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government legislations

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UPSC

General Studies

List of bills passed in parliament by Narendra Modi government in 2019 and 2020

The Jammu and Kashmir Reorganisation Bill, 2019

- The Bill was introduced on August 5th by Minister of Home Affairs, Amit Shah in the Rajya Sabha. It aimed to reorganise the state of Jammu and Kashmir into Union Territory of India, by revoking Article 370 in the state. After the Bill, all provisions of this Constitution, as amended from time to time, without any modifications or exceptions, shall apply to the State of J&K

The Motor Vehicles (Amendment) Bill, 2019

- The Bill seeks to amend the earlier Motor Vehicles Act, 1988 regarding road safety, It was introduced in the Parliament by Minister for Road Transport and Highways, Nitin Gadkari. The Act provides a list of penalties regarding violation of road safety rules, as well as standards that have to be maintained for motor vehicles as well as permits and grant of licenses.

The Code on Wages, 2019

- The Bill aimed to regulate wage and bonus payments of all employments where its industry, trade or manufacture. It was introduced in the Lower House of the Parliament by Minister of Labour, Santosh Gangwar on July 23th. It sought to regulate four earlier laws.

Citizenship (Amendment) Bill

- The Parliament has passed the Citizenship (Amendment) Bill (CAB), 2019. The Bill seeks to grant Indian Citizenship to persons belonging to Hindu, Sikh, Buddhist, Jain, Parsi and Christian communities who have migrated to India after facing persecution on grounds of religion in Pakistan, Afghanistan and Bangladesh.

CITIZENSHIP ACT & AMENDMENT

A LOOK AT WHAT THE BILL AIMS TO DO IN VIEW OF THE ACT, AND THE RESPONSE IT RECEIVED

FOR SELECT FEW

Citizenship Amendment Bill seeks to amend the Citizenship Act 1955 in order to make illegal migrants — Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan — eligible for citizenship after six years of stay in India instead of 12 even if they don't possess proper document.

CHANGE IN ELIGIBILITY

Under the Citizenship Act, the applicant must have resided in India during the last 12 months, and for 11 of the last 14 years to get citizenship. The Bill relaxes this 11-year requirement to five years for persons belonging to the 6 religions and 3 countries. It also makes those who entered India till 2014 eligible.

CRITICISM RECEIVED SO FAR

The Bill has come under severe criticism with critics saying that the Bill violates Clause 6 of the Assam Accord, which stipulates "constitutional, legislative and administrative safeguards" for the preserving the culture and identity of Assamese people. Critics have also said that the extensive exercise of updating the National Register of Citizens (NRC) will become null and void due to this exercise.

Key Features

- **Citizenship on the basis of religion:** The Bill amends the Citizenship Act, 1955, and for the first time, will grant citizenship on the basis of religion to non-Muslim communities from Afghanistan, Bangladesh and Pakistan, who entered India on or before December 31, 2014.
- **Non - Muslim Communities Included:** Hindu, Sikh, Buddhist, Jain, Parsi, and Christian. This implies that migrants, who identify themselves with any group or community other than those mentioned here, from the above mentioned countries won't be eligible for citizenship.
- **Exceptions:** The provisions on citizenship for illegal migrants will not apply to two categories - states protected by the 'Inner Line', and areas covered under the Sixth Schedule of the Constitution.
- **Inner Line Permit (ILP):** This is a special permit that citizens from other parts of India require to enter a state protected by the ILP regime. Without an ILP granted by the state government, an Indian from another state cannot visit a state that is under the ILP regime.
- **Sixth Schedule:** The Sixth Schedule relates to special provisions in administration of certain Northeastern states (Assam, Mizoram, Meghalaya and Tripura). It provides special powers for Autonomous District Councils (ADCs) in these states.

Citizenship by Naturalization

- Under The Citizenship Act, 1955, one of the requirements for citizenship by naturalisation is that the applicant must have resided in India during the last 12 months, as well as for 11 of the previous 14 years.
- The amendment relaxes the second requirement from 11 years to 5 years as a specific condition for applicants belonging to the specified six religions, and the above mentioned three countries.
- Additional Ground for Cancelling Overseas Citizen of India (OCI) Registration i.e. violation of any law notified by the central government.
- However, the Bill does not provide any guidance on the nature of laws which the central government may notify. The Supreme Court has noted that this guidance is necessary to set limits on the authority's powers and to avoid any arbitrariness in exercise of powers

Personal Data Protection Bill

- Personal Data Protection Bill was introduced in Lok Sabha by Ravi Shankar Prasad (Minister of Electronics and Information) on December 11, 2019. It is referred to as the Joint Parliamentary Committee (Consists of 20 Lok Sabha members and 10 Rajya Sabha Members). After the recommendations made by the committee, it will be tabled in the Lok Sabha and then will be sent to Rajya Sabha. It aims to provide the protection of personal data of individuals by establishing a Data Protection Authority.

Provisions of the Bill are as follows:

1. It governs the personal data used by the government, companies incorporated in India, foreign companies dealing with personal data of the individuals in India
2. This Bill proposes that data fiduciaries must implement data encryption, prevent misuse of data and institute grievance redressal mechanisms to address complaints of the individuals.
3. It also allows the individual to confirm from the fiduciary about their personal data, correction to wrong, out-of-date or incomplete data, can withdraw the disclosure of their personal data if it is no longer required.

4. It allows the processing of the personal data by the fiduciary only if the individual provides the consent. However, in legal proceedings, medical emergencies and to provide benefits to the individual by the state; personal data of an individual can be processed without consent too.
5. Online intermediaries which enable the interaction between a user and allows the sharing of information will be included in the Bill. In addition to this, it will also include a voluntary user verification mechanisms for users in India.
6. The Bill proposes to set up a Data Protection Authority will take necessary steps to protect the interests of individuals, prevent the misuse of the personal data of the individuals and will work according to the Bill.
7. Sensitive personal data of an individual must not be sent outside India and must be stored within India. Sensitive personal data can only be processed in India.
8. As per the Bill, personal data can be processed for Journalistic purposes; for prevention, investigation, or prosecution of any offense.
9. To render better services to the individuals, the government can obtain non-personal and anonymized data from data fiduciaries.
10. It also amends the Information Technology Act, 2000. It proposes to delete the provisions in the Act where data fiduciaries will pay compensation in case they fail to protect the personal data.

The Constitution (One Hundred and Twenty-Sixth Amendment) Act

- ❖ The Constitution (One Hundred and Twenty-Sixth Amendment) Bill was introduced in Lok Sabha on December 9, 2019, by Ravi Shankar Prasad (Minister of Law and Justice) and was passed in Lok Sabha on December 10, 2019, and in Rajya Sabha on December 12, 2019. It aims to amend the provisions related to reservations of seats for SCs and STs.

Provision of the Act:

- ❖ The Constitution since its enactment for 70 years now has provided the reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and Legislative Assemblies of states. This will expire on January 25, 2020. Therefore, the Bill seeks to extend this reservation for 10 more years i.e., January 25, 2030

The Supreme Court (Number of Judges) Amendment Act

- The Supreme Court (Number of Judges) Amendment Bill was introduced in Lok Sabha on August 5, 2019, by Ravi Shankar Prasad (Minister of Law and Justice) and was passed on the same day in Lok Sabha i.e., August 5, 2019. It amends the Supreme Court (Number of Judges) Act, 1956.

Provision of the Act:

- The Act has increased the number of Judges in Supreme Court to 33 excluding the Chief Justice of India. Previously, this number was 30

The Repealing and Amending Act

- The Repealing and Amending Bill was introduced in Lok Sabha on July 25, 2019, by Ravi Shankar Prasad (Minister of Law and Justice) and was passed in the Lok Sabha on July 29, 2019, and in Rajya Sabha on August 2, 2019. It repeals 68 Acts and amends two other laws.

Provisions of the Act are as follows:

- 1- The Act repeals 68 laws listed in the First Schedule of the Constitution. These include The Beedi Workers Welfare Fund Act of 1976 and The Motor Vehicles (Amendment) Act of 2001.
- 2- It also amends by substituting certain words in the Acts. These include The Income Tax Act of 1961 and The Indian Institutes of Management Act of 2017.

The Arbitration and Conciliation (Amendment) Act

- The Arbitration and Conciliation (Amendment) Bill was introduced in Rajya Sabha on July 15, 2019, by Ravi Shankar Prasad (Minister of Law and Justice) and was passed in Rajya Sabha on July 18, 2019, and in Lok Sabha on August 1, 2019. It aims to amend the Arbitration and Conciliation Act, 1996.

Provisions of the Act are as follows:

1- The Bill aims to establish an independent body called the Arbitration Council of India. The council will look into the promotion of arbitration, conciliation and other mechanisms.

2- The council will consist of a chairman provided that he is either the Judge of Supreme Court/ High Court or Chief Justice of High Court or an eminent person with enough expertise and knowledge related to arbitration. In addition to this, eminent arbitration, or a person with experience in arbitration and government appointees will be the members of this council.

3- Previously, parties were free to appoint arbitrators but under this Act, SC and HC can designate the arbitral institutions and parties can approach the appointment of the arbitrators.

4- For international commercial arbitration, institutions designated by the Supreme Court will make appointments. For domestic arbitration, Institutions designated by the concerned High Court will make the appointments.

5- If there are no arbitral institutions available, Chief Justice of the concerned High Court will maintain a panel of arbitrators. However, the application for the appointment of an arbitrator must be disposed of within 30 days.

6- The Bill removes the time limit for international commercial arbitrations. The arbitral tribunals must dispose of matters related to international arbitration within 12 months.

7- Written claims and defense to these claims must be completed within a time period of six months of the appointment of arbitrators in arbitration proceedings. Previously, there was no set time limit.

8- Details related to arbitration proceedings will be kept confidential. Only the details of the arbitral award under specified circumstances can be disclosed.

9- As per the Bill, the 2015 Act will only be applicable to arbitral proceedings which started on or after October 23, 2015.

What is arbitration?

- It is an alternative way to settle disputes outside the court by an independent third party.

The New Delhi International Arbitration Centre Act

- The New Delhi International Arbitration Centre Bill was introduced in Lok Sabha on July 3, 2019, by Ravi Shankar Prasad (Minister of Law and Justice) and was passed in the Lok Sabha on July 10, 2019, and in Rajya Sabha on July 18, 2019.

It aims to establish an independent institution for managing the arbitration in India.

Provisions of the Act are as follows:

- 1- It aims to establish New Delhi International Arbitration Centre (NDIAC) for conducting the arbitration, mediation and conciliation proceedings.
- 2- NDIAC will consist of seven members. These will include a Chairperson (Judge of SC or HC; person having knowledge and experience in arbitration), two people having enough knowledge and experience in institutional arbitration, three ex-official members (a nominee from Ministry of Finance and a Chief Executive Officer), a person from recognized body of commerce and industry on part-time or rotational basis.
- 3- The members of NDIAC will retire at the age of 67 years excluding the chairman who will retire at the age of 70 years. The members will hold the office for not more than three years and can be re-appointed.
- 4- The NDIAC will maintain and provide training in the form of conferences, seminars in Alternative Dispute Resolution (ADR), facilities and assistance to carry out the arbitration, mediation and conciliation proceedings
- 5- The NDIAC accounts will be audited and certified by the Comptroller and Auditor-General of India.
- 6- The Bill aims to transfer International Centre for Alternative Dispute Resolution (ICADR) to the central government.

The National Commission for Homoeopathy Bill

- The bill has repealed the Homoeopathy Central Council Act, 1973 and a National Commission for Homoeopathy will be set up under it. The Commission for Homoeopathy will consist of 20 members which will include a Chairperson, the President of the Homoeopathy Education Board, the Director General of National Institute of Homoeopathy, the President of the Medical Assessment and Rating Board for Homoeopathy in addition to other members. The Bill seeks to provide for a medical education system which ensures availability of adequate and high quality homoeopathic medical professionals, adoption of the latest medical research by homoeopathic medical professionals, periodic assessment of medical institutions, and an effective grievance redressal mechanism.

- The National Commission for Homoeopathy will frame policies for regulating medical institutions and homoeopathic medical professionals, assess the requirements in the sector, ensure compliance of regulations by the State Medical Councils of Homoeopathy, and ensure coordination among the autonomous boards set up under the Act.
- Under the Act, a uniform National Eligibility-cum-Entrance Test will be held for admissions to undergraduate courses in all medical institutions regulated by the Act. Moreover, there will be a National Teachers' Eligibility Test for postgraduates who wish to take up teaching in Homoeopathy.

The National Commission for Indian System of Medicine Bill

- This bill was also passed by the Upper House in March 2020 , which was approved by the Lok Sabha on September 14. This bill repeals the Indian Medicine Central Council Act, 1970, and provides for the establishment of the National Commission for Indian System of Medicine (NCISM). The objective of the bill is to ensure adequate and high quality medical professionals of Indian System of Medicine, adoption of the latest medical research by medical professionals of Indian System of Medicine, periodic assessment of medical institutions, and an effective grievance redressal mechanism.
- State Medical Councils for Indian System of Medicine will be established at each state under the act. The Act also provides for a uniform National Eligibility-cum-Entrance Test for admission to under-graduate courses in each of the disciplines of the Indian System of Medicine in all medical institutions regulated by the Bill. Moreover, there will be a National Teachers' Eligibility Test for postgraduates who wish to take up teaching in these disciplines.

Salary, Allowances and Pension Of Members Of Parliament (Amendment) Bill

- This bill was passed to replace the Salary, Allowances and Pension of Members of Parliament (Amendment) Ordinance issued in April last year by the union govt. The ordinance was promulgated to reduce the salaries and allowances of the MPs in the wake of Coronavirus pandemic. The bill gives parliamentary approval to those changes. It reduces the salaries of MPs by 30%. The bill further reduces

constituency allowance and office expenses allowance of MPs. These changes are effective for one year starting from 1st April.

The Occupational Safety, health and working conditions code 2020

Salient Features:

- The Code will apply to establishments employing at least 10 workers.
- It would be applicable to all mines, docks, and establishments carrying out any hazardous or life-threatening activity (may be notified by the central government).
- Certain provisions of the Code, such as health and working conditions, apply to all employees.

The Jammu and Kashmir Official Languages Bill, 2020

Salient Feature

- It was introduced in Lok Sabha on September 22, 2020.
- The Bill declares Kashmiri, Dogri, Urdu, Hindi and English as the official languages to be used for the official purposes of the union territory, from such date as the Administrator of the union territory may notify. The Bill adds that the business in the Legislative Assembly of the union territory will be transacted in these official languages.
- It says English and Urdu would continue to be used for official purposes

The Insolvency and Bankruptcy Code (Second Amendment) Bill, 2018

Salient Features:

- The Bill amends the Insolvency and Bankruptcy Code, 2016 to clarify that allottees under a real estate project should be treated as financial creditors.
- The voting threshold for routine decisions taken by the committee of creditors has been reduced from 75% to 51%. For certain key decisions, this threshold has been reduced to 66%.

- The Bill allows the withdrawal of a resolution application submitted to the NCLT under the Code. This decision can be taken with the approval of 90% of the committee of creditors.

The Companies Amendment Bill 2020

Salient Features:

1. The Companies (Amendment) Bill, 2020 was introduced in Lok Sabha by the Minister for Corporate Affairs, Nirmala Sitharaman, on March 17, 2020.
2. The Bill seeks to amend the Companies Act, 2013.
3. The Bill makes three changes. First, it removes the penalty for certain offences.
4. Second, it removes imprisonment in certain offences.
5. Third, it reduces the amount of fine payable in certain offences.

The Industrial Relations Code 2020

Salient Features:

In 2019, the Ministry of Labour and Employment introduced four Bills to consolidate 29 central laws.

These Codes regulate

- (i) Wages,
- (ii) Industrial Relations,
- (iii) Social Security
- (iv) Occupational Safety, Health and Working Conditions.

- While the Code on Wages, 2019 has been passed by Parliament, Bills on the other three areas were referred to the Standing Committee on Labour which had submitted its report on all three Bills.
- The government has replaced these Bills with new ones on September 19, 2020

The Foreign Contribution (Regulation) Amendment Bill, 2020

Salient Features:

1. It was introduced in Lok Sabha on September 20, 2020.
2. The Bill amends the Foreign Contribution (Regulation) Act, 2010.
3. The Act regulates the acceptance and utilisation of foreign contribution by individuals, associations and companies.
4. The foreign contribution is the donation or transfer of any currency, security or article (of beyond a specified value) by a foreign source.

Banking Regulation Amendment bill 2020

Salient Features

- Co-operative banks are exempted from several provisions of the Banking Regulation Act, 1949. The Bill applies some of these provisions to them, making their regulation under the Act similar to that of commercial banks.
- Co-operative banks may raise equity or unsecured debt capital from the public subject to prior RBI approval.
- RBI may prescribe conditions on and qualifications for the employment of Chairman of co-operative banks. RBI may remove a Chairman, who does not match the 'fit and proper' criteria and appoint a suitable person. It may issue directions to reconstitute the Board of Directors in order to ensure a sufficient number of qualified members.
- RBI may supersede the Board of Directors of a co-operative bank after consultation with the state government

The Central Sanskrit Universities Bill

Salient Features:

- This Bill seeks to convert the three Deemed-to-be universities into Central Universities. These are Rashtriya Sanskrit Sansthan, New Delhi, Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi, and Rashtriya Sanskrit Vidyapeeth, Tirupati.

The Universities would:

- (i) disseminate and advance knowledge for the promotion of Sanskrit

(ii) make special provisions for integrated courses in humanities, social sciences, and science

(iii) train manpower for the overall development and preservation of Sanskrit and allied subjects

The Institute of Teaching and Research in Ayurveda Bill, 2020

Salient Features:

- The Institute of Teaching and Research in Ayurveda Bill, 2020 was introduced in Lok Sabha by the Minister of State for AYUSH, Shripad Yesso Naik, on February 10, 2020.
- The Bill seeks to merge three Ayurveda institutes into one institution by the name of Institute of Teaching and Research in Ayurveda.
- The Bill declares the Institute to be an institution of National Importance.
- The existing institutes which will be merged into the Institute are:
- The Institute of Post Graduate Teaching and Research in Ayurveda, Jamnagar
Shree Gulabkunverba Ayurved Mahavidyalaya, Jamnagar
The Indian Institute of Ayurvedic Pharmaceutical Sciences, Jamnagar.
- The proposed Institute would be situated in the campus of Gujarat Ayurved University, Jamnagar.

Rashtriya Raksha University Bill 2020

Salient Features:

- The Rashtriya Raksha University Bill, 2020 was introduced in Lok Sabha by the Minister of Home Affairs, Amit Shah on March 23, 2020.
- The Bill establishes the Raksha Shakti University, Gujarat (established under the Raksha Shakti University Act, 2009) as a University called the Rashtriya Raksha University in Gujarat.
- It also declares the University to be an institution of national importance.
- It repeals the 2009 Act.

The Indian Institutes of Information Technology Laws (Amendment) Bill, 2020

Salient Features:

- It was introduced in Lok Sabha by the Minister of Human Resource Development, Dr Ramesh Pokhriyal 'Nishank' on March 4, 2020.
- The Bill amends Indian Institutes of Information Technology Act, 2014 and the Indian Institutes of Information Technology (Public-Private Partnership) Act, 2017

National Forensic Sciences University Bill 2020

Salient Features

- The National Forensic Sciences University Bill, 2020 was introduced in Lok Sabha by the Minister of Home Affairs Amit Shah on March 23, 2020.
- The Bill establishes the Gujarat Forensic Sciences University, Gandhinagar (established under the Gujarat Forensic Sciences University Act, 2008) and the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi, as a University called the National Forensic Sciences University at Gujarat.

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

Key Points:

1. The bill would be creating a framework for contract farming through an agreement between a farmer and a buyer prior to the production or rearing of any farm produce.
2. A farming agreement could then be linked with the insurance or credit schemes by the Central or State Government or any financial service provider to ensure 'risk mitigation' and 'flow of credit' to farmers.
3. The minimum period of an agreement would be one crop season or one production cycle of livestock.

4. The responsibility to provide agricultural equipment to the farmer would lie with the buyer.

The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020:

Key Points:

- The bill aims at creating additional trading opportunities outside the Agriculture Produce Market Committee's yards which would help the farmers get better remunerative prices for their crops.
- The law would allow intra-state and inter-state trade to be carried beyond the physical premises of APMC markets.
- It would give the farmers the freedom to sell or purchase farm products anywhere across the country.
- The state governments would not be able to levy any market fee, cess, tax on farmers or traders in 'outside trade areas'.
- The law also would pave a way for the dispute resolution mechanism to the farmers.

The Essential Commodities (Amendment) Bill, 2020

Key Points:

- The bill now passed, allows the central government to control the production and trade of various commodities.
- The law removes cereals, pulses, oilseeds, edible oils, onion and potatoes from the list of essential commodities
- The law also allows their regulation only in extraordinary circumstances of an extraordinary price rise, war and natural calamities
- It is currently being linked to the farmer's protest too.
- The bill aims to remove the fear of private entrepreneurs and investors, from regulatory interference at every step. It opens doors for them to invest in this sector.

The Jammu and Kashmir Official Languages Bill, 2020

Salient Features

- It was introduced in Lok Sabha on September 22, 2020.
- The Bill declares Kashmiri, Dogri, Urdu, Hindi and English as the official languages to be used for the official purposes of the union territory,
- from such date as the Administrator of the union territory may notify. The Bill adds that the business in the Legislative Assembly of the union territory will be transacted in these official languages.
- It says English and Urdu would continue to be used for official purposes.

The Epidemic Diseases (Amendment) Bill, 2020

Salient Features:

- This Bill is all for preventive measures for violence that people carry out against 'health care workers'
- It was framed after certain events of damage of property during the COVID-19 outbreak.
- In case any person commits any revenge crime against the health care workers now, he/ she may face imprisonment from three months until five years and/or a fine between INR 50 thousand to two lakh.
- The Central Government also gets the power to prevent the spread of such diseases as per this law.

Jammu & Kashmir Reorganisation (Amendment) Bill, 2021

- The Bill amends the J&K Reorganisation Act, 2019 that bifurcated the former State into Union Territories of J&K and Ladakh. It seeks to merge the existing cadre for India Services Officers of J&K with those of Arunachal Pradesh, Goa, Mizoram, and Union Territory (AGMUT) cadre This shall enable the Government to depute IAS, IPS officers etc. from other Union Territories to the UT of J&K. It is already in force as an Ordinance
- The Bill seeks to amend Section 88 of the J&K Reorganisation Act, 2019.

- This provision prescribed that members of the cadres of IAS IPS and IFS for the existing State of J&K shall continue to function on the existing cadres in the newly formed UTs.
- The Bill seeks to amend this provision and make the existing a cadre a part of the Arunachal Pradesh, Goa, Mizoram and Union territories cadre. Consequently, all future allocations of All India Services Officers for the UT of J&K and UT of Ladakh shall be made to Arunachal Pradesh, Goa, Mizoram and Union territories cadre

Arbitration And Conciliation (Amendment) Bill 2021

- Arbitration and Conciliation (Amendment) Bill 2021 was passed recently in the Lok Sabha.

Key takeaways

- It seeks to amend the Arbitration and Conciliation Act, 1996.
- It contains provisions to deal with domestic and international arbitration.
- It defines the law for conducting conciliation proceedings.
- It specifies that a stay on the arbitral award can be provided if the court is satisfied that the relevant arbitration agreement was induced by fraud or corruption.
- This change will be effective from October 23, 2015
- It removes the Schedule for arbitrators.
- The qualifications, experience, and norms for accreditation of arbitrations will be specified under the regulations.