



IAS PARLIAMENT

Information is a Blessing

A Shankar IAS Academy Initiative

MAINSTORMING 2019

ACTS & POLICIES

Shankar IAS AcademyTM

Door No 18, Old Plot No 109, New Plot No
259, AL Block, 4th Avenue, Shanthi Colony,
Anna Nagar, Chennai 600040.



INDEX

1. ACTS AND BILLS.....3

I. POLITY..... 3

- 1.1 Right to Information (Amendment) Bill, 2019..... 3
1.2 Delay in Citizenship (Amendment) Bill, 2016 5
1.3 Representation of the People (Amendment) Bill, 2017 - Proxy Voting..... 5
1.4 Personal Laws (Amendment) Bill, 2018 - Leprosy..... 6
1.5 Criminal Law (Amendment) Bill 7
1.6 Positive Amendments to the Anti Corruption Law..... 8
1.7 Protection of Human Rights (Amendment) Bill 9
1.8 Unlawful Activities Prevention Amendment Bill, 2019 11
1.9 Aadhaar Amendment Bill 13
1.10 NIA (Amendment) Bill, 2019 14

II. EDUCATION 16

- 1.12 Amendments to RTE Act..... 16
1.13 Central Educational Institutions (Reservation in Teachers' Cadre) Bill 17

III. HEALTH 19

- 1.16 Indian Medical Council (Amendment) bill, 2018 20
1.17 DNA Regulation Bill..... 21
1.18 National Medical Commission (NMC) Bill 21

IV. SOCIAL JUSTICE..... 23

- 1.19 Anti-Trafficking Bill, 2018 23
1.20 Restoration of SC/ST (PoA) Act Provisions..... 24
1.21 Striking Down of Beggary Act..... 25
1.22 Significance of NCBC Bill..... 26
1.23 Muslim Women Bill, 2018 27
1.25 The Surrogacy (Regulation) Bill, 2019..... 29
1.26 Punjab's Blasphemy Bill..... 31
1.27 Habitual Offenders Act..... 32
1.28 Amendments to POCSO Act 33

V. ECONOMY..... 34

- 1.29 Fugitive Economic Offenders Bill 34

- 1.30 MSME Bill 2018 35

- 1.31 Road Safety Bill 36

- 1.32 The Motor Vehicles (Amendment) Bill, 2019..... 37

- 1.33 Successful implementation of Maharashtra's RERA act 38

- 1.34 The Chit Funds (Amendment) Bill, 2019 39

- 1.35 Code on Wages bill, 2019..... 40

- 1.36 Occupational Safety, Health and Working Conditions Code, 2019..... 41

VI. OTHERS 43

- 1.37 Dam Safety Bill 2018..... 43

- 1.38 Inter-State River Water Disputes (Amendment) Bill, 2019 45

- 1.39 Need for a New Antique Law 47

- 1.40 Amendment to The Sports Broadcasting Signals Act. 48

2. POLICIES 50

- 2.1 National Digital Communications Policy-2018..... 50

- 2.2 National Drones Policy - Drone Regulations 1.0 51

- 2.3 National Policy on Electronics, 2019 52

- 2.4 National Mineral Policy 2019 54

- 2.5 Draft "New e-Commerce Policy"..... 55

- 2.6 Draft National Education Policy 2019 56

3. SCHEMES IN NEWS..... 58

- 3.1 Pradhan Mantri Annadata Aay Sanraks Han Abhiyan (PM-AASHA) 58

- 3.2 Pradhan Mantri Jan Arogya Abhiyan..... 60

- 3.3 Challenges in the Implementation of RSBY 61

- 3.4 Challenges before PMUY 62

- 3.5 PM-KUSUM Scheme 63

- 3.6 Pradhan Mantri Rojgar Protsahan Yojana (PMRPY)65

- 3.7 Pradhan Mantri Shram-Yogi Maandhan 66

- 3.8 Pradhan Mantri Kisan Samman Nidhi..... 67

- 3.9 Adopt a Heritage Scheme 68

- 3.10 Witness Protection Scheme, 2018..... 69

MAINSTORMING 2019

SCHEMES, ACTS & POLICIES

1. ACTS AND BILLS

I. POLITY

1.1 Right to Information (Amendment) Bill, 2019

Why in news?

The Right to Information (Amendment) Bill, 2019 was passed by the Parliament.

What are the key changes proposed?

- The Bill primarily amends **Sections 13 and 16 of the Right to Information (RTI) Act, 2005**.
- **Term** - Section 13 of the original Act sets the term of the central Chief Information Commissioner (CIC) and Information Commissioners (ICs) at 5 years (or until the age of 65, whichever is earlier).
- Likewise, Section 16 sets the term for state-level CICs and ICs at 5 years (or 65 years of age, whichever is earlier).
- The amendment now proposes that the appointment for both will be “for such term as may be prescribed by the Central Government”.
- **Salary, etc** - Under Section 13, salaries, allowances and other terms of service of the CIC shall be the same as that of the Chief Election Commissioner.
- Those of an Information Commissioner shall be the same as that of an Election Commissioner.
- Similarly, under Sec 16, the original Act prescribes salaries, allowances and other terms of service of the state CIC and state ICs as the same as that of an Election Commissioner and Chief Secretary to the State respectively.
- The amendment proposes that the salaries, allowances and other terms of service of both CIC and ICs at both central and state levels shall be such as may be prescribed by the Central Government.

What is the government’s rationale?

- The mandate of Election Commission of India and Central and State Information Commissions are different.
- Hence, their status and service conditions need to be rationalised accordingly.
- The Central Information Commissioner has been given the status of a Supreme Court judge.
- But, his judgments can be challenged in the High Courts, which is inconsistent.
- Besides, the RTI Act did not give the government rule-making powers, which the amendment proposes to correct.

What are the existing shortcomings?

- **Vacancy** - Central Information Commission has over 23,500 pending appeals and complaints.
- Yet, currently, there are four vacancies in the agency.
- Such is the case with several states like Andhra Pradesh and Maharashtra.
- **Disclosure** - The law envisaged that voluntary disclosure would reduce the need to file an application.
- But many State departments are ignoring the requirement to publish information suo motu.
- **Relevancy** - Fines are rarely imposed for any shortfall in compliance.
- So officers are giving incomplete, vague or unconnected information to applicants with impunity.
- Easier payment of application fee and a reliable online system to apply for information are missing.



How significant is the RTI Act?

- Introduced almost 14 years ago, the RTI Act is regarded as one of the most successful laws of independent India.
- Corruption and the arbitrary use of power is a widespread phenomenon in the country.
- Given this, the RTI has been a constant challenge to the misuse of power, arbitrariness, privilege, and corrupt governance.
- It has been a breakthrough in creating mechanisms for public vigilance that are fundamental to democratic citizenship.
- It has resulted in a fundamental shift, empowering ordinary citizens and giving them access to power and decision-making.
- The key issues where RTI has been instrumental in ensuring accountability include the Rafale fighter aircraft deal, non-performing assets, appointment of the Central Vigilance Commissioner, etc.
- According to estimates, nearly 60 lakh applications are being filed every year, by citizens as well as the media.
- It is also to be noted that more than 80 RTI users have been murdered because their determination in using the RTI had been a challenge to unaccountable power.
- Given the above, the amendments seem to be diluting the very purpose of the RTI Act.

What are the concerns with the amendments?

- The Right to Information (Amendment) Bill is a twin attack on accountability and the idea of federalism.
- **Federalism** - The separation of powers is a concept which underscores independence and is vital to India's democratic checks and balances.
- The Commission which is vested by law with status, independence and authority, will now function like a department of the Central government.
- When power is centralised and the freedom of expression threatened, it affects the fundamental federal fabric.
- **Independence** - The original Act had quantified the tenures, and defined the salaries in terms of existing benchmarks.
- The existing institutional architecture thus ensures that the RTI authorities function in an independent and effective manner.
- The amendments empower the Central government to unilaterally decide the tenure, salary, allowances and other terms of service.
- These will now be decided on a case-to-case basis by the government.
- This is more likely to take away the independence of the RTI authorities.
- **Amendment Process** - The amendments were pushed through without any citizen consultation, bypassing examination by the standing committee.
- The mandatory pre-legislative consultative policy of the government has been ignored.
- Preserving the fundamental nature and purpose of the RTI Act is crucial to guarantee democratic citizenship in India, and so the amendments need a relook.

Central Information Commission

- The Commission has been constituted under the Right to Information Act, 2005.
- The jurisdiction of the Commission extends over all Central Public Authorities. It is the highest appellate body under the Right to Information Act.
- The Commission includes Chief Information Commissioner (CIC) and not more than 10 Information Commissioners (IC) who are appointed by the President of India.
- Section 12(3) of the RTI Act 2005 provides for search committee to appoint CIC and IC which includes –
 1. The Prime Minister, who shall be the Chairperson of the committee
 2. The Leader of Opposition in the Lok Sabha
 3. A Union Cabinet Minister to be nominated by the Prime Minister
- Similarly, the State CIC and ten State ICs are appointed by the Governor on the recommendation of the committee consisting of
 1. the Chief Minister as Chairperson
 2. the Leader of the Opposition in the Legislative Assembly
 3. a state Cabinet Minister nominated by the Chief Minister



1.2 Delay in Citizenship (Amendment) Bill, 2016

What is the issue?

- The controversial Citizenship (Amendment) Bill, 2016, is not likely to be tabled in Parliament in the upcoming monsoon session.
- It has been stated that the “Joint Parliamentary Committee” would examine it further and holding wider consultations.

What is the bill mainly about?

- **What** - The Bill’s argues that the aim is to help persons of Indian origin, who are facing persecution in the neighbourhood.
- It seeks to make it easy for illegal migrants (in India) from minority communities of 3 neighbouring countries to gain Indian citizenship.
- Consequently, “Hindus, Sikhs, Buddhists, Jains, Christians and Parsis” who’ve arrived from Pakistan, Bangladesh and Afghanistan stand to benefit.
- Significantly, Muslims aren’t covered as they form the majority in these countries (even persecuted minority Muslim sects aren’t covered).
- **Technicalities** - Under the present law, citizenship by naturalisation requires applicants to have stayed in the country for 11 years of the previous 14 years.
- The proposed amendment reduces the residency requirement to six years, apart from one full year of residency preceding citizenship approval.

Joint Parliamentary Committee (JPC):

- JPCs are ad-hoc parliamentary committees which are usually formed when a motion for it is adopted by one house and supported by the other house.
- Notably, presiding officers of both houses can also discuss and form JPCs, even without house resolutions.
- Significantly, Lok Sabha is always contributes 2/3rd members and Rajya Sabha contributes the rest 1/3rd.
- JPCs are constituted for specific purposes and they can hear from

Why are some opposing the bill?

- Assam has been witnessing strong protests against the bill, as natives fear that non-Muslim migrants from Bangladesh might get citizenship.
- Once the migrants are granted citizenship, their political clout in Assam’s politics will grow drastically, which might undermine the natives.
- The fear is mainly rooted in the sheer number of illegal migrants that are already residing in Assam’s Barak Valley.
- Significantly, the ongoing exercise for updating of “National Citizen’s Registry” (NCR) with its cut off date as March 24th 1971, runs contrary to the bill.
- The NCR exercise is a direct consequence of the “Assam Accord”, and is intended to identify illegal migrants from Bangladesh.

1.3 Representation of the People (Amendment) Bill, 2017 - Proxy Voting

Why in news?

Lok Sabha recently passed the Representation of the People (Amendment) Bill, 2017, to allow NRIs to use proxies to cast votes on their behalf.

What does the Bill aim for?

- The Representation of the People (Amendment) Bill, 2017 proposes to amend the Registration of Electors Rules, 1960.
- It stipulates the physical presence of the overseas electors in the respective polling station.
- This is a limitation for overseas electors in exercising their franchise.
- Notably, India’s diaspora population, being 16 million, is the largest in the world.

- But the registration of NRI voters has been relatively lower than this.
- The Bill thus aims at extending the facility of proxy voting to Indian voters living abroad.

What is proxy voting?

- Voting in an Indian election can be done in three ways - in person, by post or through a proxy.
- Under proxy voting, a registered elector can delegate his/her voting power to a representative.
- This was introduced in 2003 for Lok Sabha and Assemblies elections, but on a limited scale.
- Only a “classified service voter” is allowed to nominate a proxy to cast vote on his/her behalf.
- The definition includes members of the armed forces, BSF, CRPF, CISF, General Engineering Reserve Force and Border Road Organisation.
- A classified service voter can also vote by postal ballot.

How does proxy voting work?

- Once passed by both houses, Election Commission will amend the Conduct of Election Rules, 1961.
- This will lay down the procedure by which NRIs could nominate their proxies.
- Currently, the classified service voters' proxy has to be a registered voter in the same constituency.
- The proxy is appointed through Form 13F, signed by the voter and the appointed proxy.
- This is done before a first class magistrate or notary or the commanding officer of the service voter.
- The form has to be submitted to the returning officer of the seat before the nomination of candidates closes.
- The proxy will continue to represent the service voter for all polls until the service or the appointment is revoked.

What are the practices elsewhere?

- **UK** - A British citizen living abroad can either travel back to vote in person or vote by post.
- He/she can also nominate a proxy but this is subject to eligibility rules.
- This accounts the expatriate's period of stay abroad and the period for which the voter was registered in the UK.
- Those who were minors at the time of leaving the country can also vote.
- But this is only as long as their parent or guardian was registered to vote in the UK.
- **US** - Expatriates can vote for federal office candidates in primary and general elections.
- This is, notably, irrespective of how long they have been living abroad.
- Once registered, an overseas American voter will receive a ballot paper by email, fax, or download, depending on the US state.
- This has to be returned the same way as received.

1.4 Personal Laws (Amendment) Bill, 2018 - Leprosy

Why in news?

- The Personal Laws (Amendment) Bill, 2018 was passed by the Parliament.
- Also, Supreme Court has been hearing a petition to uphold the rights of people with leprosy and the repeal of discriminatory laws.

What are the concerns?

- Over 110 Central and State laws discriminate against leprosy patients.
- Some of these colonial laws predate leprosy eradication programmes and medical advancements.
- These laws stigmatise and isolate leprosy patients and are coupled with age-old beliefs about leprosy.



- Now, modern medicine, especially multi-drug therapy, completely cures the disease.
- In independent India, the law has been an instrument for social change.
- Nevertheless, the process of removing the discrimination has been worryingly slow.
- Recent developments signals hope at removing discrimination in law and society against the leprosy-affected.
- One of them is the introduction of the Personal Laws (Amendment) Bill, 2018 in Parliament.

What is the Personal Laws (Amendment) Bill, 2018?

- The Personal Laws (Amendment) Bill, 2018, seeks to make a start in amending the outdated statutes.
- It attempts to end the discrimination against leprosy persons in various central laws:
 - i. the Divorce Act, 1869
 - ii. the Dissolution of Muslim Marriages Act, 1939
 - iii. the Special Marriage Act, 1954
 - iv. the Hindu Marriage Act, 1955
 - v. the Hindu Adoptions and Maintenance Act, 1956
- The Bill eliminates leprosy as a ground for dissolution of marriage or divorce.
- The amendments omit the provisions which stigmatise and discriminate against leprosy-affected persons.
- The Bill is meant to provide for the integration of leprosy patients into the mainstream.
- It was introduced keeping in view the UN General Assembly Resolution of 2010.
- It talks on elimination of discrimination against leprosy-affected persons and their family members.
- India has signed and ratified the Resolution.
- However, the Bill is only a small step in addressing the issues.

What are the other measures?

- The Lepers Act of 1898 was repealed only two years ago.
- Recently, the Supreme Court asked the Centre about bringing in a positive law.
- It relates to conferring rights and benefits on persons with leprosy.
- It also intends at deeming as repealed, all Acts and rules that perpetuate social stigma.
- An affirmative action law recognising their rights and benefits can serve a larger purpose.
- It may help remove misconceptions about the disease such as physical segregation of patients is necessary.
- Besides, the 256th Report of the Law Commission came up with a number of suggestions.
- It included the repeal of discriminatory legal provisions.
- It listed for abolition of personal laws and Acts on beggary.
- While governments may have to handle the legislative part, society has an even larger role to play.

1.5 Criminal Law (Amendment) Bill

Why in news?

The Criminal Law (Amendment) Bill, 2018 was passed by the Parliament.

What is Criminal Law (Amendment) bill?

- In April 2018, Union government promulgated the Criminal Law (Amendment) Ordinance providing for the death penalty for the rape of girls below age 12.
- Recently the Ordinance has been replaced by the Criminal Law (Amendment) Bill, 2018.
- It will amend relevant Sections of the IPC, CrPC and also POCSO Act.



- It enhances the minimum sentence for offence of rape against girl children of all three age categories (0-12, 12-16, 16-18).
- Under new law, if the victim is under 12 years of age, the culprit faces minimum sentence of 20 years, up from 10 years previously and the maximum punishment is death penalty.
- In the cases of Gang rape of child under 12, the minimum punishment is life sentence (earlier 20 years) while the maximum is death penalty.
- POSCO was gender-neutral while the new law pertains to girls specifically.
- Under this bill repeat offenders will be punished with life imprisonment or death.
- The Bill provides for time-bound investigation in cases of rape of girl children. The investigation into rape of a child must be completed within two months.
- The case is to be tried in a fast track court and any appeal against a sentence by the trial court must be disposed of within six months.
- Accused is not entitled to anticipatory bail, under new law, in offences of rape of child less than 16 years of age.

1.6 Positive Amendments to the Anti Corruption Law

What is the issue?

- The government got the amendments to the Prevention of Corruption Act, 1988 passed in both the houses of the parliament.
- In this context, criminalizing bribe-giving and time-bound trial are among the measures that will have immense positive implications.

What are the positives in the bill?

- **Bribe Giving** - While Bribe taking is a recognized crime, bribe giving isn't a crime under current law, which is a loophole.
- Introduction of this provision is in fulfillment of India's commitment under the UN Convention Against Corruption (UNCAC) ratified in 2011.
- Notably, it is currently difficult to penalize commercial organizations involved in corruption, when the supply side of corruption is not criminalized.
- If the current amendments are passed, the commercial organization shall be punished with fine, if any person associated with them bribes officials.
- **Gains** - A public servant can currently be held guilty even if actions haven't resulted in any personal benefits but have caused undue loss to the government.
- This clause is the most used one by CBI in booking cases against officials.
- This had generated a fear psychosis and was slowing down policy decisions.
- The amendment bill proposes to drop this provision to facilitate confidence among officials to take honest decisions without fear of prosecution.
- **Checks** - The new bill has diluted the power of investigating agencies to prosecute public servants, by mandating prior approval from higher ups.
- While this is a dilution, it has been deliberately introduced in favour of public servants in order to avoid undue harassment.
- Hence, no police officer can directly conduct any inquiry in future, against a serving or retired public servant regarding the official duties.
- Nonetheless, the approval-granting authority has to grant or reject the request within 3 months, and this can be challenged in court as well.
- Rightly, this provision has not been made applicable for cases involving arrest of the public servant caught red handed for taking a bribe.

- **Hearing Out** - While now, officials face a plenty of cases filed by the public against them, the new bill proposes to safeguard them from this harassment.
- It seeks to commission a mandatory hearing from the accused official before proceeding to start an investigation into the alleged complaint.
- **Confiscations** - Unfortunately, existing anti-corruption legislation does not have inherent provisions to seize properties of those guilty of corruption.
- In the new bill, a provision has been introduced for confiscation of money or property procured by illegal means, if the accused is pronounced guilty.

What are the challenges?

- **Specifics** - Some believe that these changes would give officials a free hand to cheat the public through the strong protections that are being built into it for them.
- Further, criminalization of bribe-giving could result in undue victimization of the public despite the clauses for protecting those coerced to give bribes.
- **General** - One of the hurdles connected with conviction of public servants is that trial of cases in a court of law takes many years for their conclusion.
- As there are a significant number of corruption cases pending for conclusion of trial, the new bill has sought daily hearing for anti-corruption cases.
- The bill also seeks to set a 4 year time limit for ending the hearing of the entire corruption case in order to convict/acquit a public servant in a short time.
- Further, as corruption has become systemic, wholesome systemic changes are needed to ensure that corruption is effectively curbed.

Prevention of Corruption (Amendment) Bill, 2018	Prevention of Corruption Act, 1988
It makes specific provisions related to giving a bribe to a public servant, and giving a bribe by a commercial organisation.	No specific provision for offence of giving a bribe, except as abetment.
Police officer cannot begin probe without prior approval of relevant authority or government except when caught red-handed.	No such provisions in the Act.
Sanction needed for prosecuting former officials for offences done while in office.	Sanction was required for serving officers only.
New section introduced for special court to confiscate property.	Not given under the act.
It redefines criminal misconduct to only cover misappropriation of property and possession of disproportionate assets.	Criminal misconduct cover circumstances where the public official: (i) uses illegal means, (ii) abuses his position, or (iii) disregards public interest and obtains a valuable thing or reward for himself or another person.

1.7 Protection of Human Rights (Amendment) Bill

Why in news?

The Protection of Human Rights (Amendment) Bill, 2018 was passed by the Parliament.

What are the key features?

- The Bill amends the Protection of Human Rights Act, 1993.
- The Act provides for a National Human Rights Commission (NHRC), State Human Rights Commissions (SHRC), as well as Human Rights Courts.
- **Composition** - Now, the chairperson of NHRC is to be a person who has been a Chief Justice of the Supreme Court.
- The Bill provides for the chairperson to be a person who has been Chief Justice of India, or a Judge of the Supreme Court.
- Similarly, for SHRC, a person who has been Chief Justice or Judge of a High Court can be the chairperson.
- The Act provides for two persons having knowledge of human rights to be appointed as members of the NHRC.
- The Bill amends this to allow three members to be appointed, of which at least one will be a woman.
- Also, the chairpersons of various commissions such as the National Commissions for Scheduled Castes, for Scheduled Tribes, and for Women are members of the NHRC.
- The Bill widens this to National Commissions for Backward Classes, for Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities.
- **Term of office** - Now, the chairperson and members of the NHRC and SHRC are to hold office for 5 years or till the age of 70 years, whichever is earlier.
- The Bill reduces this to 3 years or till the age of 70 years, whichever is earlier.
- The Bill also allows for the reappointment of chairpersons of the NHRC and SHRCs.
- **Powers** - Now, the Secretary-General of the NHRC and a Secretary of a SHRC exercise powers as may be delegated to them.
- The Bill amends this and allows the Secretary-General and Secretary to exercise all administrative and financial powers.
- This is, however, except the judicial functions, and also subject to the respective chairperson's control.
- **Union Territories** - The Bill provides for the central government to confer on a SHRC the human rights functions being discharged by Union Territories.
- Functions relating to human rights in the case of Delhi will be dealt by the NHRC.

NHRC

- In 1993, the UN General Assembly adopted the Paris Principles on Human Rights.
- This led to the constitution of national human rights institutions in almost every country.
- India's human rights agency, the NHRC draws its mandate from the Protection of Human Rights (PHR) Act 1993.
- The NHRC has witnessed many controversies since its formation.
- Every 5 years the NHRC has to undergo **accreditation** by an agency affiliated to the UN Human Rights Council (UNHCR).
- The Commission's compliance to the Paris Principles is ascertained in this process.
- Better the grade, higher the benefits; if India gets an A-status, the NHRC has some privileges.
- It can play a pivotal role in the decision-making processes of the UNHRC and other important international bodies.

What are the concerns with NHRC?

- **Selection Committee** - Tasked with appointing the chairperson and the members, the committee is dominated by the ruling party.
- It consists of the PM, home minister, Leaders of the Opposition in both houses, the Speaker and the Deputy-Chairman.
- There is thus a need to diversify the selection committee.
- **Process** - The selection process is ambiguous as the criteria to assess candidates is not specified.
- Very often, the government does not publicise vacancies in the Commission.
- As a result, appointments to the NHRC have, for long, been fraught with disputes.

- **Judiciary** - The strong representation of the judiciary in NHRC is said to create trustworthiness, especially in the eyes of the government.
- It has also often been defended on the ground that NHRC's work is quasi-judicial.
- However, this is pertinent to only one of the 10 functions of the NHRC, as described in the PHR Act.
- **Investigation** - Police officials investigating for the NHRC are sent on deputation by their forces.
- Their allegiance lies with their home cadre to which they return after their tenure at the Commission is over.
- This conflict of interest restricts the scope of their work.
- It's because they often are charged with investigating abuse of power by law enforcement personnel themselves.
- Adding officials of the Intelligence Bureau to the mix may not give desired results as
 - i. they are not answerable to anyone
 - ii. there is no parliamentary oversight on their functioning
 - iii. they do not owe financial accountability to the Comptroller and Auditor General
 - iv. they have often been accused of human rights violations themselves
- The NHRC does have powers to conduct its own investigation when the Centre or state government do not respond within the stipulated time.
- However, the Commission has rarely used this power.
- Besides these, there is long pendency of the Commission's requests for additional funds.

What could be done?

- Greater transparency in the selection process.
- Diversification through the inclusion of civil society members, including academicians with proven track record.
- Also, the NHRC urgently requires officers of its own to carry out independent investigations.

1.8 Unlawful Activities Prevention Amendment Bill, 2019

Why in news?

The Unlawful Activities Prevention Amendment Bill was recently passed in the Parliament.

What is the Bill on?

- The Bill amends the Unlawful Activities (Prevention) Act, 1967 (UAPA).
- The original Act dealt with "unlawful" acts related to secession; anti-terror provisions were introduced in 2004.
- It provides special procedures to deal with terrorist activities, among other things.
- **Concern** - There is widespread opposition to the amendments on the ground that it could be used to target dissent against the government.
- The provisions could potentially affect citizens' civil rights.

What are the key provisions in the Bill?

- **Definition** - Under the Act, the central government may designate an organisation as a terrorist organisation if it:
 - i. commits or participates in acts of terrorism
 - ii. prepares for terrorism
 - iii. promotes terrorism
 - iv. is otherwise involved in terrorism



- The Bill additionally empowers the government to designate individuals as terrorists on the same grounds.
- The word “terror” or “terrorist” is not defined.
- However, a “terrorist act” is defined as any act committed with the intent -
 - i. to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India
 - ii. to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country
- **Investigation by NIA** - Under the Act, investigation of cases may be conducted by officers of the rank of Deputy Superintendent or Assistant Commissioner of Police or above.
- The Bill additionally empowers the officers of the National Investigation Agency (NIA), of the rank of Inspector or above, to investigate cases.
- **Seizure of property by NIA** - Under the Act, an investigating officer can seize properties that may be connected with terrorism with prior approval of the Director General of Police.
- The amendment Bill, however, removes this requirement if the investigation is conducted by an officer of the NIA.
- The investigating officer, in that case, only requires sanction from the Director General of NIA.
- [Central agencies such as the CBI are required to obtain prior permission from the state government since law and order is a state subject under the Constitution.]
- **Insertion to schedule of treaties** - The Act defines terrorist acts to include acts committed within the scope of any of the treaties listed in a schedule to the Act.
- The Schedule lists 9 treaties, including -
 - i. the Convention for the Suppression of Terrorist Bombings (1997)
 - ii. the Convention against Taking of Hostages (1979)
- The Bill adds another treaty to the list, which is the International Convention for Suppression of Acts of Nuclear Terrorism (2005).
- **Designation** - The central government may designate an individual as a terrorist through a notification in the official gazette.
- His/her name is added to the schedule supplemented to the UAPA Bill.
- The government is not required to give an individual an opportunity to be heard before such a designation.
- At present, legally, a person is presumed to be innocent until proven guilty.
- In this line, an individual who is convicted in a terror case is legally referred to as a ‘terrorist’.
- And those suspected of being involved in terrorist activities are referred to as ‘terror accused’.
- The Bill does not clarify the standard of proof required to establish that an individual is involved or is likely to be involved in terrorist activities.
- **On designation** - The designation of an individual as a ‘global terrorist’ by the United Nations is associated with sanctions.
- The UAPA Bill, however, does not provide any such detail.
- The Bill also does not require the filing of cases or arresting individuals while designating them as terrorists.
- The consequences of the designation will be prescribed in the Rules supplemented to the law once the amendment Bill is passed.

How can the names be removed?

- **Application** - The Bill seeks to give the central government the power to remove a name from the schedule when an individual makes an application.
- The procedure for such an application and the process of decision-making will also be decided by the central government.



- If an application filed is rejected by the government, the Bill gives the person the right to seek a review within one month of rejection.
- **Review committee** - Under the amendment Bill, the central government will set up a review committee.
- It will consist of a chairperson (a retired or sitting judge of a High Court) and 3 other members.
- It will be empowered to order the government to delete the name of an individual from the schedule that lists “terrorists”, if it considers the order to be flawed.
- Apart from these two avenues, the individual can also move the courts challenging the government’s order.

1.9 Aadhaar Amendment Bill

Why in news?

The Aadhaar and Other Laws (Amendment) Bill, 2018 was recently passed by the Parliament.

What is the need?

- **Verdict** - The changes follow the recent Supreme Court’s verdict in regards with Aadhaar.
- It upheld Aadhaar but limited its use for only certain subsidies and schemes funded by the Consolidated Fund of India.
- The court disallowed private companies from asking for Aadhaar for authentication.
- The amendments now seek to work on some of the restrictions imposed by the court.
- **Regulation** - Over 122 crore Aadhaar numbers were issued over the period.
- So, given the widespread use of Aadhaar, it is essential to have a regulatory framework for its operation.
- Also, UIDAI needed to be empowered to take enforcement actions against errant entities.

What is the objective?

- The objective is to amend the laws relating to the use of Aadhaar and the powers of the Unique Identification Authority of India.
- The Bill seeks to amend at least 27 sections of three existing laws. These are:
 1. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016
 2. The Indian Telegraph Act, 1885
 3. The Prevention of Money Laundering Act, 2002

What are the major provisions?

- **Aadhaar for authentication** - The Aadhaar Act allowed for the state and any body corporate, Aadhaar-based authentications.
- But the SC had said that Aadhaar can only be sought for welfare schemes and subsidies mentioned in Section 7 of the Aadhaar Act.
- The amendments now say the central government can allow Aadhaar-based authentications, in consultation with the UIDAI.
- But this is only -
 1. if the entity is compliant with certain standards of privacy and security specified by the UIDAI
 2. if it is permitted by law
 3. for any purpose that the central government feels is in the interest of the state
- The changes to The Indian Telegraph Act and The Prevention of Money Laundering Act allow banks and telecom companies to use Aadhaar.
- But this is only in case if it is offered voluntarily by a person as a Know Your Customer (KYC) document or the only KYC document.
- But neither of the entities can make it mandatory.



- A person will have the choice to use any other valid document for KYC.
- The central government can, through a notification, allow a non-banking company too, if necessary, to perform such authentications.
- **Aadhaar for children** - The amendments say that at the time of enrolment the parents or guardians of the children would have to provide consent.
- They also allow for the children to apply for cancellation of their Aadhaar number within 6 months of achieving adulthood (18 years).
- **Complaints and penalties** - The original Act permitted only the UIDAI or officers authorised by it to make complaints in case of violations.
- With the amendments, individuals will be able to register complaints in certain cases.
- This can include impersonation, or if their Aadhaar information is disclosed without their consent.
- The amendments also give UIDAI the power to issue directions to entities in the Aadhaar ecosystem.
- The penalties to be decided by an adjudicating officer appointed by UIDAI for violations have been increased to a maximum of Rs 1 crore in certain cases.
- In case of a continuing failure, additional penalty may extend to ten lakh rupees for every day.
- The Telecom Disputes Settlement and Appellate Tribunal has been made the Appellate Tribunal for such cases.
- **Offline verification, voluntary use** - The Aadhaar Act only allowed Aadhaar to be used “subject to authentication”.
- It works when a person’s biometric information results in a positive match with the Central Identities Data Recovery information.
- This has now been changed to use it by authentication or even offline verification.
- The verification can be done “offline”, using a digitally signed copy of the Aadhaar card.
- This contains the person’s photograph, selected information and a QR code, but not the biometric information, and need not include the Aadhaar number.
- Also, people can use Aadhaar as an ID proof voluntarily, without having to authenticate.
- **UIDAI Fund** - Currently, the UIDAI deposits whatever revenue it collects in the Consolidated Fund of India.
- The amendments create a UIDAI Fund, which will now receive its revenues from fees, grants and charges.
- The revenue will be used for UIDAI’s expenses.
- **Other amendments** - In compliance with the SC's order, only High Courts (not district courts) can ask for disclosure of Aadhaar-related information.
- Only an officer of the rank of Secretary (not Joint Secretary, as earlier provisioned) can issue directions for such information in the “interest of national security”.
- The changes have made provisions for the use of virtual IDs to conceal the actual Aadhaar number of an individual.
- Section 57 of the Aadhaar Act relating to use of Aadhaar by private entities has been omitted, as it was struck down by the SC.

1.10 NIA (Amendment) Bill, 2019

Why in News?

The National Investigation Agency (Amendment) Bill, 2019 was passed by the Parliament.

What is NIA?

- The National Investigation Agency (NIA) was **set up in 2009** under the **NIA Act, 2008**.
- It was set up in the wake of the Mumbai terror attack.



- At present, NIA is functioning as the **Central Counter Terrorism Law Enforcement Agency** in India.
- It aims to be a thoroughly **professional investigative agency** matching the best international standards at the national level, by developing into a highly trained, partnership-oriented workforce.
- It aims to **discourage** the existing and potential terrorist groups/individuals.
- It aims to develop as a **storehouse of terrorist related information**.

What are the provisions of NIA act, 2008?

- **Type of offences** - NIA can investigate offences under Acts such as the Atomic Energy Act, 1962 and the Unlawful Activities Prevention Act, 1967.
- **NIA's jurisdiction** - For the offences under its purview, NIA officers have the same power as other police officers and these extend across the country.
- **Trial Courts** - The existing Act allows the Centre to constitute special courts for NIA's trials.

What are the changes in NIA (Amendment) Bill 2019?

- **Type of offences** that the NIA can investigate and prosecute is now expanded.
- This will enable NIA to additionally investigate offences related to human trafficking, counterfeit currency, manufacture or sale of prohibited arms, cyber-terrorism, and offences under the Explosive Substances Act, 1908.
- **NIA's jurisdiction** - The Bill gives NIA officers the power to investigate offences committed outside India. The Special Court in New Delhi will have jurisdiction over these cases.
- Its jurisdiction outside India will be subject to international treaties and domestic laws of other countries.
- **Special trial courts** can be designated by the Central government for the offences that come under NIA's purview or the "scheduled offences".
- The Bill enables the Centre to designate sessions courts as special courts.
- The Centre is required to consult the Chief Justice of the High Court under which the Sessions Court is functioning, before designating it.
- The state governments may also designate Sessions Courts as Special Courts for the trial of scheduled offences.

1.11 Draft Personal Data Protection Bill 2018

Why in news?

The draft personal data protection Bill 2018 was submitted by the Justice B.N. Srikrishna-headed expert panel.

What are the key provisions?

- The draft takes into account three aspects in terms of data - the citizens, the state and the industry.
- The draft bill notes that "the right to privacy is a fundamental right".
- It thus makes it necessary to protect personal data as an essential facet of informational privacy.
- **Data** - Critical personal data of Indian citizens should be processed in centres located within the country.
- Central government will notify categories of personal data that will be considered as critical.
- Other personal data may be transferred outside the territory of India with some conditions.
- However, at least one copy of the data will need to be stored in India.
- For data processors not present in India, the Act will apply to those carrying on business in India.
- It may also include other activities such as profiling which could cause privacy harms to data principals in India.
- 'Data principal' refers to the individual or the person providing their data.
- **Violation** - The draft also provides for penalties and compensation for violations of the data protection law.

- The penalty would be Rs.15 crore or 4% of the total worldwide turnover of any data collection/processing entity, for violating provisions.
- Failure to take prompt action on a data security breach can attract up to Rs.5 crore or 2% of turnover as a penalty.
- **Consent** - Processing of sensitive personal data should be on the basis of “explicit consent” of the data principal.
- The consent should be given before the commencement of the processing.
- The law will not have retrospective application.
- **Anonymisation** - It is the irreversible process of transforming personal data to a form in which a data principal cannot be identified.
- Notably, the provisions of the draft shall not apply to processing of anonymised data.
- However, anonymisation should meet the standards specified by the Authority.
- **Right to be forgotten** - The data principal will have the right to restrict or prevent continuing disclosure of personal data by a data processor.
- But the bill does not allow for a right of total erasure as the European Union does.
- Also, it gives a data processor considerable space in deciding on this ‘right to be forgotten.’
- The data holder may charge a reasonable fee to be paid for complying with such requests.
- **Implementation** - The law will come into force in a structured and phased manner.
- The draft has recommended setting up a Data Protection Authority to prevent misuse of personal information.
- The draft Bill also provides for setting up an Appellate Tribunal.

II. EDUCATION

1.12 Amendments to RTE Act

Why in news?

Lok Sabha has approved an amendment to the Right to Education (RTE) Act.

What is the amendment?

- The amendment has essentially scrapped the “no detention” policy.
- The provision ensured that no student could be held back/failed in a class until the end of elementary education i.e Standard 8th.
- The amendment calls for regular examination in classes V and VIII.
- If a child fails, there is a provision to give her/him additional opportunity to take a re-examination within 2 months.
- The amendment leaves it to states to decide whether to continue the no-detention policy.

What was the rationale?

- The government sees this as a move to rebuild our education system.
- It feels that even though the dropout rates under the existing system fell, no detention has led to falling standards of educational achievement.
- e.g Students in the age group of 14 to 18 struggled with foundational skills such as reading a text in their own language or solving a simple arithmetic division.

RTE Act

- RTE act mandates free and compulsory education for children between six and 14 years.
- The idea behind policy was to curb the sharp dropout rates in elementary education.
- Since it was argued that students drop out of school because of sheer demotivation when they fail in a class and that they should not be penalised for the failures of their teachers and lack of basic facilities in schools.

- It feels that this move would bring accountability among teachers in elementary education system and “real motivation” to students.

What are the limitations to this move?

- Any dilution of the RTE Act without sufficient thought will erode a major constitutional achievement.
- The Act guarantees and provides for the continued presence of the child in school during the formative learning phase.
- Thus, detention would weaken this significant, progressive feature of the RTE Act.
- NITI Aayog had also found that bringing back detention in elementary schooling would increase the dropout rate.
- This would impact the poor and Dalits the most, as they depend on government institutions.
- The concerns on learning outcomes are not just determined by a student’s effort.
- They are also dependent on the number and quality of teachers, processes for continuous assessment and active engagement of parents and the community in encouraging excellence.
- Other long-standing systemic limitations include poor teaching standards, inadequate infrastructure facilities, lack of monitoring mechanisms, skewed pupil-teacher ratio, etc.

1.13 Central Educational Institutions (Reservation in Teachers' Cadre) Bill

Why in news?

Central Educational Institutions (Reservations in Teachers' Cadre) Bill-2019 was passed by the Parliament.

What is the objective of the Bill?

- This Bill is to ensure reservations in teaching positions in central institutions for persons belonging to –
 - Scheduled Castes
 - Scheduled Tribes
 - socially and educationally backward classes
 - economically weaker sections
- According to the HRD Ministry, there are more than 7,000 teaching jobs lying vacant in central educational institutions.
- This Bill is aimed at filling those vacancies.
- It also serves the purpose of fulfilling the demands of people from the above sections, for their rights as mentioned in the Constitution.

What are the key provisions?

- **Coverage and exceptions** - The Bill will apply to ‘central educational institutions’ which include -
 1.
 - universities set up by Acts of Parliament
 - institutions deemed to be a university
 - institutions of national importance
 - institutions receiving aid from the central government
- However, it excludes certain institutions of excellence, research institutions, and institutions of national and strategic importance.
- E.g. Homi Bhabha National Institute, Tata Institute of Fundamental Research, Jawaharlal Nehru Centre for Advanced Scientific Research, etc.
- It also excludes minority education institutions.
- **Reservation of posts** - The Bill provides for reservation of posts in direct recruitment of teachers (out of the sanctioned strength).

- [Direct recruitment takes place by inviting applications from those eligible to teach in a Central institution, as against public advertisement.]
- For the purpose of such reservation, a central educational institution will be regarded as one unit.
- So, allocation of teaching posts for reserved categories would be done on the basis of all positions of the same level (such as assistant professor) across departments.
- [Under previous guidelines, each department was regarded as an individual unit for the purpose of reservation.]

What is the rationale?

- The High Court noted that institution-wise reservation would result in some departments having only reservation beneficiaries and others only those from the open category.
- While this is agreeable, having department as the unit too would mean that smaller faculties do not have any reservation.
- In this, it needs 14 posts to accommodate SC and ST candidates, as their turn would come only at the seventh and 14th vacancy.
- There may be no vacancies in many departments for many years, with none from the reserved categories for decades.
- So, the narrower basis (department-wise) would mean fewer aspirants from OBC and SC/ST sections being recruited as assistant professors.
- Instead, taking the institution as the unit would give more opportunities for these sections.
- In other words, in a wider pool of posts, the quotas of 27% for OBC, 15% for SC and 7.5% for ST could be effectively applied.

How will it benefit?

- According to the UGC's annual report for 2017-18, nearly two-thirds of assistant professors in Central universities are from the general category.
- Their representation would go up further, as the present Bill also applies the 10% quota for the economically weak among the general category.
- Given this, applying the court's department-wise roster norm would have deepened the sense of deprivation of the backward classes and SC/ST communities.
- In this light, the Bill provides a welcome relief for aspirants from the disadvantaged sections of society.
- Restoring the earlier system would serve a vital social purpose and ensure social justice in teachers' reservation.

1.14 Higher Education Commission of India Bill

Why in news?

The draft Higher Education Commission of India (HECI) Bill is now in the public domain.

What are the provisions?

- It proposes to replace the University Grants Commission (UGC) with a Higher Education Commission of India.
- This is to provide for more autonomy and facilitate holistic growth of this sector.
- The new commission will cover all fields of education.
- It proposes a clear separation between academic and grant-giving functions.
- Academic functions would be discharged by the HECI.
- The academic functions include
 - i. promoting the quality of instruction
 - ii. maintenance of academic standards

iii. fostering the autonomy of higher education institutions

- The HECI will be bestowed with comprehensive and overriding powers.
- This includes ordering the closure of institutions, in all academic and related matters.
- The grant-giving function will be by the Ministry of Human Resource Development (MHRD) directly.

What is the need?

- **Multiple regulators** - The regime of multiple regulators started in the mid-1980s.
- Various professional bodies also started asserting themselves as regulators from early 1990s.
- It marked a galloping growth of the education sector with the setting up of many private universities.
- Multiple bodies in addition to the existing ones came in to cope with the increasing complexity.
- E.g. UGC, All India Council for Technical Education, professional bodies like the Bar Council of India and Council of Architecture.
- **Quality** - The heavy hands of multiple regulators have not yielded the desired dividends.
- Uneven and deteriorating standards in the quality of student output was witnessed.
- This was against the requirements of the job market.
- It is in this context that the need for a single regulatory body arose.

III. HEALTH

1.15 HIV and AIDS (Prevention and Control) Act

Why in news?

The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act came into force recently.

How does it evolve?

- India has the third largest HIV-infected population with an estimated 2 million people.
- The country aims to decrease new infections by 75% between 2010 and 2020 and eliminate AIDS by 2030.
- India is a signatory to the Declaration of Commitment on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (2001).
- The Declaration aims to secure a global commitment to enhancing coordination and intensification of national, regional and international efforts to combat it in a comprehensive manner.
- The act makes it a legal obligation to protect the privacy of persons with HIV and AIDS.

What are the provisions?

- **Prohibition** - The Act lists various grounds on which discrimination against persons with HIV is prohibited.
- These include the denial or discontinuation with regard to employment, educational establishments, health-care services, standing for public or private office and insurance.
- It removes HIV testing as a pre-requisite for obtaining employment or accessing health care or education.
- **Right to reside** - It prohibits isolation or segregation of an HIV-positive person.
- Every HIV-positive person, especially minors, has the right to reside in a shared household and use facilities in a non-discriminatory manner.
- It also bars individuals from publishing information or advocating feelings of hatred against HIV positive persons and those living with them.
- **Consent** - No HIV-affected person can be subject to medical treatment, medical interventions or research without informed consent.
- However, informed consent does not include screening by licensed blood banks and medical research that are not meant to determine the said person's HIV status.

- No HIV positive woman, who is pregnant, can be subjected to sterilisation or abortion without her consent.
- **Disclosure** - No person is compelled to disclose his HIV status except by an order of the court.
- A breach of violation attracts a jail sentence of up to two years or a fine of up to Rs 1 lakh, or both.
- **Obligation** - Every establishment is obligated to keep HIV-related information protected.
- The state and Centre must make anti-retroviral therapy and opportunistic infection management available to all HIV-infected people, and ensure wide dissemination of the same.
- Every HIV-positive person is compelled to take reasonable precautions to prevent the transmission of HIV to other persons.
- **Enquiry** - Every state has to appoint one or more Ombudsmen to inquire into violations of the provisions of the Act.
- Failing to comply with the orders of the Ombudsman attracts a penalty of up to Rs 10,000.
- Also, any court cases involving an individual affected with HIV/AIDS is subject to strict protection of individual identity.
- This includes restricting cameras in courtrooms if needed.

1.16 Indian Medical Council (Amendment) bill, 2018

Why in news?

The Indian Medical Council (Amendment) bill, 2018 was recently passed by the Parliament.

What are the provisions?

- It amends the Indian Medical Council Act, 1956 which set up the MCI that regulates medical education and practice.
- The Ordinance provides for the supersession of the MCI for a period of 1 year.
- In the interim period, the central government will constitute a 7-member Board of Governors (BoG).
- The powers of the Council have been vested in the BoG led by NITI Aayog Member Dr. V.K. Paul.
- The BoG will continue to perform till an alternative comes into place as per the legal provisions in one year time.

How did it evolve?

- **Parliamentary Committee** - There were some serious concerns with the functioning of the MCI.
- A 2016 Parliamentary Standing committee report noted that mere incremental alterations to MCI would not give the expected results.
- **Supreme Court** - In May 2016, the Supreme Court had set up a three-member oversight committee.
- With one year tenure, the committee, headed by former Chief Justice of India RM Lodha, was to guide the MCI in its functioning.
- The Lodha oversight committee, at the end of its term, submitted a report.
- It detailed how the MCI openly defied the oversight committee's directives.
- Despite this, the Centre, instead of scrapping the MCI, in July 2017, proposed setting up a new oversight committee to the SC.
- In July 2018, this oversight committee members resigned, citing noncompliance of their instructions by the MCI.
- **Bill** - The government introduced the National Medical Commission (NMC) Bill, 2017, in the Lok Sabha, in December, 2017.
- This Bill, to replace the MCI with a National Medical Commission, is pending in Parliament.
- Given all these, the government is now forced to issue the ordinance.



1.17 DNA Regulation Bill

Why in news?

The Cabinet has cleared the DNA Technology (Use and Application) Regulation Bill, 2018 once again, for its re introduction in Parliament.

What is the need?

- To create a **regulatory framework for obtaining, storing and testing of DNA samples** of human beings, mainly for the purposes of **criminal investigations**.
- The proposed law seeks to bring in a **supervisory structure** so that the DNA technology is not misused.

What are the provisions of the Bill?

- The Bill regulates the use of DNA technology for **establishing the identity of persons** in respect of matters listed in a Schedule. These include,
 1. Criminal matters (offences under the IPC, 1860)
 2. Civil matters (parentage disputes, transplantation of human organs etc).
- The Bill **establishes National and Regional DNA Data Banks**. Every Data Bank will maintain the following indices:
 1. crime scene index
 2. suspects' or undertrials' index,
 3. offenders' index
 4. missing persons' index, and
 5. unknown deceased persons' index.
- It **establishes a DNA Regulatory Board**. Every DNA laboratory that analyses a DNA sample to establish the identity of an individual, has to be accredited by the Board.
- **Written consent is required** from individuals to collect DNA samples from them.
- **Consent is not required** for offences with punishment of more than 7 years of imprisonment or death.
- It also provides for the **removal of DNA profiles** of suspects on filing of a police report or court order, and of undertrials on the basis of a court order.
- Profiles in the crime scene and missing persons' index will be removed on a written request.

What are all the issues with this bill?

- **Clarity** - The Schedule lists civil matters where DNA profiling can be used. This includes issues relating to establishment of individual identity.
- So, it is unclear if it intends to regulate the medical or research laboratories where the DNA testing is carried out.
- **Consent** - The Bill hasn't specified for any requirement of the consent of the individual when DNA profiling is used in civil matters.
- **Privacy** - DNA laboratories are required to share DNA data with the Data Banks.
- It is unclear whether DNA profiles for civil matters will also be stored in the Data Banks which may violate the right to privacy.
- **Removal** - The Bill specifies the process by which DNA profiles may be removed from the Data Banks.
- However, the Bill does not require DNA laboratories to remove DNA profiles.

1.18 National Medical Commission (NMC) Bill

Why in news?

The National Medical Commission (NMC) Bill was recently introduced in the Lok Sabha.

What is the Bill about?

- Once the NMC Bill is enacted, the Indian Medical Council Act, 1956, will stand repealed.
- The existing Act provides for the Medical Council of India (MCI), which is the medical education regulator in India.
- An earlier version of this Bill was introduced in the last Lok Sabha.
- It had passed the scrutiny of the Parliamentary Standing Committee on Health and Family Welfare.
- However, that Bill lapsed at the end of the term of the last Lok Sabha.
- The present Bill has made some changes to the earlier version.

What are the shortfalls with MCI?

- The MCI is primarily intended to producing competent doctors, ensure adherence to medical education quality standards, etc.
- The Parliamentary Standing Committee on Health and Family Welfare examined the functioning of the MCI in its 92nd report (in 2016).
- It noted that the MCI has repeatedly been found short of fulfilling its mandated responsibilities.
- Resultantly, the quality of medical education in India is at its lowest ebb.
- The current medical education model is not producing the right type of health professionals that meet the basic health needs.
- This is because medical education and curricula are not integrated with the needs of the country's health system.
- Those coming out of medical colleges are ill-prepared to serve in poor resource settings like Primary Health Centre and even at the district level.
- Medical graduates lack competence in performing basic health care tasks like conducting normal deliveries.
- Consequently, instances of unethical practice continue to grow and the respect for the profession has diminished.
- Besides these, inefficient individuals have been able to make it to the MCI.
- But, the Ministry is not empowered to remove or sanction a Member of the Council even if s/he has been proved corrupt.

What are the key provisions of the Bill?

- **NMC** - The Bill provides for the constitution of a 25-member NMC to replace the MCI.
- The members will be selected by a search committee headed by the Cabinet Secretary.
- **Advisory Council** - A medical advisory council will advise and make recommendations to the NMC.
- It will include -
 1. one member representing each state and Union Territory (vice-chancellors in both cases)
 2. chairman of the University Grants Commission
 3. director of the National Accreditation and Assessment Council
- **Autonomous boards** - According to the proposed legislation, NMC will have four autonomous boards to regulate the sector.
- These are:
 1. Undergraduate Medical Education Board
 2. Postgraduate Medical Education Board
 3. Medical Assessment and Rating Board
 4. Ethical and Medical Registration Board

- The structure is in accordance with the recommendations of the Group of Experts headed by Ranjit Roy Chaudhury.
- It was set up by the Union Health Ministry to study the norms for the establishment of medical colleges.
- **Test** - The Bill provides for just one medical entrance test across the country, the National Exit Test (NEXT).
- The NEXT would serve as -
 1. the final MBBS exam, which will work as a licentiate examination
 2. the screening test for foreign medical graduates
 3. the screening test for admission to PG medical courses
- [NEXT is different from the NEET which is to be taken before joining UG course.]
- **Fees** - The Bill proposes to regulate the fees and other charges of 50% of the total seats in private medical colleges and deemed universities.
- **Regulation** - The Bill marks a radical change in regulatory philosophy.
- Under the NMC regime, medical colleges will need permission only once - for establishment and recognition.
- There will be no need for annual renewal.
- Also, colleges would be free to increase the number of seats on their own, subject to the present cap of 250.
- They would also be able to start postgraduate courses on their own.
- Fines for violations, however, are steep at 1.5 times to 10 times the total annual fee charged.

What are the key changes in the 2019 Bill?

- There are two key changes, following the recommendations of the Parliamentary Standing Committee on Health and Family Welfare.
- One, the Bill has dropped a separate exit examination.
- Two, it has dropped the provision on a bridge course.
- [It allowed for AYUSH (Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy) practitioners to prescribe allopathy medicines after a bridge course.]
- Besides, the Bill has also removed the exemption hitherto given to Central institutions, the AIIMS and JIPMER, from NEET for admission to MBBS and allied courses.
- Notably, there was resentment and a charge of elitism at the exclusion of some institutions from an exam that aimed at standardizing testing.

What lies ahead?

- It is crucial now for the Centre to work amicably with States, and the Indian Medical Association, which is opposed to the Bill.
- At any cost, it must avoid the creation of rigid roadblocks as happened with NEET in some States.

IV. SOCIAL JUSTICE

1.19 Anti-Trafficking Bill, 2018

Why in news?

Lok Sabha recently passed the “Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill”, 2018.

What does the bill propose?

- The Bill lays down a stringent punishment of “from 10 years up to life imprisonment” for aggravated forms of trafficking.
- Trading of persons for ‘bonded labour’ or ‘bearing a child’, or administering harmful substances to the trafficked could attract severe punishment.



- The Bill proposes establishing a National Anti-Trafficking Bureau (NATB) for coordinating, monitoring and surveillance of trafficking cases.
- It also provides for a Relief and Rehabilitation Committee (RRC) and Rehabilitation Fund (RF) with an initial allocation of Rs. 10 crore.
- Further, it prescribes forfeiture of property used or likely to be used for the commission of an offence.

What are differing views?

- **Government** - Trafficking is a borderless crime but investigative exercises are constrained by jurisdiction, thereby making it hard for law enforcement.
- Hence, according to the government, the proposed National Anti-Trafficking Bureau (NATB) will help in effectively addressing this.
- **Opposition** - Opposition members raised questions about the provisions for confiscation of properties, which they felt was likely to be misused.
- The need for community-based rehabilitation for trafficking survivors as had been laid down by a Supreme Court (for sex workers) was also highlighted.
- It was also felt that the proposed bill is conflating trafficking with sex work and might result in the harassment of sex workers who willingly engage in the job.
- As there were provisions of the bill that might be misused to harass transgender persons, specific protection for them was sought.

1.20 Restoration of SC/ST (PoA) Act Provisions

Why in news?

Centre has decided to restore the original provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as a response to an earlier verdict of Supreme Court on the Act.

What was the court's verdict?

- The Supreme Court in a recent verdict had struck down some original provisions of the Act.
- It issued some guidelines to protect people against arbitrary arrests under the Act.
- It directed that public servants could be arrested only with the written permission of their appointing authority.
- In the case of private employees, the Senior Superintendent of Police concerned should allow it.
- A preliminary inquiry should be conducted before the First Information Report (FIR) was registered.
- This was to check if the case fell within the ambit of the Act, and whether it was frivolous or motivated.

What was the response?

- The verdict faced sharp criticism from Dalit leaders across the country and political parties.
- Dalit groups claimed that the court's order diluted the true spirit of the law.
- Despite widespread opposition, the court refused to stay its ruling.
- So dalit groups demanded an ordinance or an Amendment Bill to restore the provisions.
- Following widespread protest, the Union Cabinet had given its nod to the Amendment Bill.

What does the Bill aim for?

- The Amendment Bill seeks to insert three new clauses after Section 18 of the original Act.
 1. preliminary enquiry shall not be required for registration of an FIR against any person
 2. arrest of a person accused of having committed an offence under the Act would not require any approval
 3. provisions of Code of Criminal Procedure on anticipatory bail shall not apply to a case under this Act, "notwithstanding any judgment or order of any Court"



- The Centre's decision to amend the provisions of the Act appears both reasonable and unavoidable at this juncture.

1.21 Striking Down of Beggary Act

Why in news?

- Delhi High Court has struck down as unconstitutional, certain sections of Bombay Prevention of Beggary Act, 1959, as extended to Delhi.

What is the Act about?

- There is no any central Act in India on beggary.
- Hence many states and Union Territories have used the Bombay Prevention of Beggary Act, 1959 as the basis for their own laws.
- The objective was to keep the streets of then Bombay clear of the destitute, leprosy patients or the mentally ill.
- It was formulated with the hope that they could be sent into institutions.

What are the contentious provisions?

- The Act, essentially, criminalises begging.
- It gives police the power to arrest individuals without a warrant.
- It gives magistrates the power to commit them to a “certified institution” (a detention centre).
- Detention could be up to 3 years on the commission of the first “offence”, and up to 10 years upon the second “offence”.
- Their privacy and dignity is ignored by compelling them to allow themselves to be fingerprinted.
- It authorises the detention of people “dependant” upon the “beggar” (read as family) and separation of children over the age of 5.
- Certified institutions have absolute power over detainees.
- This includes the power of punishment, and the power to exact “manual work”.
- Disobeying the rules of the institution can land an individual in jail.
- There were concerns that the Act was violating the fundamental rights of the citizen.
- The Delhi HC order is the first in the country to strike down provisions of the 1959 Act.

What is the Court's order and observations?

- It essentially decriminalised beggary.
- Among the 25 provisions struck down are those:
 - i. permitting the arrest, without a warrant, any person found begging
 - ii. taking the person to court
 - iii. conducting a summary inquiry
 - iv. detaining the person for up to 10 years
- The court has not struck down provisions that do not treat beggary per se as an offence.
- It has also not struck down a Section that deals with penalty for employing or causing persons to beg.
- This addresses forced begging or “begging rackets”, which are used to justify retaining the Act.
- Activists advocating repeal of the Act, however, say that these can be dealt with existing provisions in the Indian Penal Code.
- **Observations** - The Bench held that the Begging Act violated Article 14 and Article 21 of the Constitution.
- The government argued that it did not intend to criminalise “involuntary” begging.

- Court, however, noted that the definition of begging under the Act made no such distinction and therefore entirely arbitrary.
- It also held that under Art 21, it was the State's responsibility to provide the basic necessities for survival to all its citizens.
- It stressed that poverty was the result of the state's inability or unwillingness to discharge these obligations.
- Therefore, the state could not criminalise the most visible and public manifestation of its own failures.

What are the alternatives?

- **Bill** - The Centre made an attempt at repealing the Act through the Persons in Destitution (Protection, Care and Rehabilitation) Model Bill, 2016.
- It had provisions including doing away with the Beggary Act and some provisions also allowed detention.
- It also proposes rehabilitation centres for the destitute in each district.
- But the discussion on the Bill was halted in 2016.
- **Bihar model** - Bihar government has the Mukhyamantri Bhikshavriti Nivaran Yojana in place.
- Under this, instead of detaining persons under the Act, open homes were set up.
- Through this, community outreach for destitute persons was put in place.
- Now, rehabilitation centres have been set up, with facilities for treatment, family reintegration and vocational training.

1.22 Significance of NCBC Bill

Why in news?

The Parliament unanimously passed the Bill for constitutional status to the National Commission for Backward Classes.

What is NCBC?

- NCBC is a body set up under the National Commission for Backward Classes Act, 1993.
- It has the power to examine complaints regarding inclusion or exclusion of groups within the list of backward classes, and advise the central government in this regard.
- The central and state governments will be required to consult with the NCBC on all major policy matters affecting the socially and educationally backward classes.

What is NCBC bill?

- The Constitution (123rd Amendment) Bill, 2017 was passed in Lok Sabha, seeks to grant the National Commission on Backward Classes (NCBC) constitutional status.
- This at par with the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes.
- Currently, under the Constitution the NCSC has the power to look into complaints and welfare measures with regard to Scheduled Castes, backward classes and Anglo-Indians.
- The Bill seeks to remove the power of the NCSC to examine matters related to backward classes.

What is the significance of this bill?

- The Bill seeks to establish the NCBC under the Constitution, and provide it the authority to examine complaints and welfare measures regarding socially and educationally backward classes.
- The Constitution Amendment Bill states that the President may specify the socially and educationally backward classes in the various states and union territories.
- He may do this in consultation with the Governor of the concerned state, however a law of Parliament will be required if the list of backward classes is to be amended.
- The NCBC will comprise of five members appointed by the President, their tenure and conditions of service will also be decided by the President through rules.



- The duties of the NCBC will include:
 1. Investigating and monitoring how safeguards provided to the backward classes under the Constitution and other laws are being implemented.
 2. Inquiring into specific complaints regarding violation of rights.
 3. Advising and making recommendations on socio-economic development of such classes.
- Under the Constitution Amendment Bill, the NCBC will have the powers of a civil court while investigating or inquiring into any complaints.
- These powers include - Summoning people and examining them on oath, requiring production of any document or public record and receiving evidence.

1.23 Muslim Women Bill, 2018

Why in news?

The triple talaq bill was recently passed by the parliament.

What are the key changes in 2018 Bill?

- The Bill makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal.
- Definition of talaq includes talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce.
- **Offence and penalty** - The Bill makes declaration of talaq a cognizable offence.
- It could attract up to 3 years imprisonment with a fine.
- [A cognizable offence is one for which a police officer may arrest an accused person without warrant.]
- The offence will be cognizable only if information relating to the offence is given by -
 1. the married woman (against whom talaq has been declared), or
 2. any person related to her by blood or marriage
- **Bail** - The Bill provides that the Magistrate may grant bail to the accused.
- The bail may be granted only after hearing the woman.
- The Magistrate has to be satisfied that there are reasonable grounds for granting bail.
- **Compounding** - The offence may be compounded by the Magistrate upon the request of the woman.
- Compounding refers to the procedure where the two sides agree to stop legal proceedings, and settle the dispute.
- The terms and conditions of the compounding of the offence will be determined by the Magistrate.
- **Allowance** - The woman is entitled to seek subsistence allowance from her husband for herself and for her dependent children.
- The amount of the allowance will be determined by the Magistrate.
- **Custody** - The woman is entitled to seek custody of her minor children.

What are the concerns?

- Contrary to the intent of the legislation, it would weaken the position of Muslim women.
- The question over the need for a law when the five-judge Supreme Court Bench had outlawed the practice remains unanswered.
- The Bill stipulates a three-year prison sentence and a fine. It is unclear why a civil contract should carry a criminal penalty.
- The original Bill stated that the offence would be non-bailable, which has been reduced to a bailable offence in the latest version.

- The woman is entitled to receive from her husband a subsistence allowance for her and her dependent children.
- Expecting a man, who is incarcerated for 3 years and with less chance to earn a livelihood, to pay allowance is illogical.

1.24 Transgender Persons (Protection of Rights) Bill, 2019

Why in News?

The Transgender Persons (Protection of Rights) Bill, 2019 was introduced in Lok Sabha by the Minister for Social Justice and Empowerment.

What is the bill about?

- It provides for recognition of identity of transgender persons, prohibition against discrimination, welfare measures by the Government, obligation of establishments and other persons, education, social security and health of transgender persons.
- It also provides for setting up of National Council for transgender persons.

What is the definition?

- As per the bill, a transgender person is one whose **gender does not match the gender assigned at birth**.
- It includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities.
- **Intersex variations** are defined to mean a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes, or hormones from the normative standard of male or female body.

What are the provisions of the bill?

- The Bill **prohibits the discrimination** against a transgender person, including denial of service or unfair treatment in relation to:
 1. **Education:** Educational institutions funded or recognised by the relevant government shall provide inclusive education, sports and recreational facilities.
 2. **Employment:** No government or private entity can discriminate in employment (recruitment and promotion). Every establishment should have a complaint officer to deal with their complaints.
 3. **Healthcare:** The government must take steps to provide health facilities to them. It shall review medical curriculum to address their health issues and provide medical insurance schemes for them.
 4. **Access to or enjoyment of** goods, facilities, opportunities available to the public.
 5. **Right to movement.**
 6. **Right to reside, rent, or otherwise occupy property:** If the immediate family is unable to care for them, the person may be placed in a rehabilitation centre (on the orders of the court).
 7. **Opportunity to hold public or private office;**
 8. **Access to a government or private establishment** in whose care or custody a transgender person is.

How to get a Certificate of identity for a transgender person?

- A person may make an **application to the District Magistrate** for a certificate of identity, indicating the gender as 'transgender'.
- A revised certificate may be obtained only if the individual undergoes surgery to change their gender either as a male or a female.

What welfare measures do the government needs to take?

- The relevant government will take measures to ensure the **full inclusion and participation** of transgender persons in society.
- It must take steps for their rescue and rehabilitation, vocational training and self-employment, create schemes that are transgender sensitive, and promote their participation in cultural activities.



What are considered as Offences and their penalties?

- The offences against transgender persons include,
 1. Forced or bonded labour (excluding compulsory government service for public purposes),
 2. Denial of use of public places,
 3. Removal from household, and village,
 4. Physical, sexual, verbal, emotional or economic abuse.
- The penalties vary between six months and two years, and a fine.

What is the National Council for Transgender persons (NCT)?

- **Composition of NCT:**
 1. Chairperson - Union Minister for Social Justice.
 2. Vice - Chairperson - Minister of State for Social Justice.
 3. Secretary of the Ministry of Social Justice.
 4. One representative from ministries including Health, Home Affairs, and Human Resources Development.
 5. Other members - Representatives of the NITI Aayog, and the National Human Rights Commission.
- State governments will also be represented.
- The Council will also consist of 5 members from the transgender community and 5 experts from non-governmental organisations (NGOs).
- **Functions of the Council:**
 1. It will advise the central government.
 2. It will monitor the impact of policies, legislation and projects with respect to transgender persons.
 3. It will also redress the grievances of transgender persons.

1.25 The Surrogacy (Regulation) Bill, 2019

Why in News?

The Surrogacy (Regulation) Bill, 2019 was recently passed by the Lok Sabha.

How does it regulate surrogacy?

- It prohibits commercial surrogacy but allows altruistic surrogacy.
- **Altruistic surrogacy** - No monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during the pregnancy.
- **Commercial surrogacy** - Monetary benefit or reward exceeding the basic medical expenses and insurance coverage will be given to the surrogate mother.
- Surrogacy clinics must apply for registration within a period of 60 days from the date of appointment of the appropriate authority.

When is surrogacy permitted?

- When the intending couples suffer from proven infertility.
- When Altruistic and not commercial.
- When Children are not produced for sale, prostitution or other forms of exploitation.
- For any condition or disease specified through regulations.

What are the eligibility criteria for the intending couple?

- They should have 'certificate of essentiality' and a 'certificate of eligibility' issued by the appropriate authority.
- **Certificate of essentiality** –



1. A certificate of proven infertility of one or both of the couple from a District Medical Board;
 2. An order of parentage and custody of the surrogate child passed by a Magistrate's court;
 3. Insurance coverage for a period of 16 months covering postpartum delivery complications for the surrogate.
- **Certificate of eligibility** –
 1. They must be Indian citizens and married for at least 5 years;
 2. Wife - 23 to 50 years old and Husband - 26 to 55 years old;
 3. They do not have any surviving child (biological, adopted or surrogate).

What are the eligibility criteria for surrogate mother?

- She should get a **certificate of eligibility** from the appropriate authority, the surrogate mother has to be:
 1. A 25 to 35 years old married woman with a child of her own, who is a close relative of the intending couple.
 2. Can surrogate only once in her lifetime.
 3. Should possess a certificate of medical and psychological fitness for surrogacy.
 4. She cannot provide her own gametes for surrogacy.

What are National and State Surrogacy Boards?

- **Central governments** shall constitute the National Surrogacy Board (NSB) and by **state governments** the State Surrogacy Boards (SSB).
- **Functions** of the NSB include advising the Centre on policy matters, laying down the code of conduct of surrogacy clinics and supervising the SSBs.

What are the other procedures?

- A child born out of a surrogacy procedure will be deemed to be the **biological child of the intending couple**.
- An abortion requires the written consent of the surrogate mother and the authorisation of the appropriate authority, compliant with the **Medical Termination of Pregnancy Act, 1971**.
- The surrogate mother will have an option to withdraw from surrogacy before the embryo is implanted in her womb.

What are the offences and penalties?

- The offences under the Bill include:
 1. Undertaking or advertising commercial surrogacy;
 2. Exploiting the surrogate mother;
 3. Abandoning, exploiting or disowning a surrogate child;
 4. Selling or importing human embryo or gametes for surrogacy.
- The penalty for such offences is imprisonment up to 10 years and a fine up to 10 lakh rupees.

What are the problems in the bill?

- It did **not talk about NRIs** who are abroad, who may want to come back home to have a baby.
- It **leaves out** unmarried couples who want to have a baby through surrogacy, and gay couples, single men and single women who want to have a baby through IVF.
- It allows **only altruistic surrogacy**. This provision is very problematic as it has failed in many other countries.
- The surrogate mothers are doing an admirable job but they needn't put their life on hold for it and they **can be paid** for it.

Will the bill manage to ensure a fair and just process?

- Sometimes, the surrogates were thoroughly **exploited** by the agents, the middlemen, etc.,

- There should be a **contract signed** between the surrogates and the commissioning parents.
- It should include details of the payment, insurance coverage, and give an assurance that the mothers will be treated properly.
- As it is a means of livelihood for the surrogates, they are mostly not very attached to the babies they are carrying.

Have all points of view been represented in the bill?

- The **public should have a say** about the bill through public debates all over the country.
- This may include couples with infertility problems; transgender people, single women, divorced women, and widows' views.
- A woman has the right to privacy when she makes her choice about reproduction. So, this has to be incorporated into the bill.

What needs to be done further?

- We need a law, but passing the Surrogacy Bill without looking at the whole process will be a disaster.
- The whole Bill should be drafted again with taking into consideration the **physical and emotional factors** at stake.
- Meanwhile, there are many people who don't know whether they can hire a surrogate or not. They should be made **aware**.
- There should be some solution given to people who have already hired surrogates.
- The government had banned surrogacy for foreigners, but some had already put their embryos in deep freeze here.
- They asked for the embryos to be returned but the government said there can be no export and import of embryos any more.
- We cannot put them in jeopardy at the last moment; they should be given enough consideration.

1.26 Punjab's Blasphemy Bill

What is the issue?

- Punjab Cabinet recently decided to amend the law to make acts of "sacrilege against the religious books" punishable with life imprisonment.
- This move is regressive, excessive, and fraught with undesirable consequences.

What is the context?

- The Punjab assembly had passed a bill in 2016 for protecting the "Guru Granth Sahib" (holy book of the Sikhs) against sacrilege acts.
- The Centre had then returned the Bills, saying that protecting the holy book of only one religion would make it discriminatory and anti-secular.
- Notably, prior permission of the Central or State government is needed to prosecute someone under such sections.
- Hence, currently, the same bill has been cleared with slight amendments to cover other religious books like the "Bible, Koran and Bhagvad Gita".
- The bill, if passed, will strengthen the existing 'blasphemy law' which criminalises acts that outrage religious feeling.

What are the problems with the bill?

- **Populism** - The 2016 bill was piloted by the Shiromani Akali Dal government following allegations of desecration of the holy book.
- Back then, opposition to the Bill was then limited to the question whether holy books of other religions did not warrant the same protection.

- The bill was a clear case of pandering to religious sentiments for political populism, and there was little concern for the long term implications.
- Considering the tenets of the bill, it may also set off a needless flurry of legislation in the rest of India to pander to different groups.
- Notably, existing provisions under the “Indian Penal Code” itself is sufficiently strong to protect the sanctity of religious symbols and sentiments.
- **Disproportionate** – Present Blasphemy Laws (to protect religious faith) already provide for a 3 year jail term for disrespecting religious symbols.
- But the current bill’s proposal for enhancing the punishment to a “life term” is a little excessive and problematic.
- **Intention** - Blasphemy laws are largely aimed at preserving public order that might get disturbed by actions that flare up religious sentiments.
- While the sanctity of the religion is indeed important, a secular state works not to preserve religion but to preserve law and individual freedoms.
- In this context, actions perpetrated with the deliberate and malicious intention of outraging religious feelings and stir passions is to be curtailed.
- Hence, while laws need to be a minimum safeguard and limited in scope, the current proposal seeks to appease religious groups disproportionately.

1.27 Habitual Offenders Act

What is the issue?

The continuing stigmatisation of the Denotified Tribes (DNT) in India calls for the repeal of the Habitual Offenders Act.

How were DNT dealt?

- The state-sanctioned stigmatisation of the DNTs in India under British rule was very evident.
- The CTA allowed for close supervision and control over the mobility of the tribes notified by the provincial governments.
- The Act was amended in 1897, 1908 and 1911 to give sweeping powers to the authorities.
- This included some draconian powers as allowing the state to remove any child of age six and above from its ‘criminal’ parents.
- By 1924, certain provisions were amended, and the Act was finally applicable to the whole of British India.
- Along with the introduction of laws such as Forest Acts and Salt Tax Act, the British placed stringent regulations on the DNTs.

Denotified Tribes

- The term, ‘De-notified and Nomadic Tribes’, can be traced to the Criminal Tribes Act (CTA) of 1871.
- The colonial government notified nearly 200 tribal communities to be hereditary criminals.
- This fixed their societal identity as outcasts and subjected them to constant harassment by the administration.
- After Independence, these tribes were ‘de-notified’ from the list of Criminal Tribes, and, hence, the term Denotified Tribes (DNT)

What is the Habitual Offenders Act?

- In independent India, the need was felt to shift the collective burden of criminality to the individual.
- This led to the CTA being repealed and the Habitual Offenders Act (HOA) being enacted in various States.
- Currently, a variant of the HOA Model Bill as proposed by the Union Government, stands enforced in 10 States.

How are the DNTs at present?

- The Habitual Offenders Act (HOA) functioned as a mere extension of the Criminal Tribes Act (CTA).
- Fifteen crore individuals, better known as the Denotified Tribes (DNT) of India, continue to be considered ‘criminal by birth’.

- Certainly, the mere repeal of the CTA could not change the mindset of government officials or members of society.
- Nomadic and semi-nomadic communities continued to face harassment at the hands of law enforcement agencies and ostracisation by society at large.
- Given their centuries-old tradition of constant movement, they often do not possess any residential proof.
- This leaves them out of the majority of the government's developmental schemes.
- Those deemed eligible for such schemes were randomly grouped under the Scheduled Castes, Scheduled Tribes or Other Backward Classes categories.
- As a result, most members of the DNTs continue to be out of the orbit of steps being taken to end discrimination.

What were the measures taken?

- The first National Commission for Denotified, Nomadic and Semi-nomadic Tribes (NCDNT) was constituted in 2003.
- It was reconstituted two years later under the chairpersonship of Balkrishna Renke, which submitted its report in 2008.
- The NCDNT report clearly recommends repealing the various HOAs.
- The recommendations found an echo in the Idate Commission, constituted with the similar mandate in 2015.
- However, the Idate Commission Report lacks the scientific data necessary to introduce reforms to address the plight of DNTs.

1.28 Amendments to POCSO Act

Why in news?

The Union Cabinet has recently approved amendments to the Protection of Children from Sexual Offences (POCSO) Act, 2012.

What are the amendments proposed?

- The act will be amended to introduce the death penalty as a punishment for offences of penetrative sexual assault and aggravated penetrative sexual assault.
- The following cases will be treated as “aggravated offence”.
 1. Cases of sexual assault by police officers,
 2. by members of the armed forces,
 3. by public servants,
 4. by relatives,
 5. gang-penetrative sexual assault,
 6. where the survivor is less than 12 years old and
 7. attempt to inject hormones in children to attain early sexual maturity for the purpose of penetrative sexual assault
- A hefty fine would be imposed for not deleting, not destroying child pornographic material or not reporting child pornography.

What are the concerns?

- **Burden of proof** - Usually, in criminal cases, the burden of proof lies on the prosecution, and the guilt must be proved beyond reasonable doubt.
- Under POCSO, however, there is a presumption that a person who is prosecuted for an offence has actually committed the offence, unless the contrary is proved (Section 29).
- Instead of “innocent until proven guilty”, the court assumes that the accused is guilty once the prosecution lays the foundation of the case.



- The Act also presumes that the accused person had a sexual intent when touching the child (Section 30).
- The amendment does not address this existing issue with the bill.
- Under Article 21 of the Constitution, a person can only be deprived of their life or liberty in accordance with the procedure established by law, which should be just, fair and reasonable.
- Thus, by additionally imposing the death penalty for offences that already carry such stringent presumptions violates the right to life guaranteed under the Constitution.
- - To overturn the presumptions, the accused needs to bring witnesses and documents in their defence or conduct a stellar cross-examination, which **Evidence** require high quality lawyering.
- However, if the accused is in jail, their family will have to collect evidence and find witnesses.
- For migrant workers, it is even more difficult since their neighbours or employers may not readily give evidence.
- **Legal procedure** -The 262nd Law Commission Report has recommended universal abolition of the death penalty, except in terror cases.
- This has not been given due credence.
- **Premise** - Further, the reason given for introducing the death penalty is that it will deter child sexual abuse.
- However, the government does not cite any evidence to prove that the death penalty can achieve this goal, in the absence of better policing and shorter trials.

What are the other issues with death penalty report?

- Death row prisoners are typically overwhelmingly poor, lower caste, or religious minorities with 76% of death row prisoners were from backward classes and religious minorities.
- Economic vulnerability had also impacted the experience of the prisoner during investigation and trial.
- Prisoners suffer from lack of access to lawyers during interrogation and many of them had experience of custodial violence.
- At the national level, 24.5% of those on death row were from Scheduled Castes and Scheduled Tribes with Maharashtra, Karnataka, Madhya Pradesh, Bihar, Jharkhand and Delhi being above the national average.
- Also, as cases travelled up the court hierarchy, the proportion of general category prisoners fell, and the proportion of SC and ST prisoners increased.
- Thus, introducing the death penalty in POCSO is likely to send more poor, lower caste and religious minority accused to death row.

V. ECONOMY

1.29 Fugitive Economic Offenders Bill

Why in news?

Lok Sabha has approved Fugitive Economic Offenders Bill.

What is Fugitive Economic Offenders bill about?

- The Bill defines the fugitive economic offender “as an individual who has committed a scheduled offence or offences involving an amount of ₹100 crore or more and has absconded from India or refused to come back to India to avoid facing criminal prosecution in India.”
- There is a provision in the Bill that economic offenders who flee from the country will be brought back, prosecuted and their properties will be confiscated.
- The law will apply to all those who have been declared fugitives in big economic crimes by Indian courts.

What is the plan on fugitive economic offenders?

- Union government has already promulgated an ordinance on fugitive economic offenders.
- The recent bill once approved by both the houses and assented by the President, will become an Act and replace the Ordinance promulgated.

- All actions taken under the Ordinance will have the same legal validity once the law is enacted.
- Empowered by the Ordinance, the Enforcement Directorate has already moved a special court for action against most wanted economic offenders.
- Fugitive Economic Offenders Law will be applicable to “any individual who is, or becomes, a fugitive economic offender on or after the date of coming into force of this Act.
- It means the Bill will not be effective from a retrospective date, however this does not provide any relief for offenders who have already been declared fugitive by Indian courts.

What is the significance of the bill?

- It seeks to quickly recover the losses to the exchequer or public sector banks in cases of frauds.
- Among other things, the Bill makes a provision for a Special Court under the Prevention of Money Laundering Act, 2002 to declare a person a Fugitive Economic Offender.
- Fugitive Economic Offenders Bill gave power to agencies to seize properties that are not only in the name of the offender, but ‘benami’ assets.

1.30 MSME Bill 2018

Why in news?

The Centre has tabled the MSME Development (Amendment) Bill 2018 in Parliament.

What are the key provisions?

- The Bill amends the Micro, Small and Medium Enterprises Development Act, 2006.
- Under the Act, manufacturing units are defined depending on their investments in plant and machinery as:
 - micro enterprises (below Rs.25 lakh)
 - small enterprises (Rs.25 lakh to Rs.5 crore)
 - medium enterprises (Rs.5 crore to Rs.10 crore)
- The thresholds were lower for services units.
- Under the Bill, all MSMEs will be classified on the basis of their annual turnover.
- This is irrespective of whether they are manufacturing or service-providing enterprises.
- Now, the units will be
 - ‘micro’ enterprises if their annual sales turnover is less than Rs.5 crore
 - ‘small’ if they fall in the Rs.5-75 crore range
 - ‘medium’ if they are in the Rs.75-250 crore band
- The central government may change these annual turnover limits through a notification.
- The maximum turnover may be up to three times the limits specified in the Bill.

What are the benefits?

- **Starters** - MSMEs are offered a range of incentives and tax benefits, to promote them.
- Under the current definition, the newer units often face disadvantages.
- As, their higher investments, as part of the industrial modernisation efforts, keeps them out of MSME definition.
- Hence, the turnover criterion is a more pragmatic way to incentivise industry.
- It facilitates fairer comparisons between older and newer ventures and helps starters in utilising MSME sops.
- **Sectors** - Turnover-based sops may be friendlier to technology-intensive sectors.
- These include engineering, auto components or pharmaceuticals.
- Substantial capital investments are needed to ensure even minimal scale in these.



- Here again, turnover, instead of investment criterion, would be more beneficial.
- **Procedure** - The annual turnover criteria can be directly verified from the GST Network.
- It thus puts an end to physical inspections necessitated by the investment-based regime.
- **Efficiency** - Turnover criteria will allow a unit to graduate from its MSME status on reaching a fair size.
- It will discourage the proliferation of inefficient units created mainly with an eye to utilise sops.
- The Centre should consider a sunset clause on MSME benefits to encourage small units to climb up the value chain.

1.31 Road Safety Bill

What is the issue?

- Motor Vehicles (Amendment) Bill (2017) - seeks to better the quality of roads and improve safety standards.
- It has been languishing in the Rajya Sabha since last year, and needs to be furthered for the greater good of the nation.

What are the challenges in ensuring road safety in India?

- Potholes are a major cause for accidental deaths and between 2013 and 2016, official statistics says that 11,836 deaths due to it in India.
- Madhya Pradesh, Uttar Pradesh, Tamil Nadu and Maharashtra have the dubious distinction for consistently causing potholes related accidents.
- Significantly, pothole related deaths peak during monsoons and ironically.
- While cases are to be booked against contractors (or officials) for poor roads, police reports often blame the victim for 'negligence driving'.
- The Indian Road Congress has prescribed over 100 sets of guidelines to ensure standardised road construction, maintenance and management.
- The challenge lies in ensuring that these guidelines are implemented and no complying contractors and officials are brought to book.
- The absence of a unified law on road construction, engineering and maintenance is making it hard to implement these guidelines.

What does the Motor Vehicles (amendment) Act intend to do?

- "Motor Vehicles Act" is the presently existing act for road safety.
- This act has no provisions to ensure accountability of road authorities for defects in the engineering, design and maintenance of roads.
- The Motor Vehicles (Amendment) Bill, 2017, which has been tabled in the parliament, has attempted to address this drawback.
- It has provisions for rectify several systemic issues by providing a uniform driver licensing system, protecting children and vulnerable road users.
- Rationalising penalties and creating a system of accountability in the construction of roads is another important aspect of the bill.
- The bill envisions a monetary fine of up to 1 lakh on the authority responsible, for any road crash caused by defective road design/ maintenance.
- While the fine is only a small amount, this is a step in the right direction.
- Nonetheless, road contractors and engineers will still not be held criminally liable for causing deaths and injuries due to their sloppy work.

What are the technical aspects of the problem?

- Potholes are caused by the presence of heavy traffic and water on roads and improper drainage is found to have direct implications for roads.



- Therefore, it becomes necessary to ensure the use of standardised methodology and good quality material when constructing roads.
- There also needs to be regular maintenance and an effective system to ensure accountability in other aspects of town planning too.
- Incorporating “Safe System Approach” in all aspects of road design, engineering and construction is another point to be considered.
- This accounts for the possibility of human error and ensures that the surrounding environment and infrastructure are designed to save lives.

1.32 The Motor Vehicles (Amendment) Bill, 2019

Why in News?

The Motor Vehicles (Amendment) Bill, 2019 that seeks to amend the Motor Vehicles Act of 1988, was passed in Parliament recently.

What is the act about?

- The Act provides for grant of licenses and permits related to motor vehicles, standards for motor vehicles.
- It also provides for the penalties for violation of these provisions.

What is the compensation for road accident victims in the bill?

- The central government will develop a scheme for **cashless treatment** of road accident victims during golden hour (i.e. up to one hour following a traumatic injury).
- The Centre may also develop a scheme to provide interim relief to claimants seeking compensation under 3rd party insurance.
- The bill increases the minimum compensation for hit and run cases:
 1. In case of death, from Rs 25,000 to Rs 2 Lakh,
 2. In case of grievous injury, from Rs 12,500 to Rs 50,000.

What is the Motor Vehicle Accident Fund?

- The central government should constitute this fund which will provide a compulsory insurance cover to all road users in India.
- It will be utilised for:
 1. Treatment of persons injured in road accidents,
 2. Compensation to representatives of a person who died or grievously hurt in a hit and run accident,
 3. Compensation to any other persons as prescribed by the central government.

Who is a Good Samaritan?

- **Good Samaritan** - A person who renders emergency medical or non-medical assistance to a victim at the accident scene.
- The assistance must have been in good faith, voluntary and without the expectation of any reward.
- Such a person will not be liable for any civil or criminal action for any injury to or death of an accident victim.

How are the vehicles recalled?

- The Bill allows the central government to order for recall of motor vehicles if a defect in the vehicle may cause damage to the environment, or the driver, or other road users.
- The manufacturer of the recalled vehicle will be required to:
 1. Reimburse the buyers for the full cost of the vehicle, or
 2. Replace the defective vehicle with another vehicle with similar or better specifications



What is the National Transportation Policy?

- The central government may develop a National Transportation Policy, in consultation with state governments. The Policy will:
 1. Establish a planning framework for road transport,
 2. Develop a framework for grant of permits,
 3. Specify priorities for the transport system.

What is a Road Safety Board?

- It can be created by the central government through a notification.
- It will advise the central and state governments on all aspects of road safety and traffic management.

What are the Offences and penalties?

- The Bill increases penalties for several offences under the Act such as, for drunken driving, non-compliance of vehicle manufacturer with motor vehicle standards, non-compliance of contractor to comply with road design standards, etc.,
- The central government may increase fines mentioned under the Act every year by up to 10%.

Who are the taxi aggregators?

- **Aggregators** (As per the Bill) – Digital intermediaries or marketplaces which can be used by passengers to connect with a driver for transportation purposes (taxi services).
- They will be issued licenses by state. Further, they must comply with the Information Technology Act, 2000.

How were the charges of being anti-federal tackled?

- It was said that the proposed amendments were reviewed by 18 State Transport Ministers, and the Bill reflects the modifications they suggested.
- Also, Rajya Sabha which represents the states in Parliament introduced some last-minute changes.

What is the way forward?

- The Centre must deliver on its promise that the amended Act will help reduce dependence on personal vehicles.
- It must present its National Transport Policy without delay.
- States must be incentivised to provide clean, comfortable and affordable services for all users, including people with disabilities.
- State Transport Corporations must adopt modern management practices to tackle the structural reform and an upgrade to subsidised electric buses for low-cost air-conditioned travel.
- Sustained, zero tolerance enforcement of small fines will reduce violations, while the stringent ones which lead to more bribery.

1.33 Successful implementation of Maharashtra's RERA act

Why in news?

Maharashtra Real Estate Regulatory Authority (MahaRERA) came into effect recently.

What are the underlying provisions?

- Real Estate (Regulations and Development) Act 2016 mandates all States to establish a regulatory authority to deal with the issues arising from transactions in real estate market.
- On these lines Maharashtra established MahaRERA and the entire State is covered under it.
- MahaRERA makes it mandatory for all ongoing commercial and residential projects to be registered with it.
- Only registered developers or promoters in the State are allowed to sell, book or advertise their projects.
- Without a registered sales agreement, no developer can accept more than 10% of the cost as advance payment from a buyer.



- In case of delay, the promoters are mandated to pay interest to the buyers for every month of delay over the advance payment.
- Also, all the registered projects across the State will be uploaded on an online map so that buyers can view and scrutinise the projects under construction before visiting the site.

How it serves as a model for other states to follow?

- **Accountability** - An individual can view projects online to know the status of their development and their expected date of completion.
- **Transparency in transactions** - With online fee payment and registration, number of registered projects, granted permissions and the registered and resolved complaints can be viewed easily.
- **Usage of GIS** - Through this, buyers can look at projects available in their area of interest, its details as well as social amenities (schools, transportation facilities, hospitals) in the vicinity.
- **Rehabilitation** - With the discussion on bringing the rehabilitation component of redevelopment projects under its ambit, truly affordable houses for urban poor or slum dwellers can be ensured in the city.
- **Establishment of judicial benches** -
 1. MahaRera has given a time frame of 60 days to dispose of cases.
 2. Around 90% of the complaints relate to delayed possession, which attracts very stringent fines (up to a jail term) under the MahaRera Act.
- All these measures prove that a regulated real estate market can be a win-win for all, which can be emulated by other states in their respective jurisdictions.

1.34 The Chit Funds (Amendment) Bill, 2019

Why in News?

The Chit Funds (Amendment) Bill, 2019 which seeks to amend the Chit Funds Act, 1982 was introduced in Lok Sabha this month.

What is the 1982 Act about?

- The 1982 Act **regulates chit funds**, and prohibits a fund from being created without the prior sanction of the state government.
- Under a chit fund, people agree to pay a certain amount from time to time into a fund.
- Periodically, one of the subscribers is chosen by drawing a chit to receive the prize amount from the fund.

What are the names for a chit fund?

- The Act specifies various names which may be used to refer to a chit fund. These include chit, chit fund, and kuri.
- The Bill additionally inserts '**fraternity fund**' and '**rotating savings and credit institution**' to this list.

What the terms that are substituted?

- The Act defines certain terms in relation to chit funds. It defines:
 1. 'Chit amount' as the sum of subscriptions payable by all the subscribers of a chit;
 2. 'Dividend' as the share of the subscriber in the amount kept apart for running the chit; and
 3. 'Prize amount' as the difference between chit amount and the amount kept apart for running the chit.
- The Bill **changes the names of these terms** to 'Gross chit amount', 'Share of discount' and 'Net chit amount', respectively.

How can the subscribers join the chit now?

- The Act specifies that a chit will be drawn in the presence of at least two subscribers.
- The Bill seeks to allow these subscribers to join via video-conferencing.



How much is the Foreman's commission increased?

- The Act specifies that the 'foreman' is responsible for managing the chit fund. He is entitled to a maximum commission of 5% of the chit amount.
- The Bill seeks to increase the commission to 7%. Further, the Bill allows the foreman a right to lien against the credit balance from subscribers.

What is the aggregate amount of chits?

- Under the Act, chits may be conducted by firms, associations or individuals.
- The Act specifies the maximum amount of chit funds which may be collected. These limits are:
 1. Rs. 1 lakh for chits conducted by individuals, and for every individual in a firm or association with less than four partners, and
 2. Rs. 6 lakh rupees for firms with four or more partners.
- The Bill increases these limits to Rs. 3 lakh and Rs. 18 lakh respectively.

What is the applicability of the act?

- Currently, the Act does not apply to:
 1. Any chit started before it was enacted, and
 2. Any chit (or multiple chits being managed by the same foreman) where the amount is less than Rs 100.
- The Bill removes the limit of Rs 100, and allows the state governments to specify the base amount over which the provisions of the Act will apply.

1.35 Code on Wages bill, 2019

Why in news?

The Union Cabinet has cleared the New Code on Wages bill, 2019.

What is the current system?

- The present law mentions 13 most vulnerable categories of employment.
- In this, the minimum wages are fixed by both the state governments and the Centre.
- [The Centre can notify the minimum wage rate for railway, agriculture, mining or central government entities.]
- The rates vary in accordance with skill sets, sectors and location.

What are the changes made?

- As per the Bill, minimum wages will be linked only to factors such as **skillset** and **geographical location**.
- This is expected to reduce the number of minimum wage rates across the country to 300.
- The minimum wage law will be **extended to all sectors**, this move is expected to ensure universal wage protection against exploitation.
- **National Floor Level Minimum Wage** – To be set by the Centre to be revised every five years.
- States will fix minimum wages for their regions, which cannot be lower than the floor wage level.
- Previous legislations that would be replaced - Payment of Wages Act, 1936, Minimum Wages Act, 1948, Payment of Bonus Act, 1965 and Equal Remuneration Act, 1976.

What are the concerns?

- The existing system has led to over 1,700 minimum wage rates, fixed by both states and the Centre.
- The varied rates turn out as a huge compliance burden on industry.
- It has the potential of unleashing inspector raj, and largely works against the welfare of workers.

- Notably, the Centre started notifying a uniform national floor level minimum wage from 1996, which is non-binding on states.
- The national floor level was last revised by 10% to Rs 176 a day in July 2017.
- But to date, even business-friendly states such as Andhra Pradesh and Gujarat have fixed their minimum wage below the national floor.
- Other states are compliant with the above non-statutory national floor.
- So the minimum wage rate varies from Rs 69 to Rs 538 across states (with the lowest in Andhra Pradesh and the highest in Delhi).
- It is Rs 321 for the industries falling in the central sphere, as of November 2018.
- The variations call for a statutory floor across the country.

How will the wage code bill help?

- The Code on Wages Bill was introduced in the Lok Sabha in August 2017. [Click [here](#) to know more on the provisions.]
- Under the proposed law, the minimum wage law will be extended to all sectors, instead of the current 13 categories of work.
- This move is expected to ensure universal wage protection against exploitation.

What are the challenges though?

- The proposed Bill empowers the Centre to fix a statutory minimum wage.
- But notably, this may differ from state to state or from one geographical area to another.
- This idea of a differentiated national minimum wage rate was taken forward by a government-appointed committee.
- The committee has suggested a national minimum wage level for five different zones.
- Four of these were grouped using varied socio-economic and labour market factors.
- The fifth group included all North-eastern states except Assam.
- Despite the grouping, a regional-level minimum wage rate can lead to disparity among various regions with varying economic profiles.
- This is bound to make the system complex and confusing and difficult to enforce.

1.36 Occupational Safety, Health and Working Conditions Code, 2019

Why in news?

The Occupational Safety, Health and Working Conditions Code, 2019 was introduced in Lok Sabha.

What is the Code for?

- A healthy workforce would be more productive and the occurrence of fewer accidents and mishaps at work would be economically beneficial.
- So, safety, health, welfare and improved working conditions are pre-requisite for well being of the worker and the country's economic growth.
- With this in mind, the Code repeals and replaces 13 labour laws relating to safety, health and working conditions.
- These include the Factories Act, 1948, the Mines Act, 1952, and the Contract Labour (Regulation and Abolition) Act, 1970.
- The Code enhances the ambit of provisions from existing about 9 major sectors to all establishments having 10 or more employees.
- It does not apply to apprentices.

- Further, it makes special provisions for certain types of establishments and classes of employees, such as factories, mines, and building and construction workers.

What are the key provisions?

- **Relevant authorities** - All establishments covered by the Code must be registered with registering officers.
- Further, Inspector-cum-facilitators may inquire into accidents, and conduct inspections of establishments.
- Both these authorities are appointed by the central or state government.
- Additionally, the government may require certain establishments to set up safety committees comprising representatives of employers and workers.



- **Advisory Bodies** - The central and state governments will set up Occupational Safety and Health Advisory Boards at the national and state level, respectively.
- These Boards will advise the central and state governments on the standards, rules, and regulations to be framed under the Code.
- **Duties of employers** - The Code specifies several duties of employers which include -
 - i. providing a workplace that is free from hazards that may cause injury or diseases
 - ii. providing free annual health examinations to employees, as prescribed
- In case of an accident at the workplace that leads to death or serious bodily injury of an employee, the employer must inform the relevant authorities.
- **Rights and duties of employees** - Duties of employees under the Code include -
 - i. taking care of their own health and safety
 - ii. complying with the specified safety and health standards
 - iii. reporting unsafe situations to the inspector
- Every employee will have the right to obtain from the employer information related to safety and health standards.
- **Working Hours** - Work hours for different classes of establishment and employees will be provided as per the rules prescribed by the central or state government.
- For overtime work, the worker must be paid twice the rate of daily wages.
- Female workers, with their consent, may work past 7pm and before 6am, if approved by the central or state government.
- **Leave** - No employee may work for more than 6 days a week.
- However, exceptions may be provided for motor transport workers.
- Workers must receive paid annual leave for at least one in 20 days of the period spent on duty.
- For sales promotion employees, medical leave must be provided for at least one-eighteenth of the period of service.



- During medical leave, the worker must be paid half his daily wages.
- **Working conditions and welfare facilities** - The employer is required to provide a hygienic work environment.
- These include ventilation, comfortable temperature and humidity, sufficient space, clean drinking water, and latrine and urinal accommodations.
- Other welfare facilities may be provided as per standards prescribed by the central government.
- These facilities may include separate bathing places and locker rooms for male, female and transgender employees, canteens, first aid boxes, and creches.
- **Offences and penalties** - An offence that leads to the death of an employee will be punishable with imprisonment of up to 2 years, or a fine up to Rs. 5 lakh, or both.
- Further, courts may direct that at least 50% of such fine be given as compensation to the heirs of the victim.
- For any other violation where the penalty is not specified, the employer will be penalised with a fine between 2 and 3 lakh rupees.
- If an employee violates provisions of the Code, s/he will be subject to a fine of up to Rs 10,000.

VI. OTHERS

1.37 Dam Safety Bill 2018

Why in news?

Dam Safety Bill, 2018 was recently re-introduced in Lok Sabha.

What is its evolution?

- There have been 36 dam failures so far in the country.
- 75% of the dams out of 5254 large dams are over 25 years old.
- However, there has been a lack of a uniform law and an administrative regime for dam safety.
- Since water is listed as a state subject, Andhra Pradesh and West Bengal, had passed resolutions under Article 252(1) of the Constitution requesting Parliament to make a law on the matter.
- Accordingly, the Dam Safety Bill was first introduced in Lok Sabha in 2010.
- With recommendations of the Parliamentary Standing Committee, the Bill was re-introduced in Lok Sabha recently.

What are the provisions?

- The objective is to help all states and Union Territories adopt uniform dam safety procedures.
- The Bill provides for constitution of a **National Committee on Dam Safety** which shall evolve dam safety policies and recommend necessary regulations as may be required for the purpose.
- It also provides for establishment of **National Dam Safety Authority** as a regulatory body which shall discharge functions to implement the policy, guidelines and standards.
- The Bill is to address all issues concerning dam safety including
 - i. regular inspection of dams
 - ii. emergency action plan
 - iii. comprehensive dam safety review
 - iv. adequate repair and maintenance funds for dam safety
 - v. Instrumentation and Safety Manuals

What is the need?

- Most dams in India are constructed and maintained by the states.
- Some of the bigger ones are managed by autonomous bodies.

- E.g. Damodar Valley Corporation or Bhakra Beas Management Board
- There is lack of legal and institutional architecture for dam safety in India.
- This has kept the dam safety an issue of concern for long.
- Unsafe dams are a hazard and dam break may cause disasters.
- The Centre has come up with the Bill when about 450 dams are being constructed.

What is the proposed regulatory structure?

- The Bill sought to mandate the Centre, state governments and individual owners of dams to establish a mechanism for safety.
- It provides for surveillance, inspection, operation and maintenance of specified dams for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning.
- It provides for a National Committee on Dam Safety, to be headed by the chairperson of Central Water Commission and with members nominated by the Centre.
- Also, there will be representatives of the Centre and states (through rotation) as well as dam safety experts in the committee.
- The committee will formulate policies and regulations, which are to be implemented by a centrally appointed National Dam Safety Authority, headed by an officer of at least Additional Secretary rank.
- The authority will also resolve issues between State Dam Safety Organisations (SDSOs).
- It will also lay down regulations for dam inspection and for accreditation to construction and designing agencies.
- It also provides for a safety unit in each dam to be set up by individual dam owners.
- For violation of directives under the Bill, punishment is imprisonment up to one year or a fine, or both.

What are the grounds of opposition?

- The Bill states that the National Dam Safety Authority will act as the SDSO when a dam -
 1. Owned by one state and located in another
 2. Extends over multiple states
 3. Owned by a central public sector undertaking
- This provision is the primary reason for opposition from the state of Tamil Nadu.
- Tamil Nadu's Mullaiperiyar, Parambikulam, Thunakkadavu and Peruvuripallam dams are owned, operated and maintained by the Government of Tamil Nadu by virtue of Inter-State Agreements, but are located in a neighbouring state (Kerala).
- The state argues that the Supreme Court in 2014 upheld the rights of Tamil Nadu on the Mullaperiyar dam in increasing its height to 142 feet and ultimately 152 feet.
- It also says that denying the right to be the Dam Safety Authority with regard to these four dams and vesting the powers to the National Dam Safety Authority would be tantamount to encroaching on the rights of the state, which is unconstitutional.

Why is Tamil Nadu opposing?

- The Bill allows the NDSA to inspect dams situated across intra-state rivers.
- This is being viewed by Tamilnadu government as an attempt to encroach on the state's powers and rights.
- This is especially with respect to Dams constructed by the State Government in the neighbouring State.
- It is said to cause various problems in their maintenance and operation.
- It wants the Centre to arrive at a consensus with the states.
- Till then, it asks the Centre to keep in abeyance the process of legislating on the Bill.

What is the Mullaperiyar issue?

- Tamil Nadu owns dams in Mullaperiyar, Parambikulam, Thunakadavu and Peruvarepallam in Kerala.
- The two states have engaged in dispute over the Mullaperiyar dam.
- Tamil Nadu government wants to raise the water level to 142 feet and carry out repair.
- But Kerala has opposed it citing safety threats.
- Kerala Irrigation and Water Conservation (Amendment) Act 2006 limits the full reservoir level to 136 feet.
- The Supreme Court had struck down the Act, and the order went against Kerala.
- Eventually, an SC team inspected the dam and confirmed that the dam was safe.
- Given this, the latest move by the Centre has made Tamil Nadu cautious about its authority and assets.
- More objections are likely to follow from other states as well.



1.38 Inter-State River Water Disputes (Amendment) Bill, 2019

Why in news?

- The Inter-State River Water Disputes (Amendment) Bill, 2019 was introduced in the Lok Sabha.
- The Bill amends the Inter-State River Water Disputes Act, 1956.

What did the Act provide for?

- The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.
- Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication.
- If the central government is of the opinion that it cannot be settled through negotiations, it sets up a Water Disputes Tribunal within a year of receiving such a complaint.

How effective were the tribunals?

- Under the 1956 Act, 9 tribunals have so far been set up. Only 4 of them have given their awards.
- One of these disputes, over Cauvery waters between Karnataka and Tamil Nadu, took 28 years to settle.
- The Ravi and Beas Waters Tribunal was set up in 1986 and it is still to give the final award.
- The minimum a tribunal has taken to settle a dispute is 7 years (by the first Krishna Water Disputes Tribunal in 1976).
- The multiplicity of tribunals has led to an increase in bureaucracy, delays, and possible duplication of work.

What does the Bill aim for?

- The Bill seeks to replace the above mechanism.
- The main purpose of the Bill is to make the process of dispute settlement more efficient and effective.
- The Bill proposes to set up a permanent tribunal to adjudicate on all inter-state disputes over sharing of river waters.
- The replacement of five existing tribunals with a permanent tribunal is likely to result in a 25% reduction in staff strength and a saving of Rs 4.27 crore per year.

What is the proposed dispute resolution committee?

- Under the Bill, a state will put in a request regarding any water dispute to the central government.



- The central government will then set up a Disputes Resolution Committee (DRC) to resolve the dispute amicably.
- **Composition** - The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors.
- These will be nominated by the central government.
- It will also comprise one member from each state (at Joint Secretary level), which is a party to the dispute.
- These members will be nominated by the concerned state government.
- **Resolution** - The DRC will seek to resolve the dispute through negotiations, within one year (extendable by 6 months).
- It will then submit its report to the central government.
- If a dispute cannot be settled by the DRC, the central government will refer it to the Inter-State River Water Disputes Tribunal.
- Such referral must be made within 3 months from the receipt of the report from the DRC.
- So, now, the current system of dispute resolution would give way to a new two-tier approach with DRC and the tribunal.

What are the key provisions on Tribunal?

- The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of all water disputes.
- This Tribunal can have multiple benches.
- All five existing tribunals under the 1956 Act would be dissolved.
- Also, the water disputes pending adjudication before such existing Tribunals will be transferred to the new Tribunal.
- **Composition** - The Tribunal will consist of a Chairperson, Vice-Chairperson, 3 judicial members, and 3 expert members.
- They will be appointed by the central government on the recommendation of a Selection Committee.
- Each Tribunal Bench will consist of a Chairperson or Vice-Chairperson, a judicial member, and an expert member.
- The central government may also appoint two experts serving in the Central Water Engineering Service as assessors to advise the Bench in its proceedings.
- The assessor should not be from the state which is a party to the dispute.
- **Time-frames** - Under the Act, the Tribunal must give its decision within 3 years, which may be extended by 2 years.
- Under the Bill, the proposed Tribunal must give its decision on the dispute within 2 years, which may be extended by another year.
- Under the Act, the matter may again be referred to the Tribunal by a state for further consideration.
- In such case, the Tribunal was to submit its report to the central government within a period of one year.
- This period can be extended by the central government.
- Under the Bill, this provision is amended, specifying that such extension may be up to a maximum of 6 months.
- So now, all disputes would have to be resolved within a maximum of four-and-a-half years.
- **Decision of the Tribunal** - Under the Act, the decision of the Tribunal must be published by the central government in the official gazette.
- This decision has the same force as that of an order of the Supreme Court. There is no provision for appeal.
- [However, the Supreme Court, on Cauvery dispute, had said the decision of the tribunal could be challenged before it through a Special Leave Petition under Article 136 of the Constitution.]

- The Bill removes the requirement of such publication.
- It adds that the decision of the Bench of the Tribunal will be final and binding on the parties involved in the dispute.
- The Act provided that the central government 'may' make a scheme to give effect to the decision of the Tribunal.
- The Bill is making it mandatory for the central government to make such scheme.
- **Data bank** - Under the Act, the central government maintains a data bank and information system at the national level for each river basin.
- The Bill provides that the central government will appoint or authorise an agency to maintain such data bank.

1.39 Need for a New Antique Law

What is the issue?

The recent happenings over antique collecting across India draw attention to the shortfalls in the related laws and understanding.

What is the anomaly?

- A civilisational history cannot be constructed purely by an archaeological agency, despite it being an important component.
- Other groups such as litterateurs, historians, anthropologists and curators also contribute valuable insights into the material culture.
- However, the framing of laws has not happened in conjunction with any of these disciplines.
- This was because at the time of framing law, the agenda was to preserve India's material culture.
- But that rationality at the time of India's Independence, no longer fits in with the present requirements.
- The reality and needs of a modern-day state that seeks to understand its past is different.

What are the concerns?

- The Antiquities and Art Treasures Act, 1972 has long outlived the purpose for which it was drafted.
- A promised amendment has been floated on the website of the Union Ministry of Culture, but its status is still largely unknown.
- **Understanding** - Importance is ascribed by virtue of religious sentiment, age or provenance to every significant and insignificant work of art.
- But this hampers purposes of scholarship or understanding of what constitutes a beautiful work of art or a national treasure.
- The view that once-sacred objects today only belong to temples is a myopic view and stems from a lack of understanding of -
 - i. the role and purpose of these objects
 - ii. the temple economy that maintained them
 - iii. the constant process of renewal that occurred within historic sites
- It thus denies the process of regeneration of these living cultural sites.
- **Ownership** - Every object in a private collection is now seen as the result of temple desecration and robbery.
- The laws that govern the ownership of historical objects, their purchase and sale have been a disincentive for the average collector.
- Registering antiquities with the Archaeological Survey of India (ASI) is a cumbersome and difficult procedure for most collectors.
- Cultural vigilantism, the presumption of guilt without trial, public shaming and the resultant media trial have led to a dangerous state of affairs.



- Vigilante movements neither follow the rule of law nor do they respect the ASI's time-honoured process of registration of such artefacts.
- It is casting a long shadow on the production of knowledge of the country's past.
- **Limitations** - The rule is that every object over a 100 years is an antique.
- With every passing year, the number of objects that shift from 99th year to a 100 year status will increase.
- This would soon result in the transfer of vast numbers of objects to a status of national antiquity.
- But is the state geared to handle and maintain this vast emerging enterprise remains uncertain.
- The state is also not equipped to handle the needs of a growing populace of collectors.

What could be done?

- It is well within the rights of every citizen to acquire and collect objects of their past.
- Nevertheless, this acquisition should definitely be governed by a legal process of buying.
- With changing ideas, the role of private connoisseurship, individual collectors, trusts and foundations should also be considered.
- Their proactive agency has safeguarded the ancient Indian art from being channelled abroad or being destroyed.
- An urgent amendment to existing laws is essential to save the material culture from being examined purely from the prism of religious sentiment.
- It should foster the creation of secular spaces where everyone can enjoy and appreciate the past.

1.40 Amendment to The Sports Broadcasting Signals Act

Why in news?

The government recently made a proposal to amend The Sports Broadcasting Signals Act, 2007.

What is the recent proposal?

- According to the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, no private rights holder can telecast a "sporting event of national importance" live in India unless it simultaneously shares the signal, without any advertisements, with Prasar Bharati.
- Some of the important events that come under the national importance rubric include –
 1. National cricket matches
 2. The semi-finals and finals of the football World Cup
 3. Certain Grand Slam tennis matches and hockey fixtures
 4. The Asian Games
 5. Commonwealth Games
 6. The Summer Olympics
- The public broadcaster can re-transmit the same only on its own terrestrial network and direct-to-home platform DD FreeDish.
- Under this Act, Prasar Bharati is also not obligated to show the logo of the rights holder's channel and can generate its own pre- and post-match programmes.
- The Act also forces the rights holder to share 25% of its television advertisement revenue with Prasar Bharati (50% in case of radio).
- The government has now proposed that Indian television viewers should be able to watch sporting events of national importance on Doordarshan **on all** terrestrial networks, DTH networks and other platforms where it is mandatory to broadcast these channels.
- This is done at the backdrop of people watching these sporting events on highly priced sports channels when they do not have either DD FreeDish or Doordarshan's terrestrial network.



- Hence the objective of this amendment is to ensure inclusion and affordability in sports viewership with which the Parliament had enacted the Sports Act of 2007.

What are the concerns?

- Private broadcasters faced a major hurdle in the form of Cable Television Networks Act last year.
- Under Section 8 of the act, all cable operators must carry two Doordarshan channels.
- This meant that cable companies gained access to key sporting events both through the private broadcasting channels, for which viewers have to pay, and also via Doordarshan channels, which are free.
- This created an asymmetrical playing field since subscribers were unlikely to pay for events they can view for free in doordarshan channel.
- Pay TV operators also misused the provision by giving FTA (free-to-air) channels to paying subscribers, charging money from them and not sharing it with the broadcasting rights holder.
- This has resulted in less viewership for private broadcasting channels and also affecting their sizeable revenue.
- To avoid this, the Supreme Court ruled that Doordarshan could air those feeds only on its terrestrial network and its own direct-to-home (DTH) platform, Free Dish and not to other platforms.
- This made these borrowed feeds getting restricted to the homes, which get DD network signals via terrestrial or direct to home networks.
- The government recently reverted back this ruling and hence homes which get Prasar Bharati (Doordarshan) channels on cable also get access free to the live broadcast.
- Private broadcasters are unlikely to be pleased with this proposal, considering the amount of money they spend on media rights of sporting events, especially in cricket.
- Star India acquired the media rights for the popular Indian Premier League in a five-year deal worth a record Rs 16,347 crore last year.
- Star India also purchased the media rights for the Indian cricket team's home matches till 2023 for a record Rs Rs 6138.1 crore earlier this year.
- Also, the Act allows the government to notify a sporting event as being of "national importance".
- This will pave the way for arbitrary selection by the government like the possibility of attaching IPL under its ambit.
- Thus the welfare instincts of this amendment is no stronger and effective, even though it involves a large amount of corporate investments.

What should be done?

- The amendment betrays a lack of understanding of the underlying business model in sports broadcasting.
- Doordarshan covers every TV home in the country, so those who cannot afford to pay admittedly expensive subscription fees for sports get a good opportunity to view them.
- The amendment is proposed to ensure that sporting events of national importance reach out to larger audience on a free-to air basis.
- But the private broadcasters earn their revenues by airing in television mode where the money is to be made for the rights they received.
- This made them to argue against this amendment as they pay billions of rupees to bid for the rights to broadcast these events.
- Thus the government should try to ensure a balance between the interests of the investors and those of the common public.

2. POLICIES

2.1 National Digital Communications Policy-2018

Why in news?

The Union Cabinet has recently approved the National Digital Communications Policy-2018 (NDCP-2018).

What is the policy for?

- The new telecom policy has been formulated in place of the existing National Telecom Policy-2012.
- It comes with a view to cater to the modern needs of the digital communications sector of India.
- Its objective is to facilitate India's effective participation in the global digital economy.
- The policy aims to ensure digital sovereignty, and the objectives are to be achieved by 2022.

What are the key features?

- The government aims to provide universal broadband connectivity at 50 Mbps to every citizen.
- It has kept a target of providing 1 Gbps connectivity to all Gram Panchayats by 2020 and 10 Gbps by 2022.
- (Right now, average broadband speeds in the country are 5-6 Mbps).
- The policy will work towards ensuring connectivity to all uncovered areas.
- Measures will be taken to attract investments of \$100 billion in the Digital Communications Sector.
- The policy includes the objective of training one million manpower for building New Age Skill.
- It also aims at expanding the Internet of Things ecosystem to 5 billion connected devices.
- Establishing a comprehensive data protection regime for digital communications that safeguards the privacy, autonomy and choice of individuals is also a goal.
- It will thus enforce accountability through appropriate institutional mechanisms, to assure citizens of safe and secure digital communications infrastructure and services.
- As part of the new Policy, the Telecom Commission is to be re-designated the "Digital Communications Commission".

What are the concerns in the sector?

- **Investments** - Annual investments by mobile phone companies are in the region of around \$10 billion annually, which the government aims to increase significantly.
- But it is to be noted that the telecom industry is, mostly, in deep trouble.
- India's top telecom company, Bharti Airtel, features in Credit Suisse's list of stressed companies.
- **Levies** - The government is ambitious in plans with 5G, IoT, M2M and other technologies.
- But the policy has still not cut the very high levels of government levies in this regard.
- India's levies, including the 18% GST, range from 29-32% as compared to just an 11% VAT rate in China.
- **Spectrum prices** - There are also no significant plans in cutting high spectrum prices.
- While 100% of spectrum put on auction in 2015 remained unsold due to high spectrum prices, this was as high as 59% in 2016.
- No auctions could take place in 2017 or 2018 due to telcos being cash-strapped.
- Resultantly, revenues accruing to the government from the sector have fallen by around 37% in just the last two years.
- **Finances** - The precarious finances would mean an unhealthy position in terms of repayment of bank loans.

Internet of Things (IoT)

- It is the network of physical devices, vehicles, home appliances, and other items embedded with electronics, software, sensors, actuators, and connectivity.
- This enables these things to connect, collect and exchange data.
- It creates opportunities for more direct integration of the physical world into computer-based systems, resulting in efficiency improvements, economic benefits, and reduced human exertions.

- More worrying is the ability of telcos to make good their spectrum payment obligations from earlier auctions.
- There is not much likelihood of this improving in the immediate future.
- **Facilities** - Little progress has been made in providing right-of-way for connecting telecom towers with optic fibre.
- Neither is there a progress in coming up with a sensible policy for the critical E and V bands.
- (Spectrum in E and V band can ease work of telecom operator from laying optical fiber cable, and help them in providing last mile connectivity.
- Data through E and V band can be transmitted with speed of around 1,000 MB per second).
- Given these, getting the telecom back on track requires a lot more work on addressing the financial and policy issues.

2.2 National Drones Policy - Drone Regulations 1.0

Why in news?

The National Drones Policy drafted by the Ministry of Civil Aviation came into effect from December 1, 2018.

What is the policy on?

- The new policy called “Drone Regulations 1.0” clarifies where, when and how drones can operate within India.
- With the policy coming into effect, flying drones or remotely-piloted aircraft have become legal in India.
- Also, the Ministry of Civil Aviation has kick-started the online registration of drones in India through its Digital Sky portal.

What was the need?

- A few businesses have managed to manufacture or operate drones in India, without attracting hostile government attention.
- They provided products and services primarily for the cinematography, agriculture, and infrastructure sectors.
- However, there were no regulations in place that guarantee the legality of their products and services.
- So it has been difficult for these businesses to attract investors, limiting their ability to grow.
- It is also to be noted that India has no indigenous drone manufacturer capable of competing on the global stage.
- So the national policy on drone would go a long way in addressing these concerns.

What are the highlights of the policy?

- **Categories** - The Directorate General of Civil Aviation (DGCA) has designed five different categories of drones as Nano, Micro, Small, Medium, and Large.
- Under the new policy, Nano drones which weigh less than 250 grams or equal does not need a registration or license.
- However, drones that belong to remaining categories will need to be registered on the Digital Sky portal.
- **Digital Sky portal** - It is an online platform as part of an enforcement system designated as No Permission No Takeoff (NPNT).
- Here, a drone operator can obtain all the necessary paperwork required.
- It includes procedures to conduct a drone operation, including final flight permission immediately before the operation.
- **Permission** - Following registration, DGCA will issue a Unique Identification Number (UIN) or Unmanned Aircraft Operator’s Permit (UAOP).
- The fee for a fresh UIN is Rs 1,000. The fee for a fresh UAOP is Rs 25,000 and is valid for 5 years.
- To get permissions to fly, RPAS (Remotely Piloted Air System) operators or remote pilots will have to file a flight plan.

- **Zones** - Flying in the 'green zones' will require only intimation of the time and location of the flights via the portal or the app.
- But permissions will be required for flying in 'yellow zones', and flights will not be allowed in the 'red zones'.
- The location of these zones will be announced soon. Permission, if granted, will be available digitally on the portal.
- DGCA has also designated a set of test sites for drone manufacturers and operators to innovate in a safe and secure environment.
- **Drone Policy 2.0** - The ministry has constituted a task-force on the recommendation of Drone Policy 2.0.
- This task-force is expected to release their final report by the end of this year.
- Drone 2.0 framework for RPAS are expected to include
 - i. regulatory architecture for autonomous flying
 - ii. delivery via drones
 - iii. beyond visual line of sight (BVLOS) flights

What are the concerns?

- The current regulations make it legal for non-governmental agencies, organisations and individuals to use UAVs.
- But the high costs put them beyond the reach of NGOs and rural communities.
- The processes and fees render it difficult for them to conduct drone operations without hiring companies, which again would increase the costs.
- Besides this, some activities with the potential for market transformation are not currently permitted.
- E.g. functional drone-based delivery is not allowed
- It's because it requires the operator to conduct BVLOS operations and for the drone itself to release payloads while in flight.
- But this is considered to be a major growth area for the drone industry.
- It is also a focus for research and development as it will have a significant impact in online retail and healthcare.

What lies ahead?

- Drone applications are extremely relevant to India's large rural population.
- E.g. farming communities could cooperatively use drones to map vegetation stress, prevent crop-raiding by wild animals, conduct precise spraying of fertilisers and pesticides
- So the necessary infrastructure must be put in place for the implementation of regulations without delay.
- Aside from technical issues, the societal concern of making drone operation inclusive should be addressed.
- More representatives from outside the drone industry including civil society organisations and advocacy groups should be involved in framing the subsequent versions of regulations.

2.3 National Policy on Electronics, 2019

Why in news?

The Union Cabinet recently gave its approval to the National Policy on Electronics 2019 (NPE 2019).

What is the policy for?

- The National Policy of Electronics 2019 (NPE 2019) replaces the National Policy of Electronics 2012 (NPE 2012).
- It was proposed by the Ministry of Electronics and Information Technology (MeitY).
- The NPE 2019 aims to position India as a global hub for Electronics System Design and Manufacturing (ESDM).



- The policy will lead to the formulation of several schemes, initiatives, and measures for the development of ESDM sector.
- **Targets** - The policy aims at achieving a turnover of US\$ 400 billion (approximately Rs 26,00,000 crore) by 2025 in the ESDM sector through domestic manufacturing and export.
- This will include a targeted production of 1 billion mobile handsets by 2025, valued at US\$ 190 billion.
- A part of this includes 600 million mobile handsets valued at US\$ 110 billion for export.

What are the key features of the policy?

The National Policy on Electronics 2019 provides for the following:

- creating an eco-system for globally competitive ESDM sector for promoting domestic manufacturing and export in the entire value-chain
- providing incentives and support for manufacturing of core electronic components
- providing special package of incentives for mega projects which are extremely high-tech and entail huge investments; e.g. semiconductor facilities display fabrication, etc
- formulating suitable schemes and incentive mechanisms to encourage new units and expansion of existing units
- promoting Industry-led R&D (research and development) and innovation in all sub-sectors of electronics
- [These include grass root level innovations and early stage Start-ups in emerging technology areas such as 5G, IoT/Sensors, Artificial Intelligence, Machine Learning, Virtual Reality, Drones, Robotics, Additive Manufacturing, Photonics, Nano-based devices, etc.]
- providing incentives and support for significantly enhancing the availability of skilled manpower, including re-skilling
- offering special focus on Chip Design Industry, Medical Electronic Devices Industry, Automotive Electronics Industry and Power Electronics for Mobility and Strategic Electronics Industry
- creating Sovereign Patent Fund (SPF) to promote the development and acquisition of IPs (Intellectual Property) in ESDM sector
- promoting trusted electronics value chain initiatives to improve national cyber security profile

How will it be beneficial?

- The provisions are likely to enable the flow of investment and technology, leading to -
 - i. higher value addition in the domestically manufactured electronic products
 - ii. increased electronics hardware manufacturing in the country and their export
 - iii. generation of substantial employment opportunities, to over one crore people
- The global electronics ecosystem has been looking beyond China due to the rising labour costs there.
- So NPE 2019 could pave the way to make India the next major global hub for manufacturing of mobile phones, refrigerators, televisions, ACs, etc.
- **Shortfalls** - Robust R&D is a pre-requisite to move up the value chain.
- Given this, interest subvention and a credit guarantee fund may not be adequate.
- There are other factors that hamper R&D investment by industry, beyond the tax structure, which need redressal.

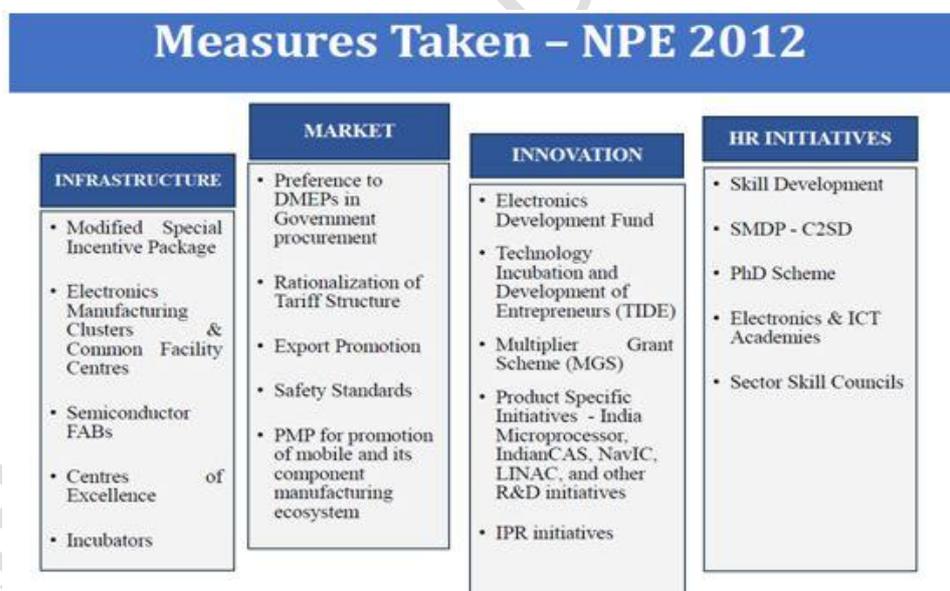
How is electronics manufacturing in India at present?

- Since the 2012 policy, the Centre has been trying to make India a global hub for electronics equipment but has achieved limited success.
- Imports of electronics hardware account for more than half of India's domestic production.
- This has been increasing rapidly, from \$37 billion in 2014-15 to \$53 billion in 2017-18.
- India's electronics hardware output accounts for just 1.5% of world output.

- Actual investments into the electronics sector have not been impressive.
- E.g. an incentive package for setting up a fabrication unit for semiconductor, which is the heart of any electronic product, has had no takers
- Getting a global player to start semiconductor manufacturing in India will be the key to the Make in India vision.
- The Modified Special Incentive Package Scheme (M-SIPS) which offers subsidies for electronics industry was launched in 2012.
- However, the rate of approval for applications filed and the investments made thereafter remain low.
- There has been some success in the manufacturing of mobile phones in the country.
- But even in this area, local value addition is only around 7-8% as most of the critical components are imported.

What should be done?

- The demand for electronics hardware is expected to rise rapidly to about \$400 billion by 2023-24.
- India cannot afford to bear a huge foreign exchange outgo on the import of electronics alone.
- The production deficit is best remedied by adopting an export-orientation as against an import-substitution bias.
- Certainly, the policy should go beyond credit sops to address the R&D deficit.
- India's scientific human resource pool needs to be engaged in this respect.
- R&D institutions could be promoted through the PPP route, so as to balance the market orientation and long-term priorities.



2.4 National Mineral Policy 2019

Why in news?

The Union Cabinet has recently approved the National Mineral Policy 2019.

How did the policy come about?

- National Mineral Policy 2019 replaces the extant National Mineral Policy 2008 ("NMP 2008").
- The Supreme Court in 2017 made a direction to the government to review NMP 2008.
- So, the Ministry of Mines constituted a committee under the chairmanship of Dr. K Rajeswara Rao, Additional Secretary, Ministry of Mines to review NMP 2008.
- The Committee Report was submitted to the Ministry of Mines, based on which the National Mineral Policy 2019 was finalized.

What is the objective?

- The New National Mineral Policy will ensure more effective regulation and will lead to sustainable mining sector development.
- It aims to bring in further transparency, better enforcement, balanced social and economic growth.
- This could significantly address the issues of project affected persons especially those residing in tribal areas.
- Besides, the Policy aims to



- i. ease merger and acquisition of mining entities
- ii. attract private sector participation in exploration
- iii. allow transfer of mining leases
- iv. create dedicated mineral corridors

What are the key provisions?

- **Industry status** - The NMP 2019 proposes to grant industry status to mining activity.
- This is to boost financing of mining for private sector and for acquisitions of mineral assets in other countries by private sector.
- **Right to first refusal** - Earlier, if a firm that has a reconnaissance permit (RP) finds evidence of minerals, it has to inform the government.
- The government will then auction off the area.
- But under the new policy, such firms will get the right of first refusal i.e. the same firm would be given the area for mining.
- **Private sector** - NMP 2019 talks of rationalising reserved areas earmarked for PSUs which have not been used; these areas will now be put to auction.
- This will give more opportunity to the private sector for participation in mining activities.
- The policy also underlines the need to harmonise India's tax, levy and royalty rates to global benchmarks to draw higher private participation.
- **Transportation** - NMP 2019 focuses on use of coastal waterways and inland shipping for evacuation and transportation of minerals.
- It also encourages dedicated mineral corridors to facilitate the transportation of minerals.
- **Fund** - The policy calls for the utilization of the district mineral fund for equitable development of project affected persons and areas.
- **Export Import** - NMP 2019 proposes a long term export import policy for the mineral sector as an incentive for investing in large scale commercial mining activity.
- **Inter-Generational Equity** - NMP introduces the concept of Inter-Generational Equity that deals with the well-being of both the present generation and future generations.
- It also proposes to constitute an inter-ministerial body to institutionalize the mechanism for ensuring sustainable development in mining.
- **Regulation** - For regulation of the Minerals sector, E-Governance, IT enabled systems, awareness and information campaigns will be incorporated.
- Online public portal with provision for generating triggers at higher level in the event of delay of clearances by the state has been put in place.

2.5 Draft "New e-Commerce Policy"

What is the issue?

- Inter-ministerial task force constituted to evolve a "new e-commerce policy" has submitted its report to the government.
- The policy will seek to define e-commerce, strengthen FDI laws in the sector, address regulatory and competition issues and customer concerns.

What are the expected tenets of the policy?

- **Overall** - The policy will seek to define e-commerce, strengthen FDI laws in the sector, address regulatory and competition issues.
- It will also focus on consumer interests, including data protection and privacy.
- **Data privacy** - The task force has recommended the local storage of data generated by users in India from various sources.

- Data sources include e-commerce platforms, social media and search engines.
- The policy is likely to tow a nuanced approach on data localisation in order to balance the free flow of businesses with privacy concerns.
- **Structures** - Development of a suitable framework for sharing the data within the country has also been recommended.
- An online grievance redressal mechanism is also on the cards and division of powers between the Centre and States is being worked out.
- Further, a single central e-com regulator is also likely to be established on the lines of the Telecom Regulator TRAI.
- **Competition** - The draft policy has recommends tightening the scrutiny of mergers & acquisitions in the sector.
- Further, it also seeks to ensure fairness in the market place and prevent predatory pricing by imbining aspects of competition principles.

How does the future look?

- India's e-commerce market, currently valued at about \$ 27 billion, is one of the fastest growing in the world.
- A comprehensive e-commerce policy would encourage further investments in the sector that has immense potential for growth.
- A clear policy framework would also help in taking a well-informed stand on issues concerning e-commerce at global forums.
- Notably, India is under immense international pressure to start negotiations for liberalising the Indian e-commerce sector.

2.6 Draft National Education Policy 2019

Why in news?

The draft of New National Education Policy has been recently submitted by the Committee led by the Chairman Dr. Kasturirangan on education policy.

What is the new education policy for?

- The extant National Policy on Education, 1986 modified in 1992 required changes to meet the contemporary and futuristic needs of India's large youth population.
- A New Education Policy is designed to meet the changing dynamics of the requirements in terms of quality education, innovation and research.
- The policy aims at making India a knowledge superpower by equipping students with the necessary skills and knowledge.
- It also focusses on eliminating the shortage of manpower in science, technology, academics and industry.
- The Draft Policy is built on the foundational pillars of Access, Equity, Quality, Affordability and Accountability.

What are the key changes proposed?

- **Ministry** - The committee has proposed to rename the Ministry of Human Resource Development as Ministry of Education (MoE).
- **Curriculum** - In school education, a major reconfiguration of curricular and pedagogical structure was proposed.
- The policy calls for an Early Childhood Care and Education (ECCE) as an integral part of school education.
- A 5+3+3+4 curricular and pedagogical structure based on cognitive and socio-emotional developmental stages of children was proposed.
- It consists of -
 1. Foundational Stage (age 3-8 yrs): 3 years of pre-primary plus Grades 1-2
 2. Preparatory Stage (8-11 years): Grades 3-5



3. Middle Stage (11-14 years): Grades 6-8
 4. Secondary Stage (14-18 years): Grades 9-12
- The policy also seeks to reduce content load in school education curriculum.
 - There will be no hard separation of learning areas in terms of curricular, co-curricular or extra-curricular areas.
 - All subjects, including arts, music, crafts, sports, yoga, community service, etc will be part of the curricular.
 - Thus, schools will be re-organized into school complexes.
 - The policy promotes active pedagogy to focus on the development of core capacities and life skills, including 21st century skills.
 - **RTE Act** - The committee recommends Extension of Right to Education Act 2009 to cover children of ages 3 to 18 (currently, 6-14).
 - **Teacher education** - The committee proposes for massive transformation in teacher education.
 - It calls for shutting down sub-standard teacher education institutions.
 - It proposes moving all teacher preparation/education programmes into large multidisciplinary universities/colleges.
 - The 4-year integrated stage-specific B.Ed. programme will eventually be the minimum degree qualification for teachers.
 - **Higher education** - A restructuring of higher education institutions with three types of higher education institutions was proposed -
 1. Type 1: Focused on world-class research and high quality teaching
 2. Type 2: Focused on high quality teaching across disciplines with significant contribution to research
 3. Type 3: High quality teaching focused on undergraduate education
 - This will be driven by two Missions -Mission Nalanda & Mission Takshashila.
 - There will be re-structuring of Undergraduate programs such as BSc, BA, BCom, BVoc of 3 or 4 years duration and having multiple exit and entry options.
 - **Institution** - A new apex body Rashtriya Shiksha Ayog is proposed.
 - This is to enable a holistic and integrated implementation of all educational initiatives and programmatic interventions.
 - The body will also coordinate efforts between the Centre and states.
 - The National Research Foundation, an apex body, is proposed for creating a strong research culture.
 - It will help build research capacity across higher education.
 - The four functions of Standard Setting, Funding, Accreditation and Regulation will be separated and conducted by independent bodies.
 - National Higher Education Regulatory Authority will be the only regulator for all higher education including professional education.
 - The policy proposes to create an accreditation eco-system led by a revamped NAAC (National Assessment and Accreditation Council).
 - Professional Standard Setting Bodies for each area of professional education was proposed.
 - UGC is to be transformed to Higher Education Grants Commission (HEGC).
 - The private and public institutions will be treated on par, and education will remain a 'not for profit' activity.
 - Besides the above, the committee also recommended several new policy initiatives for -
 - i. promoting internationalization of higher education
 - ii. strengthening quality open and distance learning

- iii. technology integration at all levels of education
 - iv. facilitating adult and lifelong learning
 - v. enhancing participation of under-represented groups
 - vi. eliminating gender, social category and regional gaps in education outcomes
- **Language** - Promotion of Indian and classical languages and setting up three new National Institutes for Pali, Persian and Prakrit were proposed.
 - Indian Institute of Translation and Interpretation (IITI) has been recommended.
 - The policy called for the proper implementation of the three-language formula (dating back to 1968) in schools across the country.
 - Accordingly, students in Hindi-speaking states should learn a modern Indian language, apart from Hindi and English.
 - In non-Hindi-speaking states, students will have to learn Hindi along with the regional language and English.
 - The controversial three language provision was, however, dropped after protests against it in many states.
 - The draft was revised by the committee making the changes in this regard.

3. SCHEMES IN NEWS

3.1 Pradhan Mantri Annadata Aay Sanraks Han Abhiyan (PM-AASHA)

Why in news?

The Centre recently launched the Pradhan Mantri Annadata Aay Sanraks Han Abhiyan (PM-AASHA) to ensure better prices for farm produce.

What is PM-AASHA?

- The three schemes that are part of AASHA are:
 - i. the Price Support Scheme (PSS)
 - ii. the Price Deficiency Payment Scheme (PDPS)
 - iii. the Pilot of Private Procurement and Stockist Scheme (PPPS)
- These three components will complement the existing schemes of the Department of Food and Public Distribution.
- They relate to paddy, wheat and other cereals and coarse grains where procurement is at MSP now.
- **PSS** - Under the PSS, physical procurement of pulses, oilseeds and copra will be done by Central Nodal Agencies.
- Besides, NAFED and Food Cooperation of India will also take up procurement of crops under PSS.
- The expenditure and losses due to procurement will be borne by the Centre.
- **PDPS** - Under the PDPS, the Centre proposes to cover all oilseeds.
- The difference between the MSP and actual selling/modal price will be directly paid into the farmer's bank account.
- Farmers who sell their crops in recognised mandis within the notified period can benefit from it.
- **PPSS** - In the case of oilseeds, States will have the option to roll out PPSSs in select districts.
- Under this, a private player can procure crops at MSP when market prices drop below MSP.
- The private player will then be compensated through a service charge up to a maximum of 15% of the MSP.

What is the need?

- The reach of the current MSP procurement system is very poor both in terms of geography and the crops covered.

- Recently, the Centre announced a hike in MSPs for several Kharif crops.
- It said, it will pay farmers the cost of production (as determined by CACP) plus a 50% 'profit' while procuring.
- However, this works well only for paddy, wheat, and select cash crops where there is direct procurement by the industry.
- The government-driven procurement is almost nil in crops such as oilseeds, thereby defeating the purpose of MSPs.
- Besides, due to various other factors, there is increasing farmer unrest across the country.
- Prices of key agricultural commodities have fallen below their MSP (minimum support price).
- The AASHA scheme thus tries to address the gaps in the MSP system and give better returns.
- It also promises to plug the holes in the procurement system.

What are the possible benefits?

- AASHA points to an innovative, MSP-plus approach to the problem of non-remunerative prices.
- The different components would cover the gaps in the procurement and compensation mechanism for crops.
- It will also help revive the rural economy by assuring better income to farmers.
- With better prices across crops, the new scheme may ensure crop diversification and reduce the stress on soil and water.
- In the current physical procurement, government agencies end up stock-piling foodgrains.
- This results in incurring storage costs and significant wastage and leakages as well.
- So if effectively implemented, the AASHA scheme will result in savings for the Centre.
- As, there is no need for going through the hassle of physical procurement, storage and disposal.

What are the challenges and possible ways out?

- **PDPS** - The experience of Madhya Pradesh which implemented the PDPS under the Bhavantar Bhugtan Yojana last year
- Ground level checks revealed that traders plotted with each other and depressed the prices at mandis.
- They forced farmers to sell at lower prices and pocketed the compensation from the government.
- Many small and marginal farmers are unable to sell their produce under the Bhavantar scheme.
- They face the double burden of lowered price and no compensation.
- So the key here will be the implementation as failure to create a system of checks and balances can derail them.
- **PSS** - The PSS would be easier to implement, with nodal agencies doing the procurement.
- However, providing funds would be a key challenge for the Centre.
- The state governments consider it financially burdensome.

NAFED

- National Agricultural Cooperative marketing Federation of India (NAFED) was established in 1958.
- It is registered under the multi state co-operative societies act.
- Its objective is to promote co-operative marketing of agricultural produce to benefit the farmers.

FCI

- The Food Corporation of India was set up under the Food Corporation's Act 1964, with the following objectives -
 - i. effective price support operations for safeguarding the interests of the farmers
 - ii. distribution of foodgrains throughout the country for public distribution system
 - iii. maintaining satisfactory level of operational and buffer stocks of foodgrains to ensure National Food

- If all States apply to NAFED/FCI for procurement of oilseeds or pulses, the agencies will fall short of funds.
- The states may also find it hard to implement it from the current kharif marketing season, which begins soon.
- The Centre needs to figure out how to handle procurement and disposal efficiently.
- **PPSS** - The PPPS may work, but private procurers may be wary of the Centre's delayed payments.

- To ensure that AASHA works, the Centre first needs to break the trader lobbies at mandis.
- This could be done by widening the competition by inter-linking mandis.
- e-NAM promises to do so, but, States need to be proactive in undertaking regulatory reforms.

3.2 Pradhan Mantri Jan Arogya Abhiyan

Why in news?

The government rolled out Pradhan Mantri Jan Arogya Abhiyan recently.

What is the scheme all about?

- The programme is being touted as the world's largest health protection scheme.
- The scheme has two pillars under it –
 1. **Ayushman Bharat (AB)** - 1.5 lakhs health sub-centres will be converted into health and wellness centres.
 2. **National Health Protection Mission (NHPM)** - Provides health cover of Rs. 5 lakhs per family, per annum, reaching out to 50 crore beneficiaries.
- The benefits of the scheme are portable across the country for secondary and tertiary care hospitalisation.
- Also, a beneficiary covered under the scheme will be allowed to take cashless benefits from any public/private empanelled hospitals across the country.
- **Coverage** - The scheme will aim to target over 10 crore families based on SECC (Socio-Economic Caste Census) database.
- To ensure that nobody from the vulnerable group is left out of the benefit cover, there will be **no cap on family size** and age in the scheme.
- The insurance scheme will cover pre and post-hospitalisation expenses.
- **Funding** - The expenditure incurred in premium payment will be shared between central and state governments in a specified ratio –
 1. 60:40 for all states and UTs with their own legislature.
 2. 90:10 in Northeast states and the three Himalayan states of Jammu and Kashmir, Himachal and Uttarakhand.
 3. 100 per cent central funding for UTs without legislature.
- The states are also free to continue with their own health programmes.
- **Mode of funding** - In a trust model, bills are reimbursed directly by the government.
- Andhra Pradesh, Telangana, Madhya Pradesh, Assam, Sikkim and Chandigarh are the states that will use a trust model for the mission.
- In an insurance model, the government pays a fixed premium to an insurance company, which pays the hospitals.
- Gujarat and Tamil Nadu have opted for mixed mode implementation.

What more does it need?

- **Primary care** - The NHPM is pushing for hospitalisation at secondary and tertiary-level private hospitals, while disregarding the need for accessing primary care.
- Hence, households should be made to register at the 1.5 lakh 'health and wellness clinics'.
- It should provide them access to district-specific, evidence-based, integrated packages of preventive health care.
- It will also result in early detection of cancers, diabetes and chronic conditions, mostly needing long-term treatment and home care.
- This will further minimise the demand for hospitalisation.

- Investment in primary care would thus reduce the overall cost of health care for the state and the consumer.
- **Private sector** - The National Health Policy 2017 proposed “strategic purchasing” of services from secondary and tertiary hospitals for a fee.
- Competent health-care providers from private sectors can be roped in and standard treatment protocols and guidelines notified by the government.
- This will rule out potential for any unnecessary treatment, since the fees are getting fixed per episode, and not per visit.
- **Competition** - Health-care providers should be accredited without any upper limit on the number of service providers in a given district.
- The annual premium for each beneficiary would be paid to those service providers, for up to a renewable one year, as selected by beneficiaries.
- This will enhance competition and service quality while keep costs in check.
- Also, District hospitals be upgraded to government medical colleges and teaching hospitals, so that capacities at the district levels be increased.
- **Sectoral co-ordination** - Clean drinking water, sanitation, garbage disposal, waste management, food security, nutrition and vector control under various ministries be brought together to link health with development.
- Swachh Bharat programme could be incorporated in the PMJAY, so that the overall co-operation of all these sectors will reduce the disease burden.
- **Technology** - AI-powered mobile applications will soon provide high-quality, low-cost, patient-centric, smart wellness solutions.
- The scaleable and inter-operable IT platform being readied for the Ayushman Bharat is encouraging.
- Thus, with the integration of prevention, detection and treatment of ill-health, PMJAY would become a well-governed ‘Health for All’ scheme.

3.3 Challenges in the Implementation of RSBY

What is the issue?

The experience in the implementation of RSBY shows that the importance of values perceived by the community for the health insurance is scheme is more important.

What is the scheme all about?

- In India, out of the estimated workforce of 47 crores, only eight crores are organized workers and 39 crores are workers in the unorganized sector.
- Also, every year about 36 million families, or 14% of households, face a medical bill that is equal to the entire annual living expenses of one member of the family.
- This frequently pushes many families into penury.
- To cover these people, RSBY was launched in 2008 as the health insurance scheme for BPL (below poverty line) families, targeting mainly the workers in the unorganized sector.
- It provides for IT-enabled and smart card based cashless health insurance, including maternity benefit cover up to Rs. 30,000/- per annum on a family floater basis to BPL families (a unit of five) and 11 occupational groups in the unorganized sector.
- Insurance Companies both of public and private sector have participated in this flagship scheme.

What were the benefits?

- RSBY was embedded within the framework of universal health care and health rights.
- It paid appropriate attention to the existence of health rights in a local set-up.
- Targeted households measured the value of the RSBY in terms of its material benefit and measurable impact.



- This included the financial ease it provided in taking care of illnesses, the expense and types of illnesses that the card covered, and the transaction costs it entailed.
- They consider the usage of the card more in terms of bureaucratic paperwork and formal procedures.

What are the concerns in the implementation?

- However, households also valued the RSBY beyond its visible impact and they have shown little value for the RSBY over the years.
- **Service provider** - Hospitals did not respect patients with the card, believing that they were availing medical care free of cost.
- Sometimes they did not honour the card either due to inaccuracy of fingerprints or lack of money on the card.
- **Information** - Officials who distributed the RSBY smart card did not provide information on how to use the card.
- Neighbours and family members did not discuss the utilisation of the card, making households perceive the card as important to possess but not useful.
- The lack of involvement and endorsement by local leaders further diminished the value of the card for the households.
- **Awareness** - The difficulty in understanding the basic facts of the card and using it led households to opt for seeking medical care without the card.
- The cultural ethos of health insurance also affected its implementation, wherein a significant number of households perceived health insurance as a “bad omen” indicating the arrival of sickness and disease.

What does it imply for the ayushman bharat scheme?

- The government recently launched the grand government-funded healthcare scheme, the Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana (PMJAY).
- While some see its ambitious goals as its main strength, others are sceptical given the inadequate funding for the scheme, the weak infrastructure of primary health care centres, and the time required for the goals to be accomplished.
- The emerging discourse surrounding the PMJAY scheme resonates with those of RSBY.
- Although the PMJAY is much wider in its reach than the RSBY, the central framework of ensuring universal health care and health rights is the same for both the schemes.
- Also the issues considered such as allocation of funds for each illness, the types of care provided, financial considerations for empanelment of hospitals, types of illnesses covered, and transaction costs looks similar.
- However, the experience of RSBY shows that it is more important than ever before to explore how citizens exercise their right to health and understand how it could be better practised.
- Hence, the biggest challenges for the success of the PMJAY scheme lies not just in the financial and infrastructural hurdles at the local level, but on how its value is perceived by the community.

3.4 Challenges before PMUY

What is the issue?

The Pradhan Mantri Ujjwala Yojana is facing challenges to achieve its ambitious goal of popularizing cleaner fuel.

What is PMUJ about?

- Pradhan Mantri Ujjwala Yojana (PMUY) aims to safeguard the health of women & children by providing them with a clean cooking fuel LPG.
- The scheme try to ensure women empowerment by issuing connection in the name of women of the households.
- Under the scheme identification of the beneficiaries i.e. BPL families will be done through Socio Economic Caste Census Data.
- The PMUY rules were amended to allow households to opt for two 5 kg cylinders instead of one 14 kg cylinder initially and shift to a 14 kg one after a few months.

- That is based on two assumptions the household's willingness to pay for the fuel will rise and that the household will get habituated to the convenience of cooking with LPG which will lead to increased consumption of the fuel.

What are the challenges before the scheme?

- A recently published study called ACCESS by the Council for Energy, Environment and Water across six cities shows, a large number of households stock LPG and biomass.
- Only a small proportion of these households use LPG alone for cooking.
- Affordability of refill and difficulty in getting a refill are the reasons for this scenario.
- In rural India many households are using biomass such as firewood, crop residue and dung cakes as their primary cooking fuels which are much affordable for them.
- The CEEW study across Uttar Pradesh, Madhya Pradesh, Jharkhand, Bihar, West Bengal and Odisha found people were unwilling to pay upfront ₹900-1,000 for a 14 kg refill but would pay about ₹300 for a refill which is about the price of refilling a 5 kg cylinder.
- While it is true that use of cylinders does increase over the years, the assumption of union government on cylinder consumption ignores the volatility in rural incomes.
- It also ignores that most rural women do not have a say in determining when a refill is ordered, even though the connection is in their name.

What lies ahead?

- The government and the oil marketing companies therefore, need to find ways in which they can get more households to use LPG as their primary fuel.
- For one, the option of getting a 5-kg refill for a few years along with the subsidy may just help.

3.5 PM-KUSUM Scheme

What is the issue?

- The Ministry of New and Renewable Energy (MNRE) recently rolled out a massive solar-pump programme called the PM-KUSUM scheme.
- Here is an overview of the implications of the scheme and the necessary changes to be made.

What is the scheme about?

- The Pradhan Mantri Kisan Urja Suraksha evam Utthaan Mahabhiyan (PM-KUSUM) scheme has a target to set up 25,750 megawatts (MW) solar capacity by 2022 to power irrigation pumps.
- The approved scheme comprises of three components:
 - i. setting up of 10,000 MW of decentralised ground / stilt-mounted grid-connected solar or other renewable energy based power plants
 - ii. installation of 17.5 lakh standalone solar agriculture pumps
 - iii. solarisation of 10 lakh grid-connected solar agriculture pumps
- It comes with central financial support of close to Rs 34,000 crore.

What will be the incremental change?

- 25,750 MW solar capacity can power about 11.5 million 3 HP (horsepower) pumps or 7 million 5 HP pumps.
- [At present, nearly 30 million irrigation pumps are estimated to be operating in India.
- Of this, 21 million are electric and 9 million are diesel-based.]
- The KUSUM scheme can potentially convert one-third to one-fourth of all irrigation pumps into solar-powered pumps in a short period of 3 years.
- This rapid transition is possible as the scheme makes buying pumps extremely affordable for medium-sized and large farmers.

- It comes with 30% subsidy from the central and state government each, and there is a provision to take bank loans for 30% of the cost.
- So, farmers have to shell out only 10% of the cost to buy solar pumps.

What are the benefits?

- The scheme is good to increase farmers' income in the short term.
- As solar power is cheaper than diesel off-grid, solar pumps will reduce the cost of irrigation significantly.
- The effect is substantial in states like Bihar where farmers largely use diesel pumps.
- This will allow farmers to grow more crops (even the water-intensive ones), at a lower cost of cultivation, thereby increasing income.
- In Punjab, electric pumps dominate and the power subsidy to the agricultural sector is about Rs. 7000 crore annually.
- So, solarisation of agriculture feeders will reduce the subsidy burden significantly.
- Farmers' income will also be augmented by selling electricity from solar plants on to the discoms.
- The most important part of the solar pump is that the solar cycle matches the irrigation cycle.
- So, farmers will get assured irrigation for at least 6 hours during day time, and they do not have to remain awake at night to irrigate their farms.
- [As grid supply is more assured at night in most states.]

What is the need for caution?

- Agriculture in India has become increasingly dependent on groundwater for irrigation.
- Nearly 90% of India's total groundwater draft is used to irrigate 70% of the country's total irrigated land.
- This has helped increase productivity and farmer income.
- However, it has also led to massive overexploitation of aquifers.
- Both the quality and quantity of groundwater are depleting at an alarming rate, and the condition of aquifers has reached a crisis point.
- The problem of overexploitation of groundwater is driven by the availability of subsidised (often, free power for irrigation).
- This creates little incentives to use power or water efficiently.
- States like Punjab, Haryana, TN, etc, with very low tariffs for agriculture, have the highest share of semi-critical, critical and overexploited aquifers.
- This is unsustainable in every aspect, including the long-term future of farmers and food security of the country.
- In this context, there is an inbuilt cost factor in diesel pumps, due to the cost of diesel, that restricts wasteful use of water.
- Replacing these with the far cheaper off-grid solar pumps, with no running expenses, has a high possibility of overuse, leading to groundwater depletion.

What are the shortfalls in KUSUM scheme?

- In the above context, the KUSUM scheme has also not provided any provision to utilise surplus power from off-grid pumps to light rural homes and businesses.
- In the case of solarisation of agriculture feeders, the subsidy burden for states is also likely to reduce significantly.
- So state governments have even less incentive to increase agriculture tariff to conserve water and hence, gross overexploitation of groundwater is likely to continue.
- Overall, the KUSUM scheme fails to promote efficient irrigation and incorporate explicit and strict measures against groundwater exploitation.

- The scheme only explores the possibility of its convergence with state-level schemes for promoting the micro-irrigation systems and energy-efficient pumps.
- It does not mandate the same.

What does this call for?

- The current practice of overexploitation of groundwater for irrigation has to be changed, with high priority.
- If this is not done, the World Bank predicts that around 60% of the aquifers in India will be in a critical state by 2032.
- Large-scale deployment of solar pumps, without a comprehensive plan to monitor and control water usage, is likely to make this prediction a reality.
- The KUSUM scheme will thus have to be redesigned and positioned as a water and agricultural scheme, and not merely as a renewable-energy scheme.

How can this be done?

- The central government could push massive irrigation reforms in states through the KUSUM scheme.
- It should only be extended to states willing to take strong measures to improve irrigation efficiency and control exploitation of groundwater.
- Secondly, it must mandate micro-irrigation for solar pump beneficiaries.
- Groundwater extraction must be closely monitored and strict mandates on pump size and bore-well depth must be set.
- Supporting low water-intensive crops in water-scare regions, too, is crucial.
- Deployment of off-grid solar pumps must be restricted to areas where the grid has not reached and groundwater is abundant.
- Even in groundwater-abundant areas, off-grid solar pumps must be used for rural electrification.
- Otherwise, it should be developed into community-based water sale models to maximise utilisation and reduce water wastage.
- Solarisation of rural feeders should be accompanied by a gradual increase in electricity tariffs.
- This is crucial to control groundwater exploitation and reduce the burden of agricultural subsidy.

3.6 Pradhan Mantri Rojgar Protsahan Yojana (PMRPY)

Why in News?

The Ministry of labour and employment has presented some data in the Lok Sabha about the Pradhan Mantri Rojgar Protsahan Yojana (PMRPY).

What is the data?

- Over one crore new employees had joined the workforce as part of the PMRPY between August 2016 and March 2019.
- About 57% of them came from **5 States** – Maharashtra, Tamil Nadu, Karnataka, Gujarat and Haryana.
- Of the total new employees who joined the workforce during this period,
 - 40 % - Joined 'expert services'
 - 2 % - Joined in financial establishments
 - 7 % (each) - Commercial trading, textiles and building construction
 - 5 % (each) - Garment-making and engineering sectors.

Beneficiaries under PMRPY		Industry-wise PMRPY statistics	
<i>(August 1, 2016 to March 3, 2019)</i>			
State	Number of employees	Industry	Employee benefited
Maharashtra	21,06,405	Expert services	47,06,945
Tamil Nadu	14,17,808	Trading - Commercial	8,09,949
Karnataka	11,51,215	Textiles	7,79,321
Gujarat	10,28,838	Building and construction	7,57,435
Haryana	9,70,736	Garment making	6,18,104
India	1,18,05,003		

Source: Ministry of Labour and Employment data presented in the Lok Sabha on July 15, 2019



What is PMRPY about?

- It is being implemented by the **Ministry of Labour and Employment** and is operational since August, 2016.
- It was launched for incentivising employers for generation of new employment.
- The **Government** of India will **pay the entire employer's contribution** (12 per cent or admissible contribution) towards the Employees' Provident Fund (**EPF**) and the Employees' Pension Scheme (**EPS**) for all eligible new employees for all sectors for **3 years**.
- All new eligible employees will be covered under the PMRPY Scheme **till 2019-20**.

Who are eligible?

- All **establishments registered with EPFO** i.e. Employees' Provident Fund Organisation can apply for availing benefits under the scheme subject to the certain conditions.
- Employees who are earning **wages less than Rs 15,000/-** per month are eligible.

What are the benefits of the scheme?

- The employer is incentivised for increasing the employment base of workers in the establishment.
- A large number of workers will find jobs in such establishments.
- A direct benefit is that these workers will have access to social security benefits of the organized sector.

3.7 Pradhan Mantri Shram-Yogi Maandhan

Why in news?

The Interim Budget 2019 announced Pradhan Mantri Shram-Yogi Maandhan (PMSYM), a pension scheme for the unorganised sector workers.

What are the key provisions?

- PMSYM is a mega co-contributory pension scheme for unorganised sector workers with monthly income of up to Rs 15,000.
- It promises to provide assured pension of Rs 3,000 per month from the age of 60 years, in return for making a monthly contribution of a nominal sum during the working age.
- The scheme will cover 10 crore workers in the unorganised sector in the first 5 years, making it one of the largest pension schemes in the world.
- The benefits and the design spelt out in PMSYM are much in line with the Atal Pension Yojana (APY).

How does PMSYM compare with APY, and what are the concerns?

- The Atal Pension Yojana (APY) launched in 2015 also targets the unorganised sector.
- The government's estimate that the scheme would cover 2 crore workers in a year is uncertain, given the similar target group and similar design as APY.
- The five-year projections on coverage are less likely to be materialised as even APY had only about 1.34 crore subscribers in the 3 years (a mere 3.2% of the total unorganised sector workforce).
- APY has not been attractive for the unorganised sector -
 - i. due to its contributory nature
 - ii. the inflation-adjusted future benefits are too small to meaningfully serve any purpose in the old age
- By fixing Rs 3,000 per month, PMSYM has limited the options for a worker to choose the level of benefits as is currently possible under APY.
- In effect, it is said that the APY has been merely rechristened as PMSYM as there are no big changes in terms of design or real benefits.
- It is also unfair to allocate scarce financial and regulatory resources on duplicate schemes for the same target group.
- So in reality PMSYM may not make a big impact in serving a vast majority of the unorganised class.

What should be done?

- Workers in the unorganised sector constitute 90% of the country's workforce.
- Among them, a substantial proportion belongs to the economically weaker sections (EWS).
- There is thus a need for concrete public policy initiatives that secure their well-being, particularly in the old age.
- Addressing the underlying issues around design, adequacy, efficiency, equity and targeting is essential.

3.8 Pradhan Mantri Kisan Samman Nidhi

What is the issue?

- The 2019 budget announced the Pradhan Mantri Kisan Samman Nidhi, guaranteeing direct income support for farmers.
- This has renewed the debate on the idea of a universal basic income (UBI).

What is the PM Kisan Samman Nidhi?

- Vulnerable landholding farmer families, having cultivable land of up to 2 hectares, will be provided direct income support of Rs. 6,000 a year.
- This is to help them meet farm input and other costs during the crop season.
- The programme would be made effective retrospectively from December 1, 2018.
- It would be fully funded by the Union Government. The interim Budget provides Rs. 75,000 crore for the present and the next year.

What is the UBI concept?

- The idea of universal basic income (UBI) is essentially transferring some income to every citizen.
- This is built on the twin principles of universality and a notion of minimum basic income to those living at the poverty line.
- The principle of universality is at the core of it given the problems of targeting.
- Although the idea of universal basic income (UBI) has been in discussion for decades, no country has implemented it.
- While a proposal for UBI was rejected by a three-fourth majority in Switzerland, Finland which started a pilot has now discontinued it.
- But even in Finland, the pilot was not a strict UBI but a social protection scheme aimed at only the unemployed.
- There have been some pilots by NGOs in developing countries in Asia and Africa.
- But they have varied in content of transfer and coverage with only few being fully universal.

What about targeted support?

- The proposals in the Indian context have mostly been for a targeted income transfer scheme and not UBI.
- Some form of income support to those who are unable to participate in labour market has been there in most countries in some form or other.
- E.g. in India, the National Social Assistance Programme (NSAP) pensions for widows, elderly and the disabled

How does India's UBI proposal differ?

- In developed countries, the UBI is supposed to supplement existing social security provisions.
- So it would be over and above the universal provision of health, education and so on.
- But in the Indian context, the arguments in favour of UBI are centred on the inefficiencies of existing social security interventions.
- Essentially, UBI in India seeks to replace some of these interventions with direct cash transfers.



Why are cash transfers flawed?

- The targeted cash transfer scheme envisions the role of the state to only providing cash income to the poor.
- This approach seeks to absolve the state of its responsibility in providing basic services such as health, education, nutrition and livelihood.
- Besides, it is unfair, as it seeks to create demand for services without supplying the services, leaving the poor to depend on private service providers.
- Evidently, privatisation of basic services such as health and education leads to large scale exclusion of the poor and marginalised.
- In any case, India is among the countries with lowest expenditure to GDP ratio as far as expenditure on health, education and so on are concerned.

How are in-kind transfers a better option?

- Cash transfers are not encouraging in terms of leakages compared to other schemes of in-kind transfer such as the public distribution system (PDS).
- A move towards universalisation and use of technology enabled Chhattisgarh and Tamil Nadu to reduce leakages in the PDS.
- It shows that universalisation is the key to efficient delivery of services against targeting proposed by the cash transfer schemes.
- Also, the cash transfer proposals claim that it would address everything from agrarian crisis, malnutrition, educational deficit to job crisis.
- But again the PDS shows that in-kind transfers are twice as effective in increasing calorie intake compared to equivalent cash transfer.
- Similarly, the crisis in agriculture is unlikely to be resolved by income transfers, where addressing pricing, procurement and other structural issues are essential.
- Likewise, there are different reasons for persistence for some of the above problems which cash transfer may not wholly address.

What is to be done?

- An appropriate way to address poverty is to enable the citizens to earn their living by providing jobs.
- For those who are willing to work, schemes such as the Mahatma Gandhi National Rural Employment Guarantee Scheme should be strengthened.
- Nevertheless, cash transfers would be relevant for those who are unable to access the labour market or are marginalised due to other reasons.

3.9 Adopt a Heritage Scheme

Why in news?

Various Heritage sites are to be adopted by a Monument Mitras under Adopt a Heritage scheme.

What is Adopt a Heritage scheme?

- It is an initiative of the Ministry of Tourism, in collaboration with the Ministry of Culture and the Archaeological Survey of India.
- Under the scheme government invites entities, including public sector companies, private sector firms as well as individuals, to develop selected monuments and heritage and tourist sites across India.
- Development of these tourist sites calls for providing and maintaining basic amenities, including drinking water, ease of access for the differently abled and senior citizens, standardised signage, cleanliness, public conveniences, etc.

How the scheme works?

- The sites/monument for this scheme will be selected on the basis of tourist footfall and visibility and can be adopted by private and public sector companies and individuals known as Monument Mitras for an initial period of five years.



- The Monument Mitras are selected by the ‘oversight and vision committee,’ co-chaired by the Tourism Secretary and the Culture Secretary.
- There is no financial bid involved and the corporate sector is expected to use corporate social responsibility (CSR) funds for the upkeep of the site.
- The Monument Mitras, in turn, will get limited visibility on the site premises and on the Incredible India website.
- The oversight committee also has the power to terminate a memorandum of understanding in case of non-compliance or non-performance.

What is the status of this scheme?

- The government looks forward that the scheme would help to increase tourist footfall and improve the infrastructure around the monument.
- So far, 31 agencies or Monument Mitras have been approved to adopt 95 monuments/tourist sites.
- MoUs has been signed for adopting Mt. StokKangri (in Ladakh), Trail to Gaumukh, (in Uttarakhand), Red Fort (in Delhi) and the Gandikota Fort (in Andhra Pradesh).
- This is a pretty small list, as the ASI protects 3,686 ancient monuments and archaeological sites, including 36 world heritage sites.
- Union government further intends to expand the ‘Adopt a Heritage’ scheme.

3.10 Witness Protection Scheme, 2018

Why in news?

The Supreme Court has approved India's first Witness Protection Scheme.

What is the Witness Protection Scheme, 2018?

- The scheme was drawn up by
 - i. the central government with inputs from 8 states/Union Territories
 - ii. legal services authorities of five states
 - iii. open sources including civil society, three high courts as well as from police personnel
- The scheme was finalised in consultation with the National Legal Services Authority (NALSA).
- **Features** - The important features include identifying categories of threat perceptions and preparation of a ‘Threat Analysis Report’ by the head of the police.
- Besides, other protective measures include -
 - i. ensuring that the witness and accused do not come face to face during probe
 - ii. protection of identity
 - iii. change of identity
 - iv. relocation of witness
 - v. witnesses to be apprised of the scheme
 - vi. confidentiality and preservation of records
 - vii. recovery of expenses, etc
- Other features include in-camera trial, proximate physical protection and anonymising of testimony and references to witnesses in the records.
- **Threat perception** - The programme identifies “three categories of witnesses as per threat perception” as follows:
- **Procedure** - The application for protection will have to be filed before the “Competent Authority” along with supporting documents.
- The Authority will in turn seek a “Threat Analysis Report” from the ACP/DCP in charge of the police station.



- The Authority will be required to dispose an application within five days from the date of receipt of Threat Analysis Report.
- In its report, the police officer must categorise the threat perception and suggest protective measures.
- The Authority shall interact with the witness and other relevant persons (in person or through electronic means).
- The Witness Protection Order passed by the Competent Authority shall be implemented by the Witness Protection Cell of the state or UT.
- The “overall responsibility” for implementing the order lies with the head of the police of the state and Union Territory.
- If the order is for change of identity or relocation, it shall be implemented by the Home department concerned.
- The Witness Protection Cell will file a monthly follow-up report to the Authority.
- It also empowers the Authority to call for a fresh Threat Analysis Report if it feels the need to revise its order.
- **Fund** - The expenses for the programme will be met from a Witness Protection Fund to be established by the states and UTs.
- They should make annual budgetary allocation for the fund which will also be free to accept donations.

What is the Court's order?

- The court noted that one of the main reasons for witnesses turning hostile is the lack of appropriate protection by the State.
- Being unable to testify in courts due to threats or other pressures is a clear violation of Article 21 of the Constitution.
- The Court thus asked the Centre, states and Union Territories to “enforce” the scheme “in letter and spirit”.
- It asked all states and UTs to set up vulnerable witness deposition complexes, as required by the Scheme, by the end of 2019.
- These rooms will be equipped with facilities to prevent the accused and witness coming face to face.
- The court said, “it shall be the ‘law’ under Article 141/142 of the Constitution, until the enactment of suitable Parliamentary and/or State Legislations on the subject”.

How does it help?

- Witnesses turning hostile is a major reason for most acquittals.
- In the current system, there is little incentive for witnesses to turn up in court and testify against criminals.
- The judicial process seldom takes into account the distance they have travelled or the time they have lost in attending court.
- Thus, the need to protect witnesses has been emphasised by Law Commission reports and court judgments for years.