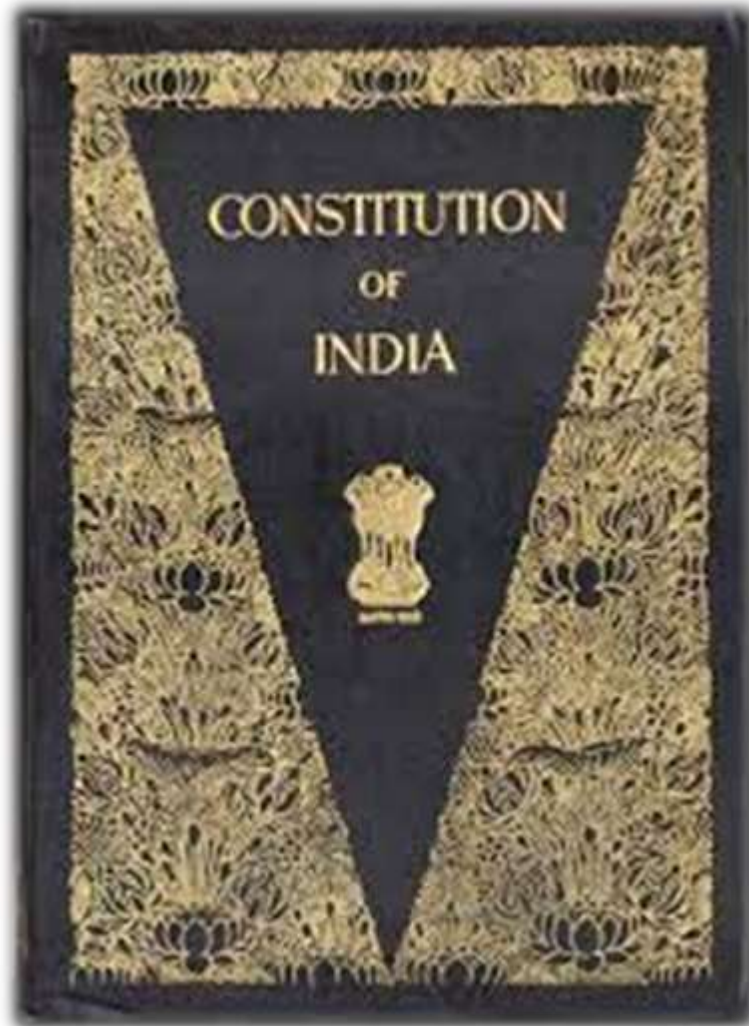


Most Important Topics for Prelims 2023

Part 3



Governor and Powers

Union Territory and Delhi Special Case

- 69th Constitutional Amendment Act and tussle in Delhi over control of postings and transfers of civil servants belonging to All India Services serving in Delhi.

- The status of Delhi being a Union Territory under Schedule 1 of the Constitution but named the 'National Capital Territory' under Article 239AA, engrafted by the Constitution (69th Amendment) Act.
- The 69th amendment to the Constitution of India inserted Article 239AA, which declared the Union Territory of Delhi to be administered by a L-G who works on aid and advice of the elected legislative assembly.
- However, the 'aid and advice' clause pertains only to matters on which the elected Assembly has powers under the State and Concurrent Lists With the exception of public order, police, and land.
- Further, the Article 239AA also notes that L-G has to either act on the aid and advice of the Council of Ministers, or he is bound to implement the decision taken by the President on a reference being made by him.
- Also, Article 239AA, empowers the L-G to refer a difference of opinion on 'any matter' with the Council of Ministers to the President.

Difference with Puducherry

- LG of Delhi enjoys executive functions allowing him/her to exercise their powers in matters connected with public order, police and land.
- Puducherry assembly can legislate on any issue under the state and concurrent list.

Similarities with Puducherry

- Provisions related to reference of certain bills to President.
- Provisions related to reference of advice of Council of Ministers to President.

Centre vs Delhi govt again

WHAT THE Act PROPOSES

- The term "Government" in any law by the legislative assembly will mean "Lieutenant Governor"
- The assembly shall not make rules or committees to consider day-to-day administration or conduct inquiries
- Rule or committee made before the new amendment comes into force "shall be void"
- Before taking any executive action, opinion of the L-G shall be obtained by a general or special order
- L-G shall have power to reserve for consideration any Act, and any of the matters outside the purview of the powers conferred on the legislative assembly



Act will define responsibilities in line with the constitutional scheme of governance of national Capital, as interpreted by SC

— AMIT SHAH, UNION HOME MINISTER

DELHI GOVT'S RESERVATIONS

- Article 239AA says legislature can make laws on any matters on state and concurrent list except for issues relating to public order, police and land.
- SC's Constitution bench in 2018 recognised assembly's right, and said Union has exclusive powers only in the above 3 issues.
- SC said L-G should work with aid and advice of council of ministers
- SC order clarified that L-G has not been entrusted with any independent decision-making power
- While any matter of dispute can be sent to President, the SC said it does not mean every matter should be

After being rejected by people of Delhi, BJP seeks to drastically curtail powers of elected govt. Act is dilution of SC judgment.

— ARVIND KEJRIWAL, CM



GNCTD Act 2021

- It amended Sections 21, 24, 33 and 44 of the GNCT of Delhi Act, 1991
- According to the legislation, the "government" in Delhi means the "Lieutenant Governor."
- The city government will now mandatorily have to take the opinion of the L-G before taking any executive action.
- The Act defines the responsibilities of the elected government and the L-G along with the “constitutional scheme of governance of the NCT” interpreted by the Supreme Court in recent judgements regarding the division of powers between the two entities.

GNCTD Act 2021

- It will also seek to ensure that the L-G is “necessarily granted an opportunity” to exercise powers entrusted to him under proviso to clause (4) of Article 239AA of the Constitution.
- This particular clause provides for a Council of Ministers headed by a Chief Minister for the NCT to “aid and advise the Lieutenant Governor” in the exercise of his functions for matters in which the Legislative Assembly has the power to make laws.
- It will also provide for rules made by the Legislative Assembly of Delhi to be “consistent with the rules of the House of the People” or the Lok Sabha.

Memorandum of Procedure

- It is an **agreement between the judiciary and the government** containing a set of guidelines for making appointments to the Supreme Court and High Court.
- Significance of MoP arises from the fact that the **Collegium system of appointing judges is a judicial innovation** that is **not mandated through legislation or text of the Constitution**

MoP on appointment of SC judges

- All appointments made by the collegium are sent to the Law minister and then the Prime Minister who forwards it to the President for approval and appointment.
- Here, if it is approved, the appointment of the judge takes place
- However, if the executive and the collegium do not agree then, the collegium may send it for reconsideration and as a “healthy convention” the executive must accept it
- Point of note here is that no time frame has been provided to the executive to act upon the recommendations forwarded by the collegium.

Acting, Adhoc and Retired Judges

- **Acting CJI** - A judge of the SC can be appointed as an acting CJI by the President in case of temporary vacancy, absence or inability of CJI to perform his duties. (Article 126)
- **Ad hoc Judge** - When there is a lack of quorum of the permanent judges, the CJI can appoint a judge of a High Court as an ad hoc judge of SC for a temporary period. (Article 127)
- He can do so only after consultation with the chief justice of the High Court concerned and with the previous consent of the President.
- The judge so appointed should be qualified for appointment as a judge of the Supreme Court.

Acting, Adhoc and Retired Judges

- **Retired Judge (Article 128)** - At any time, **the CJI** can request a **retired judge of the SC or a retired judge of a HC (who is duly qualified for appointment as a judge of SC)** to act as a judge of SC for a temporary period.
- He can do so only with the **previous consent of the President and also of the person to be so appointed.** Such a judge is entitled to such allowances as the President may determine.

Petitions under Supreme Court

Article 136

Special leave to appeal by the Supreme Court:

- (1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.
- (2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

The SC had also argued that the remedy under Article 136 (Special Leave Petition) is a constitutional right.



Petitions under Supreme Court

Review Petition

- In Union of India v. Sandur Manganese & Iron Ores Ltd, 2013 SC laid down nine rulings for Review petition.
- As per the Civil Procedure Code and the Supreme Court Rules, **any person aggrieved by a ruling can seek a review.**
- It is **not necessary that only parties to a case can seek a review of the judgment.**
- The court is **not bound to entertain every review petition filed before it.**
- A review petition must be filed within 30 days of pronouncement of the judgment.
- Except in cases of death penalty, review petitions are heard through “circulation” by judges in their chambers.
- They are usually not heard in open court.
- Lawyers in review petitions usually make their case through written submissions, and not oral arguments.
- The same judges who passed the original verdict usually also hear the review petition.



Acting Chief Justice(223)

- **President** can appoint a high court judge as an acting chief justice of the high court when office of chief justice of the high court is **vacant**; or CJ is **temporarily absent**; or CJ is **unable to perform the duties of his office**.

Acting Judges (224)

- **President** can appoint a duly qualified person as an acting judge of HC when a judge of that high court (other than the chief justice) is:
 - unable to perform the duties of his office due to absence or any other reason; or
 - appointed to act temporarily as chief justice of that high court.
- Acting judge holds office until permanent judge resumes his office.
- However, he cannot hold office after attaining the age of 62 years.

Additional Judges (224)

- **President** can appoint duly qualified persons as additional judges of a high court **for a temporary period not exceeding two years** when:
 - there is a **temporary increase in the business of the high court**; or
 - there are **arrears of work** in the high court.
- **Cannot hold office after attaining the age of 62 years.**



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Petitions

Curative Petition

- Evolved by the Supreme Court of India in the matter of Rupa Ashok Hurra vs. Ashok Hurra and Anr.
- It may be **invoked by aggrieved person** against the final judgement/order of the Supreme Court after dismissal of a review petition.
- It is the **final and last option available** to the people for seeking justice in the framework of the judiciary.
- It must be first circulated to a Bench of the three senior-most judges, and the judges who passed the concerned judgment, if available. **Only when a majority of the judges conclude** that the matter needs hearing should it be listed before the same Bench.
- A curative petition is **usually decided** by judges **in the chamber** unless a specific request for an open-court hearing is allowed.



Petitions

Mercy Petition

- When a person has lost all the remedies available to him/her under all the prevailing laws and exhausted all the Constitutional remedies, he/ she can file a Mercy Petition.
- It can be filed either before the President of India under Article 72 of the Indian Constitution or the Governor of the state under Article 161 of the Indian Constitution.
- Once applied, the petition of the individual will be treated with mercy, not on the legality of the case.

Electoral Bonds

- **Prelims Facts about Electoral Bonds :**
 - Redeemable within 15 days
 - Eligibility – Registered Political parties who have secured at least 1% votes in last Lok Sabha, State Assembly elections.
 - No upper limit on number of bonds that can be purchased
 - Non encashed amount is deposited in PM Relief Fund.

Remote voting and Proxy Voting

- **Voting Rights for NRI's** – Introduced in 2011 through an amendment to RPA 1950.
- **Section 20A** of the act requires overseas electors to be physically present.
- **Proxy Voting** : Introduced in 2003: Only Classified Service Voter that includes members of armed forces and paramilitary forces and person employed under GOI in a post outside India.
- **Postal Voting** : Ballot paper is transmitted through Electronic means to service voters (ETPBS) (Section 60 of Representation of People Act)



Criminal Procedure Identification Act 2022

- Passed in April 2022 and came into effect in August 2022.
- Replaces Identification of Prisoners Act 2020 authorising police officers to take measurements of people convicted, arrested or facing trial.

Criminal Procedure Identification Act 2022

- **List of details that can be collected :**
- (i) palm-print impressions, (ii) iris and retina scans, (iii) behavioural attributes such as signature and handwriting, and (iv) other physical and biological samples such as blood, semen, hair samples, and swabs, and their analysis.

Criminal Procedure Identification Act 2022

- **Persons whose details may be taken :**
- all convicts, arrested persons, as well as persons detained under any preventive detention law.
- Arrested persons will not be obliged to give their biological samples unless they have committed an offence against a woman or a child, or an offence punishable with a minimum of seven years of imprisonment.

Criminal Procedure Identification Act 2022

- **Retention of details:**

The details collected to be retained in digital or electronic form for 75 years from the date of collection.

The record may be destroyed in case of persons who: (i) have not been previously convicted, and (ii) are released without trial, discharged, or acquitted by the court, after exhausting all legal remedies

Criminal Procedure Identification Act 2022

- **Resistance to give details**

Will be considered an offence under the Indian Penal Code, 1860

Permits the collection of details about specified persons by either a prison officer (not below the rank of Head Warder), or a police officer (in charge of a police station, or at least at the rank of a Head Constable).

Rule-making power extended to the central government:

GST Council

- In a significant verdict, the Supreme Court on Thursday held that the recommendations of the GST council are not binding on the Parliament and State Legislatures.
- GST Council's recommendations binding on Government's rule making power; but not on legislative power.

GST Council

- The Government while exercising its rule-making power under the provisions of the CGST Act and IGST Act is bound by the recommendations of the GST Council.
- However, that does not mean that all the recommendations of the GST Council made by virtue of the power Article 279A (4) are binding on the legislature's power to enact primary legislations.

GST Council

- For example, Section 5 of the IGST Act provides that the taxable event, taxable rate, and taxable value shall be notified by the government on the "recommendations of the Council".
- Likewise, the power of the Central Government to exempt goods or services or both from levy of tax shall be exercised on the recommendations of the GST Council under Section 6 of the IGST Act.

GST Council

- Section 22 provides that the Government may exercise its rule making power on the recommendations of the GST Council.
- The CGST Act also provides for similar provisions in Sections 9, 11 and 164.

Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996

- Based on the recommendations of Dileep Singh Bhuria Committee, PESA Act was enacted in 1996
- Ministry of Panchayati Raj is the nodal Ministry for implementation of the provisions of PESA in the States
PESA Act is called a 'Constitution within the Constitution' as it provides for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas of 10 States under Article 244(1) read with Schedule 5, with certain modifications and exceptions

Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996

- Ten states are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana
- Recently, with PESA rules being notified, Chhattisgarh became the seventh state in the country to frame rules and implement PESA after Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Rajasthan and Telangana.

Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996

Salient Features

- State Legislation on Panchayats shall be in conformity with the customary law.
- Every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level.
- Every Gram Sabha needs to safeguard and preserve the traditions and customs of people.

Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996

Salient Features

- Gram Sabhas has roles and responsibilities in approving all development works in the village, identify beneficiaries, issue certificates of utilization of funds; powers to control institutions and functionaries in all social sectors and local plans.
- Every panchayat to have reservation of seats in proportion to the community population (minimum of 50 percent) with Chairperson of Panchayats at all level to be reserved for STs

Scheduled and Tribal Areas

- **Article 244 in Part X of the Constitution** envisages a special system of administration for certain areas designated as **'scheduled areas' and 'tribal areas'**.
- In the Article 244(1) of the Constitution, expression Scheduled Areas means such areas as the President may by order declare to be Scheduled Areas.
- **The Sixth Schedule of the Constitution**, on the other hand, deals with the **administration of the tribal areas in the four north-eastern states of Assam, Meghalaya, Tripura and Mizoram.**

Scheduled Areas

- Declaration – President is empowered to declare area as scheduled area.
- Executive power of state extends to scheduled areas therein. Annual report about administration of these areas by Governor to President.
- Each state with scheduled areas has to establish tribes advisory council consisting of 20 members , 75 percent are to be representatives of scheduled tribes in state assembly.
- Governor is empowered to direct that any particular act of parliament or state legislature does not apply to scheduled area or apply with specified modifications and exceptions.
- He can also make regulations for peace and good government after consultation with tribes advisory council.
- All regulations amending or repealing acts of parliament or state legislature require assent of president.



Tribal Areas

- The various features of administration contained in the **Sixth Schedule** are as follows:
- The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been **constituted as autonomous districts**. But, they do not fall outside the executive authority of the state concerned.
- The **governor is empowered to organise and re-organise the autonomous districts**. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.



Tribal Areas

- Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise.
- The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor. Each autonomous region also has a separate regional council.
- The district and regional councils administer the areas under their jurisdiction.
- They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs and so on. But all such laws require the assent of the governor.



Tribal Areas

- The district and regional councils within their territorial jurisdictions **can constitute village councils or courts for trial of suits and cases between the tribes.**
- The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.
- **The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.**
- The **governor can appoint a commission** to examine and report on any matter relating to the administration of the autonomous districts or regions.

Tribal Areas

- In the case of Assam, it lies with the Governor, both in respect of acts of Parliament or state legislature.
- In the case of Meghalaya, Tripura and Mizoram, it lies with the president in respect of acts of Parliament and governor in respect of acts of state legislature.

Ladakh demand for 6th schedule

- The Ministry of Home Affairs (MHA) recently formed a high-powered committee for the Union Territory of Ladakh to "ensure land and employment protection" for the people of Ladakh.
- For the past three years, civil society groups in Ladakh have been demanding protection of land, resources, and employment after the former state of Jammu and Kashmir's special status under Article 370 of the Constitution was revoked by Parliament in 2019.
- Recently, there have been demands for Ladakh to be included in 6th schedule of the constitution.

Ladakh demand for 6th schedule

- Purpose of the committee
 - ✓ To discuss measures to protect the region's unique culture and language taking into consideration its geographical location and strategic importance.
 - ✓ To strategize inclusive development and discuss issues related to the empowerment of the Ladakh Autonomous Hill District Councils of Leh and Kargil.

Ladakh demand for 6th schedule

- The UT has two Hill councils in Leh and Kargil, but neither is under the Sixth Schedule.
- Their powers are limited to collection of some local taxes such as parking fees and allotment and use of land vested by the Centre.
- A coalition of social, religious, and political representatives in Leh and Kargil has gone beyond the Sixth Schedule and demanded full statehood for Ladakh.

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Defamation and Disqualification of MP

- With the disqualification of a Lok Sabha MP due to conviction in a 2019 defamation case over his remarks over a political leader, issue of defamation is in news.

Defamation and Disqualification of MP

- The Member of Parliament for Wayanad district of Kerala was convicted in a 2019 defamation case, for saying 'why do all thieves have the name Modi', and sentenced him to two years in prison.
- The remarks were made during a rally in Kolar, Karnataka, in the run-up to the 2019 Lok Sabha elections.
- Punishment: Two years imprisonment and a fine of Rs 15,000, under Sections 499 (defamation) and 500 (punishment for defamation) of the Indian Penal Code (IPC).
- o Note: Two years imprisonment is the maximum punishment that can be awarded for this offense.

Defamation and Disqualification of MP

Exactly a day after his conviction, the Lok Sabha secretariat also notified a notification issued by the Lok Sabha Secretariat said Rahul “stands disqualified from the membership of Lok Sabha from the date of his conviction i.e. 23 March, 2023 in terms of the provisions of Article 102(1)(e) of the Constitution of India read with Section 8 of the Representation of the People Act, 1951”.



Defamation and Disqualification of MP

- Options available to Rahul Gandhi here onward?

His disqualification can be reversed if a higher court grants a stay on the conviction or decides the appeal in his favor.

The Supreme Court in its ruling in Lok Prahari v Union of India (2018) clarified that a disqualification triggered by a conviction will be reversed if the conviction is stayed by a court. “Once the conviction has been stayed during the pendency of an appeal, the disqualification which operates as a consequence of the conviction cannot take or remain in effect,” the ruling said.

The notification by the House Secretariat regarding Rahul will cease to be in effect if and when his conviction is stayed.

Defamation and Disqualification of MP

o If he does not get relief from the courts, he will be disqualified from contesting elections for eight years – two years of his sentence, plus six years under the provisions of the RP Act



Defamation and Disqualification of MP

Different provisions for disqualification of legislators in India?

1. Constitutional:

- o Article 102 of the Constitution deals with grounds for disqualification of a parliamentarian.
- o Sub-clause (e) of Article 102(1) says an MP will lose his membership of the House “if he is so disqualified by or under any law made by Parliament”. The law in this case is the RP Act.

2. Statutory: Section 8 of the RP Act deals with disqualification of a lawmaker for conviction in certain offenses. The provision is aimed at “preventing criminalisation of politics and keeping ‘tainted’ lawmakers from contesting elections

Defamation and Disqualification of MP

o Section 8(3) of the Representation of the People Act, 1951 states that “a person convicted of any offense and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.”

- 3. Codes: Section 500 of the Indian Penal Code (IPC) prescribes for defamation a simple imprisonment for a “term which may extend to two years, or with fine, or with both.”

Defamation and Disqualification of MP

What are other types of disqualification of the legislators?
Disqualification of a lawmaker is prescribed in three situations/Grounds.

- Ground First: Through the Articles 102(1) and 191(1) for disqualification of a member of Parliament and a member of the Legislative Assembly respectively. The grounds here include holding an office of profit, being of unsound mind or insolvent or not having valid citizenship.
- Ground 2: The second prescription of disqualification is in the Tenth Schedule of the Constitution, which provides for the disqualification of the members on grounds of defection.
- Ground 3 (the current case is about this): The third prescription is under The Representation of The People Act (RPA), 1951. This law provides for disqualification for conviction in criminal cases.



Defamation and Disqualification of MP

Lily Thomas case 2013: How has Law Changed?

- Under the RPA, Section 8(4) stated that the disqualification takes effect only “after three months have elapsed” from the date of conviction. Within that period, lawmakers could file an appeal against the sentence before the High Court.
- However, in the landmark 2013 ruling in ‘Lily Thomas v Union of India’, the Supreme Court struck down Section 8(4) of the RPA as unconstitutional.

Defamation and Disqualification of MP

Practice Question

Match the following provisions related to disqualification under the Representation of People Act (RPA):

1. Section 8 A. Disqualification for conviction of offenses.
2. Section 9 B. Disqualification for dismissal for corruption or disloyalty, and for entering into government contracts while being a lawmaker.
3. Section 10 C. Disqualification for failure to lodge an account of election expenses.
4. Section 11 D. Disqualification for corrupt practices.

Defamation and Disqualification of MP

Which of the pairs given above is/are correctly matched?

- a. 1 and 2 only
- b. 2 only
- c. 1 and 3 only
- d. 1, 2, 3 and 4

Answer (d)

WHY IN NEWS

- In **Saurav Das v. Union of India and ors**, The Supreme Court on Friday dismissed a plea to publish chargesheets filed by the police, the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) in public domain and on government websites.
- The two judge bench comprising **Justice MR Shah and Justice CT Ravikumar** held that chargesheets are **not 'public documents'** and enabling their free public access violates the provisions of the Criminal Code of Procedure as it compromises the rights of the accused, victim, and the investigation agencies.



WHAT IS A CHARGESHEET

Section 173 of CrPC

- It is defined as the final report prepared by a police officer or investigative agencies after completing their investigation of a case.
- After preparing the chargesheet the officer-in-charge of the police station forwards it to a Magistrate, who is empowered to take notice of the offences mentioned in it.

The chargesheet should contain

- Details of names,
- The nature of the information, and offences
- Whether the accused is under arrest, in custody, or has been released
- Whether any action was taken against him



WHAT IS A CHARGESHEET

➤ Section 173 of CrPC

A chargesheet must be filed against the accused within a prescribed period of 60-90 days, otherwise the arrest is illegal and the accused is entitled to bail.

Constitutional / Non Constitutional Bodies

TRAI

- It was established on 20th February, 1997 by the Telecom Regulatory Authority of India Act, 1997
- The head office of the Telecom Regulatory Authority of India (TRAI) is located at New Delhi
- The TRAI consists of a Chairperson, two whole-time members and two part-time members, all of which are appointed by the Government of India
- The Chairperson and other members shall hold their office for a term of three years or till the age of 65 years, whichever is earlier
-

Constitutional / Non Constitutional Bodies

TRAI

- TRAI's mission is to create and nurture conditions for growth of telecommunications in the country.
- TRAI regulates telecom services including fixation/revision of tariffs for telecom services which were earlier vested in the Central Government.
- It also aims to provide a fair and transparent policy environment which promotes a level playing field and facilitates fair competition.

Constitutional / Non Constitutional Bodies

National Consumer Disputes Redressal Commission (NCDRC) = It is a quasi-judicial

commission in India which was set up in 1988 under the Consumer Protection Act of 1986 +

Its head office is in New Delhi + The commission is headed by a sitting or retired judge of the

Supreme Court of India + The provisions of this Act cover 'goods' as well as 'services' + If a

consumer is not satisfied by the decision of a District Forum, he can appeal to the State

Commission. Against the order of the State Commission, a consumer can come to the National

Commission + Section 21 of the Consumer Protection Act, 1986 provides that the NCDRC

shall have jurisdiction to entertain complaints valued more than one crore and also have

Constitutional / Non Constitutional Bodies

- CCPA is a regulatory body established in 2020 based on the provisions of the Consumer Protection Act, 2019.
- CCPA works under the administrative control of the Ministry of Consumer Affairs.
- It will have a Chief Commissioner as head, and only two other commissioners as members – one of whom will deal with matters relating to goods while the other will look into cases relating to services.
- The CCPA will have an Investigation Wing that will be headed by a Director General.
- District Collectors too, will have the power to investigate complaints of violations of consumer rights, unfair trade practices, and false or misleading advertisements.

Constitutional / Non Constitutional Bodies

- Inquire or investigate into matters relating to violations of consumer rights or unfair trade practices suo moto, or on a complaint received, or on a direction from the central government.
- Recall goods or withdrawal of services that are “dangerous, hazardous, or unsafe.
- Pass an order for refund the prices of goods or services so recalled to purchasers of such goods or services; discontinuation of practices which are unfair and prejudicial to consumer’s interest”.
- Impose a penalty up to **Rs 10 lakh, with imprisonment up to two years**, on the manufacturer or endorser of false and misleading advertisements.

Constitutional / Non Constitutional Bodies

- The penalty may go up to Rs 50 lakh, with imprisonment up to five years, for every subsequent offence committed by the same manufacturer or endorser.
- Ban the endorser of a false or misleading advertisement from making endorsement of any products or services in the future, for a period that may extend to one year. The ban may extend up to three years in every subsequent violation of the Act.
- File complaints of violation of consumer rights or unfair trade practices before the District Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission, and the National Consumer Disputes Redressal Commission.

Constitutional / Non Constitutional Bodies

- Six consumer rights have been defined in the Consumer Protection Act 2019 , including
 1. Right to safety,
 2. Right to be Informed,
 3. Right to choose,
 4. Right to be heard,
 5. Right to seek redressal
 6. Right to consumer education.

Constitutional / Non Constitutional Bodies

- Consumer Disputes Redressal Commissions (CDRCs) will be set up at the district, state, and national levels.

A consumer can file a complaint with CDRCs in relation to:

- unfair or restrictive trade practices;
- defective goods or services;
- overcharging or deceptive charging; and
- the offering of goods or services for sale which may be hazardous to life and safety.

Constitutional / Non Constitutional Bodies

- The District CDRC will entertain complaints where value of goods and services does not exceed Rs one crore.
- The State CDRC will entertain complaints when the value is more than Rs one crore but does not exceed Rs 10 crore.
- Complaints with value of goods and services over Rs 10 crore will be entertained by the National CDRC.

Constitutional / Non Constitutional Bodies

- The act provides for reference to mediation by Consumer Commissions wherever scope for early settlement exists and parties agree for it.
- Mediation Cells to be attached to Consumer Commissions. Mediation to be held in consumer mediation cells.
- Panel of mediators to be selected by a selection committee consisting of the President and a member of Consumer Commission.

Constitutional / Non Constitutional Bodies

E-commerce portals will have to :

- set up a robust consumer redressal mechanism
- mention the country of origin which are necessary for enabling the consumer to make an informed decision at the pre-purchase stage on its platform.
- to acknowledge the receipt of any consumer complaint within forty-eight hours and redress the complaint within one month from the date of receipt under this Act.

Constitutional / Non Constitutional Bodies

E-commerce portals will have to :

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- to acknowledge the receipt of any consumer complaint within forty-eight hours and redress the complaint within one month from the date of receipt under this Act.

Constitutional / Non Constitutional Bodies

- Enforcement Directorate (ED) It is a financial investigation agency under Department of Revenue, Ministry of Finance
- It was established in 1956 with its Headquarters at New Delhi
- It is responsible for enforcement of Foreign Exchange Management Act, 1999 (FEMA) and certain provisions under PMLA, 2002 in addition to Fugitive Economic Offenders Act 2018.
- FEMA is a civil law while PMLA is criminal law
- In 2021, Parliament has passed a bill to extend the tenure of director of ED to a maximum of five years.

Delimitation Commission

- The EC announced on December 27, 2022, that the Delimitation of Assam's Assembly and Parliamentary constituencies would be based on data from the 2001 Census.
- On May 5, 2022, the Delimitation Commission turned in its final proposal for Jammu and Kashmir. Six new legislative seats were proposed to be created for Jammu and one for Kashmir in the proposal.

Delimitation Commission

- After each Census, the Parliament enacts a Delimitation Act in accordance with Article 82.
- According to Article 170, after each Census, States are also divided into territorial constituencies in accordance with the Delimitation Act.
- The Union government creates a Delimitation Commission once the Act is in effect.

Delimitation Commission

- In 1950–1951, the President conducted the first delimitation exercise with the assistance of the Election Commission.
- In 1952, the Delimitation Commission Act was passed.
- Under the Acts of 1952, 1962, 1972, and 2002, Delimitation Commissions were established four times: in 1952, 1963, 1973, and 2002.
- The delimitation was absent following the 1981 and 1991 Censuses.

Constitutional / Non Constitutional Bodies

- The last Commission was set up in 2002 but before its exercise was completed in 2008, the delimitation of four north-eastern States – Arunachal Pradesh, Assam, Manipur and Nagaland – was deferred due to “security risks” through separate presidential orders.
- Jammu and Kashmir was also left out of that delimitation exercise for similar reasons.
- The Central government reconstituted the Delimitation Commission for the four north-eastern States and the Union Territory of Jammu and Kashmir on March 6, 2020.
- As per section 8A of RPA 1950, President can order delimitation exercise to be carried out in Arunachal Pradesh, Assam, Manipur and Nagaland.