

**YOJANA SUMMARY**

**GOVERNANCE AND  
REFORMS**

**SEPTEMBER 2023**

### **NYAYA BANDHU - FREE LEGAL AID AND ADVICE**

- Under Section 12 of the **Legal Services Authority Act 1987**, applicants who are marginalized or disadvantaged are entitled to get free legal aid & advice through Department of Justice's **Nyaya Bandhu programme**.
- Nyaya Bandhu is a **pro bono legal service** that has been developed to connect the registered lawyers with the registered beneficiaries.
- This scheme gives voluntary legal advice to individuals and organizations that are unable to afford legal advice and/or cannot access legal aid.
- Under this programme, practicing advocates, interested to volunteer their time and services, are connected, via mobile technology, with eligible marginalised beneficiaries.
- **Pro Bono Legal Services are, by nature, free.**

### **MAKING OF A BUREAUCRAT – CIVIL SERVICES REFORMS THROUGH A CAPACITY BUILDING APPROACH**

- The civil service in a democratic government is charged with the responsibility of assisting the political executive in framing policies, implementing them through programmes that deliver governance and welfare, and discharging system maintenance services.
- Through its successful actions, it generates public support for executive and legislative policy, and through its failings, it renders itself accountable to the instruments of parliamentary oversight.

#### **Civil Services In India**

- **Part XIV** of India's Constitution provides for efficient 'public services' by creating the Union Public Service Commission and the State Commissions.
- Under this, the Indian 'bureaucrat' is a creature of the executive, subject to discipline, control, and complete superintendence.
- He has more space in comparison to his counterparts, serving bureaucracies in other parts of the world. He is called upon to play several roles, many of whose nature and scope are unambiguous, whether they are purely executive or quasi-judicial.
- A vast majority of the bureaucratic work occurs in rule-bound spaces, where principles of Do's and Don'ts are well established. Here, the interface with the citizens or stakeholders is expected to be relatively friction-free and smooth.

#### **Need for Mission Karmayogi: Creating An Appropriate Civil Servant**

- Finding the right man for the right job is a difficult task.
- To administer a vast, heterogeneous society with a complex democratic polity and an aspirational demography (now often conflated with an increasingly vocal diaspora) requires a reimagination of the civil servant, of the manner of services rendered, and of the civil service itself.
- All of these aspects have been addressed in the pathbreaking Mission Karmayogi Programme. Mission Karmayogi does not seek to build a bureaucracy from scratch.

#### **Mission Karmayogi**

- It seeks to make incremental gains through capacity building at the interface point of civil servant-citizen and by changing behaviour, attitudes, and abilities.
- In the adaptation of the existing civil service, the mission seeks to hone:

- the individual through its emphasis on the three-dimensional skills of behaviour, functional knowledge, and domain;
- the nature of the Civil Service by rendering it adept and adaptive through continuous upskilling; and
- the quality of services delivered through a shift from Rule to Role.
- Through Mission Karmayogi, the bureaucrat who is rule-bound, is expected to transform into an empathetic civil servant by embracing the transformation from 'Rule to Role'.

### Implications Of Shift From Rule To Role

#### ● Weakened pyramid

- This shift requires moving away from top-led supervision, monitoring, and guidance towards bottom-level delivery with commensurate accountability fixed at the delivery point.
- In a country as diverse as ours, we need effective command structures as well as strengthened and able capabilities at the middle and bottom; hence there should be emphasis on capability creation at the level of every individual civil servant.
- This raises an important question - How to transform vast numbers of hitherto untrained (those who are not recipients of continuous training, unlike in the case of the senior civil service) into lifelong learners?

#### ● Creating a digital learning ecosystem for infusing the spirit of a lifelong learner

- The digital ecosystem can enable targeted delivery to individuals and can ensure lifelong learning.
- However, how do we identify individual-level requirements in a bureaucratic ecosystem such as ours?

#### ● Challenges in disaggregation model named FRAC

- Identification of every job level, function level, and task level skill is articulated by a novel disaggregation model named FRAC (Framework of Roles, Abilities, and Competencies).
- This framework maps out the various actions at the different levels of the bureaucratic structure. A prototype of this framework was designed and made available by DoPT.
- During Covid, the prototype **iGOT (Integrated Government On-Line Training) platform**, trained nearly 1.5 million civil servants on certified courses in less than 8-10 weeks during April- May of 2020.
- This is a noteworthy achievement, yet in its complexity, it was still moderate since it involved a determinate number of roles.
- On the other hand, **a whole-of-government scale involves indeterminable numbers of tasks.**
- The challenge for the future is thus for each ministry, department, and organisation to take upon itself this process of internal examination and prepare its role and task sets.
- Once this vast array of complex processes is mapped out, who will create the 'learning' material, in consumable byte sizes? This is the next challenge.

#### ● Content market place and economics involved

- The ability to curate and create learning material which has always been a specialist job and **content is the king**. The economic actors for this market are the creators, ranging from public sector institutions, private sector knowledge entities, academia.
- This marketplace is intended to provide consumable content along with an IMPACT SCORE for each piece of content constructed by evaluating the impact on the workplace.
  - This will enable future consumers of this content to make informed choices and pay accordingly.
- The IMPACT SCORE of content is determined based on utility, contemporaneity, ease of use, popularity, etc.

- In this context, a natural question arises: While the localized markets of 'capacity building' respond to local needs, how does the whole thing get addressed? How do these different processes get harmonised?

### Conclusion

- The transformation of a traditional rule-bound 'bureaucrat' into a role-driven 'civil servant' is a long-needed reform that augurs well for public welfare.
- The Spirit of the Civil Servant, repurposed under the 'National Programme for Civil Services Capacity Building, is that of the 'Karmayogi' serving during the Amrit Kaal of independent India's journey towards increased prosperity.
- No longer a static rule-bound bureaucrat but a driven, dynamic, empathetic, able, and compassionate civil servant.

### ACCOUNTABILITY AND FINANCIAL ADMINISTRATION

Accountability of financial systems is defined as a system of thorough audit of the accounts in accordance with the rules of business, relevant precedents, circumstances, and calculations. In India, this is done through the institution of the Comptroller and Auditor General (CAG).

### CAG

#### ● About

- CAG came into existence in the year 1860 and later gained Constitutional status in 1950. It has been entrusted with keeping a watch over the expenses voted on the parliament.
- The CAG occupies a unique position as an authority that prescribes the form in which the accounts would be rendered by the Government and conducts audits of all the receipts and expenditures of the Government.

Accountability in financial administration is enforced at three levels: the Executive ministries' and departments' own **internal audit mechanisms**; **external audits by the CAG**; and independent examination of subjects by the **Legislative Committees**.

#### ● Independence of CAG

- The CAG has complete discretion in the discharge of his functions, including the selection of audit issues, the manner of conduct and reporting of audits and the organisation and management of his office.
- The business of the CAG's institution is conducted through the Indian Audit & Accounts Department.
  - Together, the CAG and the IA&AD constitute the Supreme Audit Institution (SAI) of India.

#### ● Roles & Responsibilities

- The CAG plays a key role in the Public Financial Management space of the country.
- It advises the Government on the manner in which the accounts of the Union and State Governments are to be maintained.
- While for the Union Government, the Controller General of Accounts prepares the accounts, for the State Governments, the responsibility is vested with the CAG.
- The accounts of Union and State Governments are subject to audit by the CAG, who submits the audited accounts along with the Audit Report to the President of India, the Governors of the States, and the Administrators of the Union Territories (UTs) for laying in the Parliament and the State/UT Legislatures.
- CAG has a **nationwide audit mandate** encompassing all three tiers of the federal structure of governance: the Union Government, the State/UT Governments, and the local bodies.

- The audit jurisdiction includes attached & subordinate offices, autonomous bodies, Statutory authorities and Public Sector Undertakings (PSUs).
- The CAG Audit Reports presented to the Parliament/State Legislatures are selected by the Legislative Committees for detailed examination.
  - The CAG functions as a friend, philosopher, and guide to the legislative committees by suggesting topics of focus and highlighting issues of concern.
- **Types of Audit Conducted by CAG**
  - Audit by the CAG is of three types:
    - **financial attest audit** to ascertain the accuracy and correctness of the financial statements of the entity;
    - **compliance audit** to check adherence to applicable rules, regulations, and procedures; and
    - **performance audit** to assess whether systems within the entity operate with economy, efficiency, and effectiveness.
- **Significance**
  - Audit efforts propel good governance by way of policy changes, design improvements, etc.
  - Audit Reports on tax receipts contain instances of under-assessment of taxes, non-recovery of receivables, and losses that necessitate recovery from the concerned parties.
    - Based on an audit of receipts during 2021-22, the Union and State Governments accepted that recoveries of Rs 25,571 crore needed to be made.
  - CAG's audit of receipts has also proved instrumental in ensuring that public funds are realised in accordance with the prevailing laws.
    - For example, the audit raised observations relating to the absence of provisions in the Income Tax Act, non-levy of penalties, etc.
    - In response, the Government made amendments in the Income Tax Act.
  - Similarly, CAG conducts audits of the Government companies in which classification errors, misstatements, irregularities requiring rectification in the financial statements, and issues in corporate governance are highlighted.

### Reforms In Public Financial Administration

- With digitalization, Governments have moved towards an **Integrated Financial Management System (IFMS)**, which is a comprehensive payment, receipt, accounting, and management information system. This has enabled transparency in financial administration by increasing the visibility of all transactions.
- **Automation of other governance mechanisms** such as electronic filing of tax returns and assessments, toll collection system (FASTag), Bharatkosh, Direct Beneficiary Transfers, e-NAM, etc. has further enhanced transparency in public financial management and enabled better accountability mechanisms.
- On the audit side, the adoption of a data-led approach to auditing has facilitated faster delivery and improved the quality of audit outcomes.
- An institutional framework for the digital audit of GST revenues has also been established.
- Further, Government reforms in financial administration have been a major focus area for performance audits in the recent past.
  - For instance, the CAG's institution has conducted or is conducting several audits of the Direct Benefit Transfer (DBT) system to assess the efficacy and efficiency of the system.

- This would be helpful in strengthening the controls in the IT systems of the Government for enabling timely payments to authentic beneficiaries, preventing pilferages, duplicate payments, etc.
- Audits of financial systems in Government schemes such as MNREGA, PM Awaas Yojana, DDUGJY, SAUBHAGYA, AIBP, and NRHM have been conducted, in which systemic issues were highlighted.

### Conclusion

Fundamental beliefs in the institutional values, professionalism, competence, social awareness, and commitment to provide credible assurance on the collection and utilisation of public resources are the key components that support the legacy of the prestigious institution of the CAG of India as a torchbearer of good governance.

### PARLIAMENTARY COMMITTEES - STRENGTHENING THE SCOPE AND ROLE

- Parliament functions in two modes: **on the floor of the House** and **in Committees**. Reports submitted by the Committees allow for informed debate in Parliament.
- Additionally, Committees provide a forum to build consensus across party lines, develop subject expertise, and consult with experts and stakeholders.
- Hence, Parliamentary Committees serve an important role in scrutinising the work of the Government and improving the quality of Bills brought before Parliament.

### Types

- **Standing Committees** can be broadly categorised into four types: (i) subject, (ii) financial, (iii) accountability, and (iv) administrative.
- Parliament may also form **Ad hoc Committees** from time to time. These committees are appointed by either House for a specific purpose
  - For instance, the Jan Vishwas (Amendment of Provisions) Bill, 2022 was referred to a Joint Parliamentary Committee, which is an Ad-hoc Committee.
    - Such Committees are disbanded after submitting the report.

### Department Related Committees

- **Department-related Committees, or subject Committees**, ensure oversight over each ministry. A Minister is not eligible to be a member.
- There are **24 subject Committees**, and each Committee has 31 members, with 21 from the Lok Sabha and 10 from the Rajya Sabha.
  - Membership in Committees is allocated to parties in proportion to their strength in the House.
- To ensure proper scrutiny of Bills before passage, they can be referred to a subject Committee for detailed examination.

### Different Committees

- **Financial Committees** consist of three Committees: Estimates, Public Undertakings, and Public Accounts. A minister is not eligible to be a member.
- **The Estimates Committee** examines pre- budget estimates of ministries; the **Committee on Public Undertakings (COPU)** examines the functioning of public undertakings; and the **Public Accounts Committee (PAC)** reviews the government's spending statement approved by Parliament.
- There are other Committees such as the **Committee on Privileges**, which examines questions involving breaches of rights, privileges, and immunities enjoyed by Members of Parliament.
- The **Committee on Petitions** examines complaints sent to it in the form of petitions by the public.

## Suggestion

### A. Referring All Bills to Committees:

- Currently, Bills are **not automatically referred to a Committee**. The decision of whether a Bill should be referred to a Committee depends on the decision of the Speaker or Chairman, in consultation with the Minister presenting the Bill.
  - During the 17th Lok Sabha, until the end of the Monsoon Session of 2023, 17% of Bills have been referred to Committees. This number has been declining.
- Discussing the recommendations made by the Committees or specifying the reasons for rejecting certain recommendations is also not mandatory.
- The **National Commission to Review the Working of the Constitution** (2002) noted that all Bills introduced in Parliament should automatically be referred to subject Committees.
- Further, subject Committees should **also review the implementation of laws passed by Parliament in their respective subjects**.
  - In some Parliamentary systems, such as the United Kingdom, all Bills other than Money Bills are automatically referred to Committees.

### B. Attendance of MPs:

- The attendance of MPs in Committee meetings is low. In the 17th Lok Sabha, as of July 2023, the average attendance for subject Committees meetings was 47%. The attendance in financial Committees drops further to 37%.
- Also, the National Commission to Review the Working of the Constitution Report (2002) observed instances where a single Committee encompassed too many ministries.

### C. Shortage of Technical Staff And Experts:

- The National Commission to Review the Working of the Constitution (2002) recommended that **funds be secured** to assist these Committees in conducting inquiries, holding public hearings, and collecting data.
- Currently, technical support available to Parliamentary Committees is limited to a secretariat that helps with scheduling meetings and taking notes.
- This is in contrast to other democracies like Canada, where the Library of Parliament provides research staff to all Committees on request.

### D. Public Transparency

- Committee reports are usually made public, but the internal workings of the Committee may not be transparent.
- Therefore, the National Commission to Review the Working of the Constitution (2002) recommended that major reports of all Parliamentary Committees be discussed in Parliament, especially where there is a disagreement between any Committee and the Central Government.
  - In Canada, Parliament allowed Committees to broadcast their proceedings within guidelines established.
  - During the Covid-19 pandemic, the United Kingdom had live coverage of the Health and Social Care Committee on the country's preparedness for the pandemic.

### E. Reforms for Parliamentary Committees

- The National Commission to Review the Working of the Constitution (2002) recommended certain reforms for Parliamentary Committees.

- These include the establishment of three new Committees: the Constitution Committee, the Committee on National Economy, and the Committee on Legislation.
- The Committee noted that it may not be necessary to continue the existing Committees on Estimates, Public Undertakings and Subordinate Legislation as the topic covered by them can be covered by subject Committees or the proposed Committees.
  - The recommendation has not been implemented.

### **THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023**

- The Act provides for the processing of digital personal data in a manner that recognises both the rights of individuals to protect their personal data and the need to process such personal data for lawful purposes.
- The Act protects digital personal data (that is, the data by which a person may be identified) by:
  - Fixing obligations of **Data Fiduciaries** (that is, persons, companies, and government entities who process data) for **data processing** (that is, collection, storage, or any other operation on personal data);
  - The rights and duties of Data Principals (that is, the person to whom the data relates); and
  - Financial penalties for breaches of rights, duties, and obligations.
- The Act is based on the following seven principles:
  - The principle of consented, lawful, and transparent use of personal data;
  - The principle of purpose limitation (use of personal data only for the purpose specified at the time of obtaining consent from the Data Principal);
  - The principle of data minimisation (collection of only as much personal data as is necessary to serve the specified purpose);
  - The principle of data accuracy (ensuring data is correct and updated);
  - The principle of storage limitation (storing data only until it is needed for the specified purpose);
  - The principle of reasonable safeguards; and
  - The principle of accountability (through adjudication of data breaches and breaches of the provisions of the Act and imposition of penalties for the breaches).
- By using the word 'she' instead of 'he, for the first time it acknowledges women Parliamentary law-making.
- The Act provides for following rights to the individuals:
  - The right to access information about personal data processed; The right to correction and erasure of data; The right to grievance redressal; and The right to nominate a person to exercise rights in case of death or incapacity.
- The Act safeguards the personal data of children also. The Act allows a Data Fiduciary to process the personal data of children only with parental consent.

### **LAW COMMISSION OF INDIA**

- The Law Commission of India is a **non- statutory body** and is constituted by a notification of the Government of India, Ministry of Law & Justice, and Department of Legal Affairs.
- The Commission makes recommendations to the Government (in the form of Reports) as per its terms of reference.



- The Government has constituted the **22nd Law Commission of India** for a period of three years, with effect from 21 February 2020. The term of the 22nd Law Commission has since been extended up to 31 August, 2024.
- The composition of the 22nd Law Commission of India is as follows:
  - a full-time Chairperson; four full-time Members (including Member-Secretary);
  - Secretary, Department of Legal Affairs, as ex officio Member; Secretary, Legislative Department as ex officio Member; and not more than five part-time Members.

## DIRECT TAX REFORMS

### Tax Reforms

In Direct Tax, the Government of India has undertaken substantial tax reforms in the last few years to **ensure that tax collection increases in a non-adversarial manner** through a stable and predictable tax regime.

#### A. Removing Exemption/Deduction And Reducing Tax Rates

- A study report to the G20 Development Working Group by the IMF, OECD, UN, and World Bank in October 2015 concluded that tax incentives are often found to be redundant in attracting investment in developing countries.
- These tax incentives harm the **revenue- raising capability of developing countries**, as they lead to unhealthy tax competition-a race to the bottom.
- Based on the budget speech of the FM in 2015-16, the process of removing exemptions and deductions for corporate taxpayers was started.
- Similar reforms were **carried out in personal income tax in 2020** by providing an option for taxpayers to shift to the new tax regime with lower tax rates but without exemption/deduction.
  - The Finance Act, 2023, has further reduced the tax rates in the new tax regime to make it more attractive.
- During COVID, many countries were advocating imposing new taxes. However, the Government continued its resolve to provide a stable tax regime.

#### B. Widening and Deepening of Tax Base

- Govt has taken various steps to widen and deepen the tax base. Some of them includes:
  - New Tax Deduction at Source (TDS) and Tax Collection at Source (TCS) provisions have been introduced
  - The Black Money (Undisclosed Foreign Income & Assets) & Imposition of Tax Act, 2015, was enacted to deal with the problem of undisclosed foreign income/assets stashed abroad.
  - The third-party information collection mechanism has been strengthened to collect information undeclared income/assets.
  - Various amendments have been made to encourage the use of digital transactions in place of cash transactions.

#### C. Using Technology to Increase Efficiency of the Income Tax Department

- Compliance through reporting has been provided to ensure that taxpayers pay their fair share of taxes.
- The Income Tax Department has taken a number of initiatives that have helped taxpayers comply with tax laws voluntarily.
- An **e-Verification scheme** has been introduced with a facility to update returns with some additional tax.
- **Faceless system of assessment** and appeal has been started to bring efficiency to the process.

### D. Reducing Litigation by Providing Tax Certainty

- Advance Pricing Agreement (APA) has been a success story in reducing litigation in transfer pricing. The Government has also introduced amendments to provide certainty on various issues to reduce tax disputes.
- In just about one year time, more than 30 lakh updated returns have been filed and taxes due have been paid.

### Result Of These Reforms

- The tax collection in direct tax has shown a significant increase having **buoyancy of more than 1 over the years**.
  - This means that over a long period of time, direct tax growth is higher than the growth in GDP.
  - This indicates efficiency in tax collection as well as positive impact of direct tax Reforms.
- During the period 2013-2014 to 2022-23, direct tax collection grew from Rs 6.39 lakh crore to Rs 16.61 lakh crore i.e., growth rate of 160% giving long term direct tax buoyancy of 1.15.
  - This higher than 1 tax buoyancy signifies efficiency of tax administration and success of various tax reforms.

### Future Challenges

- Tax policy reform is a continuous process. More reforms are contemplated along the above lines in order to ensure that direct tax collection remains buoyant.
- **Ease of doing business** is also one area where tax policies are required to continue to pay attention.

### PROTECTING THE INTERESTS OF CONSUMERS AND BUSINESSES

- The Competition Law aims to protect the interests of both consumers and businesses by **fostering a competitive environment in markets and preventing anti- competitive practices**.
- It ensures fair competition and a level playing field for all market players, thereby encouraging innovation and efficiency. The law is enforced by the Competition Commission of India (CCI).

### Competition Commission of India (CCI)

- CCI's mandate includes preventing anti- competitive practices, promoting, and sustaining competition, and protecting consumers' interest.
  - A robust competition mechanism helps in regulating mergers and acquisitions to ensure they do not negatively impact competition or consumers.
- CCI's advocacy initiatives and policy recommendations further promote pro- competitive policies and protect consumers' interests.

### Role of CCI in Markets And Its Tools

- CCI, deriving its genesis from the Competition Act, 2002, has striven since its inception in 2003 to develop and flourish an ecosystem of healthy competition in the Indian Economy.
- The modern Competition Act, 2002, focuses on checking and correcting abuse of dominance by market entities, which can harm competition in India.
- CCI uses a variety of tools and mechanisms to fulfill its mandate:
  - **Advocacy**: CCI publishes advocacy materials for guidance and use by stakeholders. The Advocacy booklet is published in 13 languages, including English and Hindi.

#### **What is an International Cartel?**

An International Cartel is said to exist, when not all of the enterprises in a cartel are based in the same country or when the cartels affect markets of more than one country.

- **Anti-Competitive Agreements Detection:** Monitoring and investigating agreements competitors that may violate the Competition Act, 2002, such as cartels, price-fixing, bid-rigging, market allocation schemes, resale price maintenance, etc.
- **Abuse of Dominance Assessments:** Scrutinizing dominant firms' conduct to ensure they do not exploit their market power to harm competitors or exclude new entrants.
- **Fines and Penalties:** In cases of abuse of a dominant position, the CCI can impose a penalty of up to 10% of the average turnover for the last three preceding financial years.
  - For cartels, CCI may impose a penalty of up to three times the profit or ten percent of the turnover for each year of the continuance of such an agreement, whichever is higher.
- **International Cooperation:** CCI enters into MOUs with foreign counterparts in order to facilitate international cooperation.
- **Merger Control:** CCI evaluates whether the proposed transactions may cause an appreciable adverse effect on competition (AAEC), harming consumer welfare.
- **Remedies:** Requiring companies to take corrective actions, divest assets, or make structural changes to address competition concerns identified by CCI.

### Competition and Consumer Protection

- While the Competition Law doesn't explicitly address consumer rights, it prioritizes consumers' interests by fostering a market free from anti-competitive forces and abuse of dominance.
- It endeavours to maintain sufficient choice for consumers by sustaining competitive conditions in the market from the supply side.

### Relation Between Competition and Business

- Competition plays a crucial role in shaping how businesses operate and interact with each other.
- Competition creates an environment where businesses are constantly pushed to improve, innovate, and meet consumer needs effectively.
- A well-implemented competition regime is a catalyst for entrepreneurial markets and the current startup economy of India is reaping the benefits of the active competition regulation mechanism.
- Further, better competition in the local market results in greater productivity and growth and increases the international competitiveness of domestic businesses.

### Conclusion

As a linking law between businesses and consumers, competition law can be said to be a boon for both. On the business side, competition can help businesses identify consumers' needs and then develop new products or services to meet them, which in turn allows consumers to have access to better choices.

### **CONSUMER PROTECTION ACT, 2019 - STRENGTHENING PROVISIONS FOR CONSUMER PROTECTION**

- To strengthen the provisions for consumer protection, especially in the new era of globalisation, online platforms, e-Commerce markets, etc., the Consumer Protection Act, 2019 was enacted.
  - It replaced the Consumer Protection Act of 1986.
- Under the provisions of the 2019 act, a **Central Consumer Protection Authority (CCPA)** has been established.
- This Act has widened the scope of the definition of 'consumer' to include **persons who buy or avail of goods or services online or through electronic means**.

- It has also included a definition of advertisement as any audio or visual publicity, representation, endorsement or pronouncement made by means of, inter alia, electronic media, the internet or a website.

**Guidelines for Prevention of Misleading Advertisements and Endorsements**

- The CCPA has notified the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.
- It has been launched with the objective of curbing misleading advertisements and protecting the consumers who may be exploited or affected by such advertisements.
- As per these guidelines, **due diligence is required for endorsement of advertisements.**
- It has also advised all marketplace e-commerce platforms to display information provided by sellers as per the E-Commerce Rules, 2020.

**Consumer Protection (E-commerce) Rules, 2020**

- Under the Consumer Protection Act, these rules have been launched by the Department of Consumer Affairs safeguard consumers from unfair trade practices in e-commerce.
- These rules outline the responsibilities of e-commerce entities and specify the liabilities of marketplace and inventory e-commerce entities, including provisions for customer grievance redressal.
- There is an emergence of unfair trade practices known as dark patterns, which involve using design and choice architecture to deceive, coerce, or influence consumers into making choices that are not in their best interest.
- The Department of Consumer Affairs has urged e-commerce companies to refrain from indulging in such activities which may fall into the category of dark patterns.

**More Power to the Consumer!**

**Consumer Protection Act, 2019 Comes into Force (1/4)**

- Consumer Protection Act, 2019 replaced the Consumer Protection Act, 1986 to provide timely administration & settlement of consumers' dispute
- The new Act empowers & protect the rights of consumers through various notified rules & provisions related to:
  - Consumer Protection Councils
  - Consumer Disputes Redressal Commissions
  - Mediation
  - Product Liability
  - Rules on e-commerce and direct selling
  - Penalty for adulterant & spurious goods

**More Power to the Consumer!**

**Consumer Protection Act, 2019 Comes into Force (2/4)**

- Establishment of Central Consumer Protection Authority (CCPA) to promote, protect & enforce the rights of consumers
- CCPA empowered to perform the followings:
  - Conduct investigations into violations of consumer rights & institute complaints /prosecution
  - Order recall of unsafe goods and services
  - Order discontinuance of unfair trade practices & misleading advertisements
  - Impose penalties on manufacturers/endorsers/publishers of misleading advertisements

**More Power to the Consumer!**

**Consumer Protection Act, 2019 Comes into Force (3/4)**

- Product liability provision to deter manufacturers & service providers for delivering defective products or deficient services
- Alternate dispute resolution mechanism of Mediation for early settlement of cases
- Simplified dispute resolution process
  - State & District Commissions can now review their own orders
  - Empowerment of Consumer Commissions to enforce their orders
  - Ease of approaching Consumer Commissions through electronic filing of complaints & Videoconferencing for hearing
  - Deemed admissibility after 21 days of filing; Appeals only on question of law after second stage

**More Power to the Consumer!**

**Consumer Protection Act, 2019 Comes into Force (4/4)**

- Provision of Rules for prevention of unfair trade practice by e-commerce platforms
  - Every e-commerce entity to provide information relating to return, refund, grievance redressal mechanism, etc. including country of origin
  - Acknowledge the receipt of any consumer complaint within 48 hours
  - Redress the complaint within one month from the date of receipt
- Punishment of manufacturer or sale of adulterant/spurious goods, Suspension of license up to 2 years in case of first conviction & cancellation of license for subsequent conviction

- In the last decade, India has undertaken transformational reforms, with e-Governance models simplifying the citizen's interface with the government and bringing the government and citizens closer.
- The Central Government's e-Governance models like Ayushman Bharat, PM's Jan Arogya Yojana, PM's Jan Dhan Yojana, One Nation-One Ration Card, and Passport Sewa Kendras have been successful in bringing transparency and openness to government processes.
- The Prime Minister has adopted the policy of '**Maximum Governance- Minimum Government**', which envisages a '**Digitally Empowered Citizen**' and a '**Digitally Transformed Institution**', radically changing India's governance landscape in scale, scope, and learning paradigms.

### Effective Redressal of Public Grievances

- **Centralized Public Grievance Redress and Monitoring System (CPGRAMS)** has been adopted and implemented across all the Central Ministries and Departments, attached, subordinate, and autonomous bodies.
- 18,19,104 grievances were received by all Ministries, Departments, States, and UTS of which 15,68,097 were redressed in 2022. The average disposal time of Central Ministries and Departments has improved from 32 days in 2021 to 27 days in 2022.
- The 10-step CPGRAMS reforms adopted to improve the quality of disposal and reduce timelines had a significant impact. It can be said that this reform brought compassion, empathy, and science-based solutions to enable Effective Grievance Redressal.
- The **Parliamentary Standing Committee** of the Ministry of Personnel, Public Grievances and Pensions, in its **127th Report submitted to Parliament in March 2023**, appreciated the 10-step reform process adopted by the Department of Administrative Reforms and Public Grievances (DARPG) for improving the quality and disposal of grievances and reducing timelines.
- The Parliamentary Standing Committee also commended the Department for its faster rate of disposal of grievances, which is over one lakh per month.
- The Department had implemented most of the recommendations, like the One Nation-One Portal, CPGRAMS portal in regional languages, to develop the grievance redressal index, reduction in redressal period from 45-60 days to 30 days, introduction of appellate mechanism, revamping of **Sevottam Scheme, operationalising the feedback mechanism, and the CPGRAMS dashboard.**

### Benchmarking Governance

- The DARPG undertakes a biannual assessment of the governance of States and UTs through the **Good Governance Index (GGI).**
- It assesses the governance at the district level through the **District Good Governance Index**, and assesses the delivery of e-Services through the biannual **National e-Services Delivery Assessment**.
  - The National e-Services Delivery Assessment (NeSDA) assesses the state of e-services Delivery across the Nation.

### Secretariat Reforms

- The Government implemented deep-rooted Secretariat Reforms through the initiatives for increasing efficiency in decision making.
- This focuses on delayering, delegation of financial powers, adoption of e-office, and the Special Campaign 2.0 for institutionalizing swachhata and minimizing pendency.



**Chintan Shivir**

- The Chintan Shivir lays down a futuristic model of governance, representing far reaching administrative reform in the Kartavya Kaal period.

**Civil Services Day**

- India observes **21 April every year as Civil Services Day** marked as an occasion for civil servants across the Nation to rededicate themselves to citizens and renew their commitment to public service and excellence in work.
- The Civil Services Day 2023 was celebrated with the conference theme **'Viksit Bharat Empowering Citizens and Reaching the Last Mile'**.

**Prime Minister's Awards for Excellence in Public Administration**

- The Prime Minister's Awards for Excellence in Public Administration were instituted to acknowledge, recognise, and award the extraordinary and innovative work done by districts, central, and state governments and organisations.

**Replication of Good Governance Practices**

- Since 2014, 23 regional conferences on the Replication of Good Governance Practices have been conducted.
- The **Abhinav Pahal series** on Sansad TV presented 15 PM's Award winners interacting with the beneficiaries about the benefits of the successful initiatives.

**National Conferences on e-Governance and National e-Governance Awards**

- The Government of India convenes the National Conferences on e-Governance every year in association with one of the States or UT Governments.
- Recently, the 25th National e-Governance Conference, was conducted at Katra, Jammu & Kashmir.

**Conclusion**

It can be said that India has adopted several **Next Generation Administrative Reforms** in the period 2014-2023 to improve its time-tested administrative systems for carrying out functions of Nation-Building and the creation of an inclusive State.

**WOMEN EMPOWERMENT - RECENT REFORMS**

- It is now well acknowledged that empowering a man leads to empowering a woman an individual, but empowers an entire generation.
- In order to empower women, successive governments have taken various steps.:

**1. Beti Bachao, Beti Padhao:**

Launched in 2015, it aims to address the declining child sex ratio and promote the education and welfare of girls.

**2. Pradhan Mantri Matru Vandana Yojana (PMMVY):**

Introduced in 2017, this maternity benefit scheme provides financial assistance to pregnant and lactating women.



**3. Mahila e-Haat:** This online platform was launched in 2016 to facilitate women entrepreneurs and artisans in showcasing and selling their products.

**4. Ujjwala Yojana:** Launched in 2016, this scheme provides free LPG connections to women from below-poverty-line households.

**5. Stand Up India:** Introduced in 2016, this scheme encourages entrepreneurship among women and Scheduled Caste or Scheduled Tribe individuals. It offers bank loans between Rs 10 lakh and Rs 1 crore to set up greenfield enterprises.

### Changes In Law

**1. Criminal Law (Amendment) Act, 2013 (Nirbhaya Act):** This amendment was passed in 2013, making significant changes to laws concerning sexual offences.

- The Government established the **Nirbhaya Fund** to support initiatives addressing women's safety and empowerment.
- The fund has been utilized to set up one-stop centres, women's helplines, and improve infrastructure for women's safety.

**2. Maternity Benefit (Amendment) Act, 2017:** extended the maternity leave period for women working in the organised sector in India from 12 weeks to 26 weeks.

**3. The Protection of Children from Sexual Offences (Amendment) Act, 2019:** to strengthen the protection of children from sexual offenses.

**4. The Muslim Women (Protection of Rights on Marriage) Act, 2019:** It criminalized the practice of instant triple talaq (divorce) among Muslim men in India.

**5. Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:** This Act mandates the establishment of internal committees in workplaces to address complaints of sexual harassment and ensure a safe working environment for women.

### Way Forward

#### A. Ending Child Marriage

- Efforts should focus on implementing and enforcing laws that set the minimum age for marriage, promoting girls' education, and raising awareness about the harmful consequences of early marriage.
- Community engagement, targeted interventions, and economic empowerment programmes can empower girls and their families.

#### B. Political Empowerment

- Encouraging political parties to nominate more women candidates, providing leadership training, and addressing systemic barriers are essential steps towards achieving equal representation in Parliament and local governments.

#### C. Economic Empowerment

- Governments and businesses should promote equal pay for equal work, establish maternity leave and childcare policies, and provide access to finance and entrepreneurship training for women.
- Encouraging women's participation in traditionally male-dominated sectors and dismantling barriers to career advancement will contribute to greater gender equality in the workforce,

#### D. Sexual and Reproductive Health and Rights

- Ensuring access to comprehensive sexual and reproductive health services is crucial for women's autonomy and well-being.

#### E. Land Rights

- Governments should enact and enforce legislation that ensures equal access to land, property rights, and inheritance laws.

#### F. Gender Budgeting

- To advance gender equality, countries should establish comprehensive systems to track public allocations for gender equality initiatives.

#### **ANUSANDHAN NATIONAL RESEARCH FOUNDATION (NRF) BILL, 2023**

- The NRF will provide high-level strategic direction for research, innovation, and entrepreneurship in various fields. It will also promote scientific and technological interfaces in the humanities and social sciences.
- The Bill will **hike R&D spending** in the country. The Act will establish NRF, an apex body to provide high-level strategic direction of scientific research in the country.
- The **Department of Science and Technology (DST)** will be the administrative Department of NRF, which will be governed by a Governing Board consisting of eminent researchers and professionals across disciplines.
- The **Prime Minister will be the ex-officio President** of the Board, and the Union Minister of Science & Technology and the Union Minister of Education will be the ex-officio Vice-Presidents.
- NRF's functioning will be governed by an **Executive Council chaired by the Principal Scientific Adviser to the Government of India**.
- NRF will forge collaborations among industry, academia, and government departments and research institutions.
- The Act will also repeal the **Science and Engineering Research Board (SERB)**, established by an Act of Parliament in 2008, and subsume it into the NRF, which has an expanded mandate and covers activities over and above those of SERB.