.
- **NCLAT Benches:** The Bill seeks to establish benches of the National Company Law Appellate Tribunal.
- **Remuneration to non-executive directors:** The Act makes special provisions for payment of remuneration to executive directors of a company. The Bill extends this provision to non-executive directors, including independent directors.

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## The Occupational Safety, Health And Working Conditions Code, 2020

**Context:** The Occupational Safety, Health And Working Conditions Code (OSHWC), 2020 has received the presidential assent on 28 September 2020.

### About the OSHWC Code

- The Occupational Safety, Health And Working Conditions Code, 2020 is a code to consolidate and amend the laws regulating the Occupational safety and health and working conditions of the persons employed in an establishment.
- The bill was formulated according to the Report and Recommendations of the Second National Commission on Labour.
- The Code proposes to subsume 633 provisions of 13 major labour laws into one single Code with 143 provisions.

### Key Features of the Code

- **Single registration:** The Code aims at lessening the burden of the employers as it would replace multiple registrations under various enactments to one common registration, one licence and one return which will ultimately create a consolidated database centrally and will be helpful under ease of doing business.
- **Hazard free workplace:** The workplace should be free from hazards that cause or likely to cause occupational disease to the employees
- **Health checkups:** Employers are required to conduct free annual health check-up for their employees.

- **Appointment letter:** Issuance of appointment letter to every employee on their appointment in the establishment.
- **Charges for overtime:** Workers / Employees are entitled to receive overtime amount at the rate of twice the wage.
- **Provision for inter-state workers:** Employers or Contractors are responsible to provide welfare facilities to inter-state migrant workers.
- **Hearing under the code:** The Code bars civil courts from hearing matters under the Code. The only judicial recourse for a person aggrieved is to file a writ petition before the relevant High Court.

### Implementation of the Code

- **Central Level:** Central Government shall constitute a National Occupational Safety and Health Advisory Board to discharge the functions conferred on it by or under this Code and to advise to the Central Government.
- **State Level:** The State Government shall constitute a Board to be called the State Occupational Safety and Health Advisory Board to advise the State Government on such matters arising out of the administration of this Code as may be referred to it by the State Government.
  - ▶ The respective governments may require constitution of safety committees in certain establishments, and for a certain class of workers.
  - ▶ The committees will comprise of representatives of the employer and the workers.

### Changes made through the Code

- The limit of female workers for the purpose of creating creche facility for the children below 6 years of age, would increase to 50 female workers from 30 currently.
- Provision for the welfare officers for the establishment has been reduced to 250 employees.
- Provisions have been made for the employment of female employees for working beyond 7 pm till 6 am with their consent and conditions relating to safety, holiday, working hours.
- Workers cannot be required to work for more than 6 days / week and will be entitled to one day off for every 20 days of work & one day off every week
- Workers employed in Transport, Sales Promotion and Journalism have special work hour and leave requirements specified.
- Considering Covid-19, the Central Government has reserved his power to make regulation for general safety and health of persons in the event of declaration of an epidemic, pandemic or disaster. This has not be effected by any other law for the time being in force.
- The Code has made maximum registration process to be initiated electronically and hence a minimum of physical contact exists.
- Key terms like Wages, Banking Company and Core Activity of an Establishment has been defined.

## 7 The Code on Social Security, 2020

**Context:** The Code on Social Security 2020, has received the Presidential Assent, which subsumes nine regulations relating to social security, retirement and employee benefits.

### Background:

- Labour falls under the Concurrent List of the Constitution.
- Therefore, both Parliament and state legislatures can make laws regulating labour.
- The central government has stated that there are over 100 state and 40 central laws regulating various aspects of labour such as resolution of industrial disputes, working conditions, social security and wages.

## About the Code on Social Security 2020

- It has enhanced the coverage, extended the benefit to all workers in the organised/unorganised sectors, introduced concepts of providing maximum benefits under minimum governance and reflects uniformity in approach across the four labour codes.

### Provisions under the Code

#### • Enhanced coverage

- ▶ The Code has widened coverage by including the un-organized sector, fixed term employees and gig workers, platform workers, inter-state migrant workers etc., in addition to contract employees.

#### • Uniform definitions

- ▶ Uniformity in determining wages for the purpose of social security benefits is another highlight.
- ▶ This has provided a wide definition for wage. Specific exclusions with ceilings have been provided for discouraging inappropriate structuring of salaries to minimize social security benefits.
- ▶ However, inclusion of illustrations and examples would be welcome, and it is hoped that the schemes, when they are drafted, would provide for the same.

#### • Consultative approach

- ▶ The Code provides for an enhanced role of inspector-cum-facilitator whereby employers can look for support and advice to enhance compliances.

#### • Career Centre

- ▶ To monitor employment information, career centres will be established.

#### • Digitisation

- ▶ All records and returns have to be maintained electronically. Digitisation of data will help in exchange of information among various stakeholders / funds set up by the Government, will ensure compliance and also facilitate governance.

#### • Stringent penalties

- ▶ The strength of implementing a legislation lies in the ease of compliances as well as in the penalties that deter non-compliance. Any failure to deposit employees' contributions not only attracts a penalty of Rs 100,000, but also imprisonment of one to three years.

Comparison of Bill with existing laws and NCL recommendations				
Feature	NCL Recommendations	2019 Bill	Standing Committee Recommendations	2020 Bill
Coverage	<ul style="list-style-type: none"> <li>◦ Move from the current fragmented social security system to an integrated universal one with: (i) mandatory state-funded social security for the poor,</li> </ul>	<ul style="list-style-type: none"> <li>◦ Retains coverage as per existing laws, with limited modifications.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Code does not clearly define benefits and entitlements for several categories of workers.</li> </ul>	Standing Committee recommendations not addressed

	<ul style="list-style-type: none"> <li>◦ (ii) contribution-based system for workers earning up to a certain wage (with part state-subsidy for unorganised workers), and (iii) voluntary schemes for others.</li> </ul>	<ul style="list-style-type: none"> <li>◦ The Bill additionally permits the government to frame schemes for gig workers and platform workers.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Code should provide a framework to achieve universal social security for all workers with firm entitlements and within a defined time frame.</li> </ul>	
Registration	<ul style="list-style-type: none"> <li>◦ Move from differing registration requirements to a comprehensive system of registration of workers and establishments.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Establishments to register with respective organisations.</li> <li>◦ Aadhaar-based registration for all eligible workers.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Provide for a unified registration and compliance platform. All establishments should mandatorily register with a single authority.</li> </ul>	Standing Committee recommendations not addressed
Portability	<ul style="list-style-type: none"> <li>◦ Address lack of portability by issuing cards with unique social security number to enable portability</li> </ul>	<ul style="list-style-type: none"> <li>◦ No explicit provision for portability of benefits.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Provide for common “minimum mandatory entitlements” across states for construction and unorganised workers to enable portability.</li> <li>◦ Ensure portability for migrant workers.</li> </ul>	Standing Committee recommendations not addressed
Delivery	<ul style="list-style-type: none"> <li>◦ Move to a decentralised mechanism with: (i) national authority chaired by the Prime Minister, (ii) central board for managing the scheme, (iii) state boards for delivery and implementation, and (iv) local committees for identification and registration of beneficiaries</li> </ul>	<ul style="list-style-type: none"> <li>◦ The Bill retains the same organisational set up as under existing laws.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Code continues with the existing fragmented structure for delivery of benefits. Committee recommended that the government consider putting in place a more compact system of governance of social security.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Standing Committee recommendations not addressed</li> </ul>

## Other changes

- **Composition of boards for unorganised workers:** The Bill expands the representation of central government officials in the National Social Security Board for unorganised workers from five members to 10 members (taking the total count of members from 37 in the 2019 Bill to 42 in the 2020 Bill).
  - ▶ Similarly, the number of state government officials in the state Boards for unorganised workers has been increased from seven to 10 members (taking the total members from 31 in the 2019 Bill to 34 in the 2020 Bill).
- **Additional powers during an epidemic:** The 2020 Bill adds new clauses which may become applicable in the cases of an epidemic.
  - ▶ **For example,** the central government may defer or reduce the employer's or employee's contributions (under PF and ESI) for a period of up to three months in the case of a pandemic, endemic, or national disaster.

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## The Foreign Contribution (Regulation) Amendment Act, 2020

**Context:** The Foreign Contribution (Regulation) Amendment Act, 2020 has been passed and it replaces the Foreign Contribution (Regulation) Act, 2010.

### Background:

- The Act regulates the acceptance and utilisation of foreign contribution by individuals, associations and companies.
- Foreign contribution is the donation or transfer of any currency, security or article (of beyond a specified value) by a foreign source.

### Provisions of the Act

- **Prohibition to accept foreign contribution:** Under the Act, certain persons are prohibited to accept any foreign contribution.
  - ▶ These include: election candidates, editor or publisher of a newspaper, judges, government servants, members of any legislature, and political parties, among others. The Bill adds public servants (as defined under the Indian Penal Code) to this list.
- **Transfer of foreign contribution:** Under the Act, foreign contribution cannot be transferred to any other person unless such person is also registered to accept foreign contribution.
- **Aadhaar for registration:** The Act states that a person may accept foreign contribution if they have: (i) obtained a certificate of registration from central government, or (ii) not registered, but obtained prior permission from the government to accept foreign contribution.
- **FCRA account:** Under the Act, a registered person must accept foreign contribution only in a single branch of a scheduled bank specified by them.
  - ▶ No funds other than the foreign contribution should be received or deposited in this account. The person may open another FCRA account in any scheduled bank of their choice for keeping or utilising the received contribution.
- **Restriction in utilisation of foreign contribution:** Under the Act, if a person accepting foreign contribution is found guilty of violating any provisions of the Act or the Foreign Contribution (Regulation) Act, 1976, the unutilised or unreceived foreign contribution may be utilised or received, only with the prior approval of the central government.
  - ▶ The Bill adds that the government may also restrict usage of unutilised foreign contribution for persons who have been granted prior permission to receive such contribution.
- **Renewal of license:** Under the Act, every person who has been given a certificate of registration must renew the certificate within six months of expiration.

- **Reduction in use of foreign contribution for administrative purposes:** Under the Act, a person who receives foreign contribution must use it only for the purpose for which the contribution is received.
  - ▶ Further, they must not use more than 50% of the contribution for meeting administrative expenses. The Bill reduces this limit to 20%.
- **Surrender of certificate:** The Bill adds a provision allowing the central government to permit a person to surrender their registration certificate.
- **Suspension of registration:** Under the Act, the government may suspend the registration of a person for a period not exceeding 180 days. The Bill adds that such suspension may be extended up to an additional 180 days.

## 9 The Aircraft (Amendment) Act, 2020

**Context:** The Aircraft (Amendment) Bill, 2020 has been passed and seeks to amend the Aircraft Act, 1934.

### About the Aircraft (Amendment) Act, 2020:

- The Act regulates the manufacture, possession, use, operation, sale, import and export of civil aircrafts, and licensing of aerodromes.

### Key provisions of the Bill include:

- **Authorities:** The Bill converts three existing bodies under the Ministry of Civil Aviation into statutory bodies under the Act.
  - ▶ These three authorities are: (i) the Directorate General of Civil Aviation (DGCA), (ii) the Bureau of Civil Aviation Security (BCAS), and (iii) the Aircraft Accidents Investigation Bureau (AAIB).
  - ▶ Each of these bodies will be headed by a Director General who will be appointed by the centre.

### Functions of the authorities according to Act

- The DGCA will carry out safety oversight and regulatory functions with respect to matters under the Bill.
- The BCAS will carry out regulatory oversight functions related to civil aviation security.
- The AAIB will carry out investigations related to aircraft accidents and incidents.

- **Power of centre to make rules:** Under the Act, the central government may make rules on several matters. These include: (i) registration of aircraft, (ii) regulating air transport services (air navigation services also), and (iii) prohibition of flight over any specified area.
- **Adjudicating officers:** The Bill provides for the appointment of designated officers, not below the rank of Deputy Secretary to adjudicate penalties under the Bill.
  - ▶ Appeals must be filed by the aggrieved person within 30 days from the day the order is received.
- **Offences and Penalties:** Under the Act, the penalty for various offences is imprisonment of up to two years, or a fine of up to Rs 10 lakh, or both.
  - ▶ Under the Bill, the central government may cancel the licences, certificates, or approvals granted to a person under the Act if the person contravenes any provision of the Act.

- ▶ The Bill allows for the compounding of certain offences under the Act or rules under the Act. These include: (i) flying to cause danger to any person or property and (ii) the contravention of any directions issued by the Director General of any of the three bodies.
- ▶ Courts will not take cognizance of any offence under this Act, unless a complaint is made by, or there is previous sanction from the Director General of Civil Aviation, BCAS, or AAIB.
- ▶ Only courts equivalent or superior to a Metropolitan Magistrate or a Magistrate of the first class may try offences under the Act.
- **Exemption for Armed Forces:** Aircraft belonging to the naval, military, or air forces of the Union are exempted from the provisions of the Act.

## 10 Major Port Authorities Bill, 2020

**Context:** Parliament has passed Major Port Authorities Bill, 2020 to promote the expansion of port infrastructure and facilitate trade and commerce.

### About

#### • Major ports in India

- Major Ports are notified by Central Government under Section 3 of Indian Ports Act 1908.
- In terms of volume, 70 per cent of cargo movement is through sea while 90 per cent in value terms.
- India has 13 major ports — Deendayal (erstwhile Kandla), Mumbai, JNPT, Marmugao, New Mangalore, Cochin, Chennai, Kamarajar (earlier Ennore), V O Chidambarnar, Visakhapatnam, Paradip, Kolkata (including Haldia) and newly notified VadHAVAN (Maharashtra)
- These together had handled 705 million tonnes (MT) of cargo in FY 2019-20.

### Key-highlights of the Bill

- The Bill aims to provide for the regulation, operation and planning of Major Ports in India and to vest the administration, control and management of such ports upon the Boards of Major Port Authorities.
- The new law will supersede the Major Port Trusts Act, 1963 governing the major ports.
- The bill seeks to convert 11 of the major ports (except Kamarajar Port Ltd, located at Ennore, Chennai and VadHAVAN) run by the Centre into “authorities” from the current “trustee” set-up, in a biggest structural reform of state-owned ports.
- Governance: every port will now be governed by a Port Authority (board) which will have the powers to fix reference tariffs for various port services.
  - ▶ The role of Tariff Authority for Major Ports (TAMP) has been redefined in the bill. The port authority has now been given powers to fix tariffs which will act as a reference tariff for purposes of bidding for PPP projects.
  - ▶ PPP operators will be free to fix tariffs based on market conditions.

### Boards to replace trusts

- Under the 1963 Act, all major ports are managed by the respective Board of Port Trusts that have members appointed by the central government.
- The Bill provides for the creation of a Board of Major Port Authority for each major port.



## 11 Centre repeals the Indian Medical Council Act, 1956

**Context:** The National Medical Commission (NMC) came into existence, as the Centre repealed the six-decade-old Indian Medical Council Act 1956.

### About:

- The National Medical Commission has been set up as the country's apex regulator of medical education and profession.

### Composition:

- Chairperson (must be a medical practitioner),
- Presidents of the Under-Graduate and Post-Graduate Medical Education Boards,
- Director General of Health Services, Directorate General of Health Services,
- Director General, Indian Council of Medical Research, and
- five members (part-time) to be elected by the registered medical practitioners from amongst themselves from states and union territories for a period of two years.

### Functions of NMC:

- To lay down policies for regulating medical institutions and medical professionals.
- To assess the requirements of human resources and infrastructure in healthcare.
- To ensure compliance by the State Medical Councils with the regulations made under the act.
- To frame guidelines for determination of fee for up to 50% of the seats in the private medical institutions.

### Medical Advisory Council:

- Central government will constitute a Medical Advisory Council.
- The Council will be the primary platform through which the states/union territories can put forth their views and concerns before the NMC.
- Council will advise the NMC on measures to determine and maintain minimum standards of medical education

### Autonomous Boards

- The Centre has formed four autonomous boards under the NMC Act---
  - ▶ Under-Graduate Medical Education Board (UGMEB)
  - ▶ Post-Graduate Medical Education Board (PGMEB)
  - ▶ Medical Assessment and Rating Board
  - ▶ Ethics and Medical Registration Board

## 12 Hindu Succession (Amendment) Act, 2005

**Context:** In a significant development, the Supreme Court expanded on a Hindu woman's right to be a joint legal heir and inherit ancestral property on terms equal to male heirs.

### Background:

- While the Hindu Succession (Amendment) Act, 2005 granted equal rights to women, questions were raised in multiple cases on whether the law applied retrospectively, and if the rights of women depended on the living status of the father through whom they would inherit.

- The present ruling overrules the earlier verdicts.
- It expands on the intention of the 2005 legislation “to remove the discrimination as contained in section 6 of the Hindu Succession Act, 1956 by giving equal rights to daughters as the sons have in the Hindu scripture Mitakshara.

### The Hindu Succession (Amendment) Act, 2005

- The Mitakshara school of Hindu law codified as the Hindu Succession Act, 1956 governed succession and inheritance of property but only recognised males as legal heirs.
- **Applicability:** The law applied to everyone who is not a Muslim, Christian, Parsi or Jew by religion. Buddhists, Sikhs, Jains and followers of AryaSamaj, BrahmoSamaj are also considered Hindus for the purposes of this law.
- Section 6 of the Act was amended to make a daughter of a coparcener also a coparcener by birth “in her own right in the same manner as the son”.
- The law also gave the daughter the same rights and liabilities “in the coparcenary property as she would have had if she had been a son”.
- The law applies to ancestral property and to intestate succession in personal property — where succession happens as per law and not through a will.

### Key-highlights of the ruling

- The provisions contained in substituted Section 6 of the Hindu Succession Act, 1956 confer status of coparcener on the daughter born before or after amendment in the same manner as son with same rights and liabilities.
- The rights can be claimed by the daughter born earlier with effect from 9.9.2005 with savings as provided in Section 6(1) as to the disposition or alienation, partition or testamentary disposition which had taken place before 20th day of December, 2004.
- Since the right in coparcenary is by birth, it is not necessary that father coparcener should be living as on 9.9.2005.

## 13 The RTI Act, 2005

**Context:** October 12, 2020 marked 15 years of the implementation of the RTI Act, which empowers people to obtain information from the Government.

### About:

- **The Right to Information Act**, simply known as RTI, aims to promote transparency in government institutions in India.
- The basic objective of the Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in true spirit.

### What type of information may be obtained under the RTI Act?

- The type of information which may be obtained is defined under section 2 (f) of the Act as any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

### Who are covered by the Act?

- Every public authority like Constitutional authorities, ministries, departments and agencies notified, owned or controlled by the Government (both centre/state) and also organisations substantially financed by the Government are covered under the RTI Act.

### Other provisions of RTI Act, 2005

- **Section 7:** information provided or rejected in time bound manner of 30 days, but if the information concerns with life or liberty of a person, the information has to be provided under 48 hrs.
- **Section 8(1):** information not covered under RTI
  - (i) information which would affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
  - (ii) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
  - (iii) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
  - (iv) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
  - (v) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
  - (vi) information received in confidence from foreign Government;
  - (vii) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
  - (viii) information which would impede the process of investigation or apprehension or prosecution of offenders;
  - (ix) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers but the reasons and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete
  - (x) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information

### Exemption

- Entities that are related to the country's defence and intelligence, such as RAW, BSF, CRPF, CISF, Intelligence Bureau, National Security Guard etc.

## 14 Epidemic Diseases Act, 1897

**Context:** In a Cabinet Secretary meeting, it was decided that states and Union Territories should invoke provisions of **Section 2 of Epidemic Diseases Act, 1897**, so that Health Ministry advisories are enforceable.

**About:**

- The Epidemic Diseases Act, 1897 is a law which was first enacted to tackle bubonic plague in Bombay state in former British India.
- The law is meant for containment of epidemics by providing special powers that are required for the implementation of containment measures to control the spread of the disease.
- The Epidemic Diseases Act is routinely enforced across the country for dealing with outbreaks of diseases such as swine flu, dengue, and cholera.

**Provisions of the Act**

- The Act, which consists of sections, aims to provide “for the better prevention of the spread of Dangerous Epidemic Diseases.”
- **Section 2** empowers state governments/UTs to take special measures and formulate regulations for containing the outbreak. It is as follows
- **Section 3** provides penalties for disobeying any regulation or order made under the Act. These are according to section 188 of the Indian Penal Code (disobedience to order duly promulgated by public servant).
- **Section 4** gives legal protection to the implementing officers acting under the Act.

**Examples where it was been used earlier**

- In 2018, Gujarat’s Vadodara issued a notification under the Act declaring the Khedkarmsiya village in Waghodiataluka as cholera-affected after 31 persons complained of symptoms of the disease.
- In 2015, to deal with malaria and dengue in Chandigarh, the Act was implemented.
- In 2009, to tackle the swine flu outbreak in Pune, Section 2 powers were used to open screening centres in civic hospitals across the city, and swine flu was declared a notifiable disease.

**15****Mines and Minerals (Development and Regulation) Amendment Bill, 2021**

**Context:** The Lok Sabha recently passed a Bill to amend the Mines and Mineral (Development and Regulation) Act (MMDR Act).

**About:**

- The Bill amends the **Mines and Minerals (Development and Regulation) Act, 1957**.
  - ▶ The Act regulates the mining sector in India.
- The amendment is aimed at boosting India’s total mineral output, noting that growth in the output of the mining sector would lead to a significant increase in employment opportunities.

**Key-provisions in the Bill**

- **Sale of minerals by captive mines:** The amendment proposes to allow captive miners of both coal and other minerals to sell up to 50 per cent of their production after meeting the requirements of the end-use plant and on paying additional royalty to the state government.
  - ▶ Operators are currently only allowed to use coal and minerals extracted from captive mines for their own industrial use.

- **Fixed additional royalty:** The amendment also proposes to fix additional royalty payments to states for the extension of mining leases for central public sector enterprises.
- **Auctions and re-auctions:** Another key change the Bill proposes is to empower the central government to conduct auctions or re-auction processes for the grant of a mining lease if a state government fails to complete the auction process in a specified period, decided after consultations between the Centre and state.

### Mines and minerals in India

- India possesses significant mineral resources, ranking among the top ten global producers of mica, barites, coal and lignite, iron ore, chromite, bauxite, and manganese.
- India produces minerals worth Rs 1.25 lakh crore per year and imports minerals worth Rs 2.5 lakh crore per year.
- India allows 100 percent foreign direct investment (FDI) for the exploration and mining of non-core minerals like gold, silver, and diamonds, as well as in oil exploration, captive mining of coal and lignite, and coal processing (washing and sizing).
- **Contribution by the mining sector to the GDP is only 1.75 per cent.**
- One per cent growth in the mining sector generates almost 1 lakh (jobs) in direct employment and 5 lakh (jobs) in indirect employment.

## 16 The Consumer Protection Act, 2019

**Context:** The newly enacted Consumer Protection Act comes to force on July 20, 2020, replacing more than three decades old **Consumer Protection Act, 1986**.

### About:

- The new **Consumer Protection Act 2019** seeks to revamp the process of administration and settlement of consumer disputes, with strict penalties, including jail term for adulteration and misleading ads by firms.

### Key Provisions of the Act

- **CCPA:** bill, among other things, proposes setting up of a Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers as a class.
  - ▶ The CCPA would make interventions to prevent consumer detriment arising from unfair trade practices.
  - ▶ The agency can also initiate class action, including enforcing recall, refund and return of products.
- **Simplified dispute resolution process:** The Bill also envisages simplified dispute resolution process, has provision for Mediation and e-filing of cases.
  - ▶ The Consumer will be able to file cases in the nearest commission under the jurisdiction of which he resides.
  - ▶ Consumers can file complaints from anywhere and they do not need to hire lawyer to represent their cases. For mediation, there will be strict timeline fixed in the rules.
- **Provisions for misleading advertisement:** On misleading advertisements there is provision for jail term and fine for manufacturers. There is no provision for jail for celebrities but they could be banned for endorsing products if it is found to be misleading.

- **Law for product liability:** For the first time there will be an exclusive law dealing with Product Liability. A manufacturer or product service provider or product seller will now be responsible to compensate for injury or damage caused by defective product or deficiency in services.

### Consumer Rights

- Right to protection from goods and services which are hazardous to life
- Right to be informed about goods and services
- Right to be assured of quality of goods and services
- Right to be heard
- Right to seek redressal
- Right to consumer education

### Who is a customer?

- As per Consumer Protection Act, 2019, Consumer” is defined as a person who “buys any goods” and “hires or avails of any service” for consideration.
- It also includes both online and offline transactions through electronic means, teleshopping, direct selling or multi-level marketing.

### Who is not a consumer?

- Any person who obtains the goods for resale or commercial purposes is not a consumer.

### Background

- The **consumer movement** in India started in 1966 from Maharashtra.
- After the establishment of the **Grahak Panchayat** in Pune in the year 1974, institutions for consumer welfare were formed in many states and this movement continued to grow.
- On 9 December 1986, the **Consumer Protection Bill** was passed.

17

## Central Sanskrit Universities Bill, 2020

**Context:** The Central Sanskrit Universities Bill 2020, to provide Central University status to three universities in India, received President’s assent.

### About:

- The Act aims to establish and incorporate Universities for teaching and research in Sanskrit, to develop all-inclusive Sanskrit promotional activities.
- It is intended to convert India’s three deemed-to-be Sanskrit universities:
  - ▶ Rashtriya Sanskrit Sansthan, New Delhi
  - ▶ Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi
  - ▶ Rashtriya Sanskrit Vidyapeeth, Tirupati — into Central Sanskrit Universities
- The universities will function to promote Sanskrit at a global level and offer integrated courses in humanities, social sciences, and science along with it.
- Like at all central universities, the President of India will be the Visitor of the central Sanskrit universities.

## What the universities will do?

The proposed central universities will:

- Disseminate and advance knowledge for the promotion of Sanskrit
- Make special provisions for integrated courses in humanities, social sciences, and science.
- Train manpower for the overall development and preservation of Sanskrit and allied subjects.

### Constitutional provisions related to languages:

- There is no national language as declared by the Constitution of India.
- The Constitution lists Hindi written in Devanagari script as well as English as the official language to be used for official purposes such as parliamentary proceedings, judiciary, communications between the Central Government and a State Government.
- The Constitution imposes a duty upon the Centre to promote the spread and development of the Hindi language so that it may become the lingua franca of the composite culture of India.
- The Eighth Schedule to the Indian Constitution contains a list of 22 scheduled languages. The Government of India is under an obligation to take measures for the development of these languages.

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