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Summary

Chanakya IAS Academy

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10TH SCHEDULE

Introduction:

- Allegations of legislators **defecting in violation of the law have been made in several states including Karnataka, Andhra Pradesh, Arunachal Pradesh, Goa, Manipur, Nagaland, Telangana and Uttarakhand** in recent years.
- Vice President of India recently expressed that the time has come to **revisit the Tenth Schedule of the Constitution**.
- The anti-defection law sought to **prevent such political defections** which may be due to reward of office or other similar considerations.
- The main intent of the law was to combat **"the evil of political defections"**.
- Tenth Schedule of the Indian Constitution (Article 102 and 191) deals with the provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection (a person who gives up loyalty to one party in exchange for loyalty to another, in a way which is considered illegitimate by the first party).

Tenth Schedule:

- The Tenth Schedule of Indian Constitution is popularly known as the **Anti-Defection Act**.
- **Original constitution had no such provisions.**
- It was **included in the Constitution in 1985 by the 52nd Amendment Act**.
- It lays down the process by **which legislators may be disqualified on grounds of defection** by the Presiding Officer of a legislature based on a petition by any other member of the House.
- The **decision on question as to disqualification** on ground of defection is referred to the Chairman or the Speaker of such House, and his decision is final.
- **The law applies to both Parliament and state assemblies.**

History of 10th schedule:

- The anti-defecation law was conceived during a period infamous for **'Aaya Ram Gaya Ram'**. It was a phrase that became popular in Indian politics after a Haryana MLA Gaya Lal changed his political party thrice within the same day in 1967.
- The first anti-defection law stated that any individual cannot change party on the ticket he/she is chosen. It needs minimum of 1/3rd members of a party to join another party. Hence, **as per the 1985 Act, a 'defection' by one-third of the elected members of a political party was considered a 'merger'**.
- However, the Dinesh Goswami Committee on Electoral Reforms, the Law Commission in its report on "Reform of Electoral Laws" and the National Commission to Review the Working of the Constitution (NCRWC), all recommended the deletion of the Tenth Schedule provision regarding exemption from disqualification in case of a split.
- As a result, **91st Constitutional Amendment Act, 2003** made at least two-thirds of the members of a party compulsory to be in favour of a "merger" for merger to have legal validity and to save their seats in parliament. It omitted the disqualification in case of splitting of political parties.
- Meanwhile, a provision was brought in the constitution that says the **composition of government could not be more than 15% of the strength of the legislature**.
- It was added to provide disincentive to anyone from non-ruling party to join the ruling party in the hope of getting ministerial berth.

Features of the Act:

- **Disqualification:**
 - If a member of a house belonging to a political party:
 - **Voluntarily gives up the membership** of his political party, or

- **Votes, or does not vote in the legislature**, contrary to the directions of his political party. However, if the member has taken prior permission, or is condoned by the party within 15 days from such voting or abstention, the member shall not be disqualified.
 - **If an independent candidate joins a political party** after the election.
 - If a **nominated member joins a party six months** after he becomes a member of the legislature.
- **Exceptions under the law:**
 - Legislators may **change their party without the risk of disqualification in certain circumstances**.
 - The **law allows a party to merge with or into another party** provided that at least two-thirds of its legislators are in favour of the merger.
 - In such a scenario, **neither the members who decide to merge, nor the ones who stay with the original party will face disqualification**.
 - **Power to Disqualify:**
 - The **Chairman or the Speaker of the House takes the decision to disqualify** a member.
 - If a complaint is received with respect to the defection of the Chairman or Speaker, **a member of the House elected by that House shall take the decision**.

Judicial interpretations on anti defection law:-

- The phrase '**Voluntarily gives up his membership**' has a wider connotation than resignation.
- The Tenth Schedule says the Speaker's/Chairperson's decision on questions of disqualification on ground of defection shall be final and can't be questioned in courts.
- **In Kihoto Hollohan vs Zachillhu and Others (1991)**, and SC Constitution Bench declared that the Speaker's decision was subject to judicial review.
- In 1996 – Once a member is expelled, he is treated as an 'unattached' member in the house. However, he continues to be a member of the old party as per the Tenth Schedule. **So if he joins a new party after being expelled, he can be said to have voluntarily given up membership of his old party**.
- The Speaker of a House does not have the power to review his own decisions to disqualify a candidate. Such power is not provided for under the Schedule, and is not implicit in the provisions either.
- In the case of the two MPs who were disqualified from Rajya Sabha, they were deemed to have 'voluntarily given up their membership' by engaging in anti-party activities which included criticizing the party on public forums on multiple occasions, and attending rallies organised by opposition parties in Bihar.

Advantages of anti-defection law:

- Facilitates merger of political parties without attracting the provisions of Anti-defection.
- Expected to reduce corruption at the political level.
- More concentration on governance is possible.
- Provides for punitive measures against a member who defects from one party to another.
- Ensures that candidates remain loyal to the party as well the citizens voting for him.

Challenges:

- The law doesn't touch on the time period for the speaker to decide on disqualification.
- The anti-defection law raises a number of questions, several of which have been addressed by the courts and the presiding officers.
- Resignation v/s Disqualification has seen in Karnataka.
- The law states that the decision is final and not subject to judicial review. There are several instances that presiding officers take politically partisan view.
- The Supreme Court struck down part of this condition. It held that there may not be any judicial intervention until the presiding officer gives his order. However, the final decision is subject to appeal in the High Courts and Supreme Court.

Does the anti-defection law affect the ability of legislators to make decisions?

- The anti-defection law seeks to provide a stable government by ensuring the legislators do not switch sides.
- However, this law also restricts a legislator from voting in line with his conscience, judgement and interests of his electorate.
- Such a situation impedes the oversight function of the legislature over the government, by ensuring that members vote based on the decisions taken by the party leadership, and not what their constituents would like them to vote for.
- Political parties issue a direction to MPs on how to vote on most issues, irrespective of the nature of the issue.

Way Forward:

- Need to have time limit to the speaker to dispose of the anti defection violations.
- Final decision on disqualification should be taken by President or Governor because too much importance has been given to speaker as per anti defection law is concerned.
- More stringent and effective law is a need of hour and everyone should be bound by them and rules should be open for comments from all section concerned.
- Proper division of power should be put in place between Legislature, executive and judiciary.

59 MINUTE LOAN PORTAL

Introduction:

- Union **Finance Minister launched portal www.psbloansin59minutes.com to enable micro, small and medium enterprises (MSMEs)** to get in-principle approval of loans within hour without need for branch visit.
- The web portal will **enable in principle approval for MSME loans up to Rs. 1 crore within 59 minutes from Small Industries Development Bank of India (SIDBI) and 5 Public Sector Banks (PSBs).**
- It also simplifies decision making process for loan officer as final output provides summary of credit, valuation and verification on a user-friendly dashboard in real time.

About the Portal:

- The portal was launched to **provide credit of up to Rs 1 crore to micro, small and medium enterprises (MSMEs) in just 59 minutes.**
- It is one of its kind platforms in MSME segment which integrates advanced fintech to ensure seamless loan approval and management. The loans are **undertaken without human intervention till sanction and or disbursement stage.**
- The user-friendly portal offers contactless journey where a borrower is not required to visit bank branch for in-principle approval. **The Platform uses advanced algorithms to analyze data points from various sources such as IT returns, GST data, Bank Statements** etc.
- PSBloansin59minutes.com is a comprehensive & unique platform integrated seamlessly with existing infrastructure of banks. This is the only platform having Banker Interface covering Branch level integrations.

Need of the Portal:

- The **biggest advantage of a PSB loan is its low cost, which could be 5-7% lower than that of NBFCs.**
- For a small borrower looking for a collateral-free loan under Rs. 1 crore, PSB loans are critical, as both private banks and NBFCs mostly lend against security.
- **PSB loans are also an important source of funding for the manufacturing sectors such as food processing, textile, chemicals, and auto components.**
- As such, this policy measure may be a sincere attempt to reduce the time and effort required to secure credit from PSBs, thus easing the life of an entrepreneur.

How it Works?

- The Portal sets a new **benchmark in loan processing and reduces the turnaround time from 20-25 days to 59 minutes**. Subsequent to this in principle approval, the loan will be disbursed in 7-8 working days.
- The solution uses sophisticated algorithms to read and analyse data points from various sources such as IT returns, GST data, bank statements, MCA21 etc. in less than an hour while capturing the applicant's basic details.
- The **system simplifies the decision making process for a loan officer as the final output provides a summary of credit, valuation and verification on a user-friendly dashboard** in real time.

Concerns related to the portal:

- The demand for such a portal is validated by both the **large number of applications (around 1.31 lakh) received within two months of its launch**, and their total loan value.
- However, unless these applications translate into loan disbursements, the portal would remain just another channel for PSBs to generate qualified leads.
- The **difficulties in getting a loan from PSBs stem from unwillingness of the ground-level staff to even accept the loan application**.
- Even after a loan is approved, the high turnaround time for the disbursement remains a challenge.
- Therefore, the portal is a good first step to at least reduce the number of branches to be visited.
- In addition, the **MIS behind the portal would make it easier for the banks to monitor loan rejections**.
- Thus, the scheme's success depends on the ability of PSBs to quickly disburse the loans that are approved by the portal.

Way Forward:

- High approval ratio by this scheme suggests that either most of the SMEs that are applying through the portal have good credit quality or the portal's credit approval norms are not strict enough.
- Also, **low loan sanction ratio indicates that the turnaround time for loan sanction is more than two to three weeks** and a number of applications are still undergoing due diligence and, thus, do not reflect in the sanction data.
- The credit approval process should capture the existing liabilities of the borrower so that there are no disputes on quantum of credit to be sanctioned.
- Also, **it should assess the availability of other resources such as land/technology with the borrower before sanctioning term loan for a new asset**.

ARTICLE 370- ABROGATION AND IMPLICATIONS

Introduction:

- In an announcement with massive repercussions for Jammu and Kashmir the **government has repealed Article 370 of the Constitution which grants special status to J&K**.
- The government also decided to bifurcate the state into two Union territories – Jammu and Kashmir, which will have a legislature, and Ladakh, which will be without a legislature.

What is article 370 By Constitution of India?

- **The Article 370 is defined under Part XXI of the Indian Constitution** which deals with Temporary, Transitional and Special Provisions.
- Though in this part (Part XXI) special provision are given to the **states of Maharashtra, Gujarat, Nagaland, Assam, Manipur, Sikkim, Mizoram, Arunachal Pradesh and Goa, the special power and provision of J & K are nowhere when compared**.
- Article 370 restricts Indian parliament to make any laws for the state and **it can only preside over the subjects like Defence, External Affairs, and communication**.
- Laws related to union and concurrent list in J & K can be passed only after consultation with the state government.

Background:

- Article 370 of the Indian constitution is an article that **gives autonomous status to the state of Jammu and Kashmir.**
- The article is **drafted in Part XXI of the Constitution: Temporary, Transitional and Special Provisions.**
- The Constituent Assembly of Jammu and Kashmir, **after its establishment, was empowered to recommend the articles** of the Indian constitution that should be applied to the state or to abrogate the Article 370 altogether.
- After the **J&K Constituent Assembly later created the state's constitution and dissolved itself without recommending the abrogation of Article 370**, the article was deemed to have become a permanent feature of the Indian Constitution.

Article 35A:

- Article 35A is a provision incorporated in the Constitution giving the Jammu and Kashmir Legislature a carte blanche to decide who all are **'permanent residents' of the State and confer on them special rights and privileges in public sector jobs, acquisition of property in the State, scholarships and other public aid and welfare.**
- The provision mandates that **no act of the legislature coming under it can be challenged for violating the Constitution** or any other law of the land.

Insertion of Article 35A:

- **Article 35A was incorporated into the Constitution in 1954** by an order of the then President on the advice of the PM Cabinet.
- The controversial Constitution (Application to Jammu and Kashmir) **Order of 1954 followed the 1952 Delhi Agreement entered into between PM of India and the then Prime Minister of Jammu and Kashmir, which extended Indian citizenship to the 'State subjects'** of Jammu and Kashmir.
- The Presidential Order was issued under Article 370 (1) (d) of the Constitution. This provision allows the President to make certain "exceptions and modifications" to the Constitution for the benefit of 'State subjects' of Jammu and Kashmir.
- So, **Article 35A was added to the Constitution as a testimony of the special consideration the Indian government accorded to the 'permanent residents'** of Jammu and Kashmir.

Legislative powers of the Union Territory of Jammu and Kashmir:

- The **Legislative Assembly may make laws for the whole or any part of the Union Territory of Jammu and Kashmir with respect to any of the matters enumerated in the state list except on subjects "public order" and "police"** which will remain in the domain of the Centre vis-a-vis the LG.
- In case of inconsistencies between laws made by Parliament and laws made by the Legislative Assembly, earlier law shall prevail and law made by the Legislative Assembly shall be void.
- The role of the **Chief Minister will be to communicate to the L-G all decisions of the Council of Ministers relating to the administration of affairs of the Union Territory and proposals for legislation** and to furnish such information relating to the administration of affairs as the L-G may call for.

Role and powers of the Lieutenant Governor:

- The **Bill specifies that the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh will have a common Lieutenant Governor.**
- **Appointment of L-G in Ladakh:** The President shall appoint the L-G under article 239. The L-G will be assisted by advisors appointed by the Centre since the Union Territory will not have a Legislative Assembly.
- In the case of Union Territory of Jammu and Kashmir, the **L-G shall "act in his discretion" on issues which fall outside the purview of powers conferred on the Legislative Assembly**, in which he is required to exercise any judicial functions, and/or matters related to All India services and the Anti-Corruption Bureau

- The Chief Minister shall be appointed by the L-G who will also appoint other ministers with the aid of the CM. The L-G shall also administer the oath of office and of secrecy to ministers and the CM.
- The L-G will have the power to promulgate ordinances which shall have the same force and effect as an act of the Legislative Assembly assented by the L-G.

Challenges ahead:

- The move will be legally challenged on grounds of procedural infirmities and, more substantively, that it **undermines the basic feature of the compact between Delhi and Srinagar that was agreed upon in 1947.**
- Law and order maintenance challenge.
- The President's power under **Article 370 has been used both to create an enabling provision and to exercise it immediately to modify the Order**, thereby dispensing with the role envisaged for the State Assembly.
- In 1961 the Supreme Court upheld the President's power to 'modify' the constitutional provisions in applying them to J&K; **it is a question whether this can be invoked to make such a radical change: a functioning State has now been downgraded and bifurcated into two Union Territories.**

Conclusion:

- The special status of J&K was meant to end, but only with the concurrence of its people.
- The Centre's abrupt move disenfranchised them on a matter that directly affected their life and sentiments.
- Moreover, that this was done after a massive military build-up and the house arrest of senior political leaders, and the communications shutdown reveals a cynical disregard of democratic norms.

CHIEF OF DEFENCE STAFF

Introduction:

- In Independence Day speech Prime Minister of India made a far-reaching announcement for India's defence forces.
- The **government has decided to establish the post of Chief of Defence Staff (CDS) for the three services** -the Indian Army, the Indian Navy and the Indian Air Force.
- The demand for having a Chief of Defence Staff (CDS) has been raised on multiple occasions by experts and veterans. **It was first recommended after the 1999 Kargil War.**
- The post is **aimed at ensuring better coordination between the three services.**

Chief of Defence Staff:

- The Chief of Defence Staff (CDS) **is a post that will act as the single-point advisor to the Government of India.**
- The officer concerned will be in a position to advise on matters related to all the three services -Army, Navy and Air Force -thus making India's armed forces integrated.
- The **Chief of Defence Staff will be a 'first among equals', a fourth four-star officer who will be senior to the three other service chiefs.**

Background:

- The recommendation for creating the **post of Chief of Defence Staff (CDS) was first made after the 1999 Kargil War.**
- A high-level committee that was set up to **examine the gaps in the country's security system in the wake of the Kargil War** had recommended that the three services should have a Chief of Defence Staff.
- The committee had said, **a five-star military officer, should be the single-point military adviser to the Defence Minister.**
- Besides the high-level committee on Kargil War, a group of ministers that was formed in 2001 to explore **necessary reforms required to improve India's national security had also favoured creating the post of Chief of Defence Staff.**

- In 2012, the **Naresh Chandra Task Force recommended** that post of a permanent chairman of the **Chiefs of Staff Committee (CoSC) should be created.**
- The CoSC comprises chiefs of the Indian Army, Indian Navy and the Indian Air Force. The **senior-most among them would act as the chairman.**

Why CDS was needed?

- CDS has been built around the argument that it is necessary to have a professional body of the highest standing to **facilitate 'jointmanship' and render single-point military advice to the government on matters of national security.**
- The intention behind creating CDS was to **"reconcile possible differences" in service-specific opinions** to enable the government to arrive at considered military decisions.
- The institution of a **CDS is best justified by the importance of strategising for a robust** and cost-efficient national defence policy.
- Implicit in this is the role the CDS would play in fostering inter-services jointness in terms of budgeting, equipment purchases, training, joint doctrines and **planning of military operations-an imperative of modern warfare.**

Why did it take 20 years?

- In the past 20 years since it was first recommended, **questions regarding the creation of Chief of Defence Staff (CDS) have been raised in Parliament** from time to time.
- A question in this regard was last raised on February 12, 2018 where the government was asked if it proposes to create the post of CDS.
- The government in its reply had said, **"Creation of the post of Chief of Defence Staff (CDS) was recommended by Group of Ministers in 2001.**
- A decision in this regard was to be taken after consultation with political parties. Subsequently, **Naresh Chandra Task Force on National Security recommended creation of the post of Permanent Chairman Chief of Staff Committee in 2012.** Both the proposals are simultaneously under consideration of the Government."
- One of the reasons why a decision on creating the post of Chief of Defence Staff could not be taken in the past 20 years was that a political consensus could not be created on it.
- The Group of Ministers which had favoured CDS in 2001 had said it should be done with political consensus.
- In 2016, the government informed Parliament that this consultation **process could not be completed because all political parties have not responded.**

Conclusion:

- An implementation committee has now been formed to **advise the government on the modalities to implement the CDS decision.**
- One of the issues before the panel would be to decide whether the CDS would be a five-star officer (a rank above the service chiefs) or a four-star one just like the three other chiefs.
- **Indian Army chief Gen Bipin Rawat, who is slated to retire in December 2019 as India's senior most military officer, is widely speculated to be the first CDS.**

CITIZENSHIP (AMENDMENT) BILL, 2016

Introduction:

- The Bill amends the Citizenship Act, 1955 to **make illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship.**
- Under the Act, one of the requirements for citizenship by naturalization is that the applicant must have resided in India during the last 12 months, and for 11 of the previous 14 years. The Bill relaxes this 11 year requirement to six years for persons belonging to the same six religions and three countries.
- The Bill **provides that the registration of Overseas Citizen of India (OCI) cardholders may be cancelled if they violate any law.**

Highlights of the Bill:

- The Bill makes illegal migrants eligible for citizenship on the basis of religion. **This may violate Article 14 of the Constitution which guarantees right to equality.**
- The Bill allows cancellation of Overseas Citizen of India (OCI) registration for violation of any law. This is a wide ground that may cover a range of violations, including minor offences (e.g. parking in a no parking zone).

Features of the Bill:

- **Definition of illegal migrants:**
 - The Citizenship Act, 1955 **prohibits illegal migrants from acquiring Indian citizenship.**
 - The Bill amends the Act to provide that the following minority groups will not be treated as illegal migrants: Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.
 - However, **to get this benefit, they must have also been exempted from the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920 by the central government.**
- **Citizenship by naturalization:**
 - The 1955 Act allows a person to apply for citizenship by naturalization if he meets certain qualifications.
 - One of these is that the person must have resided in India or served the central government for a certain period of time:
 - For the 12 months immediately preceding the application for citizenship, and
 - For 11 of the 14 years proceeding the 12-month period.
 - For people belonging to the same six religions and three countries, the Bill relaxes the 11-year requirement to six years.
- **Cancellation of registration of Overseas Citizen of India cardholder:**
 - The 1955 Act provides that the central government may cancel registration of OCIs on certain grounds, including:
 - If the OCI had registered through fraud, or
 - If within five years of registration, the OCI was sentenced to imprisonment for two years or more.
 - The Bill adds one more ground for cancelling registration, that is, if the OCI has violated any law in the country.

Need for the Bill:

- There are thousands of Hindus, Sikhs, Jains, Buddhists, Christians and Parsis who have entered India after facing religious persecution in countries like Pakistan, Bangladesh and Afghanistan without any valid document.
- **These refugees have been facing difficulty in getting Long Term Visa (LTV) or Citizenship.**
- The existing Citizenship law does not allow anyone granting Indian nationality **if he or she can not show proof of documents on country of birth** and therefore they have to stay at least 12 years in India.

Challenges of the Bill:

- It makes illegal migrants eligible for citizenship based on their religion and clearly violates Article 14 of the Constitution.
- The bill clearly violates the Assam Accord. Whatever one may think of it, the issue of the credibility of an accord signed by the Union of India is not entirely a trivial one. And it may have ramifications for future negotiations.
- The bill has potentially interesting implications for asymmetric federalism. One of the proposals under consideration is to exempt Assam from the purview of the bill while making it applicable to the rest of India.

Way Forward:

- The process of completing the National Register of Citizens is on, and either way its results are going to leave large numbers of people disaffected and vulnerable.
- The real challenge for India will begin after the process of identifying immigrants is done.
- Instead of simply saying that members belonging to particular religions will be eligible for differential treatment, the bill should have laid down some general secular criteria (persecution history, history of migration etc.) which could, in principle, at least, be applied to all groups.
- But the direct exclusion of Muslims from being eligible for this pathway under any circumstances makes the constitutional form and citizenship communal.

CONSUMER PROTECTION BILL 2019

Introduction

- The Consumer Protection Bill, 2019 seeks to strengthen rights of consumers and provides a mechanism for redressal of complaints regarding defects in goods and deficiency in services.
- Bill provides to establish authorities for timely and effective administration and settlement of consumer disputes.
- The bill will replace the Consumer Protection Act, 1986.
- The Bill proposes setting up of Consumer Disputes Redressal Commission and forums at the district, state and national levels for adjudicating consumer complaints.
- It also seeks to set up a Central Consumer Protection Authority (CCPA) to promote, protect and enforce consumer rights as a class.

Provisions under the Bill

- There is provision for central government to set up a Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers and will be empowered to investigate, recall, refund and impose penalties.
- There is also a provision for class action law suit for ensuring that rights of consumers are not infringed upon.

Salient Features of the Bill

- **Central Consumer Protection Authority (CCPA):**
 - Executive Agency to provide relief to a class of consumers.
 - It will regulate matters related to violation of consumer rights, unfair trade practices, and misleading advertisements.
- **Functions of CCPA:**
 - Conduct investigations into violations of consumer rights and institute Complaints /Prosecution.
 - Order recall of unsafe goods and services.
 - Order discontinuance of Unfair Trade Practices and Misleading Advertisements.
 - Impose penalties on Manufactures /Endorsers /Publishers of Misleading Advertisements.

Simplified dispute Resolution Process

- **Pecuniary Jurisdiction enhanced to-**
 - Consumer Disputes Redressal Commissions (CDRCs) will be set up at the district, state, and national levels.
 - Complaints against an unfair contract can be filed with only the State and National Appeals from a District CDRC will be heard by the State CDRC.
 - Appeals from the State CDRC will be heard by the National CDRC.
 - Final appeal will lie before the Supreme Court.

- The District CDRC will entertain complaints where value of goods and services does not exceed Rs one crore.
- The State CDRC will entertain complaints when the value is more than Rs one crore but does not exceed Rs 10 crore.
- Complaints with value of goods and services over Rs 10 crore will be entertained by the National CDRC.
- A consumer can file a complaint with CDRCs in relation to:
 - Unfair or restrictive trade practices;
 - Defective goods or services;
 - Overcharging or deceptive charging; and
 - The offering of goods or services for sale which may be hazardous to life and safety.
- **Deemed admissibility after 21 days of filing.**
- **Empowerment of Consumer Commission to enforce their orders.**
- **Appeals only on question of law after second stage.**
- **Ease of approaching consumer commission:**
 - Filing from place of residence
 - E-filing
 - Videoconferencing for hearing
- **Mediation**
 - An Alternate Dispute Resolution (ADR) mechanism.
 - Reference to Mediation by Consumer Forum wherever scope for early settlement exists and parties agree for it.
 - Mediation cells to be attached to Consumer Forum.
 - No appeal against settlement through mediation.
- **Product Liability**
 - A manufacturer or product service provider or product seller to be responsible to compensate for injury or damage caused by defective product or deficiency in services.
- **The Basis for product liability action will be:**
 - Manufacturing defect
 - Design defect
 - Deviation from manufacturing specifications
 - Not conforming to express warranty
 - Failing to contain adequate instruction for correct use
 - Services provided are faulty, imperfect or deficient

Penalties for misleading Advertisements

- The CCPA may impose a penalty on a manufacturer or an endorser of up to Rs 10 lakh and imprisonment for up to two years for a false or misleading advertisement.
- In case of a subsequent offence, the fine may extend to Rs 50 lakh and imprisonment of up to five years.
- CCPA can also prohibit the endorser of a misleading advertisement from endorsing that particular product or service for a period of up to one year.
- For every subsequent offence, the period of prohibition may extend to three years.

Bill Benefits to Consumers:

- Presently Consumer only has a single point of access to justice, which is time consuming.
- Additional swift executive remedies are proposed in the bill through **Central Consumer Protection Authority (CCPA)**.

- Deterrent punishment to **check misleading advertisements and adulteration of products.**
- **Product liability provision** to deter manufacturers and service providers from delivering defective products or deficient services.
- **Ease of approaching** Consumer Commission and Simplification of Adjudication process.
- Scope for early disposal of cases through **mediation.**
- Provision for rules for new age consumer issues: **e-commerce & direct selling.**

Conclusion

- With an aim to protect the interest of consumers, the Consumer Protection Bill 2019 has been passed.
- Apart from manufacturers and service providers, celebrity endorsers too will now face fines and jail terms for making misleading claims in advertisements.
- The bill, which is yet to become law, seeks to penalise misleading advertisements in virtually any medium, be it television, radio, print, outdoor ads, e-commerce, direct selling or telemarketing.
- This will plug a huge gap in the advertising industry, which has been so far monitored by the self-regulatory watchdog Advertising Standards Council of India (ASCI).

DAM SAFETY BILL

Introduction

- A bill which seeks to provide uniform safety procedures for specified dams in the country was introduced in the Lok Sabha on 29 July, 2019. And passed by Lok Sabha on 2nd August, 2019.
- The Dam Safety Bill, 2019 was introduced by Jal Shakti Minister Gajendra Singh Shekhawat.
- The Bill provides for the surveillance, inspection, operation, and maintenance of specified dams across the country.
- It also provides for an institutional mechanism to ensure the safety of such dams.

Applicability of the Bill

- The Bill applies to all specified dams in the country.
- These are dams with:
 - Height more than 15 metres, or
 - Height between 10 metres to 15 metres and subject to certain additional design and structural conditions.

What the bill provides for:

- **National Committee on Dam Safety (NCDS):**
 - The Bill provides for a National Committee on Dam Safety (NCDS), with state representatives and specialists, for the purpose of maintaining standards of dam safety and prevention of dam failure-related disasters, evolve dam safety policies and recommend necessary regulations.
 - Its ambit would include dams created due to land slide or glaciers outside India.
 - Other tasks include establishing an early warning system and explore possibilities of providing compensations through insurance coverage.
- **Members of the Committee**
 - The National Committee on Dam Safety will be constituted and will be chaired by the Chairperson, Central Water Commission.
 - All other members will be nominated by the central government, and include:
 - up to 10 representatives of the central government,
 - up to seven representatives of the state governments (by rotation), and
 - Up to three dam safety experts.

- **Functions of the Committee**
 - Functions of the Committee include:
 - Formulating policies and regulations regarding dam safety standards and prevention of dam failures, and
 - Analysing causes of major dam failures and suggesting changes in dam safety practices.
- **National Dam Safety Authority (NDSA):**
 - There would be a regulatory body, National Dam Safety Authority (NDSA), to implement the NCDS's policies and guidelines, resolve issues between states and others and maintain a national data base on dams.
 - This authority would perform the role of a State Dam Safety Organization for a dam owned by a central public sector undertaking or extended over two or more states or where a dam in one state is owned by another state to eliminate potential causes of conflicts.
- **Members of the Authority**
 - The National Dam Safety Authority will be headed by an officer, not below the rank of an Additional Secretary, who will be appointed by the central government.
- **Functions of the Authority**
 - Functions of the Authority include:
 - Implementing the policies formulated by the National Committee on Dam Safety.
 - Resolving issues between State Dam Safety Organizations (SDSOs), or between a SDSO and any dam owner in that state,
 - Specifying regulations for inspection and investigation of dams, and
 - Providing accreditation to agencies working on construction, design, and alteration of dams.
- **State Dam Safety Organization:**
 - State governments will establish State Dam Safety Organizations (SDSOs).
 - All specified dams situated in a state will fall under the jurisdiction of that state's SDSO.
 - However, in certain cases the **National Dam Safety Authority will act as the SDSO.**
 - These include cases where a dam:
 - is owned by one state but situated in another state,
 - extends over multiple states, or
 - is owned by a central public sector undertaking.
- **Functions of the Organization:**
 - Functions of the SDSOs include:
 - keeping perpetual surveillance, inspecting, and monitoring the operation and maintenance of dams,
 - keeping a database of all dams, and
 - recommending safety measures to owners of dams.
- **State Committee on Dam Safety:**
 - The Bill envisages State Committee on Dam Safety to ensure proper surveillance, inspection, operation and maintenance of all dams in a state for their safe functioning.
 - It seeks to impose an obligation on the central and state governments and other owners of dams to set up mechanisms for ensuring continued safety of dams through regular inspections, risk assessments, classify dams for vulnerability, prepare emergency action plan and disaster management, etc.
 - The Bill provides for the constitution of State Committees on Dam Safety by state governments.
- **Functions of the Committee**
 - Functions of the Committee include:
 - reviewing the work of the SDSO,

- ordering dam safety investigations,
- recommending dam safety measures and reviewing the progress on such measures, and
- Assessing the potential impact on upstream and downstream states.
- These states will also have their representatives on the State Committee.
- **State Dam Safety Authority**
 - There would be a State Dam Safety Authority which would submit annual reports to the **Parliament and National Disaster Management Authority.**

What Does the Bill Says

- The Bill says dams are critical infrastructure developed for irrigation, power generation, flood moderation and supply of water for drinking and industrial use.
- As such their safety has serious consequences for human life, ecology and public and private assets and a matter of great concern to the general public and becomes a national responsibility to take necessary steps to ensure it.
- Starting with a Standing Committee under the chairman of the Central Water Commission in 1982, efforts were made to persuade states to legislate such a mechanism, since water is a state subject.
- But later, as Andhra Pradesh and West Bengal demanded a uniform central legislation the central government initiated a central legislation.

Challenges against the bill

- There are 5,254 large dams in operation and another 447 under construction. Then, there are thousands of other medium and small dams also, built and operated by multiple players.
- Their safety is of utmost importance because of the serious consequences any breach in their safety would have on human life and property.

Age of the Dams:

- There are 5745 reservoirs in the country of which 293 are more than 100 years old.
- The age of 25% of dams is between 50 to 100 years old.
- And 80% are over 25 years old.
- 40 Dams have collapsed in India since Independence.

Design and Structure of the Dams

- Their design, Hydrology is not at far with the current thinking and practices.
- Large number of siltation.
- Water holding Capacity get reduced.
- No systematization between the dam owners.

Factors that affect the safety

- Landscapes
- Land dunes Change
- Pattern of rainfall
- Structural features
- Age of the Dams.

Obligations of Dam Owners

- Owners of specified dams are required to provide a dam safety unit in each dam.
- This unit will inspect the dams:
 - Before and after the monsoon session, and
 - During and after every earthquake, flood, or any other calamity or sign of distress.
- Dam owners will be required to prepare an emergency action plan, and carry out risk assessment studies for each dam at specified regular intervals.
- Dam owners will also be required to prepare a comprehensive dam safety evaluation of each dam, at regular intervals, through a panel of experts.
- The evaluation will be mandatory in certain cases such as major modification of the original structure, or an extreme hydrological or seismic event.

Offences and Penalties

- The Bill provides for two types of offences. These are:
 - Obstructing a person in the discharge of his functions under the Bill, and
 - Refusing to comply with directions issued under the Bill.
 - Offenders will be punishable with imprisonment of up to one year, or a fine, or both.
- If the offence leads to loss of lives, the term of imprisonment may be extended up to two years.
- Offences will be cognizable only when the complaint is made by the government, or any authority constituted under the Bill.

Conclusion

- The Lok Sabha passed the Dam Safety Bill, 2019 by a voice vote.
- The Bill seeks to provide for institutional mechanism for surveillance, inspection, operation and maintenance of specified dams across the country.
- Jal Shakti Minister said the Centre had no intention of taking over the powers of States through the draft law.

DEFIANT TAIWAN, ADAMANT CHINA

Introduction:

- **Taiwan's President rejected the Chinese President call for unification** under a **"one country, two systems"** approach.
- **One country, two systems refers to a framework similar to Hong Kong** in which the territory became part of China but retained a degree of autonomy.
- Taiwan and China split in a civil war that brought the Communist Party to power in China in 1949.
- The rival nationalists set up their own government on Taiwan, an island 160km off the Chinese mainland.
- While **Taiwan is self-governed and de facto independent**, it has never formally declared independence from the mainland.

Reasons of China-Taiwan division:

- Both sides were part of the same Chinese family and that Taiwanese independence was "an adverse current from history and a dead end".
- Taiwanese people **"must understand that independence will only bring hardship,"**
- Instead, **unification was "an inevitable requirement for the great rejuvenation of the Chinese people"**.
- Beijing "reserves the option of taking all necessary measures" against outside forces that interfere with peaceful reunification and Taiwanese separatist activities.

One-China Policy:

- The One China policy is also different from the **“One China principle”, which is the principle that insists both Taiwan and mainland China are inalienable parts of a single “China”.**
- Any country wishing to establish diplomatic relations with Beijing must acknowledge there is only “One China” and sever all formal ties with Taiwan.

Background:

- The policy can be **traced back to 1949 and the end of the Chinese civil war.**
- The defeated Nationalists, also known as the Kuomintang, retreated to Taiwan and made it their seat of government while the victorious Communists declared the People’s Republic of China.
- **Both sides said they represented all of China.**
- Initially, many governments including the US recognised Taiwan as they shied away from Communist China.

Opposition to one-China Policy:

- The **One-China principle faces opposition from supporters of the Taiwan independence** movement, which pushes to establish the “Republic of Taiwan” and cultivate a separate identity apart from China called “Taiwanization”.
- It **has resulted in Taiwan’s diplomatic isolation** from the international community.
- It maintains vibrant economic and cultural ties with neighbours, and leverages on its emotional relationship with the US to extract concessions.

How India should respond?

- India **has refused to endorse the “one-China” policy since 2010.**
- As long as negotiations between the **US and China do not see the emergence of a G2, India should probably cautiously welcome it.**
- It should simultaneously **strengthen its ties with all the major global powers**, including the US, Russia, China, and Japan.
- For India to **agree to a one-China policy, China should reaffirm a one-India policy.**

Conclusion:

- This has remained a contentious issue, both for China and Taiwan. However, India’s stand was made clear by told Chinese foreign minister that they must accept **one-India** then only India will recognise one-China.

INDIA’S MOON MISSION

Introduction:

- **ISRO recently launched the Chandrayaan-2 mission**, after the long delay from the scheduled launch.
- With the successful launch of India’s Moon mission Chandrayaan-2; all eyes are now **when the lander and rover modules of the spacecraft will make a soft landing on the surface of the moon.**
- The 640-tonne **GSLV Mk-III rocket** successfully injected the 3,850-kg Chandrayaan-2 composite module into the Earth’s orbit.
- According to the revised flight sequence, Chandrayaan-2 would spend 23 days in the Earth’s orbit.

Chandrayan-2:

- Chandrayaan-2 is **India’s first lander mission.**
- It **consists of an Orbiter, Lander and Rover**, all equipped with scientific instruments to study the moon.
- The Lander and Rover modules will separate from the orbiter and **make a soft-landing on moon’s surface.**

- The lander and rover are designed to work for only 14 days (1 lunar day) while the orbiter would remain in orbit for a year.
- It aims to **explore the Moon's South Polar Region**.
- The mission is an important step in India's plans for planetary exploration, a **program known as Planetary Science and Exploration (PLANEX)**.

Orbiter –

- The Orbiter is a 2379-kg spacecraft **with 7 instruments on board**.
- It is equipped with **different kinds of cameras to take high-resolution three-dimensional maps of the surface**.
- It also has instruments to study the mineral composition on the moon and the lunar atmosphere, and to assess the abundance of water.
- The Orbiter will **observe lunar surface and relay communication between Earth and the Lander**.

Lander –

- **ISRO has named the Lander module as Vikram**, after Vikram Sarabhai, the pioneer of India's space programme.
- The 1471-kg lander will remain stationary after touching down on the moon's surface.
- It will **carry three instruments that will mainly study the moon's atmosphere**.
- One of the instruments will also look out for seismic activity on lunar surface.

Rover –

- The Rover is a **6-wheeled, Artificial Intelligence-powered and solar-powered vehicle named Pragyan, meaning wisdom**.
- Once reaching on the moon, **the rover will detach itself from the lander**.
- Equipped **with two instruments, it would slowly crawl on the surface, making observations and collecting data**.
- Its primary objective is to study the composition of the moon's surface near the landing site.
- It would also determine the abundance of different elements on the moon's surface.

Objective of the Mission:

- The primary objective of Chandrayaan-2 **is to demonstrate the ability to soft-land on the lunar surface and operate a robotic rover on the surface**.
- Scientific goals include studies of lunar topography, mineralogy, elemental abundance, the lunar exosphere, and signatures of hydroxyl and water ice.

Challenges of the mission:

- The Lander is the distinguishing feature as this is the **first time that ISRO is attempting to soft-land a module in extra-terrestrial space**.
- Once the **Lander and the Rover, enter the Moon's gravity, they would be in a state of free fall**.
- That could end in crash-landing and destruction of instrument.
- The main challenge is thus in **controlling its speed as it approaches the surface**.
- To enable a smooth landing, the speed of the Lander just ahead of touchdown should be 1 m/s (3.6 km/h) or less.
- Due to lack of air to provide drag, **these instruments cannot make use of parachute-like technologies**.

Significance of the Mission:

- With Chandrayaan-2, **India will become only the 4th country in the world to land a spacecraft on the moon**.
- So far, all landings, human as well as non-human, on the moon have been in areas close to its equator.

- This was mainly because this area receives more sunlight that is required by the solar-powered instruments to function.
- **Chandrayaan-2 will make a landing at a site where no earlier mission has gone, near the South Pole of the moon.**
- It is a completely unexplored territory and therefore offers great scientific opportunity for the mission to discover something new.

South Pole –

- The south pole of the **moon holds the possibility of the presence of water.**
- In addition, **this area is also supposed to have ancient rocks and craters.**
- It can thus **offer indications of history of moon, and also contain clues to the fossil records of early solar system.**

Importance of the Mission:

- **1st space mission to conduct a soft landing** on the Moon's South Polar Region.
- 1st Indian expedition to attempt a soft landing on the lunar surface with home-grown technology.
- **1st Indian mission to explore the lunar terrain with home-grown technology.**
- **4th country ever to soft-land on the lunar surface, after USA, Russia, and China.**
- Through this effort, the aim is to improve our understanding of the Moon – discoveries that will benefit India and humanity as a whole.

Conclusion:

- Indian Lunar Exploration Programme is called Chandrayan-2.
- In Sanskrit, it means "Moon craft". It is the brainchild of the Indian Space Research Organisation (ISRO).
- The Chandrayan- 1 (2008) was planned as an orbiter/impactor; Chandrayan 2 (2019) contains soft Landers/rovers, while Chandrayan 3 (2024) is intended for in situ sampling.

MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) BILL 2019

Introduction:

- Parliament has passed the Muslim Women (Protection of Rights on Marriage) Bill 2019.
- The Muslim Women (Protection of Rights on Marriage) Act, 2019 has replaced an Ordinance promulgated on triple talaq.
- It will become the law and will replace the 1986 Muslim Women (Protection of Rights on Divorce) Act.

Background:

- The Supreme Court's judgement in the Shayara Bano case held that the practice of talaq-e-biddat (or triple talaq) unconstitutional.
- After the judgement, government passed Muslim protection Bill also known as, Triple Talaq Bill in Lok Sabha but there has been criticism about the legal and procedural aspects of the bill.

Significance of the Bill:

- The proposed Bill will protect the rights of married Muslim women and prevent divorce by the practice of instantaneous and irrevocable 'talaq-e-biddat' by their husbands.
- It provides the rights of subsistence allowance, custody of minor children to victims of triple talaq i.e. talaq-e-biddat.

Provisions of the Bill:● **Declaration of Talaq:**

- The Act makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable by law) and illegal.
- The Act defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce. Talaq-e-biddat refers to the practice under Muslim personal laws where pronouncement of the word 'talaq' thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.

● **Offence and Penalty:**

- The Act makes a declaration of talaq a **cognizable offence**, attracting up to **three years imprisonment** with a **fine**.
- The offence will be cognizable only if information relating to the offence is given by:
 - The married woman (against whom talaq has been declared),
 - Or any person related to her by blood or marriage.

● **Bail:**

- The Act provides that the Magistrate may grant bail to the accused.
- The bail may be granted only after hearing the woman (against whom talaq has been pronounced), and if the Magistrate is satisfied that there are reasonable grounds for granting bail.

● **Compounding Offence:**

- The offence may be compounded (i.e. the parties may arrive at a compromise) by the Magistrate upon the request of the woman (against whom talaq has been declared).
- The terms and conditions of the compounding of the offence will be determined by the Magistrate.

● **Allowance:**

- A Muslim woman, against whom talaq has been declared, 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:**

- A Muslim woman, against whom such talaq has been declared, is entitled to seek custody of her minor children. The manner of custody will be determined by the Magistrate.

Cons of the Bill:

- The Bill does not provide the victimised woman any additional benefits in terms of her rights in marriage and divorce.
- Since the Bill says that triple talaq is cognizable and non-bailable, married Muslim man become vulnerable target as policemen can arrest and investigate the accused with or without the complaint from wife or any other person.
- Since, the aim of the law is to protect the rights of women, but there is no such clause of her children or if they have children under the age of 18, there is no clause provided for who will take care of their education, health, financial and other needs.

Conclusion:

- Though Bill seeks Protection of rights on marriage for Muslim women and and prevent divorce by the practice of instantaneous and irrevocable 'talaq-e-biddat' by their husbands.
- It provides the rights of subsistence allowance, custody of minor children to victims of triple talaq i.e. talaq-e-biddat.
- Still there are needs of some more provisions to be provided for the protection of their rights.

RESERVATION: WHO WILL BENEFIT

Introduction:

- The Union government has tabled a **constitutional amendment bill to provide 10 per cent reservation in jobs and higher education to economically backward sections among the upper castes 'the economically weaker sections of citizens have largely remained excluded from attending the higher educational institutions and public employment on account of their financial incapacity to compete with the persons who are economically more privileged'**.
- The Union Cabinet has approved the Constitution (One Hundred and Twenty Fourth Amendment) Bill.
- The government move comes in the backdrop of an upper caste backlash against the government's decision against the Supreme Court's attempt at ring-fencing apprehensions of misuse of the SC/ST Prevention of Atrocities Act.

The Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019:

- The Bill seeks to provide for the advancement of "economically weaker sections" of citizens.
- The bill has to be a constitutional amendment as it overshoots the Supreme Court's 50% cap on quotas and takes the total to 60%. Any increase from that limit will be subject to judicial scrutiny.

Amended Fundamental Rights:

- **Article 15**, which prohibits discrimination on the grounds of race, religion, caste, sex or place of birth.
- However, the government may make **special provisions for the advancement of socially and educationally backward classes, or for Scheduled Castes and Scheduled Tribes.**
- The Bill seeks to amend Article 15 to additionally permit the government to provide for the advancement of "economically weaker sections". **Further, up to 10% of seats may be reserved for such sections for admission in educational institutions.** Such reservation will not apply to minority educational institutions.
- **Article 16**, which prohibits discrimination in employment in government office.
- However, the government can allow reservation for any "backward class of citizens", if they are not adequately represented in the services under the state. **The Bill seeks to amend Article 16 to permit the government to reserve up to 10% of all posts for the "economically weaker sections" of citizens.**

DPSP of Article 46:

- About Reservation in Education and Economic Interests:
- According to the objects of the bill, **"The directive principles of state policy contained in Article 46 of the Constitution enjoins that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."**
- Economically weaker sections of citizens were not eligible for the benefit of reservation.
- With a view to fulfil the mandate of **Article 46, and to ensure that economically weaker sections of citizens get a fair chance of receiving higher education and participation in employment in the services of the State**, it has been decided to amend the Constitution of India.

The Bill provides reservation for:

- People who have an annual **income of less than Rs.8 lakhs**, or
- People who own **less than five acres of farm land**, or
- People who have a **house lesser than 1,000 sq feet in a town** (or 100 sq yard in a notified municipal area).

Need of the Reservation:

- The need of this amendment **lies in the foregone opportunity to develop an enhanced and more effective reservation policy** so that we can genuinely see an end to the entrenched inequalities in Indian society in the medium term.

- We have gotten so used to business as usual that we make no effort to sharpen our focus and look for more effective solutions, solutions that would make reservations redundant in 50 years.
- **On the one hand, 50% reservation looks very large;** in the grand scheme of India's population it is a blunt and at times ineffective instrument.

Violation of Fundamental rights:

- The 124th Amendment makes a departure by extending reservation to the economically disadvantaged. **Article 15(4), inserted by the First Amendment in 1951, enables the state to make special provisions for socially and educationally backward classes.**
- **Article 16(4) permits reservation for any backward class** if it is not adequately represented in services under the state.
- Thus, **reservation is not a right but, if granted, it will not be considered a violation of the right to equality.**

Conclusion:

- The economically weaker sections of citizens have largely **remained excluded from attending the higher educational institutions and public employment** on account of their financial incapacity to compete with the persons who are economically more privileged.
- The challenge is that the reservation system that was developed in a different era that the inclination to think about its success or to examine possible modifications.

SAY NO TO PLASTIC

Introduction:

- Plastic is threat to human existence.
- Plastics are ubiquitous found in the greatest depths of oceans to the mightiest peaks like the Everest.
- As we use plastic, most of these compounds gradually release, and they seep out. As a result, they enter into our bodies through a long process of the food chain.
- The plastic usage in the world is increasing day by day. Today, we are using 330 million tones of plastic every year, which is adding to the waste.

Toxicities and Threat of Plastic:

- Plastic is made artificially from petroleum products.
- It has got many different kinds of complex organic compounds which are very toxic.
- At the same time, when we discard plastic, they do not degrade, and as a result it accumulates as a waste.
- Secondly, as the wear and tear goes on, very small molecules of plastic are formed, which are called as micro-plastic. This micro-plastic is less than 5mm in diameter or even lesser.
- Only a very small quantity is recycled, but a large amount of it ends up in the solid waste dumps or in the rivers or valleys and so on.

Health Hazards for humans:

- Plastics can cause birth defects, genetic defects.
- It can also cause carcinoma of the stomach, lung problems such as chronic bronchitis, skin problems, eye problems like visual defects, deafness as well.
- Further, it can cause routine problems like coughing, watering from the eyes.
- Minimal exposure doesn't cause much hazards but when we consume things in day to day life like the foods we eat that are packed in plastic containers, drinking water that is bottled in plastic bottles.

Dealing with the Problem:

- Awareness is one of the biggest factors, which can play an extremely important role.
- Plastic waste management should be introduced in school curriculums, and school children need to be told about the adverse effects of plastic on their health.
- Secondly, recycling of plastic in India is very less.
- There is also a need to give incentives to industries, and set up industries that focus on recycling of plastic.
- Further, the municipal bodies are required to register all plastic manufacturers.

Government Initiatives:

● Reusable in government offices

- Government offices in Kerala made the switch to ink pens and steel cutlery to ensure articles like plastic water bottles, disposable teacups and plastic carry bags are no longer used across the office premises.
- The step can be easily emulated across not just government offices but also corporate and private organizations while paving the way for an environment-friendly work culture.

● Fishing for plastic waste from water bodies

- The creatures of the sea are sadly paying the price of our indifference and inability to manage waste, and nothing is more disheartening than coming across multiple reports about the carcasses of marine animals on seashores, with plastic waste inside their bellies.
- As per a brilliant initiative helmed by Kerala's Suchitwa Mission, 28 fishermen from the Neendakara harbour have been engaged in not just finding fish but also plastic that either gets stuck in the fishing nets or floats in the sea.

● Crackdown on plastic usage

- While states like Maharashtra, Goa, Jammu and Kashmir, Karnataka and Punjab have imposed some form of a ban on plastic.
- Standing out in this regard is the state of Sikkim. Thanks to its complete crackdown on plastic, it went on to earn the tag of India's cleanest state.
- Sikkim is the second smallest state in the country, and therefore, it had no scope for the creation of multiple landfill sites. In 1998, it became the first Indian state to ban disposable plastic bags, and in 2016, it took a significant step by banning the use of packaged drinking water in government offices and government events and the use of Styrofoam and thermocol disposable plates and cutlery across the entire state.
- If state governments work towards making alternative solutions cheaper and accessible to the public, what this tiny state has achieved in 20 years is no distant dream for the rest of the country.

Impact of plastics on the waterways and the oceans:

- There was a recent report in one of the states in India, that 8-10kgs of plastic was found in the stomach of a cow.
- Thus, it has become a major problem in domestic areas as well.
- A recent study said that about 60% of the plastic that gets into the oceans is from South Asia.
- Plastics choke the rivers and the waterways, thus plastic is a huge menace now which needs a revolutionary awareness program to control it.

Way Forward:

- We should cut down the use of plastics in our day-to-day life. It is important that we have a very vigorous public campaign to reduce plastic usage.
- We should start this campaign from the schools and we should take it to colleges such that we use a multi-pronged attack. Further, law makers need to be exposed to the dangers of plastic.
- Warming food in plastic containers, using plastics in microwaves, etc. is very dangerous. Using plastic bottles and keeping them in refrigerators is very dangerous.

Conclusion:

- Considered to be a 'miracle product' when discovered, today is the world's 'deadliest product'.
- Problem lies in the inadequate collection & recycling system. Getting rid of the plastic menace we have to set out our economics correct.
- It is not the cost of material but its high cost implications that is costing us very dearly.
- The alternatives are going to cost us but companies which have already made huge profits have a moral liability.

SPEED BUMP FOR AUTO SECTOR

Introduction:

- Automobile sales in India witnessed its sharpest decline in nearly 19 years in July, dropping 18.71 per cent, rendering almost 15,000 workers jobless over the past quarter.
- As per data released by the Society of Indian Automobile Manufacturers[®] vehicle sales across categories, including passenger vehicles and two-wheelers, stood at 18.2 lakh units last month as against 22.4 lakh units in July 2018, down by nearly 19 per cent.
- The previous biggest decline across overall domestic automobile sales was recorded in December 2000 when it fell 21.81 per cent.
- Similarly, domestic PV sales also saw the biggest fall in nearly 19 years, slumping by 30.98 per cent from July 2018 to 2019.
- The Indian automobile industry, the World's fourth-largest, has finally embraced a slowdown after a near decade of high growth.

Causes of Slowdown:

- **Global Slowdown:**
 - Slowdown has been seen all around the world.
 - Similar down is seen in Europe & US.
- **Domestic Growth Slowdown:**
 - Slowdown at entry-level vehicles which are basically petrol.
 - Auto sales in India in the last 2 years from metro cities were declining.
 - The growth was coming from Tier-II and Tier-III cities.
 - Demonetisation and GST: In the last 6 months, there have been cost hikes on account of safety features being incorporated in the vehicle.
 - 28% tax on cars. India still has Road Tax 11-12% which is a state govt jurisdiction and adds to the cost. Small town growth has got diluted. Shared vehicles affecting in bigger cities.
- **Environmental factors:**
 - Bharat Stage 6, more commonly referred to as BS6, is a standard of emission norms set by the government of India. These norms apply to both fuel and the engine.
 - Currently, BS4 emission norms are in effect and all car models sold today are compliant with it. The BS6 compliant engines would be less polluting in terms of the gases and particulate matter emitted from them.
 - By April 2020, the BS6 emission norms will come into effect and all car manufacturers will have to upgrade their engine offerings accordingly.
 - As a result, certain buyers are delaying their new car purchase until there are more details available regarding BS6-compliant model choices.
 - Availability of BS6 fuel across the country is another uncertainty of the public.

- **Temporary/ Transient phase:**
 - Transient phase but the Automobile industry will take a while to bounce back.
 - Good monsoon can lead to increased rural demand.
- **Financial Liquidity:**
 - Banks have become stricter about giving out loans, favouring only those individuals with high CIBIL scores.
 - Banks are also being stringent in lending money to dealers to capitalise their inventory. Often, the production numbers for car manufacturers are helped by their dealerships placing orders to stock up for potential customers.
- **Crowd in Cities:**
 - A large volume of car sales is driven by young, upcoming professionals with growing incomes and fewer liabilities. But even if you have the money to buy a car, you will likely spend a lot of your time driving it in congested traffic and/ or looking for a suitable parking space.
 - Fall in incomes in the rural economy which led to a collapse in the demand and increased vulnerability.
 - Severe floods in many parts of the country have also been the reason.
 - The proposed deadline to convert vehicles to electric vehicles has created the confusion.

Consequences:

- More jobs being at risk.
- Broader economy is experiencing a serious slowdown.
- It has impact of steel and rubber industry too.

Way Forward:

- Need to reduce GST atleast for entry level vehicles.
- Liquidity has to be improved and measures should be taken so that the impact is seen in the market and reaches the end customers.
- Limit has to be imposed on state government to levy road tax.
- Saving rate has to be improved as long term measure which raises the purchasing power.
- Reviving the automobile sector should, therefore, become one of the top priorities of the government.

STRENGTHENING JUDICIAL APPARATUS

Introduction:

- Lok Sabha has passed Supreme Court (Number of Judges) Amendment Bill, 2019 to increase the number of Supreme Court judges from the present 30 to 33 (excluding Chief Justice of India).
- The move is aimed at cutting down on the delay of the top court that has nearly 60,000 cases pending.
- The Bill will amend the Supreme Court (Number of Judges) Act, 1956 was last amended in 2009 to increase the judges strength from 25 to 30 excluding the CJ.
- There is also a proposal to raise the retirement age of high court judges to 65 years from the current 62.

Pendency of Cases:

- More than two lakh cases are in courts for 25 years.
- While over 1,000 cases have not been disposed of even after five decades.
- According to the National court management systems report:
 - 15 crore cases are pending in the Courts to complete these in next 3 decades; there is requirement of 75000 judges.
 - At present, nearly 19,000 judges, including 18,000 in trial Courts, are dealing with a pendency of 3 crore cases.

Causes of Pendency:

- Even though allotted strength is high, there is vacancy of Judges in lower courts.
- Quality of lower judiciary is low.
- Lack of monitoring.
- Lack of Infrastructure.
- Judges trying to do everything: Judicial, Appointments, Administrative work.
- Lack of use of technology: Trial courts still using typewriters, files & papers still being used.
- Taking up new cases & leaving old cases.

Shortage of Judges:

- Speedy disposal of cases can met with allotment of new judges.
- While the approved strength is 1,079, around 666 judges are working through the country.
- But the sub ordinate courts have huge shortage; though they gave an approved strength of nearly 20,000 judicial officers is short of 4,937 judicial officers.
- Shortage of judges is attributed as the big hindrance for speed disposal of cases.

Judicial Corruption:

- Corruption in Indian judiciary is common. According to various surveys, corruption is very pervasive throughout the country; over 45 per cent of Indians believe the judiciary is corrupt.
- Not only is corruption rampant in the lower courts, some have alleged that this corruption reaches the highest levels which is greatly damaging to the judicial system.

Judicial Overreach

- For the past few years, the functioning of the Judiciary has recently come under considerable attack, particularly from the Legislative assemblies.
- The law makers feel that courts are crossing their limits or exceeding their authority in interpreting the law.
- They have termed such actions as an extra constitutional lawmaking bodies over reach.
- Some are of the opinion that the courts have moved far beyond the function assigned to them under the Constitutions division of responsibilities among the legislature, the executive and the judiciary.

Why we need reforms?

- Independence of the judiciary is directly linked with human rights and liberties of the society.
- Rights, decision and liberties would be reduced to the level of no more than just laws, when they are not enforced by courts.
- So, the judicial systems must be safeguarded, protected, strengthened and streamlined right from the bottom.
- So, freedom to operate independence of the judiciary is an indispensable condition for keeping alive the rights of the citizens.
- The real test of the independence of the judiciary arises when times are abnormal or judicial process is used to achieve political objectives. At such times judiciary is itself on trial.
- Another direction in which the judiciary faces threat is from within. If the Indian judiciary is to enjoy the confidence of the people, it could be achieved only by dedicated and conscientious work.

Way Forward:

- Executive- constructive administration can save court's time, appointments & monitoring.
- New cases should not be taken on the cost of unsettled pending cases, timeframe & prioritisation.
- Technology & paperless courts.

- Quality of judges has to be improved.
- No. of judges have to be increased.
- Retirement age should be same for HC & SC.
- Ban post retirement appointments.
- Public service commission & Higher Judicial service: Selection from HC Public service commission or other methodology for recruitment of judges in higher judicial service.
- Proper monitoring at district level. - Use Technology: Go paperless.
- Some separate forum for govt. cases - Like Consumer courts

Conclusion:

- With rising level of literacy, people are getting more & more aware about their rights & its violation.
- Judiciary & Executive must find a proper mechanism to deal with pendency of cases.
- Population & literacy that drives case filing has increased manifold but the number of judges & quality has not kept up with the development.
- There has to be an administrative uniformity and a proper white paper on entire Indian Judiciary to get an overhauled picture.

THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2019

Introduction:

- Union Cabinet has approved for **the introduction of the Code on Occupational Safety, Health and Working Conditions Bill, 2019 in the Parliament.**
- This proposal would **enhance the coverage of the safety, health and working conditions provisions manifold** as compared to the present scenario.
- The Code **applies to establishments employing at least 10 workers, and to all mines and docks.**
- 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.**
- 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.

Highlights of the Code:

- Any **business entity with 10 or more workers will mandatorily be required to issue an appointment letter.**
- Such a business entity also gets the **medical check-up done annually for all its workers.**
- **Women can voluntarily opt for working in night shift.**
- Bill will cover over 40 crore workers in the informal sectors.
- The new Bill has envisaged **uniform threshold for welfare provisions such as crèche, canteen, first aid and welfare officer.**
- The **penalty for contravention of provisions leading to death or serious injury to any person** may be given to the victim or the legal heirs of the victim by the court.
- The part of the penalty would **help in the rehabilitation of injured worker or provide financial support** to the family of the deceased.

Salient Features of the Code:

- Besides, extending the ambit of Occupational safety, Health and Working conditions to all sectors, **other salient features of the Code on Occupational Safety, Health and Working Conditions are as under:**

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. These include:**
 - providing a **workplace that is free from hazards that may cause injury or diseases,** and
 - 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:**
 - Taking care of their own health and safety,
 - Complying with the specified safety and health standards, and
 - 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 six 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 with 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:**

- Under the Code, an **offence that leads to the death of an employee will be punishable with imprisonment of up to two years**, or a fine up to five lakh rupees, 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 two and three lakh rupees.
- If an **employee violates provisions of the Code, he will be subject to a fine of up to Rs 10,000.**

Conclusion:

- It is evident that the Occupational Safety, Health and Working Conditions **has some unique new initiatives for both workers and employers.**
- It promotes health, safety, welfare and better working conditions of workforce by enhancing the ambit of a dynamic legislation as compared to the existing sectoral approach limited to few sectors.
- Besides, it also **drastically rationalises the compliance mechanism with one license, one registration and one return** for the establishments under the ambit of the Code thereby saving resources and efforts of the employers.
- Thus it **balances the requirements of worker and employer and is beneficial to both the constituents of the world of work.**

THE PUBLIC PREMISES BILL 2019

Introduction

- Seeking to swiftly evict illegal occupants from government accommodation, the Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2019 has been passed.
- It seeks to strengthen rights of consumers and provides a mechanism for redressal of complaints regarding defects in goods and deficiency in services.
- The bill which amends the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
- The Act provides for the eviction of unauthorized occupants from public premises in certain cases.

Residential Accommodations

- Government of India provides residential accommodation to its employees, Members of Parliament and other dignitaries while they are in service or till the term of their office on licence basis.
- Further, the occupation must be allowed under the rules made by the central, state or union territory government, or a statutory authority (such as Parliament Secretariat, or a central government company, or premises belonging to a state government).

Eviction Notice

- As per the existing allotment rules, after the expiry of the terms and conditions of the licence, the occupants of such residential accommodations become unauthorised for staying in such accommodation and should vacate the same.
- The said Act confers powers upon the estate officers to evict such unauthorised occupants from “public premises” in a smooth, speedy and time-bound manner.
- The notice will require the person to show cause of why an eviction order should not be made against him, within three working days.
- The written notice must be fixed to a conspicuous part of the accommodation, in a prescribed manner.

Order of Eviction

- In order to check this delay, it is also proposed to insert a new sub-section (3A) in section 7 of the Act to the effect that if the person challenges the eviction order passed by the estate officer in any court.

- It is often seen that the unauthorised occupants do not vacate the government accommodation on expiry of the terms and conditions of the licence as per the rules and uses dilatory tactics to withhold the accommodation, by challenging the eviction order before an appellate officer or before the High Court and by obtaining stay of the eviction order.

Penalty of Damages

- If the person in unauthorised occupation of the residential accommodation challenges the eviction order passed by the estate officer in court, he will be required to pay damages for every month for the residential accommodation held by him.

Bill Benefits

- These amendments would facilitate smooth and speedy eviction of unauthorised occupants from residential accommodations, and ensure retrieval of the residential accommodation from the unauthorised occupants without requiring elaborate procedures under sections 4 and 5 of the said Act.
- This will further increase availability of residential accommodations to new incumbents and improve the overall satisfaction level.

Conclusion

- The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2019, which has strict provisions to evict illegal occupants from government property allotted to members of government officials, was passed.
- The existing law has lengthy eviction process involving a show-cause notice and appeal provisions. As a result, it takes years at times to evict the unauthorised occupant.

UNITED NATIONS SECURITY COUNCIL REFORMS

Introduction:

- India has been actively pursuing its quest to be included in the reformed **United Nations Security Council for many years.**
- The argument of including new members is that **UNSC has to acknowledge the current geopolitical realities** which are very different from the time when UNSC was formed.
- The issue of push to expand the UN Security Council, which is tasked with **primary responsibility for the maintenance of international peace and security.**
- Off late, France has emerged as a leading voice to expand the powerful global body with its envoy to **UN underlining the need to place India, along with Germany and Brazil, as permanent members.**
- The French envoy also added that an enlarged and reformed security council is needed to reflect the world as it is.
- India too has been at the forefront pushing for the long-pending reform of the UN Security Council and stressing that it rightly deserves a place as a permanent member.

About UNSC:

- The **United Nations Security Council (UNSC) is one of the six principal organs of the United Nations.** Like the UN as a whole, the Security Council was created following World War II to address the failings of a previous international organization, the League of Nations, in maintaining world peace.
- Its powers include the **establishment of peacekeeping operations**, the establishment of international sanctions, and the authorization of military action through Security Council resolutions.
- It is the only UN body with the authority to issue **binding resolutions** to member states.

Members:

- **The Security Council consists of fifteen members.** Russia, the United Kingdom, France, China, and the United States—serve as the body's **five permanent members.**

- These permanent members can veto any substantive Security Council resolution, including those on the admission of new member states or candidates for Secretary-General.
- **The Security Council also has 10 non-permanent members**, elected on a regional basis to serve two-year terms. The body's presidency rotates monthly among its members.

Need for UN Security Council Reforms:

- UN represents a larger world and the irony is that it has only 5 permanent members in it's an important body.
- As more number of nations being decolonized, there are sharp contrast between the number of seats and the total number of member states.
- Reform is needed to remove the "Democracy Deficit".
- It has failed to tackle the recent crisis of Syria, Gaza and Ukraine.
- Need to make it efficient, effective, and credible and a legitimate body.

Key Areas to reform:

● **Equitable Representation:**

- There are 10 non permanent and 5 permanent members. Now various regions e.g. African, Asia Pacific, Latin America etc. need to be accommodated.

Categories of membership:

- Member states that have demonstrated credibility and capacity to shoulder the responsibilities of the principal UN organ should have a presence to ensure the legitimacy of the council.
- Thus a new category of "semi-permanent" seats is intriguing as, if properly structured, could ensure legitimacy without preventing flexibility for a changing world.

● **Veto Reforms:**

- The power of veto is frequently cited as a major problem as the P5 members often influence the resolutions making those countries to suffer, which rather need a platform to grow.
- **Proposals include:**
 - Limiting the use of the veto to vital national security issues;
 - requiring agreement from multiple states before exercising the veto;
 - And abolishing the veto entirely.

G-4 and India's quest for a permanent seat:

- In recent decades, India has been very vocal in demanding for a permanent seat in UNSC.
- It is also part of G-4, a group of 4 nations (India, Brazil, Germany and Japan) to lobby for permanent positions on the UNSC.
- Many member-states have been pledging support for our aspiration for permanent membership. Several P-5 countries have also announced their support. At present, China is the only P-5 member opposing India's bid.
- G-4 wants to expand the permanent seats in the UNSC to 10 to include 6 new members G-4 nations apart from one seat to Africa and one seat to Arabs.
- The G-4's initial position was for the same rights as the present permanent members, essentially the veto right.

Why India should be member of it?

- The long struggle of India to get into the permanent membership, also **supported by UK, Russia and France can be justified on following grounds-**
 - India, being the **world's largest democracy has second largest population in the world.**
 - It has, since its independence, has become a leading contributor of troops to UN peacekeeping missions.

- Today, **India has over 8000 peacekeepers, which is more than twice that of the P5 group.**
- On the economic side, **India has maintained the state of World's 7th largest economy.**
- Being the 3rd largest active armed force, along with nuclear weapons, India's candidature is justified.
- **ISRO's successful MOM and of placing of Indigenous as well as four of US's satellites is another landmark point for its candidature.**
- India has consistently supported the purposes and principles of the UN and has made significant contributions to implementing the goals of the UN Charter.

Obstacles in UNSC reform:

- The P-5 will never agree to give up their veto right, nor will they agree to accord this right to any other country.
- United States and China are opposed to any major restructuring.
- France has reiterated India's view of veto for additional members.
- United Kingdom has supported G-4 as new permanent member without Veto power.
- Russia, while not opposing expansion has supported two or three classes of UNSC members. The G-5 with veto powers, G-4 permanent members without the veto and whoever else may be elected by the General Assembly.
- There is lack of unity and difference of views in terms of reform agenda among G-4 members also their regional rivals are opposed to the G-4 becoming permanent members.

Way Forward:

- In recent times the credibility of UNSC has suffered a severe blow as it has been ineffective and inefficient in tackling the conflicts in different parts of the world such as Syria, Ukraine etc. in most of these situations UNSC has remained mere a mute spectator.
- Therefore the demand for reforms in the council has become a necessity to restore its credibility and effectiveness in maintaining international peace and security.
- However, at present, structural reforms of the council seem an uphill task, since it can only take place if two-thirds of UN member states vote in favour, along with an affirmative vote from all the permanent members, who enjoy the veto power. But, still the framework text for negotiation was a welcome step and it has set the reform negotiations on an irreversible path.

Conclusion:

- No other multilateral body in the world is more in need of reform than the UNSC as it is still constituted in accordance with the geopolitical architecture of 1945.
- The debate on expansion of UNSC has been going on for quite some time now yet a consensus is still eluding the international community and permanent members.
- However it is under constant criticism for its plans and actions. It is said to be performing in unilateral way with unquestioned authority, working only for vested interests and not making non-permanent members inclusive in their decision making.
- In this context, we can see that India's demand is not illegitimate as India does wield a certain influence in world affairs today due to its impressive economic growth and strong military base.

UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT BILL, 2019

Introduction

- The Unlawful Activities (Prevention) Act, 1967 aims at the effective prevention of unlawful activities across India and abroad.
- Its main objective is to provide powers to central agencies and states to deal with terrorist activities.
- Recently Rajya Sabha has passed the Unlawful Activities (Prevention) Amendment Bill, 2019 or anti-terror law.

Salient Features of the Bill

- The Amendments allow the Government to designate an individual as terrorist and bring in embargo on arms/assets seizures.
- Under the law, personal/financial information of an individual designated as terrorist can be shared with various western agencies.

Powers to NIA officers

- It gives power to officers of the rank of inspector of NIA to investigate the offences under chapter IV and chapter VI.
- The Bill will empower NIA to conduct raids anywhere without the relevant state government's prior permission.
- Besides designating an individual as a terrorist, the bill empowers the NIA to grant approval to seize/attach property when the case is being probed.

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 nine treaties, including the Convention for the Suppression of Terrorist Bombings (1997), and the Convention against Taking of Hostages (1979).
- The Bill adds another treaty to the list. This is the International Convention for Suppression of Acts of Nuclear Terrorism (2005).

Procedure to deal with terrorist Activities

● Identification of terrorist: According to the Bill

- The words "terror" or "terrorist" are not defined, but the UAPA Bill in Section 15 defines "terrorist act" as **any act committed with intent to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India** or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country.
- The Bill seeks to empower the central government to designate an individual a "terrorist" if they are found **committing, preparing for, promoting, or involved in an act of terror.**

● Declaration of terrorist

- The central government may designate an individual as a terrorist through a notification in the official gazette, and add his name 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, in line with the legal presumption of an individual being innocent until proven guilty, an individual who is convicted in a terror case is legally referred to as a terrorist, while those suspected of being involved in terrorist activities are referred to as terror accused.

● After the declaration procedure:

- Under the amendment Bill, **the central government will set up the review committee consisting of a chairperson (a retired or sitting judge of a High Court)** and three other members.
- The review committee will be empowered to order the government to delete the name of the 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.
- The Bill also **does not require the filing of cases or arresting individuals while designating** them as terrorists.
- The Bill also 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.

Major changes in a UAPA Bill

- **No more requirement to take prior permission of DGP**
 - The existing UAPA law requires an investigating officer to take prior permission of the Director General of Police of a state for conducting raids, and seizing properties that are suspected to be linked to terrorist activities.
 - The amendment Bill, however, removes this requirement if the investigation is conducted by an officer of the National Investigation Agency (NIA). The investigating officer, under the Bill, only requires sanction from the Director General of NIA.
- **Central Agencies are required to take prior permission from the state Government**
 - Central agencies such as the Central Bureau of Investigation (CBI) are required to obtain prior permission from the state government since law and order is a state subject under the Constitution.
- **Power of the NIA officers**
 - The existing UAPA law specifies that only officers of the rank of Deputy Superintendent or Assistant Commissioner of Police of the NIA shall have the power to investigate offences under the UAPA law.
 - The Bill seeks to allow NIA officers of Inspector rank to carry out investigations.

Why it is being opposed?

- **Against to the federal structure of Country**
 - Amendments to the Unlawful Activities (Prevention) Act, saying the provisions were against the federal structure of the country.
 - The proposed law allows the National Investigation Agency (NIA) to go to any state without taking permission from state police concerned for checking anti-terror activities. This is against the federal structure of the country.
- **Features are Anti-Constitutional**
 - When the NIA itself is under a cloud, there is also apprehension of the agency being misused for political vendetta. Features of the Bill are anti-people and anti- Constitution.

Conclusion

- The bill seeks to amend the Unlawful Activities (Prevention) Act, 1967, making special provisions to deal with terrorist activities, as well as individuals and groups that foster or support terrorism.
- The bill has been criticized for provisions empowering the government to declare individuals as terrorists and seize their property while investigation is on.

INDIA'S ROLE IN AFGHANISTAN

Introduction:

- **US President asked India, Russia, Pakistan and other neighboring countries to take responsibility for Afghanistan's security** as he defended his push for the US to invest less overseas.
- India may be building small libraries as part of the community development initiative, but most of its investments in Afghanistan were on **mega infrastructure projects including the 218 km road from Zaranj to Delaram, the Salma Dam and the new Afghan Parliament building.**
- India has also been supplying **military equipment to Afghanistan** besides providing training to hundreds of Afghan security personnel.

Importance of Afghanistan for India:

- **Afghanistan is tied to India's vision of being a regional leader and a great power**, coupled with its competition with China over resources and its need to counter Pakistani influence.
- **The pipeline project TAPI (Turkmenistan-Afghanistan-Pakistan-India)**, which seeks to connect an energy-rich Central to South Asia, will only see the light of the day if stability is established in Afghanistan.

- India's interest in **Afghanistan relates to its need to reduce Pakistani influence in the region.**
- **New Delhi needs Kabul to get a better view of Islamabad** and hence it is pertinent that it fosters positive relations.
- For **access to the landlocked Central Asian countries** that border Afghanistan.

Some of other important Projects:

- Construction of the Parliament building (\$ 178 million).
- Construction of the Pul-i-Khumri to Kabul power line (\$120 million).
- Salma Dam power project (\$ 130 million).
- Food assistance to primary school children, and construction and rehabilitation of schools (\$ 321 million).
- Expansion of national television network with an uplink from Kabul and downlinks in all 34 provincial capitals.
- Women's Vocational Training Center in Bagh-e-Zanana for training of Afghan women in garment making, nursery plantation, food processing and marketing.
- Reconstruction of Indira Gandhi Institute for Child Health, Afghanistan's only hospital for children, in Kabul.
- 84 ongoing projects related to agriculture, education, health, vocational training and solar energy.

India's arm footprint in Afghanistan:

- India's growing arms footprint in Afghanistan points to an important future aspect of its regional power projection.
- Arms generate revenue but can also transform the balance of power, and as India has discovered to its cost, provide leverage during crises and wars.
- India had gifted four MI-25 attack helicopters to Afghanistan.

Positive Impacts of Arm Footprint:

- Increasing Capacity of Afghan forces resulting in better combat of militants.
- Thrust to manufacturing of defence equipment to India.
- Status of regional power requires active involvement in efforts to maintain peace and stability. India also need to make its presence and influence felt in the peace talks
- Afghanistan's stability is essential for India as it provides a gateway to central Asia
- Both India and Afghanistan are suffering from cross border terrorism.
- Military assistance to Afghanistan will help it eliminating the cross border terrorism, which will in turn be beneficial for regional peace and stability.

Negative Impacts of Arm Footprint:

- Leadership crisis is a fundamental problem in Afghanistan which arms cannot compensate for.
- Conflict with Taliban and other state actors may increase.
- India should first attain self-sufficiency before exporting the weapons to other nations.

Afghan Peace Process:

● **Stakeholders:**

There are a **number of indigenous players with regard to Afghan peace process:**

- **The Taliban group** – against whom the military action was taken post 9/11. The Taliban has at least four main branches whose relations range from pragmatic cooperation to active hostility.
- The Taliban does not recognize the present day Afghan government as legitimate government as they believe that it does not represent the will of the people.
- **The Afghan Government** – they are the legitimate government recognized by the UN along with other countries.

- **President re-launched the Kabul Process in June 2017.** The principal purpose of the process is to ensure an Afghan-led and Afghan-owned, inclusive peace process where the people are fully in the driver's seat to address the multiple dimensions of ongoing war and violence in Afghanistan.
- **External Stakeholders:**
 - **The US led NATO forces** – the US and the allied countries have actively engaged with all the parties in the peace process including the political faction of the Taliban group.
 - **Regional powers** – countries like Qatar and Russia have actively engaged with all the stakeholders of the peace process, including the Taliban. The headquarters of the Taliban is located in Doha from where they engage with the rest of the world.
 - **Russia a key stakeholder in the process** – Russia has hosted talks with Taliban delegates and members of Afghanistan high peace council, as the Kremlin seeks a role as peace broker between Islamist rebels and the US-backed government in Kabul.
 - **Pakistan's destabilizing role in Afghanistan** – Pakistan sees Afghanistan as potentially providing strategic depth against India.

Challenges:

- Many believe that with **Taliban gaining ground, India must be much more careful and choose smaller projects with care.**
- The quantum of assistance should not go down, but projects must be selected with the ground situation in mind.
- **India's growing friendship with Afghanistan** has always been a major worry for Pakistan.
- Besides the embassy in Kabul, India had consulates in Kandhar, Herat, Jalalabad and Mazr-e-Sharif irked Pakistan.

Conclusion:

- India has been asserting that the peace process must be **"Afghan-led, Afghan-owned and Afghan-controlled."**
- For India to be able to support any form of reconciliation process and to help reduce the need for violence as a mode of communication in Afghanistan requires it to be open to the idea of the Afghan Taliban entering mainstream political life with or without Pakistan's support — and eventually resolve its own bilateral issues with its western neighbor.

INDIA-FRANCE RELATIONS

Introduction:

- The Prime Minister of India visited France for an official visit at the invitation of the President of the French Republic, for a **bilateral summit on 22nd and 23rd August 2019 in Paris and to participate in the G7 Summit**, on 25th and 26th August 2019, in Biarritz, under the French presidency of the G7.
- Prime Minister said his visit to France **reflects the strong strategic partnership which the two countries deeply value and share.**
- India and France have excellent bilateral ties, which are reinforced by a shared vision to cooperate for further enhancing peace and prosperity for the two countries and the world at large.
- The strong strategic and **economic partnership is complemented by a shared perspective on major global concerns such as terrorism, climate change, etc.**

Background:

- **Defence cooperation with France began in the 1950s** when India acquired the Outrage aircraft and continued with the, Jaguar (Anglo-French), Mirage 2000.
- Both countries started **joint naval exercises 'Varuna' in 1983.**
- France is the **first country with which we initiated a Strategic Dialogue after our 1998** nuclear tests when France refused to impose bilateral any sanctions on us and displayed a far greater understanding of India's security compulsions compared to other countries.

- **France helped India set up the Sriharikota launch site assisted in engine development and hosting of payloads.**
- After the Cold War, France decided that its preferred partner in the Indian Ocean Region would be India.
- It was the **first P-5 country to support India's claim for a permanent seat in an expanded and reformed UN Security Council.**

India – France strategic partnership:

- **Defence Cooperation:**

- Since 1980s defence cooperation increased as India was looking to diversify its military procurement to reduce over-reliance on USSR.
- **36 Rafale fighter jets** through government to government deal.
- **P-75 Scorpene Project:** The contract for six Scorpene submarines under technology transfer. The **first two submarine Kalvari and Khanderi have been built.**
- **Dassault Reliance Aerospace Limited (DRAL)** manufacturing facility in Maharashtra. It is a joint venture between French aerospace firm, Dassault Aviation, and India's Reliance Group and is the first private facility for production of Rafale fighter jets and Falcon civilian aircraft.
- Regular defence exercises; viz. Exercise Shakti (Army), Exercise Varuna (Navy), Exercise Garuda (Air Force).

- **Space Cooperation:**

- **ISRO and the French Space Agency (CNES)** are cooperating for many decades.
- French launch pads are used by **ISRO for their GSLVs: GSAT-17 was launched from Kourou 2017.**
- France is a major supplier of components and equipment for the Indian space programme.
- It is a relationship of near equals and the 'vision statement' refers to world class joint missions for space situational awareness, high resolution **earth observation missions with applications in meteorology, oceanography and cartography.**

- **Energy Sector:**

- An agreement was signed about a decade ago for building six EPR (European Pressurized Reactors) nuclear power reactors with a total capacity of 9.6 GW for which negotiations have been on-going between the Nuclear Power Corporation of India (NPCIL) and Areva.
- On green energy, the **International Solar Alliance is set in motion jointly by India and France.**
- France offered an extra \$861.5 million by 2022 for solar projects in developing countries.

- **Maritime cooperation:**

- Like India, France has expressed concern about China's growing presence in the Indian Ocean Region.
- French overseas territories in the Indian and the Pacific Oceans provide it with the second largest exclusive economic zone globally. It has long **maintained bases in Reunion Islands and Djibouti and established one in Abu Dhabi in 2009.**
- **Strengthening cooperation with France, particularly in the western Indian Ocean Region makes eminent strategic sense even as India develops its presence in Oman and Seychelles** (Assumption Island).
- More synergy between the two navies in the Gulf area where France has a base (in Abu Dhabi) and better mutual understanding of **the implications of a Chinese base in Gwadar is important for India.**

Trade between two countries:

- Trade has grown in recent years but at **\$10 billion is half of the trade with Germany.**
- Nearly \$16 billion worth of agreements at the business summit were signed.
- There are nearly 1,000 French companies present in while over a hundred Indian businesses have established a presence in France.
- In the past, **Indian companies saw the U.K. as the entry point for Europe; now with Brexit approaching, India can also look at France as its entry point for Europe.**

Urban Development:

- Another area identified was urban planning and **management of services like housing, transport, water, sanitation using the public private partnership model** which the French have employed successfully.
- The flagship programme of Smart Cities in which **France is focussing on Chandigarh, Nagpur and Puducherry is taking shape as more than half the business agreements** signed related to electric mobility, water supply, waste management and smart grids.

Education Sector:

- The most significant **agreement was the focus on youth and student exchanges.**
- Currently about **2,500 Indians go to France annually to pursue higher education, compared to more than 250,000 from China.**
- A target has been **set to raise it to 10,000 by 2020.**
- The agreement on mutual recognition of academic degrees and the follow-on Knowledge Summit, where **14 MoUs between educational and scientific institutions were signed.**

Tourism:

- A target of a million Indian tourists and 335,000 French tourists has been set for 2020.
- While there are only about **20 flights a week between India and France, there are four times as many to Germany and 10 times as many to the U.K.** So number of flights between India and France has to be increased.

Way Forward:

- The India-France relationship is **primarily driven by government-to-government level relations.** It needs people-to-people and business-to-business relations to deepen the ties.
- French infrastructure companies are looking for opportunities in Indian projects especially in smart cities and renewable energy. India **should leverage this opportunity by improving ease of doing business.**
- **Model Bilateral Investment Treaty** of India has drawn sharp criticism from investors.
- Government should revisit this by **taking into account concerns of all the stakeholders.**
- India-France should **build on reciprocal logistics support agreement to deepen military ties.**

NATIONAL MEDICAL COMMISSION BILL 2019

Introduction

- National Medical Commission was passed by Both Houses. It seeks to replace the functioning body of the Medical Council of India (MCI).
- National Medical Commission (NMC) Bill that seeks to overhaul the medical education regulation infrastructure.
- Section 32 of the NMC Act 2019 allows the proposed NMC, which will replace the Medical Council of India, to grant "limited license to practice medicine at mid-level as a community health provider".
- The bill also has a provision for making national standards in medical education uniform by proposing that the final year MBBS exam be treated as an entrance test for PG and a screening test for students who graduate in medicine from foreign countries.

Background

- The erstwhile MCI was disbanded in 2010 following corruption charges against its President Ketan Desai by the Central Bureau of Investigation (CBI).
- It was alleged that bribes have become rampant in the approval of medical colleges.
- In 2017, a similar Bill had been introduced in Lok Sabha. It was examined by the Standing Committee on Health and Family Welfare, which recommended several changes to the Bill. However, the 2017 Bill lapsed with the dissolution of the 16th Lok Sabha.

Medical Council of India (MCI)

- The Medical Council of India (MCI) is responsible for regulating medical education and practice.
- Over the years, there have been several issues with the functioning of the MCI with respect to its regulatory role, composition, allegations of corruption, and lack of accountability.

Necessity of NMCB

● Why MCI being replaced?

- **MCI is an elected body where its members are elected by medical practitioners themselves**, i.e., the regulator is elected by the regulated.
- The MCI has been noted to be **non-diverse** and consists mostly of doctors who look out for their own self-interest over public interest.
- In order **to reduce the monopoly of doctors**, it has been recommended by experts that the MCI should include diverse stakeholders such as public health experts, social scientists, and health economists.
- It was recommended that nomination based constitution of the MCI instead of election, and separating the regulation of medical education and medical practice.
- It is suggested that legislative changes should be brought in to overhaul the functioning of the MCI.
- To meet this objective, the Bill repeals the Indian Medical Council Act, 1956 and dissolves the current MCI.

● NMC

- The 2019 Bill sets up the National Medical Commission (NMC) as an umbrella regulatory body with certain other bodies under it.
- **The NMC will subsume the MCI and will regulate medical education and practice in India.**
- Under the Bill, states will establish their respective State Medical Councils within three years. These Councils will have a role similar to the NMC, at the state level.

Functions of NMC:

- Functions of the NMC include:
 - Laying down policies for regulating medical institutions and medical professionals,
 - Assessing the requirements of human resources and infrastructure in healthcare,
 - Ensuring compliance by the State Medical Councils with the regulations made under the Bill, and
 - Framing guidelines for determination of fee for up to 50% of the seats in the private medical institutions.

Members of NMC:

- The Bill replaces the MCI with the NMC, whose members will be nominated.
- The NMC will consist of 25 members, including:
 - Director Generals of the Directorate General of Health Services and the Indian Council of Medical Research,
 - Director of any of the AIIMS,
 - Five members (part-time) to be elected by the registered medical practitioners,
 - And six members appointed on rotational basis from amongst the nominees of the states in the Medical Advisory Council.
- Of these 25 members, at least 15 (60%) are medical practitioners.

Regulatory Bodies being set up in the NMC:

- The Bill sets up four autonomous boards under the supervision of the NMC.
- Each board will consist of a President and four members (of which two members will be part-time), appointed by the central government (on the recommendation of a search committee).

- **These bodies are:**
 - **The Under-Graduate Medical Education Board (UGMEB) and the Post-Graduate Medical Education Board (PGMEB).**
 - These two bodies will be responsible for formulating standards, curriculum, guidelines for medical education, and granting recognition to medical qualifications at the under-graduate and post-graduate levels respectively.
 - **The Medical Assessment and Rating Board:**
 - The Board will have the power to levy monetary penalties on institutions which fail to maintain the minimum standards as laid down by the UGMEB and the PGMEB.
 - It will also grant permissions for establishing new medical colleges, starting postgraduate courses, and increasing the number of seats in a medical college.
 - **The Ethics and Medical Registration Board:**
 - This Board will maintain a National Register of all the licensed medical practitioners in the country, and also regulate professional and medical conduct.
 - Only those included in the Register will be allowed to practice as doctors.
 - The Board will also maintain a register of all licensed community health providers in the country.

What will the Bill Change?

- **NEXT Examination**
 - There will be a uniform National Eligibility-cum-Entrance Test for admission to under-graduate and post-graduate super-specialty medical education in all medical institutions regulated under the Bill.
 - The Bill proposes a common final-year MBBS exam called the National Exit Test (NEXT), which has to be cleared for practicing medicine.
 - The NEXT will also be used as admission test for those seeking entry into post-graduate medical courses, screening test for foreign medical graduates and enrolment into the State or the National Registers.

Why doctors are opposing the Bill?

- **Constitution of NMC**
 - It is because of the constitution of the NMC itself.
 - The protestors say that the Bill will reduce the representation of elected members from 75 percent in MCI to 20 percent in NMC.
 - Also, there was an allegation that the non-elected members will be government officials or those nominated by the government, giving the bureaucrats full control on the functioning of NMC.
- **Community health providers**
 - The second reason, doctors are concerned about the NMC Bill contains provision under Section 32 which allows community health workers to practice modern medicine.
 - Doctors allege that the provision will institutionalize quackery.
 - According to the Bill, the Commission may grant limited license to practice medicine at mid-level as Community Health Provider to such person connected with modern scientific medical profession who qualifies such criteria as may be specified by the regulations.
 - The government intent for having Community Health Providers is to help tackle the disease burden in rural areas.
 - Section 32 will allow 3.5 lakh Community Health Providers to practice modern medicine.
- **NEXT Examination**
 - Doctors have also raised concerns about NEXT -- the single national level exit exam to issue licenses for doctors.

- Doctors say that giving single exam too much weightage can have an adverse impact on the career of medical aspirants.
- There is also a counter argument that the Bill may not bring down corruption and commercialisation in medical education in any significant way.
- The NMC Bill decreases seats under controlled fee structure from 85 percent to 50 percent, helping the private colleges, many are owned by politicians themselves.
- **Private Colleges Fee Regulation**
 - NMC would also regulate fees and all other charges for 50% of the seats in private medical colleges and deemed universities.
 - The MNC will frame guidelines for determination of fees and all other charges in respect of 50% of seats in private medical institutions and deemed to be universities which are governed under the provisions of this Act.

Conclusion

- National Medical Commission Bill for replacing the Medical Council of India MCI with a new body.
- NMC bill 2019 is an improved version of the one brought in 2017.
- The Bill aims to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the country.

ONE NATION, ONE RATION CARD

Introduction:

- **One Nation One Ration Card Scheme** which will allow **portability of food security benefits** will be available across the country from **1st July, 2020**.
- This means poor migrant workers will be able to buy subsidized rice and wheat from any ration shop in the country.
- Currently Andhra Pradesh, Gujarat, Haryana, Jharkhand, Karnataka, Kerala, Maharashtra, Rajasthan, Telangana and Tripura are **10 states where 100% POS machines have been arranged for grain distribution and all PDS shops have been connected to the Internet**.
- Now, in these states any beneficiary can take grain from any public distribution system shop in that state.

Ration Card:

- A ration card is **issued to the head of the family, depending on the number of members in a family and the financial status of the applicant**.
- It is **used by households to get essential food grains at subsidised prices** from designated ration shops (also called fair price shops) under the Targeted Public Distribution System (TPDS).
- Over the years, different types of ration cards were issued depending on the level of deprivation.
- Later, in 2013, when the National Food Security Bill was passed, **different ration cards were compressed to just two — priority and Antyodaya (for the most poor)**.
- The responsibility of identifying eligible families and issuing ration cards to them rests with the state/UT government.

Ration Shop:

- Ration shops **can be privately owned or owned by cooperative societies or by the government**.
- Ownership licenses are issued by the concerned state government.
- Presently, **commodities including wheat, sugar, rice and kerosene are being allocated** as part of the TPDS.
- State governments have the discretion to provide additional commodities.

Highlights of the Scheme:

- The scheme is all about **inter-state portability of ration cards**.
- It enables the beneficiaries who are taking food grains under the Public Distribution System (PDS) to **access the same benefits if they happen to migrate from one part of the country to the other**, in a seamless manner.
- India has been computerising its PDS operations for quite a few years.
- This scheme of interstate portability is a **logical progression to the next level of enabling seamless public services under the PDS, throughout the country**.

Scheme for migrant labourers in the country:

- Historically, **India had food security benefit schemes which have domicile based access**.
- It happens that when one moves from one place to the other (for e.g. a government employee being transferred from one place to another), it takes about **two to three months to get a ration card** at that next place and then further more time to start getting commodities against the same.
- **After the implementation of the scheme, it would be ensured that a migrant is able to access the benefits which are due to him in any part of the country.**
- This would be ensured on the basis of **Aadhaar authentication** and a validated data.

Scheme for curbing corruption:

- In the last five years, the government has **managed to delete nearly 3 crore duplicate and bogus ration cards**. This also helped the government in cleaning up the data of the PDS.
- With the help of the scheme, **the government would be able to rightly target the beneficiaries to provide them with the food grains** under the PDS.
- The scheme is linked with Aadhaar and biometrics; this removes most possibilities of corruption.
- The government is **creating a central data repository to get all the details of ration card which are being maintained by states** so that the repository acts as a clearing house or a server to do the cross checking on the basis of Aadhaar authentication.
- This ensures **that there is no corruption or duplication of the benefits that are being passed on to the beneficiaries**. The government will ensure all these things with the help of technology.

Depot Online System

- The government is planning to **integrate PDS with Depot Online System**.
- There is a **need to keep a track on the inventory that is being received and distributed from the depots**, so that one is able to integrate the total supply chain of the PDS beginning from the delivery of the food grains to the state agencies by FCI to the delivery to a customer.

Challenges

- Few regional parties have expressed apprehensions on bearing the **cost of additional ration cards**. This is a matter which is to be settled between the states and the Government of India.
- One of the apprehensions mentioned by few states is the **cost of additional food grain to be supplied to the migrant workers**.
- However, the **whole system is based on the entitlements mandated under the NFSA and this prevents the charges of additional cost**. Beneficiaries will continue to pay the same issue prices that are fixed under the NFSA.
- Different states have different rates and these mismatching rates will be a big challenge.

Way Forward

- There is a need to ensure that **subsidized food grains ultimately go to the person or the family that is entitled to.**
- The One Nation One Ration Card should also **include access to health and other things.**
- At the principal level, within the government, **there is broad consensus on having a unified kind of service delivery system based on technology and identity.**
- With One Nation One Ration Card Scheme, the focus of the government is on improving efficiency and delivery of services.

POCSO ACT

Introduction:

- The Act defines a child as any person **below eighteen years of age.**[®]
- It defines different forms of **sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography.**
- It deems a sexual assault to be “aggravated” under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority like a family member, police officer, teacher, or doctor.
- People who traffic children for **sexual purposes are also punishable under the provisions relating to abetment in the Act.**
- The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

Why in News:

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

Amendments proposed in a Act:

● **Death Penalty:**

- 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”.**
 - Cases of sexual assault by police officers,
 - by members of the armed forces,
 - by public servants,
 - by relatives,
 - gang-penetrative sexual assault,
 - where the survivor is less than 12 years old and
 - Attempt to inject hormones in children to attain early sexual maturity for the purpose of penetrative sexual assault.

● **Gender neutral:**

- The amendment will include the death penalty in all cases of aggravated penetrative sexual assault against children, **both boys and girls**, below the age of 18, thus making the Act gender neutral.
- The earlier amendment allowed the death penalty only in cases of sexual assault of girls below 12 years but now it will be applicable to boys also.

- **Calamities: Introduction of a new Category:**

- The Ministry of Women and Child Development has cited reported rapes of young girls in the aftermath of Kedarnath floods and that children constitute 50-60% of victims of calamities to make a case for including rapes in course of natural calamities as the 21st category.

- **Punishment:**

- The amendments extend the punishment for aggravated penetrative sexual assault from a minimum of 10 years to a minimum of 20 years, up to a maximum of life imprisonment and even the death penalty under Section 6 of POCSO Act.
- Punitive measures have been made more stringent in cases where children are used for pornography as well as for storing such content.
- It also includes the gang rape of a child or use of deadly weapons during penetrative sexual assault, a sexual assault that incapacitates the child physically or mentally, makes a girl child pregnant, inflicts the child with HIV or any life-threatening disease.

Salient Features of the Act:

- **Role of Police:**

- The Act casts the police in the role of child protectors during the investigative process. Thus, the police personnel receiving a report of sexual abuse of a child are given the responsibility of making urgent arrangements for the care and protection of the child, such as obtaining emergency medical treatment for the child and placing the child in a shelter home, and bringing the matter in front of the Child Welfare Committee (CWC), should the need arise.

- **Safeguards**

- The Act further makes provisions for avoiding the re-victimisation of the child at the hands of the judicial system.
- It provides for special courts that conduct the trial in-camera and without revealing the identity of the child, in a manner that is as child-friendly as possible.
- Hence, the child may have a parent or other trusted person present at the time of testifying and can call for assistance from an interpreter, special educator, or other professional while giving evidence. Above all, the Act stipulates that a case of child sexual abuse must be disposed of within one year from the date the offence is reported.

- **Mandatory Reporting:**

- The Act also provides for mandatory reporting of sexual offences.
- This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months' imprisonment and/ or a fine.
- It places the burden of proof on the accused and ensures punishment for all perpetrators irrespective of age and gender.

Possible Impacts of the Act:

- The amendment is expected to discourage the trend of child sexual abuse by acting as a deterrent due to strong penal provisions incorporated in the Act.
- It intends to protect the interest of vulnerable children in times of distress and ensures their safety and dignity.
- The amendment is aimed to establish clarity regarding the aspects of child abuse and punishment thereof.
- Systemic changes in law enforcement and prosecution hold the key to tackling child sexual abuse.

POCSO -e box:

- Protection of Children from Sexual Offences (POCSO) e-Box launched in 2016 is an online complaint box for reporting child sexual abuse.

- It is a National Commission for Protection of Child Rights (NCPCR) initiative to help children report such crimes directly to the Commission.
- The online complaint management system enables easy reporting and timely action against the offenders under the POCSO Act, 2012.
- E-Box is very simple to operate and will help to maintain the confidentiality of the complaint.

Conclusion:

- POCSO **privileges age to define to a child**, wherein consent of a child is not a defence to sexual assault.
- Given **challenges of the age determination process**, the age of consent should not be the only factor in determining sexual assault
- It called on government to set up a high level committee comprising people like a social auditor, psychologist, social scientist etc., to investigate the reasons behind these serious crimes.

POWER TARIFF POLICY

Introduction:

- A power sector package is in the offing along with a **new tariff policy to ensure uninterrupted power for all**, Finance Minister announced in Budget speech 2019.
- Shedding light on the **'One Nation One Grid'** for affordable power to States, such as the power tariff reform.
- The government is going to work with the State governments to **remove the barriers in the implementation of the ambitious UDAY scheme** for the turnaround of power distribution companies.
- The government had launched the UDAY scheme in 2015 for the financial and operational turnaround of power discoms. Now, the government will examine the **performance of the scheme and will work with States to remove barriers like the cross subsidy surcharge.**

Proposed Amendments:

- **Imposition of penalties on distribution companies** with exception of technical fault.
- State Electricity Regulatory Commission (**SERC**), Joint Electricity Regulatory Commission (**JERC**) shall not consider Aggregate Technical and Commercial (**AT&C**) **losses exceeding 15% for determination of tariff.**
- **Provision related to generation, transmission & distribution.**
- **Empowering Consumers:** Consumer should not be asked to pay the price of inefficiencies of the Discoms.
- **24 hours supply of adequate and uninterrupted power** may be ensured and appropriate penalty.
- **Subsidy through Direct Benefit transfer (DBT) to consumers.**
- Appropriate Commission would ensure that cross-subsidies are reduced and the **tariff for all consumer categories are brought within $\pm 20\%$ of the average cost of supply.**
- **Simplification of tariff categories** and rationalization of retail tariff.

Aggregate Technical and Commercial losses (AT&C):

- It **Indicates healthiness of distribution system, billing and vigilance systems.**
- The AT&C losses, **electricity units lost on account of pilferage of the 27 electricity distribution companies (discoms) in 26 states and UTs** remained as high as 21.1% at the end of Dec 2018.
- Uttar Pradesh (31.24%), Bihar (38.9%), Jharkhand (36.1%) and Chhattisgarh (29.9) continue to remain the **biggest laggards in terms of AT&C loss reduction plans.**

Challenges:

- **Unscheduled power cuts** by discoms to reduce their purchasing of electricity generation.
- **Under investment** in Distribution networks.

- **AT&C losses as high as 54%**, In Delhi reduced to 10% Irrational pricing.
- Difference between higher & lower tariffs is high.
- **US & China:** Commercial Tariffs low to attract industries, India Consumer pricing is low - Consumer oriented but affects investment.

Weakest Link:

- The distribution sector holds the key to the **long-term fortunes of the power sector as discoms** have so far been the weakest link in the electricity value chain.
- Government's UDAY scheme has faced criticism of late owing to mounting debt and overdues of discoms.
- **Review of UDAY scheme, tariff policy, working with States to remove cross subsidy surcharges** and open access charges are well outlined as well measured intents, though again one should be cautious.
- **Focussing on improving the performance of the gas-fuelled power projects** that have been performing at lower efficiency levels due to the limited availability of natural gas in the country.

High Level panel:

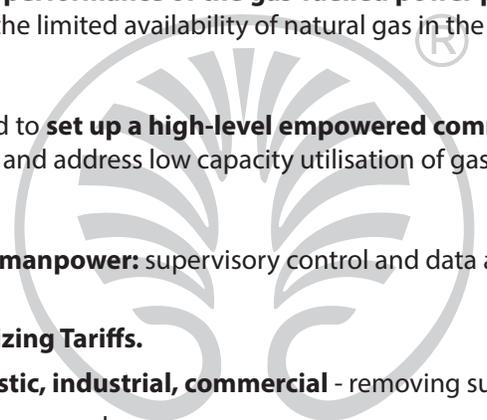
- The Finance Minister proposed to **set up a high-level empowered committee to look into retirement of old and inefficient power plants** and address low capacity utilisation of gas-based power plants.

Way Forward:

- **Investment in technology & manpower:** supervisory control and data acquisition (SCADA) Systems for Power systems.
- Persuading **states in rationalizing Tariffs.**
- Notional demarcation - **domestic, industrial, commercial** - removing sub categories.
- **Burn less Coal:** target emission come down.

Conclusion:

- Electricity is a driver for India's economy and way is to ensure 24*7 supplies to consumers.
- The announcement of pursuing a 'One Nation One Grid' concept is a positive move and will prove beneficial in achieving the government's goal of power for all by 2020.
- Government's move to focus of driving structural reforms in the power sector is commendable, and will definitely help in propelling the sector towards the path of growth.
- This will fuel investments and address the issues concerning stressed power plants.



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MAINS QUESTION

1. Does anti-defection failed to meet its objective in the recent past?
2. Why there is need of reconsideration of Anti Defection Law?
3. Discuss the Government Schemes and policies for Good Governance Indian Economy in the investment and MSME sector.
4. What the abrogation of article 35a means for the people in Kashmir? Discuss.
5. Discuss how the appointment of the Chief of Defence staff(CDS), would constitute the most significant Defence Policy reform in decades for India.
6. Critically analyse the challenges involved with the Citizenship Amendment Bill 2016.
7. How India should respond between China and Taiwan for the motto of One-India? Critically Examine.
8. Chandrayan-2 is attempt being made by ISRO in the field of space research. Examine the distinctiveness and significance of a mission.
9. Do you think, the proposed Bill (Protection of rights on marriage) is a historic decision taken by the Indian Government? Also, Discuss pros and cons of the Bill.
10. Critically analyse the reservation should be based on the Economical Status not On Caste.
11. Do you agree that given reservation to the economical weaker section is a good move of the Indian Government and it represents equality among the citizens of the India? Critically Examine.
12. India has made a lot of progress in reducing plastic waste but a lot more still needs to be done. Comment.
13. Discuss the Causes of slowdown of Speed bump for Auto Sector globally.
14. Analyse the occupational safety health and working condition code bill 2019. And how it would help the working conditions of the labours working in the factories and mines?
15. Why UNSC reforms are required? And how these are significant to the India? Discuss.
16. Why India should be given the permanent membership? Comment.
17. Do you think India's conflict with Pakistan could mean a greater role for Delhi in Kabul? Comment.
18. Critically discuss India's relationship with France. Do you think France as India's natural ally? Comment.
19. Explain how implementation of One Nation One Card Curb corruption? Also, discuss the features and Challenges of the Scheme.
20. Recently the union government released new Power Tariff Policy. Discuss its provisions, reasons why it's revised and the implications for consumers and power producers.