



## 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 27<sup>th</sup> 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**.

