PRS Capsule July 2019

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Key Highlights of PRS

Law and Justice

Aadhaar and Other Laws (Amendment) Bill, 2019

- The Aadhaar and Other Laws (Amendment) Bill, 2019 was passed by Parliament to replace the Ordinance promulgated on March 2, 2019.
- The Bill amends the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, the Indian Telegraph Act, 1885, and the Prevention of Money Laundering Act, 2002.
- The Aadhaar Act provides targeted delivery of subsidies and benefits to individuals residing in India by assigning them unique identity numbers, called **Aadhaar numbers**.
- **Authentication:** It involves submitting the Aadhaar number, their biometric and demographic information to the Central Identities Data Repository for verification.
    - Under the Aadhaar Act, an individual's identity may be verified by **Aadhaar 'authentication'**.
    - The **Bill additionally allows 'offline verification'** of an individual's identity, without authentication, through modes specified by the Unique Identification Authority of India (UIDAI) by regulations.
- **Voluntary use:** The Act provides for the use of Aadhaar number as proof of identity of a person, subject to authentication.

    The Bill replaces this provision to state that an **individual may voluntarily use** his Aadhaar number to establish his identity, by **authentication or offline verification**.
- The Bill states that authentication of an individual's identity via Aadhaar, for the provision of any service, may be made mandatory only by a law of Parliament.

- The Bill amends the **Telegraph Act, 1885 and the Prevention of Money Laundering Act, 2002** to state that telecom companies, banks and financial institutions may verify the identity of their clients by:
    - authentication or offline verification of Aadhaar, or
    - passport, or
    - any other documents notified by the central government.
- The person has the choice to use either mode to verify his identity and **no person shall be denied any service for not having an Aadhaar number**.

  UIDAI Fund: Under the Act, all fees and revenue collected by the UIDAI shall be credited to the Consolidated Fund of India. The Bill removes this provision and creates the **Unique Identification Authority of India Fund**. All fees, grants, and charges received by the UIDAI shall be credited to this fund. The fund shall be used for expenses of the UIDAI, including salaries and allowances of its employees.

Right to Information (Amendment) Bill, 2019

- The Right to Information (Amendment) Bill, 2019 was passed by Parliament. It seeks to amend the **Right to Information Act, 2005**.
- **Key features of the Bill include:**
    - **Term of Information Commissioners:** Under the Act, Chief Information Commissioner (CIC) and Information Commissioners (ICs) are appointed at the national and state level to implement the provisions of the Act.

      The Act states that the CIC and other ICs (appointed at the central and state level) will hold office for a term of five years. The **Bill removes this provision** and states that **the central government will notify the term of office** for the CIC and the ICs.
    - **Determination of salary:** The Act states that the salary of the CIC and ICs (at the central level) will be equivalent to the salary paid to the Chief Election Commissioner and Election Commissioners, respectively. Similarly, the salary of the CIC and ICs (at the state level) will be equivalent to the salary paid to the Election Commissioners and the Chief Secretary to the state government, respectively.

      The Bill seeks to amend these provisions to **state that the salaries, allowances, and other terms and conditions of service of the central and state CIC and ICs will be determined by the central government**.

New Delhi International Arbitration Centre Bill, 2019

- The New Delhi International Arbitration Centre Bill, 2019 was passed by Parliament.
- It seeks to establish an **autonomous and independent institution** for better management of arbitration in India.

- **Key features of the Bill include:**
    - **New Delhi International Arbitration Centre (NDIAC):** The Bill seeks to provide for the establishment of the NDIAC to conduct an **arbitration, mediation** and **conciliation** proceedings.
    - **International Centre for Alternative Dispute Resolution (ICADR):** The ICADR is a **registered society** to promote the resolution of disputes through alternative dispute resolution methods (such as arbitration and mediation).
        The Bill seeks to transfer the existing ICADR to the central government. Upon notification by the central government, all the rights, title, and interest in the ICADR will be transferred to the NDIAC.
    - **Composition:** Under the Bill, the NDIAC will consist of seven members including:
        - **A chairperson** who may be a Judge of the Supreme Court or a High Court or an eminent person with special knowledge and experience in the conduct or administration of arbitration.
        - **Two eminent persons** having substantial knowledge and experience in institutional arbitration.
        - **Three ex-officio members,** including a nominee from the Ministry of Finance.
        - **Chief Executive Officer** (responsible for the day-to-day administration of the NDIAC).
- **Key objectives of the NDIAC include:**
    - Promoting research, providing training and organising conferences and seminars in alternative dispute resolution matters.
    - Providing facilities and administrative assistance for the conduct of the arbitration, mediation, and conciliation proceedings.
    - Maintaining a panel of accredited professionals to conduct an arbitration, mediation, and conciliation proceedings.
- **Key functions include:**
    - Facilitating the conduct of arbitration and conciliation in a professional, timely, and cost-effective manner.
    - Promoting studies in the field of alternative dispute resolution.

Muslim Women (Protection of Rights on Marriage) Bill, 2019

- The Muslim Women (Protection of Rights on Marriage) Bill, 2019 was passed by Parliament.

- **Key features of the Bill include:**
    - The Bill makes all declarations of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal.
    - It 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 'talaq' thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.
    - **Offence and penalty:** The Bill makes a declaration of talaq a **cognizable offence,** attracting up to **three years imprisonment** with a fine.

        A cognizable offence is one for which a police officer may arrest an accused person without warrant.
    - The offence will be cognizable only if information relating to the offence is given by:
        - The married woman (against whom talaq has been declared), or
        - Any person related to her by blood or marriage.
    - The Bill 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.
    - The offence may be compounded by the Magistrate upon the request of the woman (against whom talaq has been declared).

        Compounding refers to the procedure where the two sides agree to stop legal proceedings, and settle the dispute. The terms and conditions of the compounding will be determined by the Magistrate.
    - **Allowance and custody:** A Muslim woman against whom talaq is declared is entitled to seek **subsistence allowance** from her husband for herself and for her dependent children. She is also entitled to seek custody of her minor children. The amount of allowance and manner of custody will be determined by the Magistrate.

Arbitration and Conciliation (Amendment) Bill, 2019

- The Arbitration and Conciliation (Amendment) Bill, 2019 was passed by Rajya Sabha. It seeks to **amend the Arbitration and Conciliation Act, 1996**.

    The Act contains provisions to deal with domestic and international arbitration, and defines the law for conducting conciliation proceedings.

- **Key features of the Bill are:**
    - **Arbitration Council of India:** The Bill seeks to establish an independent body called the **Arbitration Council of India (ACI)** for the promotion of arbitration, mediation, conciliation and other alternative dispute redressal mechanisms.
    - **Its functions include:**
        - Framing policies for grading arbitral institutions and accrediting arbitrators.
        - Making policies for the establishment, operation and maintenance of uniform professional standards for all alternate dispute redressal matters.
        - Maintaining a depository of arbitral awards (judgments) made in India and abroad.
    - **Appointment of arbitrators:** Under the 1996 Act, parties were free to appoint arbitrators. In case of disagreement on an appointment, parties could request the Supreme Court, or the High Court, or any person or institution designated by such Court, to appoint an arbitrator.
        - Under the Bill, the Supreme Court and High Courts may now designate **arbitral institutions,** which parties can approach for the appointment of arbitrators.
        - For **international commercial arbitration,** appointments will be made by the institution designated by the Supreme Court.
        - For **domestic arbitration,** appointments will be made by the institution designated by the concerned High Court.
        - In case there are no arbitral institutions available, the Chief Justice of the concerned High Court may maintain a panel of arbitrators to perform the functions of arbitral institutions.
    - **Relaxation of time limits:** Under the Act, arbitral tribunals are required to make their award within a period of 12 months for all arbitration proceedings.

        The **Bill seeks to remove this time restriction** for international commercial arbitrations. It adds that tribunals must try to dispose of international arbitration matters within 12 months.

The DNA Technology (Use and Application) Regulation Bill

- The DNA Technology (Use and Application) Regulation Bill, 2019 was introduced in **Lok Sabha**.

    The Bill provides for the regulation of the use of DNA technology for establishing the identity of certain persons.
- **Use of DNA data:** Under the Bill, DNA testing is allowed only in respect of matters listed in the Schedule to the Bill.

    These include offences under the Indian Penal Code, 1860, and for civil matters such as paternity suits. Further, the Schedule includes DNA testing for matters related to establishment of individual identity.

- **Collection of DNA:** While preparing a DNA profile, bodily substances of persons may be collected by the investigating authorities. Authorities are required to obtain consent for collection in certain situations.
    - For arrested persons, authorities are required to obtain written consent if the offence carries a punishment of up to seven years. If the offence carries more than seven years of imprisonment or death, consent is not required.
    - Further, if the person is a victim, or relative of a missing person, or a minor or disabled person, the authorities are required to obtain their written consent.
- **DNA Data Bank:** The Bill provides for the establishment of a **National DNA Data Bank and Regional DNA Data Banks,** for every state, or two or more states.
    DNA laboratories are required to share DNA data prepared by them with the National and Regional DNA Data Banks. Every Data Bank will be required to maintain the following indices of DNA data:
        - A crime scene index
        - A suspect's or under trials' index
        - An offenders' index
        - A missing persons' index
        - An unknown deceased persons' index.
- **Removal of DNA profiles:** The Bill provides for removal of the DNA profiles of the following persons:
    - A suspect if a police report is filed or court order given
    - An undertrial if a court order is given
    - On written request, for persons who are not a suspect, offender or under trial, from the crime scene or missing persons' index
- **DNA Regulatory Board:** The Bill provides for the establishment of a DNA Regulatory Board, which will supervise the DNA Data Banks and DNA laboratories. The functions of the Board include:
    - Advising governments on all issues related to establishing DNA laboratories or Data Banks.
    - Ensuring that all information relating to DNA profiles is kept confidential.

Transgender (Protection of Rights) Bill, 2019

- The Transgender Persons (Protection of Rights) Bill, 2019 was introduced in Lok Sabha on July 19, 2019.

- **Key features of the Bill include:**
    - **Definition of a transgender person:** The Bill defines a transgender person as one whose gender does not match the gender assigned at birth. It include transmen and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra.
        Intersex variations is defined to mean a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes, or hormones from the normative standard of male or female body.
    - **Prohibition against discrimination:** The Bill prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to:
        - Education, employment, healthcare.
        - Access to or enjoyment of goods, facilities, opportunities available to the public.
        - Right to movement, right to reside, rent, or otherwise occupy property.
        - Opportunity to hold public or private office.
        - Access to a government or private establishment in whose care or custody a transgender person is.
    - **Health care:** The government must take steps to provide health facilities to transgender persons including separate HIV surveillance centres, and sex reassignment surgeries.
        The government shall review medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them.
    - **Certificate of identity:** A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as ‘transgender’.
        A revised certificate may be obtained only if the individual undergoes surgery to change their gender either as a male or a female.

Consumer Protection Bill, 2019

- The Consumer Protection Bill, 2019 was passed by Lok Sabha. It replaces the **Consumer Protection Act, 1986**.

- **Key features of the Bill include:**
    - **Rights of consumers:** Six consumer rights have been defined in the Bill, including the right to:
        - Be protected against the marketing of goods and services which are hazardous to life and property.
        - Be informed of the quality, quantity, potency, purity, standard and price of goods or services.
        - Be assured of access to goods or services at competitive prices.
        - Seek redressal against unfair or restrictive trade practices.
    - **Central Consumer Protection Authority:** The central government will set up a Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers. It will regulate matters related to violation of consumer rights, unfair trade practices, and misleading advertisements.
    - **Penalties for misleading advertisement:** 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.
    - **Consumer Disputes Redressal Commission (CDRCs):** CDRCs will be set up at the district, state, and national levels. A consumer can file a complaint with CDRCs in relation to:
        - Unfair or restrictive trade practices
        - Defective goods or services
        - Overcharging or deceptive charging
        - The offering of goods or services for sale which may be hazardous to life and safety.
    - Complaints against an unfair contract can be filed with only the State and National CDRCs.

        Appeals from a District CDRC will be heard by the State CDRC, and from State CDRC by the National CDRC. Final appeal will lie before the Supreme Court.
    - **Product liability:** Product liability means the liability of a product manufacturer, service provider, or seller to compensate a consumer for any harm or injury caused by a defective good or deficient service.

        To claim compensation, a consumer has to prove any one of the conditions for defect or deficiency, as given in the Bill.

Home Affairs

Unlawful Activities (Prevention) Amendment Bill, 2019

- The **Unlawful Activities (Prevention) Amendment Bill, 2019** was passed by Lok Sabha. It amends the **Unlawful Activities (Prevention) Act, 1967**. The Act provides special procedures to deal with terrorist activities, among other things.
- **Key provisions of the Bill include:**
    - **Who may commit terrorism:** Under the Act, the central government may designate an organisation as a terrorist organisation if it:
        - Commits or participates in acts of terrorism
        - Prepares for terrorism
        - Promotes terrorism, or
        - Is otherwise involved in terrorism.
    - The Bill empowers the government to designate individuals as terrorists on the same grounds.
    - **Approval for seizure of property:** Under the Act, an investigating officer is required to obtain the prior approval of the Director General of Police to seize properties that may be connected with terrorism.

        The Bill adds that if the investigation is conducted by an officer of the **National Investigation Agency (NIA),** the approval of the Director General of NIA would be required for seizure of such property.
    - **Investigation:** Under the Act, investigation of cases may be conducted by officers of the rank of Deputy Superintendent or Assistant Commissioner of Police or above.

        The Bill additionally empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases.
    - **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)**.

The Jammu and Kashmir Reservation (Amendment) Bill, 2019

- The Jammu and Kashmir Reservation (Amendment) Bill, 2019, was passed by Parliament. The **Bill amends the Jammu and Kashmir Reservation Act, 2004** and **replaces an Ordinance** promulgated on March 1, 2019.

    The Act provides for **reservation in appointment and promotions in state government posts**, and admission to **professional institutions** for certain reserved categories. Professional institutions include government medical colleges, dental colleges, and polytechnics.

- **Key features of the Bill include:**
    - **Extension of reservation:** The Act provides for reservation in appointment and promotions in certain state government posts to persons belonging to **socially and educationally backward classes**. It defines socially and educationally backward classes to include persons living in areas adjoining the Actual Line of Control.

        The Bill amends this to include those persons living in areas adjoining the International Border, within the ambit of this reservation.
    - Further, the Act states that any person who has been appointed on the basis of residence in an area adjoining the Line of Control, must serve in such areas for at least seven years.

        The Bill extends this condition to persons living in areas adjoining the International Border as well.
    - **Exclusion from reservation:** The Act states that any person whose annual income exceeds three lakh rupees or other amount as notified by the state government, would not be included within socially and educationally backward classes. However, this exclusion does not apply to persons living in areas adjoining the Actual Line of Control.

        The Bill states that this exclusion will not apply to persons living in areas adjoining the International Border also.

Protection of Human Rights (Amendment) Bill

- The Protection of Human Rights (Amendment) Bill, 2019 was passed by Parliament. The Bill amends the **Protection of Human Rights Act, 1993**.

    The Act provides for a **National Human Rights Commission (NHRC), State Human Rights Commissions (SHRC),** as well as **Human Rights Courts**.
- **Composition of NHRC:** Under the Act, the chairperson of the NHRC is a person who has been a Chief Justice of the Supreme Court.

    The Bill amends this to provide that a person who has been Chief Justice of the Supreme Court, or a Judge of the Supreme Court will be the chairperson of the NHRC.
- The Act provides for two persons having knowledge of human rights to be appointed as members of the NHRC.

    The Bill amends this to allow three members to be appointed, of which at **least one will be a woman**.
- Under the Act, chairpersons of various commissions such as the National Commission for Scheduled Castes, and National Commission for Scheduled Tribes, are members of the NHRC.

    The Bill includes the chairpersons of the National Commission for Backward Classes, the National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities as members of the NHRC.

- **Chairperson of SHRC:** Under the Act, the chairperson of the SHRC is a person who has been a Chief Justice of the High Court.
    The Bill amends this to provide that a person who has been Chief Justice or Judge of the High Court will be chairperson of the SHRC.
- **Term of office:** The Act states that the chairperson and members of the NHRC and SHRC will hold office for **five years or till the age of seventy years,** whichever is earlier.
    The Bill **reduces the term of office to three years or till the age of seventy years,** whichever is earlier.
- **Powers of Secretary-General:** The Act provides for a Secretary-General of the NHRC and a Secretary of a SHRC, who exercise powers as may be delegated to them.
    The Bill amends this and allows the Secretary-General and Secretary to exercise all administrative and financial powers (except judicial functions), subject to the respective chairperson's control.

The National Investigation Agency (Amendment) Bill, 2019

- The National Investigation Agency (Amendment) Bill, 2019 was passed by Parliament. The Bill amends the **National Investigation Agency (NIA) Act, 2008**.
    The Act provides for a national-level agency to investigate and prosecute offences listed in a schedule (scheduled offences).

- Further, the Act allows for creation of Special Courts for the trial of scheduled offences.
    - **Scheduled offences:** The schedule to the Act specifies a list of offences which are to be investigated and prosecuted by the NIA.
        These include offences under Acts such as the Atomic Energy Act, 1962, and the Unlawful Activities Prevention Act, 1967.
    - The Bill seeks to allow the NIA to investigate the following additional offences:
        - Human trafficking
        - Offences related to counterfeit currency or bank notes
        - Manufacture or sale of prohibited arms
        - Cyber-terrorism, and
        - Offences under the Explosive Substances Act, 1908
    - **Jurisdiction of the NIA:** The Act provides for the creation of the NIA to investigate and prosecute offences specified in the schedule.
        - The officers of the NIA have the same powers as other police officers in relation to the investigation of such offences, across India.
        - The Bill states that in addition, officers of the NIA will have the power to investigate scheduled offences committed outside India, subject to international treaties and domestic laws of other countries.
        - The central government may direct the NIA to investigate such cases, as if the offence has been committed in India. The **Special Court** in New Delhi will have jurisdiction over these cases.
        - **Special Courts:** The Act allows the central government to constitute Special Courts for the trial of scheduled offences. The Bill amends this to allow the central and state governments to designate Sessions Courts as Special Courts for such trials.

Health and Family Welfare

The National Medical Commission Bill, 2019

- The National Medical Commission Bill, 2019 was introduced and passed by Lok Sabha.The Bill seeks to repeal the **Indian Medical Council Act, 1956** and provide for a medical education system which ensures:
    - Availability of adequate and high quality medical professionals
    - Adoption of the latest medical research by medical professionals
    - Periodic assessment of medical institutions, and
    - An effective grievance redressal mechanism

- **Key features of the Bill include:**
    - **Constitution of the National Medical Commission:** The Bill sets up the **National Medical Commission (NMC)**. Within three years of the passage of the Bill, state governments will establish **State Medical Councils** at the state level. The NMC will consist of 25 members, appointed by the central government.
    - **Members of the NMC will include:**
        - The Chairperson (must be a medical practitioner)
        - Presidents of the Under-Graduate and Postgraduate Medical Education Boards
        - The Director General of Health Services, Directorate General of Health Services
        - The Director General, Indian Council of Medical Research, and
        - Five members (part-time) to be elected by registered medical practitioners from amongst themselves for two years.
    - **Functions of the NMC include:**
        - Framing policies for regulating medical institutions and medical professionals
        - Assessing the requirements of healthcare related human resources and infrastructure
        - Ensuring compliance by the State Medical Councils of the regulations made under the Bill
        - Framing guidelines for determination of fees for up to 50% of the seats in the private medical institutions and deemed universities which are regulated as per the Bill.
    - **Autonomous boards:** The Bill sets up four autonomous boards under the supervision of the NMC. Each board will consist of a President and four members, appointed by the central government. These boards include:
        - The Under-Graduate Medical Education Board and the Post-Graduate Medical Education Board
        - The Medical Assessment and Rating Board, and
        - The Ethics and Medical Registration

The Surrogacy (Regulation) Bill, 2019

- The Surrogacy (Regulation) Bill, 2019 was introduced in Lok Sabha.

  The Bill defines surrogacy as a practice where a woman gives birth to a child for an intending couple and agrees to hand over the child to them after the birth.

- **Key features of the Bill include:**
    - **Regulation of surrogacy:** The Bill prohibits commercial surrogacy, but allows altruistic surrogacy.
        Altruistic surrogacy involves no monetary compensation to the surrogate mother other than the medical expenses and insurance coverage. Commercial surrogacy include surrogacy or its related procedures undertaken for a monetary benefit or reward (in cash or kind) exceeding the basic medical expenses and insurance coverage.
    - **Eligibility criteria for intending couple:** The intending couple should have a **'certificate of essentiality'** and a **'certificate of eligibility'** issued by the appropriate authority. A certificate of essentiality will be issued upon fulfilment of these conditions:
        - A medical certificate of proven infertility of one or both members of the intending couple
        - An order of parentage and custody of the surrogate child passed by a Magistrate's court, and
        - Insurance coverage for a period of 16 months covering postpartum delivery complications for the surrogate.
    - The certificate of eligibility to the intending couple is issued upon fulfilment of the following conditions:
        - The couple being Indian citizens and married for at least five years
        - Between 23 to 50 years old (wife) and 26 to 55 years old (husband)
        - They do not have any surviving child (biological, adopted or surrogate)
        - Including a child who is mentally or physically challenged or suffers from life threatening disorder or fatal illness; and
        - Other conditions that may be specified by regulations.
    - **Eligibility criteria for surrogate mother:** To obtain a certificate of eligibility, the surrogate mother has to be:
        - A close relative of the intending couple
        - A married woman having a child of her own
        - 25 to 35 years old
        - A surrogate only once in her lifetime
        - Possess a certificate of medical and psychological fitness for surrogacy. In addition, the surrogate mother cannot provide her own gametes for surrogacy.

Labour and Employment

The Code on Wages, 2019

- The Code on Wages, 2019 was passed by Lok Sabha. It seeks to regulate wage and bonus payments in all employments where any industry, trade, business, or manufacturing is carried out. The Code replaces the following four laws:
    - **The Payment of Wages Act, 1936**
    - **The Minimum Wages Act, 1948**
    - **The Payment of Bonus Act, 1965**
    - **The Equal Remuneration Act, 1976**
- **Coverage:** The Code will apply to all employees. The central government will make wage-related decisions for employment such as railways, mines, and oil fields, among others. The state governments will make decisions for all other employments.
- **Floor wage:** According to the Code, the central government will fix a floor wage, taking into account the living standards of workers. Further, it may set different floor wages for different geographical areas.
- **Fixing the minimum wage:** The Code prohibits employers from paying wages less than the minimum wages. Minimum wages will be notified by the central or state governments. This will be based on time, or number of pieces produced.
    - The minimum wages will be revised and reviewed by the central or state governments at an interval of not more than five years.
    - While fixing minimum wages, the central or state governments may take into account factors such as: (i) skills of workers, and (ii) the difficulty of work.
- **Advisory boards:** The central and state governments will constitute advisory boards. The Boards will advise the respective governments on various issues including:
    - Fixation of minimum wages
    - Increasing employment opportunities for women

Code on Occupational, Safety, Health and Working Conditions, 2019

- The Occupational Safety, Health and Working Conditions Code, 2019 was introduced in Lok Sabha. It applies to **establishments employing at least 10 workers, and to all mines and docks**.
- The Code replaces 13 labour laws including the Factories Act, 1948, the Mines Act, 1952, and the Contract Labour (Regulation and Abolition) Act, 1970.

- **Key features of the Code include:**
    - **Duties of employers:** The Code prescribes certain duties of the employer. These include:
        - Providing a workplace that is free from hazards that may cause injury or diseases, and
        - Providing free annual health examinations to certain employees.
    - **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. 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. Workers must receive paid annual leave for at least one in 20 days of the period spent on duty.
    - **Working conditions and welfare facilities:** The employer is required to provide a hygienic work environment with ventilation, sufficient space, and clean drinking water. Welfare facilities include separate bathing places and locker rooms for male, female, and transgender employees and creches.
    - **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.
    - **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.

Voluntary pension scheme for traders and shopkeepers notified

- The Ministry of Labour and Employment notified a voluntary pension scheme called the **Pradhan Mantri Laghu Vyapari Maan-dhan, Yojana 2019**. It intends to provide a minimum assured pension to self-employed persons.

- **Key features of the scheme include:**
    - **Eligibility:** The Scheme will apply to shopkeepers, retail traders, and other self-employed persons with an annual turnover of less than Rs. 1.5 crore, between the ages of 18 and 40 years. In order to enrol, the subscriber must have a bank account and Aadhaar number.

        Interested persons can enrol themselves through any Common Service Centre in the country, with a pension fund administered by the Life Insurance Corporation. A Common Service Centre is an access point for delivery of essential public utility services.
    - **Minimum assured pension:** Each subscriber under the scheme shall receive a minimum assured pension of Rs 3000 per month after attaining the age of 60 years. The central government will match the contribution made by the beneficiary.

        The government has notified different monthly contribution amounts depending upon the age of joining. For example, a person entering the scheme at 29 years of age will be required to contribute Rs 100 per month.
    - **Family pension:** If the subscriber dies while receiving the pension, his spouse will be entitled to receive 50% of the pension as family pension. If he dies before the pension accrues (i.e. before the age of 60 years), his spouse may either join the scheme by paying the contribution or may exit the scheme.
        - If they choose to exit, the spouse will receive the beneficiary's contribution along with accumulated interest earned by the fund or interest at the savings bank interest rate, whichever is higher. If both the subscriber and spouse die, the entire corpus will be credited back to the fund.
        - If the beneficiary becomes disabled prior to completing 60 years of age, his spouse may continue the scheme or exit the scheme. On exiting, the spouse will receive the beneficiary's contribution with interest as actually earned by fund or at the savings bank interest rate, whichever is higher.
    - **Exit and withdrawal:** Any person may exit the scheme under the following conditions:
        - If he exits within 10 years, his share of contribution will be returned to him along with savings bank interest.
        - If he exits the scheme after 10 years but prior to completing 60 years of age, he will get his share along with the accumulated interest earned by the fund or at savings bank interest rate, whichever is higher.

Corporate Affairs

Companies (Amendment) Bill, 2019

- The Companies (Amendment) Bill, 2019 was passed by Parliament. It amends the **Companies Act, 2013**.
- **Key features of the Bill include:**
    - **Issuance of dematerialised shares:** Under the Act, certain classes of public companies are required to issue shares in dematerialised form only. The Bill states this may be prescribed for other classes of unlisted companies as well.
    - **Re-categorisation of certain Offences:** The 2013 Act contains 81 compoundable offences punishable with fine or fine or imprisonment, or both. These offences are heard by courts. **The Bill re-categorizes 16 of these offences as civil defaults,** where adjudicating officers (appointed by the central government) may now levy penalties instead. These offences include:
        - Issuance of shares at a discount
        - Failure to file an annual return.
        - Further, the Bill amends the penalties for some other offences.
    - **Corporate Social Responsibility (CSR):** Under the Act, if companies which have to provide for CSR, do not fully spend the funds, they must disclose the reasons for non-spending in their annual report.

        Under the Bill, any unspent annual CSR funds must be transferred to one of the funds under Schedule 7 of the Act (e.g., PM Relief Fund) within six months of the end of the financial year.
    - However, if the CSR funds are committed to certain ongoing projects, then the unspent funds will have to be transferred to an **Unspent CSR Account** within 30 days of the of the financial year, and spent within three years.

        Any funds remaining unspent after three years will have to be transferred to one of the funds under Schedule 7 of the Act. Any violation may attract a fine between Rs 50,000 and Rs 25,00,000 and every defaulting officer may be punished with imprisonment of up to three years or fine in the same range as above.
    - **Commencement of business:** The Bill states that a company may not start business, unless it (i) files a declaration within 180 days of incorporation, confirming that every subscriber to the Memorandum of the company has paid for the shares agreed to be taken by him, and (ii) files a verification of its registered address within 30 days of incorporation.

        If it fails to comply with these provisions and is found not to be carrying out business, the name of the company may be removed from the Register of Companies.

Insolvency and Bankruptcy Code (Amendment) Bill, 2019

- The Insolvency and Bankruptcy Code (Amendment) Bill, 2019 was passed by Rajya Sabha. It amends the **Insolvency and Bankruptcy Code, 2016**.
    The Code provides a time-bound process for resolving insolvency in companies and among individuals.
- **Key features of the Bill include:**
    - **Initiation of resolution process:** The Code states that a financial creditor may file an application before the National Company Law Tribunal (NCLT) for initiating the insolvency resolution process.
        The NCLT must find the existence of default within 14 days. Based on its findings, NCLT may accept or reject the application. The Bill states that in case the NCLT does not find the existence of default and has not passed an order within 14 days, it must record its reasons in writing.
    - **Time-limit for resolution process:** The Code states that the insolvency resolution process must be completed within 180 days, extendable by a period of up to 90 days. The Bill adds that the resolution process must be completed within 330 days.
        This includes time for any extension granted and the time taken in legal proceedings in relation to the process. On the enactment of the Bill, if any case is pending for over 330 days, it must be resolved within 90 days.
    - **Resolution plan:** The Code provides that the resolution plan must ensure that the operational creditors receive an amount which should not be less than the amount they would receive in case of liquidation.
        The Bill amends this to provide that the amounts to be paid to the operational creditor should be the higher of: (i) amounts receivable under liquidation, and (ii) the amount receivable under a resolution plan, if such amounts were distributed under the same order of priority (as for liquidation).
    - **Representative of financial creditors:** The Code specifies that, in certain cases, such as when the debt is owed to a class of creditors beyond a specified number, the financial creditors will be represented on the committee of creditors by an authorised representative. These representatives will vote on behalf of the financial creditors as per instructions received from them.
        The Bill states that such representative will vote on the basis of the decision taken by a majority of the voting shares of the creditors that they represent.

Road Transport and Highways

Motor Vehicles (Amendment) Bill, 2019

- The Motor Vehicles (Amendment) Bill, 2019 was passed by Rajya Sabha. The Bill seeks to amend the **Motor Vehicles Act, 1988** to provide for road safety.

  The Act provides for grant of licenses and permits related to motor vehicles, standards for motor vehicles, and penalties for violation of these provisions.
- **Key features of the Bill include:**
  - **Compensation for road accident victims:** The Bill provides that the central government will develop a scheme for cashless treatment of road accident victims during the golden hour.
    - **Golden hour** is defined as the time period of up to one hour following a traumatic injury, during which the likelihood of preventing death through prompt medical care is the highest.
    - The central government may also make a scheme for providing interim relief to claimants seeking compensation under third party insurance.
  - **Compulsory insurance:** The Bill requires the central government to constitute **Motor Vehicle Accident Fund,** to provide compulsory insurance cover to all road users in India. It will be utilised for:
    - Treatment of persons injured in road accidents as per the golden hour scheme.
    - Compensation to representatives of a person who died in a hit and run accident.
    - Compensation to a person grievously hurt in a hit and run accident, and
    - Compensation to any other persons as prescribed by the central government.
    - This Fund will be credited through: (i) payment of a nature notified by the central government, (ii) a grant or loan made by the central government, (iii) balance of the Solatium Fund (existing funds under the Act to provide compensation for hit and run accidents), or (iv) any other source as prescribed the central government.
  - **Road Safety Board:** The Bill provides for a **National Road Safety Board,** to be created by the central government through a notification. The Board will advise the central and state governments on all aspects of road safety and traffic management including:
    - Standards of motor vehicles
    - Registration and licensing of vehicles
    - Standards for road safety
    - Promotion of new vehicle technology

Education

The Central Educational Institutions (Reservation in Teacher's Cadre) Bill, 2019

- The Central Educational Institutions (Reservation in Teachers Cadre) Bill, 2019 was passed by Parliament. It replaces an Ordinance promulgated in March 2019.
    The Bill provides for reservation of teaching positions in central educational institutions for persons belonging to:
    - Scheduled Castes
    - Scheduled Tribes
    - Socially and educationally backward classes
    - Economically weaker sections.
- **The key features of the Bill include:**
    - **Reservation of posts:** The Bill provides for reservation of posts in direct recruitment of teachers (out of the sanctioned strength) in central educational institutions. For the purpose of such reservation, a central educational institution will be regarded as one unit.
        This implies that the allocation of teaching posts for reserved categories would be done on the basis of all positions of the same level (such as assistant professor) across departments. Note that, under previous guidelines, each department was regarded as an individual unit for the purpose of reservation.
    - **Coverage and exceptions:** The Bill will apply to 'central educational institutions' which include universities set up by Acts of Parliament, institutions deemed to be a university, institutions of national importance, and institutions receiving aid from the central government.
        However, it excludes certain institutions of excellence, research institutions, and institutions of national and strategic importance which have been specified in the Bill. Further, it also excludes minority education institutions.

The Central Universities (Amendment) Bill, 2019

The Central Universities (Amendment) Bill, 2019 was passed by Parliament. The Bill seeks to amend the **Central Universities Act, 2009,** which establishes universities for teaching and research in various states.

- The Bill provides for the **establishment of two central universities in Andhra Pradesh** to be known as the Central University of Andhra Pradesh, and the **Central Tribal University** of Andhra Pradesh.
- The Central Tribal University will take additional measures to provide higher educational and research facilities in tribal art, culture, and customs primarily to the tribal population of India.

Housing and Urban Affairs

The Public Premises (Eviction of Unauthorised Occupants)

- The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2019 was introduced and passed by Lok Sabha. The Bill amends the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971**.
    The Act provides for the eviction of unauthorised occupants from public premises in certain cases.
- **Residential accommodation:** The Bill defines **'residential accommodation occupation'** as the occupation of public premises by a person on the grant of a license for such an occupation. The license must be given for a fixed tenure, or for the period the person holds office.
    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).
- **Notice for eviction:** The Bill adds a provision laying down the procedure for eviction from residential accommodation. It requires an estate officer (an officer of the central government) to issue a written notice to a person if he is in unauthorised occupation of a residential accommodation.
    The notice will require the person to show cause 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:** After considering the cause shown, and making any other inquiries, the estate officer will make an order for eviction. If the person fails to comply with the order, the estate officer may evict such person from the residential accommodation, and take possession of it. For this purpose, the estate officer may also use such force as necessary.
- **Payment 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 of such occupation.

Draft Model Tenancy Act, 2019 released

- The **Ministry of Housing and Urban Affairs** released the **draft Model Tenancy Act, 2019**. The draft Act seeks to provide for the regulation and speedy adjudication of matters related to rental housing.
- It also seeks to repeal the existing state/union territories (UTs) Rent Control Acts.
- The final draft Model Tenancy Act will be circulated to states. States may enact a new tenancy law or amend their existing laws to align with the provisions of this Model Act.

- **Key features of the draft Act include:**
    - **Tenancy Agreement:** The draft Act provides for a tenancy agreement to be signed between the landowner and the tenant (parties). The duration of tenancy, rent payable, and revision of rent will be as agreed upon between both parties and as specified in the agreement. No person will let out or rent any premises without such agreement.

        Further such agreement must be registered with the Rent Authority, in a form as specified in the schedule to the Act. This will include details such as name, address, PAN and Aadhaar numbers of the landowner and tenant, details of the premises, and the rent payable.
    - **Rent Authority:** The District Collector, with prior approval of the state/UT government, will appoint the Rent Authority (at the rank of Deputy Collector). The Rent Authority, on receiving information on a tenancy agreement, must upload details of the agreement on its website. The Authority may also, on application by the landowner or tenant, fix or revise the rent, and the date from which the revised rent will apply. Appeals against the Authority's orders will lie with the Rent Court, and must be made within 30 days from the date of the order.
    - **Rent Courts:** The state government may constitute as many Rent Courts as it deems necessary. Two or more Courts can be constituted for any area. In such cases the state/UT government may regulate the distribution of business among them.

        A Rent Court may consist of two members to be appointed by the state/UT government in consultation with the High Court. Appeals against a Rent Court's orders will lie with the Rent Tribunal, and must be made within 30 days from the date of the order.
    - **Rent Tribunal:** The state government may constitute as many Rent Tribunals as it deems necessary. In case an area has several such Tribunals, the state/UT government may notify one of them as the Principal Rent Tribunal.

        The Rent Tribunal will be headed by a Principal Appellate Member (at the level of a High Court Judge), and comprise of two other members. The Rent Courts and Tribunals will seek to dispose of a case within 60 days.

Civil Aviation

Airports Economic Regulatory Authority of India (Amendment) Bill, 2019

- The Airports Economic Regulatory Authority of India (Amendment) Bill, 2019 was introduced in and passed by Rajya Sabha. It amends the **Airports Economic Regulatory Authority of India Act, 2008**.
    - The Act established the Airports Economic Regulatory Authority of India (AERA). The AERA regulates tariffs and other charges for aeronautical services provided at civilian airports with annual traffic above 15 lakh passengers. It monitors the performance standard of services across these airports.
- **Definition of major airports:** The Act defines a major airport as one with annual passenger traffic over 15 lakh, or any other airports as notified by the central government.
    - The Bill increases the threshold of annual passenger traffic for major airports to over 35 lakh.
- **Tariff determination by AERA:** Under the Act, AERA is responsible for determining:
    - The tariff for aeronautical services at different airports every five years
    - The development fees of major airports
    - The passengers service fee.
- It can also call for necessary information to determine tariffs and perform any other tariff-related functions, including amending the tariffs if necessary in the interim period.
    - The Bill adds that AERA will not determine: (i) the tariff, (ii) tariff structures, or (iii) the development fees, in certain cases.
        - These cases include those where such tariff amounts were a part of the bid document on the basis of which the airport operations were awarded. AERA will be consulted by the concessioning authority before incorporating such tariffs in the bid document, and such tariffs must be notified.

Jal Shakti

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

- The Inter-State River Water Disputes (Amendment) Bill, 2019 was introduced and passed by Lok Sabha. It amends the **Inter-State River Water Disputes Act, 1956**.
    - The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.
    - Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication. If the central government is of the opinion that the dispute cannot be settled through negotiations, it is required to set up a Water Disputes Tribunal for adjudication of the dispute, within a year of receiving such a complaint. The Bill seeks to replace this mechanism.

- **Disputes Resolution Committee:** Under the Bill, when a state puts in a request regarding any water dispute, the central government will set up a **Disputes Resolution Committee (DRC),** to resolve the dispute amicably.
    - The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors, to be nominated by the central government. It will also comprise one member from each state (at Joint Secretary level), who are party to the dispute, to be nominated by the concerned state government.
    - The DRC will seek to resolve the dispute through negotiations, within one year (extendable by six months), and submit its report to the central government. If a dispute cannot be settled by the DRC, the central government will refer it to the Inter-State River Water Disputes Tribunal. Such referral must be made within three months from the receipt of the report from the DRC.
- **Tribunal:** The central government will set up an **Inter-State River Water Disputes Tribunal,** for the adjudication of water disputes. This Tribunal can have multiple benches. All existing Tribunals will be dissolved, and the water disputes pending adjudication before such existing Tribunals will be transferred to the new Tribunal.
- **Composition of the Tribunal:** The Tribunal will consist of a Chairperson, Vice-Chairperson, three judicial members, and three expert members.

    They will be appointed by the central government on the recommendation of a Selection Committee. Each Tribunal Bench will consist of a Chairperson or Vice-Chairperson, a judicial member, and an expert member. The central government may also appoint two experts serving in the Central Water Engineering Service as assessors to advise the Bench in its proceedings. The assessor should not be from the state which is a party to the dispute.

The Dam Safety Bill, 2019

- The Dam Safety Bill, 2019 was introduced in Lok Sabha. 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.

- **Key features of the Bill include:**
    - **Applicability of the Bill:** The Bill applies to all specified dams in the country. These are dams with: (i) height more than 15 m, or (ii) height between 10 to 15 m and subject to certain design and structural conditions.
    - **National Committee on Dam Safety:** The Bill provides for the constitution of a National Committee on Dam Safety. Its functions include: (i) formulating policies and regulations on dam safety standards, and (ii) analysing causes of dam failures.
    - **National Dam Safety Authority:** The Bill provides for a National Dam Safety Authority. Functions of the Authority include: (i) implementing the policies formulated by the National Committee on Dam Safety, and (ii) resolving issues between State Dam Safety Organisations (SDSOs), or between a SDSO and any dam owner in that state.
    - **State Dam Safety Organisation (SDSO):** State governments will establish State Dam Safety Organisations (SDSOs). All specified dams in a state will fall under the jurisdiction of that state's SDSO.

        However, the National Dam Safety Authority will act as the SDSO in cases where a dam: (i) is owned by one state but situated in another state, (ii) extends over multiple states, or (iii) is owned by a central public sector undertaking.
    - **Functions of the SDSOs include:**
        - Monitoring the operation and maintenance of dams
        - Keeping a database of dams, and
        - Recommending safety measures to dam owners
    - **State Committee on Dam Safety:** The Bill provides for the constitution of State Committees on Dam Safety by the state governments.
    - **Their functions include:**
        - Reviewing the work of the SDSO
        - Ordering dam safety investigations, and
        - Assessing the potential impact of dams on upstream and downstream states.
    - **Obligations of dam owners:** The Bill requires the owners of specified dams to provide a dam safety unit in each dam. This unit will inspect the dams: (i) before and after the monsoon session, and (ii) during and after every earthquake, flood, or any other calamity or sign of distress.

Defence

Ministry introduces scheme for promotion of MSMEs in defence

- The Ministry of Defence has introduced a scheme for **promotion of MSMEs in the defence sector**.
- The scheme **aims to educate MSMEs in tier II and tier III cities** across the country about the requirements of the defence sector, and the provisions introduced by the government to incentivise them.
    - This will be done through organising various events such as conclaves, and workshops. These events will include industry and MSME presence along with the support of the Department of Defence Production.
    - **The objective of these events include:**
        - Providing MSMEs with relevant information about the government's 'Make in India' programme
        - Giving impetus to defence production in the country for domestic needs and export to friendly countries, and
        - Providing knowledge to MSMEs active in the non-defence sector for their entry in the defence sector.
- Funding for the scheme will be provided by the central government in the following manner:
    - Maximum sponsorship of Rs 2 lakh per event for national level events, and
    - Maximum sponsorship of Rs 1 lakh per event for state level events. An Empowered Committee consisting of three members will be constituted to review proposals under the scheme.