



PRS Capsule - November 2022

Key Highlights of PRS

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Governance

Draft Digital Personal Data Protection Bill, 2022

- The **Ministry of Electronics and Information Technology** invited comments on the [Draft Digital Personal Data Protection Bill, 2022](#).
 - The Bill seeks to provide for the **protection of digital personal data** and set up the **Data Protection Board of India**.

What are the Key Features of the Bill?

- **Applicability:**
 - The Bill will apply to the **processing of digital personal data** within India where such data is:
 - Collected online
 - Collected offline and digitised.
 - It will also apply to the **processing of personal data** outside India if it is for offering goods or services or profiling individuals in India.
 - Personal data is defined as any data about an individual who is identifiable by or in relation to such data.
 - Processing has been defined as an automated operation or set of operations performed on **digital personal data**.
 - This includes **collection, storage, use and sharing**.
- **Consent:**
 - Personal data may be processed only for a **lawful purpose** for which an individual has given consent.
 - Consent will be deemed to have been given in specified cases including:
 - Performance of any function under a law, or for provision of service or benefit by the State.
 - Medical emergency

- Employment purposes
- Grounds of public interest such as **fraud prevention, information security and credit scoring.**

▪ **Rights of Data Principal:**

- The person, whose data is being processed (data principal) will have the right to:
- Obtain confirmation about processing, a **summary of data processed and processing activities** undertaken.
- Seek correction and erasure.
- Nominate another person to **exercise rights** in the event of death or incapacity.
- Grievance redressal.

▪ **Obligations of Data Fiduciaries:**

- The entity determining the **purpose and means of processing**, called **data fiduciary**, must:
 - Provide notice about the **data to be collected** and the **purpose of processing.**
 - Make reasonable efforts to ensure the **accuracy and completeness of data.**
 - Build reasonable security safeguards to prevent a **data breach** and inform the **Data Protection Board of India** and affected persons in the event of a breach.
 - Cease to retain personal data as soon as the purpose has been met, and retention is not necessary for legal or business purposes.

Draft Prevention of Cruelty to Animal (Amendment) Bill, 2022

- The **Ministry of Fisheries, Animal Husbandry and Dairying** released the [draft Prevention of Cruelty to Animal \(Amendment\) Bill, 2022.](#)
 - It amends the [Prevention of Cruelty to Animals Act, 1960.](#)

What are the Key Provisions of the Bill?

▪ **Providing Animals with Certain Freedoms:**

- Animals under the care/charge of people are entitled to five freedoms:
 - From **thirst, hunger, and malnutrition.**
 - From **discomfort due to environment.**
 - From **pain, injury, and diseases.**
 - From **fear and distress**
 - To **express normal behavior** for the **species.**
 - In case of animals that are not owned by anyone (community animals), the local government shall be responsible for its care.

▪ **Increase in Penalties of Certain Offences:**

- The draft Bill proposes to increase the penalty for certain offences.
- For instance, currently, **beating, drugging, confining, or neglecting** animals attracts a penalty of up to Rs 50 for the first offence.
- The draft bill proposes to increase it to up to **Rs 2,000 per animal** for the **first offence.**
- The draft Bill also defines bestiality as any kind of **sexual activity or intercourse** between a **human** and an **animal and penalizes.**
- It comes with a fine of **Rs 75,000** or the **cost of the animal** or **imprisonment of up to three years** or **both.**
- **Killing an animal** attracts a penalty of **Rs 50** for the **first offence.**
- The draft Bill proposes to increase it to up to **one lakh rupees, or three times the cost of the animal, or imprisonment** of up to **five years, or both.**

▪ **Killing Prescribed by Religion:**

- Under the Act, animals killed as per the **requirements of a religion** does not amount to an offence.
- The draft Bill specifies that such killing must be carried out in a **licensed slaughterhouse.**

▪ **Animal Welfare Board:**

- The **central government** establishes the [Animal Welfare Board](#) under the Act.
- The draft Bill seeks to empower the **Board to authorize officials to enter and inspect premises** where **animals are being kept**, where there is reason to believe that an offence has been committed in violation of the Act.

SC Upholds Reservation for Economically Weaker Sections

- The **Supreme Court (SC)** recently upheld the validity of the 103rd Amendment to the Indian Constitution.
 - In **January 2019**, Parliament passed the [Constitution \(103rd Amendment\) Act, 2019](#) to provide **10% reservation** to [Economically Weaker Sections \(EWS\)](#) in public employment and educational institutions.

What is the Key Eligibility for EWS Reservation?

- The [Ministry of Social Justice and Empowerment](#) identifies the eligibility for EWS as:
 - Person whose **gross annual family income** is less than **eight lakh rupees**
 - Who owns **agricultural or residential property** less than the limits prescribed by the Ministry.

What is the Ground for Challenging the Decision?

- The amendment was challenged on the grounds that it violates the [basic structure of the constitution](#) in three ways:
 - Economic criteria being the basis for providing reservations.
 - **Scheduled Castes (SCs), Scheduled Tribes (STs), and the non-creamy layer of Other Backward Classes (OBCs)** being excluded from the definition of EWS.
 - An additional **10% reservation** breaches the **50% reservation** ceiling limit decided by the [Supreme Court](#).
 - The **basic structure doctrine** refers to the **judicial principle** that **basic features of the constitution** cannot be amended or struck down by [Parliament](#). [Equality](#) is a key feature of the **basic structure doctrine**.

What is the Stand of the SC on EWS Reservation?

- The **Supreme Court** upheld that reservation on the basis of economic criteria does not violate the [basic structure of the Constitution](#).
- It observed that excluding **SCs, STs, and OBCs** from the scope of **EWS** does not violate the **principles of non-discrimination and non-exclusion**.
- The Court ruled that the Constitution already has existing special provisions for reservation for **SCs, STs, and OBCs**.
- People belonging to the EWS category **form another separate disadvantaged group**, and hence **EWS reservation** did not need to include other disadvantaged groups to be considered reasonable.
- The Court also held that an additional **10% reservation** for **EWS** did not breach the **reservation ceiling limit of 50%** as:
 - The limit is not **inflexible**.
 - Only applies to reservations for **SCs, STs, and OBCs**.

Guidelines for Uplinking and Downlinking of Satellite TV Channels

- The [Ministry of Information and Broadcasting](#) notified the '[Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022](#)'.

What are the Key Features of the Guidelines?

- An entity must seek permission from the Ministry before:
 - **Uplinking** a satellite **TV channel** (transmitting content to a satellite).
 - **Downlinking** a satellite **TV channel** (receiving content from a satellite).
 - Setting up a **teleport/teleport hub** (earth station facility where multiple TV channels can be uplinked to a satellite).
- The entity must meet a specified minimum net worth criterion, which ranges between **Rs. 1 Crore to Rs. 20 Crore** (for different categories).

- Permission will be granted within **30 days** of receiving clearance from the **Ministry of Home Affairs** and other authorities.
- An annual permission fee will be payable which will range between **Rs 2 lakh - Rs 15 lakh**.
- Permission will be granted for **10 years**.

What are the Conditions for Uplinking?

- For **uplinking a TV channel**, the majority of **directors and key managerial personnel** and **editorial staff** of the entity must be resident Indians.
- For **uplinking** of a **news** and **current affairs channel**, **management** and **control** of the entity should be in **Indian hands**.
- **Uplinking of TV channels** will be subject to the **Program** and **Advertising Code** and rules framed under the **Cable Television Networks (Regulation) Act, 1995**.

What are the Obligations for Live Coverage and Broadcasting Services?

- Live telecast by a non- news and current affairs channel must be registered with the Ministry at least **15 days** before the date of the event. Under earlier guidelines, prior permission was required.
- **Obligation of Public Service Broadcasting:**
 - The **central government** may issue a **general advisory to channels** for the telecast of content in the national interest, and the channel must comply with the same.
 - Entities having permission under these guidelines may undertake public service broadcasting for a minimum of **30 minutes** a day on themes of national importance and social relevance including content on **health, education, science & technology, national integration, and protection of the environment**.

Framework for Sovereign Green Bonds

- The **Ministry of Finance** issued the **framework for sovereign green bonds**.
 - **Green bonds** are used to **raise funds** for investment in **environmentally sustainable** and **climate-suitable projects**.

What are the Key Features?

- **Use of Funds:**
 - The proceeds raised from issuing **green bonds** will be used to **finance/refinance** expenditure for **eligible green projects**.
 - Eligible category of projects include:
 - Renewable energy (solar/wind/biomass/hydropower)
 - Clean transportation
 - Climate change adaptation
 - Sustainable water and waste management
 - Pollution prevention and control
- **Project Selection and Funding:**
 - A **Green Finance Working Committee** will be set up by the **Ministry of Finance** to support it with selection and evaluation of projects.
 - The Committee will also review the **allocation of funds**.
 - It will be chaired by the **Chief Economic Adviser** and will meet at **least twice a year**.
 - The Committee will also include representatives from other ministries such as the **Ministry of Environment, Forest and Climate Change, Ministry of New and Renewable Energy**, and **Niti Aayog**.
- **Reporting Framework:**
 - An annual report will be released to inform investors about the allocation of proceeds of the bonds.
 - The report will include information on:
 - list of allocated proceeds and type of expenditure (tax, subsidies).
 - Description and status of projects financed.

- Expected impact of projects in quantitative indicators (such as indicating reduction in carbon intensity) on environmental indicators.

Environment

National Bioenergy Program

- The **Ministry of New and Renewable Energy** notified the [National Bioenergy Program](#) for the period between **2021-22** and **2025-26**.

What is the National Bioenergy Program?

- **About:**
 - The National Bioenergy Program provides **financial assistance** to developers in the form such as [direct transfer](#), **interest-free loans** and [subsidies](#).
 - The program has been proposed to be implemented in two phases.
 - The budget outlay of **Phase-I is Rs 858 crore**.
- **Implementing Agencies:**
 - [Indian Renewable Energy Development Agency Limited \(IREDA\)](#) is the **implementation agency** for the Program.
 - The **Biogas program** will be implemented by the designated **program implementing agency (PIA)** of the state, which includes the **Agricultural/Rural Development Department**.
 - Financial institutions such as banks, the [National Bank for Agriculture, and Rural Development](#), RBI-approved institutions, and **IREDA** may also implement the **Biogas Program** in consultation with **PIAs**.

Which Sub-Schemes are Covered under this Program?

- The program is an umbrella scheme for the following sub-schemes:
 - **Waste to Energy Program:**
 - It will provide **financial support** for setting up **waste to energy projects** for generation of [biogas](#), [bio-compressed natural gas](#), and **power plants** (excluding municipal solid waste to power projects) from **urban, industrial, and agricultural wastes/residues**.
 - Total expected outlay for this program in the **first phase is Rs 600 crore**.
 - **Biomass Program:**
 - This scheme will support setting up of **briquette (combustible biomass material)/pellet manufacturing plants** and **promotion of biomass (non-bagasse)** based cogeneration industrial projects.
 - Outlay on this component in the first phase is expected to be **Rs 150 crore**.
 - **Biogas Program:**
 - Under this scheme, support will be provided for **biogas plants** in **rural areas** and utilize the [bio-manure](#) obtained from such plants in farming practices.
 - The financial assistance will be credited to the developer's bank account after the completion and commissioning of **biogas plants**.
 - **Rs 100 crore** is expected to be spent on this component under the first phase.

India's Long-Term Low Emission Development Strategy

- India submitted its **Long-Term Low Emission Development Strategy** to the [United Nations Framework Convention on Climate Change \(UNFCCC\)](#), at the 27th Conference of Parties (COP27).

What are the Key Features of the Strategy?

- **Utilization of Resources:**
 - The focus will be on **rational utilization** of national resources with due regard to [energy](#)

security.

- The transition from fossil fuels will be undertaken in a just, **smooth, sustainable, and inclusive manner.**
- **Transport Sector:**
 - Increased use of **electric vehicles, bio-fuels, especially ethanol blending in petrol,** and **green hydrogen fuel** are expected to decrease **carbon emission** in the transport sector.
 - India will focus on **20% ethanol blending** in **petrol** by **2025** and a shift towards public transport.
- **Urbanization:**
 - **Urban development** will be driven by **smart city initiatives, integrated planning, innovative solid and liquid waste management,** and **effective green building codes.**
- **Industrial Sector:**
 - **Low carbon** development transition in the industrial sector should not impact **energy security, energy access,** and **employment.**
 - The focus will be on improving:
 - **Energy Efficiency**
 - **High level of electrification in relevant processes.**
 - **Enhancing material efficiency** and recycling leading to expansion of the **circular economy.**
- **Transition to Low Carbon Development:**
 - The transition to **low carbon** development will involve several costs for developing **new technologies, new infrastructure,** and other transition costs.
 - Provision of **climate finance** by developed countries will play a significant role and needs to be enhanced in the form of grants and concessional loans predominantly from public sources.

E-Waste (Management) Rules, 2022

- The **Ministry of Environment, Forest and Climate Change** notified the **E-Waste (Management) Rules, 2022** under the **Environment (Protection) Act, 1986.**

What are the Key Features of the Rules?

- The Rules replace the **E-Waste (Management) Rules, 2016.**
- The 2022 Rules provide details for management of **e-waste.**
- **E-waste** refers to electrical and electronic equipment, including **solar photo-voltaic modules or panels or cells,** discarded as waste.
- The Rules will apply to **manufacturer, producer, refurbisher, dismantler,** and **recycler** involved in managing (includes manufacturing, sale, recycling, refurbishing) **e-waste.**
- These entities will be required to register on an online portal developed by the **Central Pollution Control Board (CPCB).** The Rules will come into force from April 1, 2023.

What are the Responsibilities of Different Entities?

- The Rules prescribe responsibilities for different entities engaged in managing e-waste.
 - **Manufacturers** have to ensure that collection and recycling/ disposal of e-waste produced during manufacturing of electrical and electronic equipment
 - Producers of electrical and electronic equipment meeting certain targets for e-waste recycling, Recyclers ensuring that the recycling facility and process is in line with standards of CPCB.
 - Material not recycled in its facility is sent to registered recyclers.
 - Further, bulk consumers of electrical and electronic equipment shall ensure that the e-waste generated is given to a registered **producer, refurbisher, or recycler.**
 - Bulk consumers refer to entities that have used at least 1,000 units of electrical and electronic equipment at any point in the financial year. It also includes e-retailers.
- **Reducing Use of Hazardous Substances:**
 - The Rules prescribe certain standards for producers of **electrical and electronic equipment** to reduce **hazardous substances** in their equipment.

- These include that new equipment produced should not contain **lead, mercury, cadmium**, and **hexavalent chromium**.
- The **CPCB** shall conduct random sampling of equipment in the market to monitor compliance of reduction of **hazardous substances**.

What are the Functions of Steering Committee?

- A Committee under the **Chairman of CPCB** will be formed to oversee the implementation of the Rules.
- Members of the Committee include representatives from various Ministries such as **Environment, Forest and Climate Change, Electronics and Information Technology, and New and Renewable Energy**.
- It will also have representatives from **electrical and electronic equipment Producer and Manufacturer Association**, and **E-waste Recycler Associations**.

Social Issues

National Suicide Prevention Strategy

- The **Ministry of Health and Family Welfare** released the **National Suicide Prevention Strategy** to address the issue of suicide.
 - According to the Ministry, suicide is the leading cause of death among those aged **15-29** in India.
- The Strategy builds upon existing policies and laws. For example, the **Mental Healthcare Act, 2017**, decriminalizes attempted suicide, and requires governments to provide care to any person who has attempted suicide.
 - The Strategy sets an overall goal of reducing suicide mortality by **10% by 2030**, from its **2020** rate of **11.3 per one lakh** population. It outlines a broad approach to meeting this target.

What are the Key Features of Strategy?

- **Objectives:**
 - Reinforcing institutional capacity for suicide prevention
 - Strengthening health services
 - Increasing community and societal support for suicide prevention
 - Improving the collection of data on suicide.
- **Action Framework:**
 - For each objective, the Strategy document provides:
 - Strategies
 - Actions
 - Indicators of success
 - Stakeholders responsible for each action
 - Timelines for action.
- **Reducing Access to Common Methods of Committing Suicide:**
 - **In the short-term**, it proposes **phasing out hazardous pesticides**, for which the Ministry of Agriculture and Farmers' Welfare will impose a **ban on the sale of pesticides**.
 - **In the medium-term**, the Strategy proposes implementing **safer storage and disposal of pesticides**.
 - **In the long-term**, it proposes increasing the availability of **alternate pest control methods** such as **bio-pesticides**.
 - It also proposes the **restriction of sales of pesticides to licensed buyers above 21 years of age** and the appointment of personnel responsible for the **safe storage and disposal of pesticides**.

