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BY **PHYSICS WALLAH**



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FOR PRELIMS 2023

ONE STOP SOLUTION FOR **CURRENT AFFAIRS**



INDIAN POLITY & CONSTITUTION



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**INDIAN POLITY
&
CONSTITUTION**

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ARTICLE 142

News: In ordering the release of Rajiv Gandhi assassination case convict A G Perarivalan on May 18, the Supreme Court invoked the extraordinary power conferred on the court under Article 142 of the Constitution.

About:

- **Art 142:** Enforcement of decrees, orders of Supreme Court and orders as to discovery, etc.
- **Provisions:** This article has 2 provisions –
 - **Article 142(1):** The Supreme Court may pass an order for doing complete justice.
 - ◆ The objective of Article 142(1) is that the Supreme Court must not be dependent on the executive for the enforcement of its decrees and orders.
 - ◆ Such dependence would otherwise violate the principles of independence of the judiciary and separation of powers, both of which are part of the basic structure of the Constitution.
 - ◆ In Supreme Court Bar Association v. Union of India (1998), it was decided that this article:
 - > Cannot be used to override the existing law, but only to supplement the law and
 - > Can be invoked for procedure purposes only.
 - **Article 142(2):** It confers three different powers on the Supreme Court. They are:
 - ◆ Securing the attendance of persons before it.
 - ◆ Discovery and production of documents
 - ◆ Investigation and punishment of contempt of itself.

ARTICLE 192

News: Election Commission (EC) has turned down Jharkhand Chief Minister's request to disclose its opinion shared with the state Governor in the disqualification matter against him.

About:

- **Article 192 (2):** Any communication between the Election Commission and a Governor is “privileged” under Article 192 (2) of the Constitution and revealing it before an order is passed by the Governor would amount to “a breach of constitutional propriety”.
- **DD Thaisii Vs Election Commission of India:**
 - It is regarding the EC's opinion on a complaint seeking the disqualification of 12 BJP MLAs from the Manipur Assembly.
 - In this matter, the EC has said, the apex court did not order it to disclose its opinion after the counsel for the poll panel informed the court that disclosure of privileged communication would be improper.
- **RTI Act:** The EC also said that any document pertaining to a reference received from the Governor under Article 192(2) is also exempt from disclosure under the RTI Act unless a final order is passed by the Governor.
- **Section 9A of the Representation of the People Act, 1951:**
 - Section 9A prohibits elected representatives from entering into any contract with the government for the “supply of goods” or “execution of any works undertaken” by it.
 - The Chief Minister was allegedly misusing his position to allot a stone-mining lease to himself last year.

ARTICLE 341

News: The Allahabad High Court has quashed Uttar Pradesh government orders through which 17 sub-castes from Other Backward Classes (OBC) were notified as Scheduled Castes (SC).

About:

- **Under Article 341,** any change to the list of Scheduled Castes specified in this President's order can only be made by Parliament by law.
- A petition was filed in the High Court challenging UP Government Orders issued in 2016 whereby members

of certain 'Other Backward Castes' were sought to be declared as Scheduled Castes.

- The petitioner had argued that only the Parliament of the country has the right to include any caste in the SC list as per the provision under Article 341 of the Constitution.
- **Court Order:**
 - The court quashed the orders of the Uttar Pradesh Government recognizing 17 Other Backward Classes sub-castes as Schedule Caste.
 - The court said only the Parliament had the power to add to the Schedule Caste list as per Article 341 of the Constitution.
- **Note:** The Constitution (Scheduled Castes) Order, 1950 alone can specify which castes, races or tribes or

groups within castes, races, or tribes shall be regarded as Scheduled Castes under the Constitution in relation to a particular State or a Union Territory.

- This Constitution (Scheduled Castes) Order has to be **made by the President of India.**

ARTICLE 348

News: A Division Bench of the Gujarat High Court recently asked a journalist facing contempt of court proceedings to speak only in English as that was the language in the higher judiciary.

Article 348:

- It provides for **languages to be used in the Supreme Court, High Courts, Acts, Bills, etc.**

Article 348 (1)	Article 348 (2)
• Provides that all proceedings in the Supreme Court and in every High court shall be in the English Language until Parliament by law otherwise provides.	• The Governor of the State may, with the previous consent of the President, authorize the use of the Hindi language or any other language used for any official purpose of the State, in the proceedings of the High Court having its principal seat in that State provided that decrees, judgments or orders passed by such High Courts shall be in English.

- **Section 7 of the Official Languages Act, 1963**, provides that the use of Hindi or the official language of a State in addition to the English language may be authorized.
- This has to be done with the **consent of the President of India, by the Governor of the State** for the purpose of judgments, etc. made by the High Court for that State.

ARTICLE 355

News: West Bengal Congress president renewed his calls to invoke Article 355 in the state given the violence that broke out in the Birbhum district.

About:

Article 355: It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution.

Cases for invocation of Art. 355:

- This article thus comes in handy when there are communal violence incidents. Over the period, this article has gained a different texture.
 - We know that the **"public order" and "police" are state subjects** and states have exclusive power to legislate on these matters.
 - These subjects were entrusted to states because **states would be in a better position to handle any law and order problem.** Management of Police by states was also seen as administratively convenient and efficient.
 - However, there might be some circumstances where states are unable to maintain public order and protect people.
 - In such a situation, the centre can invoke article 355 and take measures such as taking law and order of state under its own hand, deploying the military, etc.



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Constitutional Developments

FUNDAMENTAL DUTIES

News: The Supreme Court asked the Union and the State governments to respond to a petition to enforce the fundamental duties of citizens, including patriotism and unity of the nation, through “comprehensive, well-defined laws”.

About:

- Fundamental Duties were incorporated in **Part IV-A** of the Constitution by the **42nd Constitution Amendment Act, 1976**, during the Emergency under Indira Gandhi’s government on the recommendation of the **Swaran Singh Committee**.
- At present, there are **11 Fundamental Duties** described under **Article 51-A**, of which **10 were introduced by the 42nd Amendment** and the **11th was added by the 86th Amendment in 2002**, during Atal Bihari Vajpayee’s government.
- These are **statutory duties, not enforceable by law**, but a **court may take them into account while adjudicating a matter**.
- The idea behind their incorporation was to **emphasize the obligation of the citizen** in exchange for the Fundamental Rights that he or she enjoys.
- The concept of Fundamental Duties is **taken from the Constitution of Russia**.
- **The 11 Fundamental Duties are:**
 - To abide by the constitution and respect its ideals and institutions, the **National Flag, and the National Anthem**.
 - To cherish and follow the noble ideals which inspired our **national struggle for freedom**.
 - To **uphold and protect the sovereignty, unity, and integrity of India** — it is one of the preeminent national obligations of all the citizens of India.
 - To **defend the country and render national service** when called upon to do so.
 - To **promote harmony and the spirit of common brotherhood** amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women

- To **value and preserve the rich heritage of our composite culture** — our cultural heritage is one of the noblest and richest, it is also part of the heritage of the Earth.
- To **protect and improve the natural environment** including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.
- To **develop the scientific temper, humanism, and the spirit of inquiry and reform**.
- To **safeguard public property** and to **abjure violence**.
- To **strive towards excellence in all spheres of individual and collective activity** so that the nation constantly rises to higher levels of endeavour and achievement.
- Who is a parent or guardian to **provide opportunities for education to his child or, as the case may be, ward** between the age of six and fourteen years.
- Though fundamental duties are **not enforceable** like fundamental rights they cannot be overlooked as duties in Part IV A.
- **They are prefixed by the same word “fundamental”** which was prefixed by the founding fathers of the Constitution to ‘right’ in Part III.

Supreme Court’s Stand on Fundamental Duties:

- The Supreme Court’s **Ranganath Mishra judgment 2003** held that fundamental duties should not only be enforced by legal sanctions but **also by social sanctions**.
- In **AIIMS Students Union v. AIIMS 2001**, it was held by the Supreme Court that fundamental duties are equally important as fundamental rights.

NINTH SCHEDULE

News: Supreme Court struck down the 10.5% internal reservation to the Vanniyakula Kshatriya community in Tamil Nadu. Reservation in Tamil Nadu comprises 69% under a 1994 Act protected under the Ninth Schedule of the Constitution.

About:

- The **Ninth Schedule** was added by the **first amendment** to the Indian Constitution.
- It was **introduced on 10th May 1951** by the **Jawaharlal Nehru Government** to protect land reform laws from being challenged in the courts on the grounds of violation of fundamental rights.
- The Ninth Schedule **contains a list of central and state laws which cannot be challenged in court.**
- **Currently**, about 284 such laws are shielded from judicial review. Most of the laws protected under the Schedule concern **agriculture/land issues.**
- **It was created by the new Article 31B:**
 - **Article 31B also has a retrospective operation** which means that if laws are inserted in the Ninth Schedule after they are declared unconstitutional, they are considered to have been in the Schedule since their commencement, and thus valid.
 - While most of the laws protected under the Schedule concern agriculture/land issues, the list includes other subjects.
- Although Article 31B excludes judicial review, **the apex court has said in the past that even laws under the Ninth Schedule would be open to scrutiny if they violated Fundamental Rights or the basic structure of the Constitution.**

Additional Insights

- In **I R Coelho v State of Tamil Nadu**, the Supreme Court ruled that while laws placed under Ninth Schedule cannot be challenged on the grounds of violation of fundamental rights, they can be challenged on the ground of violating the basic structure of the Constitution.
- The court clarified that the **laws cannot escape the “basic structure”** test if inserted into the Ninth Schedule after 1973 as it was in 1973 that the basic structure test was evolved in the **Kesavananda Bharati case** as the ultimate test to examine the constitutional validity of laws.

1ST CONSTITUTIONAL AMENDMENT ACT, 1951

News: The Supreme Court agreed to examine a PIL challenging changes made to the right to freedom of speech and expression by the first amendment to the Constitution in 1951, with the petitioner contending that the amendment damages the basic structure doctrine.

About:

- It was passed under **India’s first Prime Minister Jawaharlal Nehru in 1951.**
- The first amendment to the Constitution **altered articles 15, 15 (3), 46, 341, 342, 372 and 376**, empowering States to ‘make any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes’.
- Post first Amendment, the state is prevented from enacting laws curbing citizens’ rights to freedom of expression and to practise any trade, occupation or business.
- **Features of amendment:**
 - It prevents States from making laws permitting them to acquire any citizen’s estate.
 - The **amendment added a ninth schedule to the Constitution**, listing a number of State laws which cannot be challenged in courts.
- The **amendment also introduced three new exceptions to the right to free speech.**
- Now, citizens did not have the right to speak freely if their words imperilled:
 - “Public order”,
 - “Incited the commission of an offence”, or
 - Affected “friendly relations with foreign States”.

Other changes brought in by first amendment:	Empowering the President/Governor to summon or prorogue each House for a session in an interval of less than six months,
	Disallowing judges who are not Indian citizens from being appointed as Chief Justices of any High Court or judges of any other court, and
	Disallowing the President from modifying any law within three years from the commencement of the Constitution.

DOCTRINE OF PITH AND SUBSTANCE

- **Pith means 'true nature' or 'essence of something' and Substance means 'the most important or essential part of something'.**
- It says that where the question arises of determining whether a particular law relates to a particular subject (mentioned in one List or another), the **court looks to the substance of the matter.**
- Thus, if the substance falls within Union List, then the incidental encroachment by the law on the State List does not make it invalid.
- The Supreme Court in various cases like Calcutta Gas Company case (1962), India Cement Ltd Vs. State of Tamil Nadu (1990), Jilubhai Nanbhai Khachar case (1994) referred to the principle of Pith and Substance.
- It is **essential to ascertain the true nature and character of a legislation for the purpose of determining the List under which it falls.**

91ST CONSTITUTIONAL AMENDMENT ACT, 2003

News: Recently a politician in Goa was accorded the lifetime status of the rank of Cabinet Minister who was a six-time Chief Minister of Goa and a legislator for a full 50 years. Hence a PIL has been filed in the High Court of Bombay at Goa.

About:

- **Objective of 91st amendment:** to prevent jumbo Cabinets and the resultant drain on the public exchequer.
- The Constitution (91st Amendment) Act, 2003 **inserted clause 1A in Article 164.**
- It says the **total count of Ministers, including the Chief Minister, in the Council of Ministers in a**

State shall not exceed 15% of the total number of members of the Legislative Assembly of that State.

- It provided a condition that the **number of Ministers, including the Chief Minister in a State shall not be less than twelve.**
- **Similar amendments were also made under Article 75:**
 - According to it, the **Prime Minister shall be appointed by the President** and the other Ministers shall be appointed by the President on the advice of the Prime Minister.
 - The total number of ministers, including the Prime Minister, in the COM **shall not exceed 15% of the total strength of the Lok Sabha.**

Council of Ministers (CoM)

- **Article 74:** deals with the status of the council of ministers.
- **Article 75:** deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.
- COM consists of **three categories of ministers:**
 1. **Cabinet Ministers:** Head the important ministries of the Central government like home, defense, finance, external affairs and so forth. The Cabinet is the chief policy formulating body of the Central government.
 2. **Ministers of State:** Can either be given independent charge of ministries/ departments. They can be attached to cabinet ministers.
 3. **Deputy Ministers:** Attached to the cabinet ministers or ministers of state. Assists them in their administrative, political, and parliamentary duties.
- **The Prime Minister stands at the top of all these ministers.**

Public Interest Litigation:

Origin:	• Heralded by Justice P.N. Bhagawati in the case of S.P. Gupta vs. Union of India 1981. • According to the case: any member of the public or social action group acting "Bonafide" can invoke the Writ Jurisdiction of the High Courts (under article 226) or the Supreme Court (under Article 32).
About:	• Litigation filed in a court of law, for the protection of "Public Interest", such as Pollution, Terrorism, Road safety, Constructional hazards etc. • Any matter where the interest of the public at large is affected can be redressed by filing a Public Interest Litigation in a court of law. • It is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of the public at large. • Public interest litigation is the power given to the public by courts through judicial activism. • However, the person filing the petition must prove to the satisfaction of the court that the petition is being filed for a public interest.

	• The court can itself take cognizance of the matter and proceed suo-motu or cases can commence on the petition of any public-spirited individual. • Through PIL any person can seek redressal against violation of legal or constitutional rights of persons who due to social or economic or any other disability cannot approach the Court.
Subjects under PIL:	• Bonded Labour matters. • Neglected Children. • Non-payment of minimum wages to workers and exploitation of casual workers. • Atrocities on women. • Environmental pollution and disturbance of ecological balance. • Food adulteration. • Maintenance of heritage and culture.

MINORITY STATUS IN INDIA

News: Recently, while hearing a petition, the Supreme Court has said that the Minority status of religious and linguistic communities is “State-dependent”.

About:

- **Every person in India can be a minority in one State or the other.** A Marathi can be a minority outside his home State e.g., Maharashtra. Similarly,

a Kannada-speaking person may be in minority in States other than Karnataka.

- Court indicated that a religious or linguistic community which is a minority in a particular State, can inherently claim protection and the right to administer and run its own educational institutions under **Articles 29 and 30 of the Constitution**.
- **Minorities notified by the Government of India:**
 - In **1993**, the first Statutory National Commission was set up and **five** religious communities viz. **The Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities.**
 - In 2014, **Jains** were also notified as a minority community.

Constitutional Provisions for Minority:

Article 29:	• It provides that any section of the citizens residing in any part of India having a distinct language, script or culture of its own, shall have the right to conserve the same. • It grants protection to both religious minorities as well as linguistic minorities. • However, the SC held that the scope of this article is not necessarily restricted to minorities only, as use of the word ‘section of citizens’ in the Article includes minorities as well as the majority.
Article 30:	• All minorities shall have the right to establish and administer educational institutions of their choice. • The protection under Article 30 is confined only to minorities (religious or linguistic) and does not extend to any section of citizens (as under Article 29).
Article 350-B:	• The 7th Constitutional (Amendment) Act 1956 inserted this article which provides for a Special Officer for Linguistic Minorities appointed by the President of India. • It would be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution.

DOCTRINE OF COLOURABLE LEGISLATION

- It is based on the **maxim that what cannot be done directly cannot also be done indirectly.**
- It depicts the notion that **legislation cannot be used under 'colour' or 'guise' of power** which was conferred for one purpose and used for some other purpose which is otherwise not valid.
- It is built upon the founding stones of the **Doctrine of Separation of Power.**
- It is a tool devised and applied by the Supreme Court to interpret Constitutional provisions to avoid any unjust or fraudulent use of Indian laws.
- In **"Balaji v. State of Mysore"** case, SC held that the order reserving 68% of the seats for students belonging to backward classes was violative of Article 14 in disguise of making a provision under Article 15(4).

AN INSTITUTION'S RIGHT TO GOVERNMENT AID IS NOT A FUNDAMENTAL RIGHT SUPREME COURT (SC)

News: The SC judgment came in response to an appeal filed by Uttar Pradesh against a decision of the Allahabad High Court to declare a provision of the Intermediate Education Act of 1921 unconstitutional.

Observation of the Supreme Court:

- The right of an institution, whether run by a majority or minority community, to get government aid is not a fundamental right.
- Both have to equally follow the rules and conditions of the aid.
- The Bench clarified that if the government made a policy call to withdraw aid, an institution cannot question the decision as a "matter of right."

Relevant Constitutional Articles:

Article 29:	Protection of language, script and culture of minorities.
Article 30:	Right of minorities to establish and administer educational institutions.
Article 30(2):	States that on the ground that an institution is under the management of a minority, whether based on religion or language, grant of aid to that educational institution cannot be discriminated against, if other educational institutions are entitled to receive aid.

T.M.A Pai decision in its judgment:

- A Bench of 11 judges adjudged the question of the scope of the right of minorities to establish and administer educational institutions of their choice under Article 30(1)[1] read with Article 29(2)[2] of the Constitution.
- The judgment dealt with rights and permissible restrictions of the minority (aided and unaided) institutions.

AMENDABILITY OF PREAMBLE

News: Rajya Sabha reserved its decision to allow the introduction of a Private Member's Bill to amend the Preamble to the Constitution.

About the Recent Constitution (Amendment) Bill, 2021:

- **It was** introduced by BJP Member from Kerala K J Alphons.

- **It seeks to change the words in the Preamble "EQUALITY of status and of opportunity" to "EQUALITY of status and of opportunity to be born, to be fed, to be educated, to get a job and to be treated with dignity".**
- It also **seeks to replace the word "socialist" with "equitable".**
- The Bill also **proposes adding "access to information technology" and "happiness" as objectives.**

Amendability of Preamble:

- The preamble, being a **part of the Constitution can be amended under Article 368 of the Constitution** without altering its basic structure.
- As of now, the preamble is **only amended once through the 42nd Amendment Act, 1976 which added three new words- Socialist, Secular and Integrity.**
- **Kesavananda Bharati vs State of Kerala, 1973:** Parliament cannot change the basic structure of the Constitution.



Preamble as part of the constitution:

Berubari Union Case (1960):	• The Supreme Court opined that the Preamble was not part of the constitution.
Keshavananda Bharati case (1973):	• Preamble is part of the constitution.
LIC of India case (1995):	• Preamble is an integral part of the constitution.

About Preamble:

- Though **preamble is part of the constitution**; It is **neither a source of power to legislature nor a prohibition upon the powers of legislature**.
- It is **non-justiciable**, that is, its provisions are **not enforceable in any courts of law**.
- **Four important aspects can be ascertained from the above text of the preamble:**
 1. **Source of authority of the constitution:** It derives its authority from the people of India.
 2. **Nature of Indian state:** It declares India to be a sovereign, socialistic, secular democratic and republican polity.
 3. **Objectives of the constitution:** It specifies justice, liberty, equality and fraternity as the objectives.
 4. **Date of adoption:** Nov 26th, 1949.
- In case of multiple Bills, a **ballot system** is used to decide the sequence of bills for introduction.
- The **Parliamentary Committee on Private Member's Bills and Resolutions** goes through all such Bills and classifies them based on their urgency and importance.
- Its **rejection by the House has no implication on the parliamentary confidence** in the Government or its resignation.

Previous PMBs:

- The **last time** a private member's bill was passed by both Houses was in **1970**. It was the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968.
- **14 private member's bills** — five of which were introduced in Rajya Sabha — have become law so far. Some other private member bills that have become laws include :
 - Proceedings of Legislature (Protection of Publication) Bill, 1956, in the Lok Sabha.
 - The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1964, introduced in the Lok Sabha.
 - The Indian Penal Code (Amendment) Bill, 1967 introduced in the Rajya Sabha.



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3

Union Territories

UNION TERRITORIES

News: Punjab chief minister moved a resolution in the Assembly, seeking the immediate transfer of Chandigarh to Punjab.

About:

- Union Territories (UT) are **governed directly by the Union**.
- **Part VIII of the Constitution** is concerned with the administration of the Union Territories.
- The **President of India appoints an administrator or Lieutenant Governor for each UT**. In practice, this means that the Union Territories follow the central government's will.
- The **concept of Union Territories** was not in the original version of the Constitution but was **added by the Constitution (Seventh Amendment) Act, 1956**.
- There are differences in the governing of UTs depending upon whether they have a legislative assembly or not.
- The smaller ones are governed directly by the centre, for example, Chandigarh, Daman and Diu, and Dadar and Nagar Haveli are UTs with no elected assemblies.
- On the other hand, Puducherry and J&K are UTs with a legislative assembly and government, along with an LG. New Delhi is altogether different and its status lies between a UT and a state.
- **According to Article 3** of the Indian Constitution, the constitutional power to create new states and union territories in India is solely reserved to the Parliament of India.
- Parliament can do so by announcing new states/union territories, separating territory from an existing state



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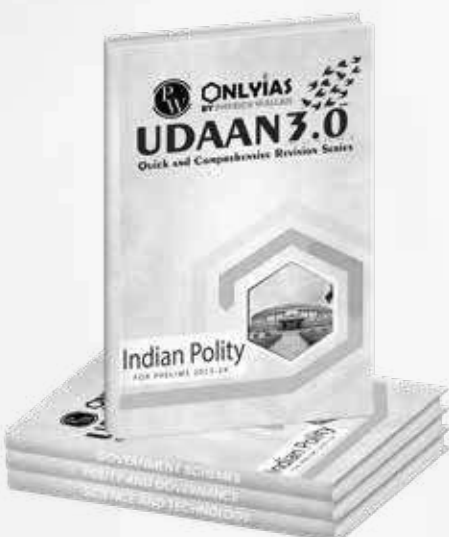
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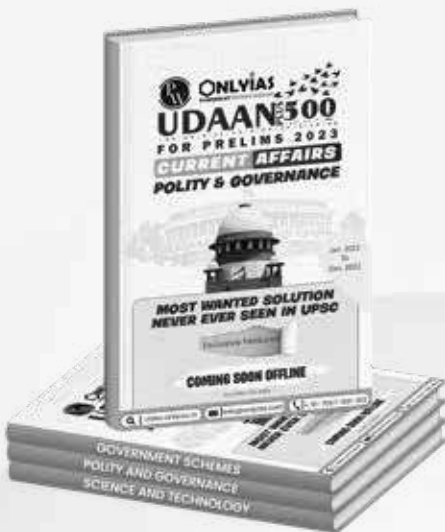
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RESIDENT BUT NOT ORDINARY RESIDENT (RNOR) TAG

News: Recently, Overseas Indians float local trusts to escape the Resident but Not Ordinary Resident (RNOR) tag.

About:

- **An RNOR is a non-resident Indian who:**
 - Has been an NRI in 9 out of the 10 previous years preceding to that year, OR
 - Has, during the 7 previous years preceding that year, been in India for a period of, or periods amounting in all to 729 days or less, OR
 - An Indian Citizen, who is not a tax resident of any other country, and having a total income of Rs 15 lakh and more (Excluding income from foreign sources), OR
- An Indian Citizen, or a PIO, having Income in India of Rs 15 lakh or more (Excluding Income from foreign sources), and the period of stay in India was 120 days and more but less than 182 days.
- The **status of an RNOR lies in between that of a non-resident Indian who stays more than 181 days in the country and a regular resident Indian.**
- **Impacts:** An RNOR has to fork out higher tax - unlike an NRI who pays a much lower tax (of 12.5% to 15%) in accordance with the respective tax treaty between India and the country where she is based.
- But more than the tax impact, there is a fear that this may be the first step towards a mandatory disclosure of all overseas assets.
- Currently, only resident Indians have to spell out their foreign assets in the Income Tax (I-T) return forms while NRIs and RNORs do not have to make any such disclosure. This may change for RNORs.



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HATE SPEECH

News: A recent religious conclave held in Haridwar witnessed inflammatory and provocative speeches by proponents of Hindutva, many of them leaders of religious organisations. Political parties and concerned citizens have termed these as 'hate speech'.

About:

- There is **no specific legal definition of 'hate speech'**.
- In general, **hate speech is considered a limitation on free speech** that seeks to prevent or bar speech that exposes a person or a group or section of society to hate, violence, ridicule or indignity.
- Provisions in law criminalise speeches, writings, actions, signs and representations that foment violence and spread disharmony between communities and groups and these are understood to refer to 'hate speech'.

How is it treated in Indian law?	• Sections 153A and 505 of the Indian Penal Code are generally taken to be the main penal provisions that deal with inflammatory speeches and expressions that seek to punish 'hate speech'. • Section 153A: 'promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony', is an offence punishable with three years' imprisonment. • Section 505 of IPC: makes it an offence to make "statements conducing to public mischief".
Article 19 and Hate Speech:	• Article 19(2) of the Constitution guarantees freedom of speech and expression to all citizens of India. • This article is subjected to certain restrictions, namely, sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. • Provisions in clauses (2) to (6) of Article 19 authorizes the State to restrict the exercise of the freedom guaranteed under the article.
Shreya Singhal v. Union of India:	• Issues were raised about Section 66A of the Information Technology Act, 2000 relating to the fundamental right of free speech and expression guaranteed by Article 19(1) (a) of the Constitution, where the Court differentiated between discussion, advocacy, and incitement and held that the first two were the essence of Article 19(1).

Hijab & Freedom of Religion

News: Six students were banned from entering a college in Karnataka's Udupi district for wearing a hijab (a head covering worn in public by some Muslim women).

About the Protection of Religious Freedom Protected under the Constitution:

- Article 25(1) of the Constitution guarantees the freedom of conscience and the right to freely profess, practice and propagate a religion. It includes:

Freedom of conscience	Inner freedom of an individual to mold his relation with God or Creatures in whatever way he desires.
Right to Profess	Declaration of one's religious beliefs and faith openly and freely.
Right to Practice	Performance of religious worship, rituals, ceremonies and exhibition of beliefs and ideas.
Right to Propagate	Transmission and dissemination of one's religious beliefs to others or exposition of the tenets of one's religion.

- However, like all fundamental rights, the **state can restrict the right** on the grounds of public order, decency, morality, health and other state interests.
- Prescription of school uniform does not violate either right to freedom of speech and expression under **Article 19(1) (a) or right to privacy under Article 21**.
- Further, restriction against wearing of hijab in educational institutions is only a **reasonable restriction** constitutionally permissible.

Essential Religious Practice Test

- **It was evolved by the Supreme Court (SC) in 'Shirur Mutt' case (1954)** to protect only such religious practices which were essential and integral to the religion. Court held that the term "religion" will cover all rituals and practices "integral" to a religion, and took upon itself the responsibility of determining essential and non-essential practices of a religion.
- This attempt to differentiate essential and non-essential practices was taken up in various judgments.
- **The Essential Religious Practices Test and the SC cases:**

Shirur Mutt case, 1954	The term "religion" will cover all rituals and practices "integral" to a religion. The test to determine what is integral is termed the "essential religious practices" test.
Ananda Marga sect, 2004	The sect had no fundamental right to perform Tandava dance in public streets, since it did not constitute an essential religious practice of the sect.

SEDITION LAW

News: Calling for abolishing the law on sedition, former Supreme Court judge Rohinton Nariman has expressed concern on booking critics of the government for sedition.

About:

- **Background:** The law was **originally drafted in 1837 by Thomas Macaulay**, the British historian-politician, but was inexplicably omitted when the Indian Penal Code (IPC) was enacted in 1860.
- **Section 124A was inserted in 1870 by an amendment introduced by Sir James Stephen** when it felt the need for a specific section to deal with the offence. Sedition is a **crime under Section 124A of the IPC**.

Section 124A IPC:

- It **defines sedition as an offence committed when** "any person by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India".
- Disaffection includes disloyalty and all feelings of enmity. However, comments without exciting or attempting to excite hatred, contempt or disaffection, will not constitute an offence under this section.

- **Punishment for the Offence of Sedition:** Sedition is a non-bailable offence. Punishment under the Section 124A ranges from imprisonment up to three years to a life term, to which fine may be added. A person charged under this law is **barred from a government job**.
- They have to live **without their passport and must produce themselves in the court at all times as and when required**.

Relevant Supreme Court judgements:

- **Kedar Nath Singh vs State of Bihar case (1962):** The court ruled that comments-however strongly worded-expressing disapprobation of the actions of the government without causing public disorder by acts of violence would not be penal.
- **Balwant Singh vs State of Punjab (1995) case:** The Supreme Court had clarified that merely shouting slogans, in this case Khalistan Zindabad, does not amount to sedition. Evidently, the sedition law is being both misunderstood and misused to muzzle dissent.

FUNDAMENTAL RIGHTS OF FOREIGNERS

News: The Union government has urged the Supreme Court to help lay down a law with a “long-lasting” implication for the country on the subject of Foreigners’ Right to approach local courts for relief after violating their visa conditions.

About:

- There are certain rights which are **fundamental to the all-round development of an individual**.
- These rights are **recognized by the state and guaranteed by the Constitution itself**. These rights are termed as Fundamental Rights (FRs).
- Promoting the **ideal of political democracy**, Fundamental Rights **prevent arbitrary rule of the state**.
- **Fundamental Rights Available to Foreigners:**
 - **Article 14:** Equality before law and equal protection of law.
 - **Article 20:** Protection in respect of conviction of offence.
 - **Article 21:** Protection of life and personal liberty.
 - **Article 21 A:** Right to Education.
 - **Article 22:** Protection against arrest and detention in certain cases.
 - **Article 23:** Prohibition of human trafficking and forced labour.
 - **Article 24:** Prohibition of employment of children in factories.
 - **Article 25:** Freedom of conscience and free profession, practice and propagation of religion.
 - **Article 26:** Freedom to manage religious affairs.
 - **Article 27:** Freedom from payment of taxes for promotion of any religion.
 - **Article 28:** Freedom from attending religious instruction or worship in certain educational institutes.

PUBLIC ORDER

News: The Karnataka High Court is hearing a challenge to the constitutionality of the state government’s ban on students wearing a hijab in educational institutions on the ground that it violates ‘public order’.

About:

- It is normally **equated with public peace and safety**.
- It is **one of the three grounds** on which the state can restrict freedom of religion and Free speech and other fundamental rights.
- **Article 25** of the Constitution guarantees to all persons freedom of conscience and free profession, practice and propagation of religion, subject to public order, morality and health.
- Public order is a **duty imposed on the District Magistrate** to assess whether it is necessary to rush to the spot where law and order has been breached to prevent violence spreading and ease tension.
- **‘Police’ and ‘Public Order’ are State subjects (List 2)** under the Seventh Schedule to the Constitution of India.
- Therefore, it is the **primary duty of the State Governments** to prevent, detect, register and investigate crime and prosecute the criminals.
- However, the **Central Government supplements the efforts of the State Governments** by providing them financial assistance.
- **How does it relate to the hijab ban?**
 - According to the government order issued on February 5 under the Karnataka Education Act, 1983, “public order” is one of the reasons for not allowing students to wear a headscarf in educational institutions along with “unity” and “integrity.”

Ram Manohar Lohia vs State of Bihar (1965):

- The Supreme Court held that in the case of ‘public order’, the community or the public at large have to be affected by a particular action.
- The contravention of law always affects order but before it can be said to affect public order, it must affect the community or the public at large.

News: According to the latest crime statistics released by the National Crime Records Bureau (NCRB), there is a rise in Preventive detentions in 2021 of about 23% compared to 2020, with over 1.1 lakh people being placed under preventive detention.

About:

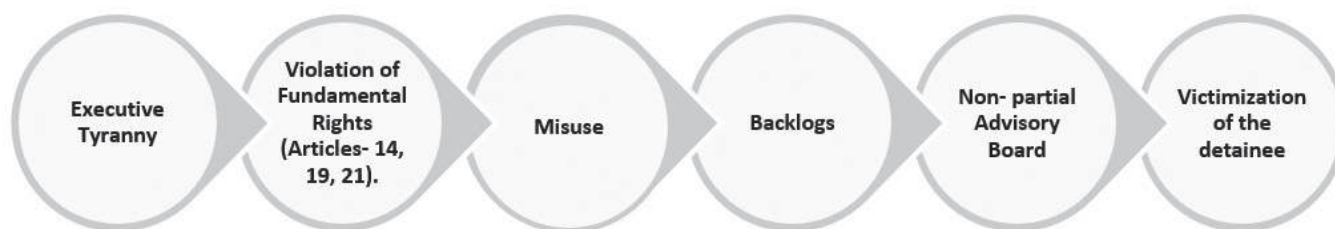
- **Article 22:** Article 22 of the Indian Constitution **grants protection to persons who are arrested or detained**.

- **Two Types of Detentions:**

Preventive detention	It is when a person is held in police custody only on the basis of a suspicion that they would conduct a criminal act or cause harm to society. The police have the authority to hold anyone they suspect of committing a criminal offence and also to make arrests without a warrant or a magistrate's authorization in certain cases.
Punitive detention	Means detention as a punishment for a criminal offence . It occurs after an offence is actually committed, or an attempt has been made towards the commission of that crime.

- It is the detention of a person on a mere reasonable apprehension of him doing an activity dangerous to public order and security. Here, the person is confined in custody without undergoing a trial.
- The Constitution gives **protection against arrest and detention under Article 22 (1) and 22 (2)**.
- These protections are **not available to a person arrested or detained under preventive detention laws (Article 22(3))**
- Multiple laws such as Code of Criminal Procedure, Narcotic Drug and Psychotropic Substance Act (NDPS) 1985, Unlawful Activities (Prevention) Act etc. permit Preventive Detention.
- The Criminal Procedure Code of India also provides for Preventive detention under **Section 151** which empowers the police to make preventive arrests if they believe they must do so to prevent the commission of "any cognisable offense".

Problem of Preventive Detention:



Laws Providing for Preventive Detention in India:

- **First Preventive Detention Act (1950):** it was passed to prevent anti-national elements from carrying out acts that are hostile to Nation's security and defence.
- **Maintenance of Internal Security Act (MISA) (1971-77):** it is infamous for its excesses during emergency when it was aggressively used against political opponents, trade unions and civil society groups that challenged the government. The 44th Amendment Act of 1978 removed MISA.
- **Foreign Exchange and Prevention of Smuggling Activities Act, 1974:** provided for preventive detention to maintain and improve foreign exchange and to deter illegal trade.
- **Terrorist and Disruptive Activities (Prevention) Act (TADA) 1985:** is deemed to be the most powerful and restrictive laws drawn up under the system of preventive detention.
- **Prevention of Terrorism Act (POTA) 2002:** was presented as an act similar to TADA.

RIGHT TO PRIVACY

News: The Supreme Court rejects WhatsApp-Meta pleas against the Competition Commission of India (CCI) probe into the privacy policy of 2021.

About:

- Generally understood that **privacy is synonymous with the right to be let alone**.
- The Supreme Court described privacy and its importance in the landmark decision of **K.S.**

Puttaswamy v. Union of India in 2017 that - **Right to Privacy is a fundamental and inalienable right and attaches to the person covering all information about that person and the choices that he/ she makes.**

- The right to privacy is protected as an **intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Articles 14, 19 in Part III of the Indian Constitution.**
- **Restrictions (as stated in the Judgement):** The right may be restricted only by state action that passes each of the three tests-
 - **First**, such state action must have a legislative mandate,
 - **Second**, it must be pursuing a legitimate state purpose, and
 - **Third**, it must be proportionate i.e., such state action- both in its nature and extent, must be necessary in a democratic society and the action ought to be the least intrusive of the available alternatives to accomplish the ends.

Forms of Right to Privacy:

- A right to bodily autonomy.
- A right to informational privacy.
- A right to a privacy of choice.
- **Right to Relax:** Suspicion that immoral activities are taking place in spas cannot be a reason to intrude into an individual's right to relax (privacy).

Competition Commission of India (CCI)

- CCI is a **statutory body under the Ministry of Corporate Affairs** and is responsible for **enforcing the Competition Act, 2002.**
- It consists of a chairperson and 6 Members appointed by the Central Government.
- **Objectives:**
 - Eliminate practices having adverse effect on competition
 - Promote and sustain competition
 - Protect the interests of consumers
 - Ensure freedom of trade in the markets of India.

PHONE TAPPING

News: An IPS officer was recently under probe for tapping the phones of political leaders in 2019.

About Phone Tapping:

- Phone tapping refers to the **monitoring of internet-based communications and phones by a third party through secret means.**
- It **first commenced in the USA in the 1890s** post the invention of the telephone recorder.
- It is regulated by the **Indian Telegraph Act, 1885.**

Phone Tapping and the Indian Telegraph Act, 1885

Power of phone tapping:	• With both the Central and the State Governments under Section 5(2) of Indian Telegraphic Act, 1885. • In the states, police have the power to tap phones. • At the Centre, 10 agencies are authorized to do so: Intelligence Bureau, CBI, Enforcement Directorate, Narcotics Control Bureau, Central Board of Direct Taxes, Directorate of Revenue Intelligence, National Investigation Agency, R & AW, Directorate of Signal Intelligence, and the Delhi Police Commissioner. • Tapping by any other agency would be considered illegal.
Grounds:	• "Public safety", "sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offense".
Exception:	• Press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this subsection.
Power to issue the order:	• Secretary, Union Ministry of Home Affairs or his State Counterpart. • The order has to be conveyed to the service provider in writing.
Remedies against illegal phone Tapping:	• Violation of the right to privacy. • A complaint can be filed with the Human Rights Commission. • A FIR can be lodged in the nearest Police Station. • If the Act of Phone Tapping is done in an unauthorized manner, 3-year imprisonment is provided for persons held for tapping.

Remarkable cases:	• PUCL Vs Union of India (1996): Telephone tapping infringes the fundamental right to privacy (Art.21) • KLD Nagasree Vs. Union of India (2006): The occurrence of any public emergency or the existence of a public safety interest is the sine qua non for the purpose of making an order for interception of messages in exercise of powers under Sub-Section (1) or Sub-Section (2) of Section 5 of the Telegraph Act, 1885. • Rayala M. Bhuvaneshwari vs Nagaphanender Rayala (2008): The tapping of wife's conversations by the husband is illegal.
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FURLOUGH NOT PRISONER'S RIGHT, SAYS SUPREME COURT (SC)

News: The Supreme Court recently discussed the differences between 'furlough' and 'parole' and the principles related to granting them.

About the Furlough Vs Parole:

Furlough	Parole
It is a short-term temporary release from custody.	Granted to the prisoner to meet a specific exigency.
Furlough may be granted (after a stipulated number of years have been served) without any reason	
Period of furlough is treated as remission of the sentence.	It is a system of releasing a prisoner with suspension of the sentence.
Furlough can be claimed without a reason. A prisoner does not have an absolute legal right to claim furlough.	Prisoners convicted of multiple murders or under the anti-terror Unlawful Activities Prevention Act (UAPA) are not eligible for parole.
Grant of furlough must be balanced against the public interest and can be refused to certain categories of prisoners.	The Prisons Act of each state government (Prison is a state subject) defines the rules under which parole is granted in that state.
Both Furlough and Parole are governed by the Prisons Act of 1894.	

RIGHT TO PROTEST

News: The Supreme Court upheld the farmer's right to protest, but held that roads cannot be blocked indefinitely (impeding the right of citizens to commute without hindrance).

Important Points:

- Right to Protest is **not an explicit right** under the Fundamental rights.
- It **can be derived from the Right to Freedom of Speech and Expression under Article 19.**

Article 19(1)(a)	Article 19(1)(b)	Article 19(1)(c)
The Right to free speech and expression transforms into the right to freely express an opinion on the conduct of the government.	The Right to association also includes the right to form associations for political purposes.	The Right to peaceably assemble allows people to question and object to acts of the government by demonstrations, agitations and public meetings, to launch sustained protest movements.

Restriction on the Right to Protest:

- **Article 19(2) imposes reasonable restrictions** on the right to freedom of speech and expression. These reasonable restrictions are imposed in the interests of the following:

- | | |
|--|--|
| <ul style="list-style-type: none">• Sovereignty and integrity of India• Security of the State• Friendly relations with foreign States• Public order | <ul style="list-style-type: none">• Decency or morality• Contempt of court• Defamation• Incitement to an offense. |
|--|--|

- However, resorting to violence during the protest is a violation of a key fundamental duty of citizens.
- Enumerated in **Article 51A (Fundamental Duties)**, the Constitution makes it a fundamental duty of every citizen "to safeguard public property and to abjure violence".

Supreme Court's Judgements on the Right to Protest:

- **Shaheen Bagh Protests, 2019:** Upheld the right to peaceful protest against the law and cleared that public ways and public spaces cannot be occupied and that too indefinitely.
- **Mazdoor Kisan Shakti Sangathan vs Union of India, 2018:** Tried to balance the interests of local residents with those of protesters to hold demonstrations. Directed the police to devise a proper mechanism for limited use of the area for peaceful protests and demonstrations.
- **Ramlila Maidan Incident v. Home Secretary, Union Of India & Ors. case (2012):** SC held that Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action.

Issues with RTBF:



Privacy Vs Information



Ambiguous Judgements



Enforceability against private individuals

DEFAULT/STATUTORY BAIL

News: The National Investigation Agency approached the Supreme Court against a Bombay High Court order granting bail to activist Sudha Bharadwaj.

Default or statutory bail:

- It is a **right (regardless of the nature of crime) to bail** that accrues when police fail to complete investigation within a specified period in respect of a person in judicial custody.
- It is **enshrined in the Code of Criminal Procedure**.
- For most offenses, police have 60 days to complete the investigation and file a final report before the court. However, for some offenses there is a 90 days or 180 days limit also.

BAIL LAW

News: Supreme Court underlined that "there is a pressing need" for reform in the law related to bail and called on the government to consider framing special legislation along the lines of the law in the United Kingdom.

About Bail Law:

- The **Code of Criminal Procedure (CrPC) does not define the word "bail"** however, only categorizes offences under the Indian Penal Code as 'bailable' and 'non-bailable'.
- The **CrPC empowers magistrates to grant bail for bailable offences as a matter of right**. This would involve release on furnishing a bail bond, with or without security.
- For non-bailable offences which enable the police officer to arrest without a warrant, a magistrate would determine if the accused is fit to be released on bail.

RIGHT TO BE FORGOTTEN

News: The Union Government informed the Delhi High Court that the international legal concept of the Right to Be Forgotten is evolving in India and comes under the Right to Privacy. As per Supreme Court Judgement the Right to privacy includes the Right to Be Forgotten (RTBF) and the right to be left alone.



Important points:

- **Right to Privacy:** In **Puttaswamy v. Union of India case, 2017**, the Right to Privacy was declared a fundamental right, an intrinsic part of Article 21 under Part III of the Constitution (Right to life and Personal Liberty) by the Supreme Court.
- **Right to be Forgotten:** It is the right to have publicly available personal information removed from the internet search, databases, websites or any other public platforms, once the personal information in question is no longer necessary, or relevant. It gained importance after the 2014 decision of the Court of

Justice of the European Union (“CJEU”) in the Google Spain case.

Government Steps to Protect Privacy:

- **Personal Data Protection Bill 2019:** framed on the recommendations of **B N Srikrishna Committee (2018)**.
- **Information Technology Act, 2000:** It provides for safeguard against certain breaches in relation to data from computer systems containing provisions to prevent the unauthorized use of computers, computer systems and data stored therein.



MEET OUR GS FACULTIES



RAJNEESH RAJ

(HISTORY)

- > MOST LOVED FACULTY FOR HISTORY OPTIONAL
- > 20+ YEARS OF EXPERIENCE AT RENOWNED INSTITUTES
- > MENTORED MORE THAN 2,00,000 UPSC CSE ASPIRANTS
- > MORE THAN 2000 SELECTIONS IN UPSC
- > POST GRADUATE FROM DLHI UNIVERSITY



AMIT KUMAR SINGH

(ETHICS)

- > 15+ YEARS OF EXPERIENCE AT RENOWNED INSTITUTES
- > MENTOR MORE THAN 1,00,000+ STUDENTS & 1000+ SELECTION
- > TAUGHT ETHICS & PHILOSOPHY IN DELHI UNIVERSITY FOR 3 YEARS
- > GRADUATE FROM ALLAHABAD UNIVERSITY IN PHILOSOPHY & POST GRADUATE FROM DELHI UNIVERSITY



DR. ADARSH KUMAR

(POLITY, GOVERNANCE AND IR)

- > EDUCATIONAL & LEGAL CONSULTANT
- > PHD IN ROLE OF BUREAUCRACY, UGC-NET QUALIFIED
- > 23+ YEARS OF EXPERIENCE IN TEACHING, MENTORING 3,00,000+ STUDENTS FOR CIVIL SERVICE EXAM
- > AUTHORED BOOKS ON INDIAN POLITY, CONSTITUTION & PUBLIC ADMINISTRATION FOR UPSC ASPIRANTS



RAJESH MISHRA

(GEOGRAPHY)

- > 10+ YEARS OF UPSC TEACHING EXPERIENCE WITH MENTORING OF 1 LAKH+ ASPIRANTS
- > UGC-NET QUALIFIED
- > EX. FACULTY FOR MULTIPLE RENOWNED INSTITUTES



DEEPAK KUMAR SINGH

(ETHICS & IR)

- > 18 YEARS+ EXPERIENCE IN BOTH ONLINE AND OFFLINE PLATFORM
- > RENOWNED FACULTY FOR ETHICS, PSIR & POLITY.
- > EX-EDUCATOR OF TOP PROMINENT INSTITUTES.
- > MENTORED MORE THAN 100000+ STUDENTS IN UPSC



RITESH R JAISWAL

(SCIENCE & TECHNOLOGY & ENVIRONMENT)

- > 15+ YEARS OF UPSC TEACHING EXPERIENCE WITH RENOWNED INSTITUTES ACROSS INDIA
- > MOCK INTERVIEW PANELIST & INTERVIEW EXPERT
- > SPECIALIZED IN TEACHING SCIENCE & TECHNOLOGY AND ENVIRONMENT



PRATIK GUPTA

(ECONOMY)

- > POST GRADUATE FROM DU & IGNOU
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 10+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



KAPIL SIKKA

(POLITY & GOVERNANCE)

- > MENTORING, GUIDING AND TEACHING UPSC STUDENTS SINCE 9 YEARS
- > SPECIALIZED IN TEACHING INDIAN POLITY, INDIAN ECONOMY, ESSAY, INTERNAL SECURITY & POST INDEPENDENCE INDIA WITH AN EXPERIENCE OF TEACHING IN LEADING INSTITUTES



DR. MOHD. ZIA

(ECONOMY & HISTORY)

- > FACULTY, COACH AND MENTOR- GS-HISTORY, GS-ECONOMY AND HISTORY OPTIONAL
- > TEACHING EXPERIENCE OF 8+ YEARS WHICH INCLUDES SERVICE AS ASSISTANT PROFESSOR AT RIE, NCERT, BHOPAL
- > MA IN HISTORY FROM IGNOU, PHD FROM A.M.U.



ABHISHEK SRIVASTAV

(HISTORY)

- > EXPERIENCED FACULTY FOR INDIAN HISTORY & CULTURE AT RENOWNED INSTITUTES
- > 7+ YEARS OF EXPERIENCE IN TEACHING AND MENTORING 45000+ STUDENTS FOR CIVIL SERVICE EXAM
- > GRADUATE FROM INDIAN MARITIME UNIVERSITY, KOLKATA



LOKESH TRIPATHI

(ECONOMY)

- > MA (ECONOMICS) , UGC NET QUALIFIED
- > APPEARED FOR 3 UPSC INTERVIEWS
- > 10+ YEARS OF EXPERIENCE IN TEACHING, MENTORING 60000+ STUDENTS FOR CIVIL SERVICE EXAM
- > FACULTY, COACH AND MENTOR- GS- INDIAN ECONOMY AND GOVERNMENT SCHEMES.



MANJU CHOUDHARY

(POLITY, NCERTS, CA)

- > M.COM (GOLD MEDALIST), MA (PUBLIC ADMINISTRATION) , UGC NET QUALIFIED
- > 6+ YEARS OF EXPERIENCE IN TEACHING, MENTORING 50000+ STUDENTS FOR CIVIL SERVICE EXAM
- > FACULTY, COACH AND MENTOR- GS- INDIAN POLITY AND NCERT BASICS, CURRENT AFFAIRS.

MEET OUR GS FACULTIES



DR. MOHD SALEEM
(SCIENCE & TECHNOLOGY)

- > RENOWNED SCIENCE & TECH FACULTY
- > 12+ YEARS YEARS OF EXPERIENCE IN TEACHING
- > MENTORED MORE THAN 100000+ STUDENTS FOR CIVIL SERVICE EXAM
- > ALUMNI OF JAMIA MILLIA ISLAMIA RESIDENTIAL COACHING
- > EX-EDUCATOR OF PROMINENT INSTITUTES



ANANT TRIPATHI
(HISTORY, CSAT)

- > MBA FROM IIFT, NET QUALIFIED IN HISTORY, MANAGEMENT & PUBLIC ADMINISTRATION.
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 10+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



BARUN
(ECONOMICS & CURRENT AFFAIRS)

- > B. TECH FROM WEST BENGAL UNIVERSITY OF TECHNOLOGY IN ELECTRICAL ENGINEERING
- > MENTORED MORE THAN 5,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 5+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



NANKI BAWEJA
(ECONOMY)

- > EX. EDUCATOR AT RENOWNED INSTITUTES WITH AN EXPERIENCE OF MENTORING 5000+ STUDENTS IN THEIR UPSC JOURNEY
- > QUALIFIED COMPANY SECRETARY AND HOLDS AN MBA IN FINANCE



DEEPAK SINGH
(HISTORY, ECONOMY & ETHICS)

- > B.COM ACCOUNTS HONORS GRADUATE
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 8+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



SHASHANK SHEKHAR ROY
(ETHICS & IR)

- > TRAINED THOUSANDS OF STUDENTS FOR UPSC AND OTHER STATE SERVICES
- > DECADES OF EXPERIENCE IN TEACHING, TRAINING AND MENTORING
- > CERTIFIED COMMUNICATION COACH, MOTIVATIONAL SPEAKER AND MENTOR



AKSHAT DWIVEDI
(POLITY & IR)

- > B.TECH IN BIOMEDICAL ENGINEERING & POST GRADUATION IN M. A. POLITICAL SCIENCE
- > 5+ YEARS OF EXPERIENCE AT RENOWNED INSTITUTE
- > MENTORED MORE THAN 20,000 UPSC CSE ASPIRANTS.
- > INVOLVED IN RESEARCH FIELD OF INTERNATIONAL RELATIONS



SNEHIL TRIPATHI
(POLITY)

- > PUBLISHED AUTHOR WITH MCGRAW HILL EDUCATION AND OXFORD UNIVERSITY PRESS
- > 7+ YEARS OF TEACHING EXPERIENCE WITH VARIOUS INSTITUTES ACROSS THE COUNTRY
- > EX. ACADEMIC HEAD AND TOP FACULTY WITH RENOWNED ED-TECH ORGANIZATION



SONIYA AHUJA
(INTERNATIONAL RELATIONS)

- > 7+ YEARS OF TEACHING EXPERIENCE IN POLITICAL SCIENCE AND PSYCHOLOGY
- > MA POLITICS WITH SPECIALIZATION IN INTERNATIONAL RELATIONS, JNU DELHI
- > SPECIALIZED IN LEARNING PEDAGOGY & CURRICULUM DESIGN
- > BA IN SOCIAL SCIENCE, TISS MUMBAI



ADITYA TIWARI
(HISTORY, ECONOMY AND ETHICS)

- > BIOCHEMICAL ENGINEER, HBTI, KANPUR
- > G.T.E. DESIGN, INDIAN OIL CORPORATION
- > UPSC INTERVIEW APPEARED

6

Directive Principles of State Policy

UNIFORM CIVIL CODE (UCC)

News: The Gujarat government recently moved a proposal to constitute a committee to evaluate all aspects of implementing the Uniform Civil Code (UCC).

About:

- A Uniform Civil Code is one that would provide for **one law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.**
- **Article 44 (DPSP)** of the Constitution lays down that the state shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.

Directive Principles of State Policy:

- **Article 44:** The State shall endeavour to secure for the citizens a Uniform Civil Code (UCC) throughout the territory of India.

- These, as defined in **Article 37**, are not justiciable (not enforceable by any court) but the principles laid down therein are fundamental in governance.
- While Article 44 uses the words “**the state shall endeavour**”, other Articles in the ‘Directive Principles’ chapter use words such as “**in particular strive**”; “**shall in particular direct its policy**”; “**shall be the obligation of the state**” etc.

Uniform Civil Code of Goa

- Goa, a former Portuguese colony, was incorporated into the Union of India in 1961. In 1987, Goa was made a separate state.
- The Uniform Civil Code (UCC) was introduced in Goa in the year 1870 by the erstwhile Portuguese rulers.
- It was retained even after the territory was merged with India in 1961.



Centre-State and Inter-State Relations

INTER-STATE WATER DISPUTE

News: Karnataka CM Recently observed that the time has come to revisit the Inter-State River Water Disputes Act as it creates more disputes than resolving them.

About:

- **Article 262:** provides for the adjudication of inter-state water disputes.

- It has two following provisions:

1. **Parliament may by law provide for the adjudication of any dispute or complaint** with respect to the use, distribution, and control of waters of any inter-state river and river valley.
2. **Parliament may also provide** that neither the Supreme Court nor any other court is to exercise jurisdiction in respect of any such dispute or complaint.



- Under the provisions of the act, the central government has enacted the **River Boards Act (1956)** and the **Inter-State Water Disputes Act (1956)**-
 - The river board act provides for the **establishment of river boards for the regulation and development of the Inter-state River and river valleys**. Such a river board is established on the request of the state governments concerned.
 - The **inter-state water dispute act empowers the central government to set up an ad-hoc tribunal for the adjudication of a dispute** between the two or more states in relation to the water of an inter-state river. The decision of the tribunal would be final and binding.
 - Furthermore, the **act bars the SC and any other court to have jurisdiction in this matter**.

AMENDMENTS TO THE IAS (CADRE) RULES

News: The Centre has proposed amendments to the IAS (Cadre) Rules in order to exercise greater control in the central deputation of IAS officers, which has often been at the center of tussles between the Centre and the states.

About present rules:

- The **DoPT is the cadre controlling authority of IAS officers**.
- The **cadre controlling authority for the deputation of the Indian Police Service and Indian Forest Service Officers (IFoS) is the Ministry of Home Affairs (MHA) and the Ministry of Environment and Climate Change (MoEF&CC) respectively**.
- Central deputation in the IAS is covered under **Rule-6 (1) of the IAS (Cadre) Rules-1954**, inserted in May 1969.
- **It states:** “A cadre officer may, with the concurrence of the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government”.
- Provided that in case of any disagreement, the **matter shall be decided by the Central Government** and the State Government or State Governments concerned shall give effect to the decision of the Central Government.
- **In normal practice**, the Centre asks every year for an “offer list” of officers of the All India Services willing to go on central deputation, after which it selects officers from that list.
- Officers have to get a No-Objection Clearance from the State government for Central deputation.
- States have to depute the All India Services (AIS) officers, to the Central government offices and at any point, it cannot be more than 40% of the total cadre strength.
- **Note:** The total strength of any cadre is calculated by including **Central Deputation Reserve (CDR)**, which is around 40% of the sanctioned posts.

Proposed Amendments:

- If the State government delays posting a State cadre officer to the Centre and does not give effect to the Central government’s decision within the specified time, the officer shall stand relieved from cadre from the date as may be specified by the Central government.
- The **Centre will decide the actual number of officers to be deputed to the Central government in consultation with the State** and the latter should make the names of such eligible officers.
- In case of any disagreement between the Centre and the State, the **matter shall be decided by the Central government and the State shall give effect to the decision of the Centre**.
- In specific situations where services of cadre officers are required by the Central government in “public interest,” the **State shall give effect to its decisions within a specified time**.

About the All India Services (AIS):

About:	● The All India Services (AIS) comprises of three services: 1. Indian Administrative Service (IAS); 2. Indian Police Service (IPS); 3. Indian Forest Service (IFoS).
Federal Feature:	● AIS officers are recruited by the Union Government (by UPSC) and their services are allotted under various State Cadres. ● They serve both under the State and the Centre. ● However, the Cadre Controlling Authority of AIS is the Union Government (Department of Personnel and Training). ● Cadre controlling authority for deputation of: ○ Indian Police Service ○ Ministry of Home Affairs (MHA) ○ Indian Forest Service Officers (IFoS) ○ Ministry of Environment and Climate Change (MoEF&CC)

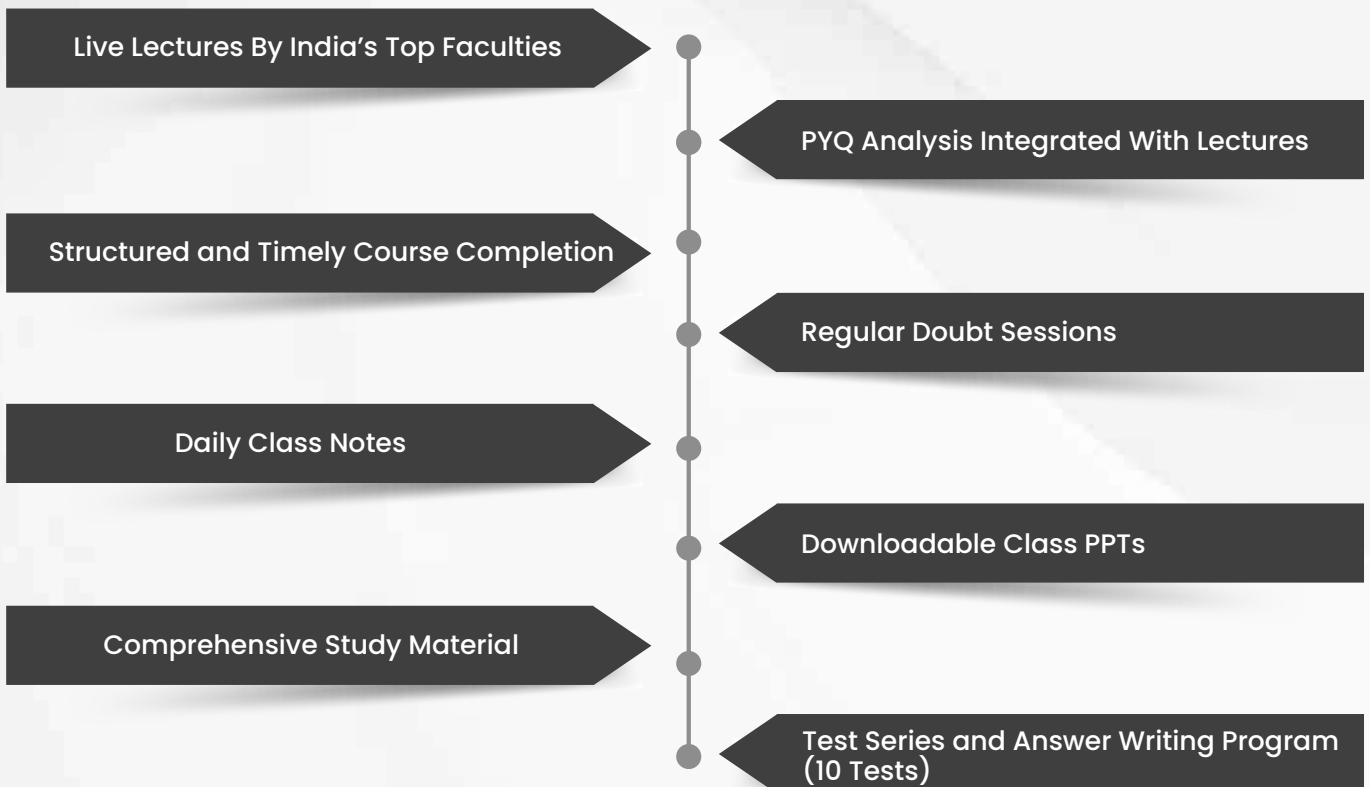


OPTIONAL SUBJECTS OFFERED

- | | |
|-------------------------|--|
| ● History | ● इतिहास |
| ● Sociology | ● समाजशास्त्र |
| ● Geography | ● भूगोल |
| ● PSIR | ● राजनीति विज्ञान एवं अंतर्राष्ट्रीय संबंध |
| ● Anthropology | ● हिंदी साहित्य |
| ● Public Administration | |



OPTIONAL BATCH OFFERINGS



8

Parliament and State Legislature

ANTI-DEFECTION LAW

News: Bahujan Samaj Party (BSP) chief Mayawati called for a more stringent anti-defection law amid a string of politicians switching parties ahead of the Uttar Pradesh assembly election beginning next month.

About:

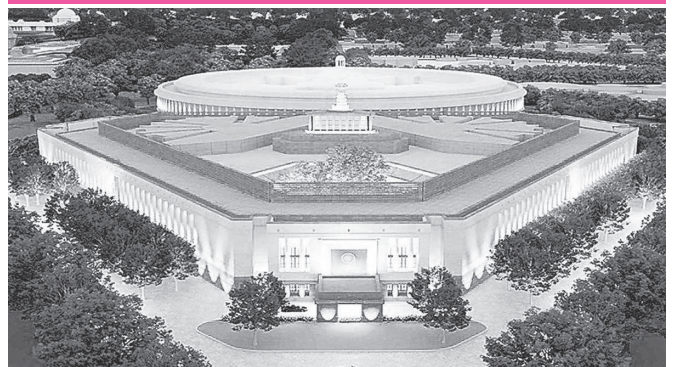
- The anti-defection law was passed through the **52nd Constitutional Amendment Act, of 1985**.
- It added the **Tenth Schedule** to the Indian Constitution.
- The **law was framed in 1985** with the **intent of combating the evil of political defections**, unfortunately it led to several unanticipated consequences.

Grounds of Disqualification:	• If an elected member voluntarily gives up his membership of a political party. • If he votes or abstains from voting in such House contrary to any direction issued by his political party or anyone authorised to do so, without obtaining prior permission. As a pre-condition for his disqualification, his/her abstention from voting should not be condoned by his/her party or the authorised person within 15 days of such an incident. • If any independently elected member joins any political party. • If any nominated member joins any political party after the expiry of six months.
Exceptions:	• The law allows a party to merge with or into another party provided that at least two-thirds of its legislators are in favour of the merger. • On being elected as the presiding officer of the House, if a member voluntarily gives up the membership of his party or rejoins it after he/she ceases to hold that office, he/she won't be disqualified.
Adjudication related to disqualification:	• The decision on questions as to disqualification on grounds of defection is referred to the Chairman or the Speaker of such House, which is subject to 'Judicial review'. • The law does not specify a time frame in which such a decision has to be made. • Last year, the Supreme Court observed that anti-defection cases should be decided by Speakers in three months' time.

Kihoto Hollohan Case (1993)

- SC declared finality of decision of Speaker under tenth schedule as unconstitutional.
- The decision of the Speaker is open to judicial review on the grounds of being malafide, perversity, etc.

PARLIAMENTARY SESSIONS



About:	It is the period between the first sitting of a House and its prorogation.
Article:	- Specified in Article 85 of the Constitution. - The Constitution does not specify when or for how many days Parliament should meet. - The maximum gap between two sessions of Parliament cannot be more than six months. Hence, Parliament should meet at least twice a year.
Convened by:	The executive (Cabinet Committee on Parliamentary Affairs), headed by the Prime Minister has the power to advise the President to summon the legislature.
Convention:	Parliament meets for three sessions in a year → Budget Session, Monsoon Session, Winter Session.

DELEGATED LEGISLATION

News: The Supreme Court recently observed that a delegated legislation which is ultra vires the parent Act cannot be given any effect.

Observation by the Court:

- SC held that Delegated legislation, including rules and regulations formed by State and Central authorities, should not supplant but supplement the parliamentary statute from which it draws power from.

About the Delegated Legislation:

- It is a process by which the **primary legislation gives power to the executive authority to implement and administer the requirements of that primary legislation**.

- Parliament, through primary legislation, enables others to make law and rules through a process of delegated legislation.
- Under the Constitution of India, legislative power is given to the legislature while the Executive has the power to execute the laws. However, owing to the paucity of time, Parliament restricts itself to policy matters.

Advantages of Delegated Legislation:

- Provide Flexibility and enable the Government to make a law without the new law being passed by the Parliament.
- Reduces pressure on Parliament on account of expansion of activities by the State.
- Decentralized and Sector specific rule/regulation making.
- Complexity of Modern Administration.

COMMITTEE ON PRIVILEGES

News: Recently, a BJP State President appeared before the Privileges Committee of Lok Sabha to explain how the police manhandled him.

About:

- Privileges Committee is a **Parliamentary Committee present in both Houses of Parliament**.
- It is **one of the Standing Committees** to Inquire.

Functions	- The functions of the Committee of Privileges are semi-judicial in nature. - It examines the cases of breach of privileges of the House and its members and recommends appropriate action.
Members	- The Lok Sabha committee has 15 members, - The Rajya Sabha committee has 10 members.
Head/Chairperson	- The Speaker of the Lok Sabha heads the committee of privileges, and nominates the members as per respective party strengths. - The Deputy Chairperson of the Rajya Sabha heads the committee in RS.

Conditions of admissibility of Privilege Motion	• A member of the House may, with the consent of the Chairman of the RS or Speaker of the LS, raise a question involving a breach of privilege either of a member or of the Council or of a Committee thereof. • The right to raise a question of privilege shall be governed by the following conditions, namely - • The question shall be restricted to a specific matter of recent occurrence; • The matter requires the intervention of the Council.
--	--

Privilege Motion:

About:	• It is concerned with the breach of parliamentary privileges by a minister.
Parliamentary Privileges:	• They are certain rights and immunities enjoyed by members of Parliament, individually and collectively, so that they can “effectively discharge their functions”.
Breach of Parliamentary Privileges:	• When any of the above rights and immunities are disregarded, the offense is called a breach of privilege and is punishable under law of Parliament.
Rules Governing Privilege:	• Rule No 222 in Chapter 20 of the Lok Sabha Rule Book. • Rule 187 in Chapter 16 of the Rajya Sabha rulebook. • Rules: A member may, with the consent of the Speaker or the Chairperson, raise a question involving a breach of privilege either of a member or of the House or a committee thereof.

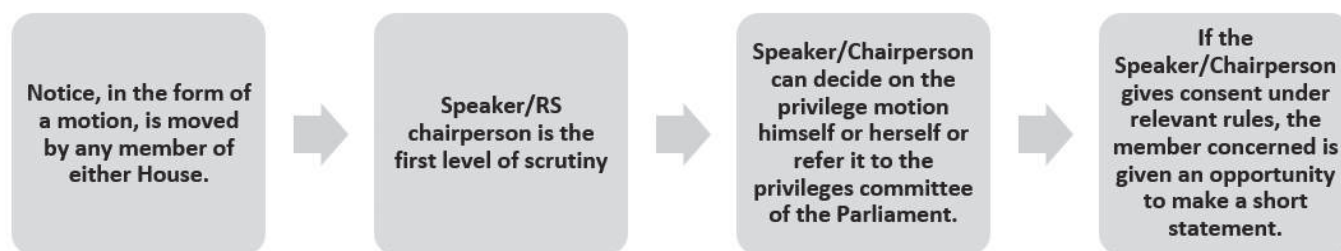


Fig. Moving a Privilege Motion

Parliamentary Privileges:

About:	• They are special rights, immunities and exemptions enjoyed by the two Houses of Parliament, their committees and their members.
Covers:	• The Constitution extends the parliamentary privileges to those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees i.e., the Attorney General of India and Union ministers.
Constitution/ Rules:	• Article 105 of the Constitution expressly mentions two privileges, that is, freedom of speech in Parliament and right of publication of its proceedings. • Apart from the privileges as specified in the Constitution, the Code of Civil Procedure, 1908, provides for freedom from arrest and detention of members under civil process during the continuance of the meeting of the House or of a committee thereof and forty days before its commencement and forty days after its conclusion.
Governing Laws:	• Parliament, till now, has not made any special law to exhaustively codify all the privileges.
President:	• The parliamentary privileges do not extend to the President who is also an integral part of the Parliament. • Article 361 of the Constitution provides for privileges for the President.

PARLIAMENTARY COMMITTEE ON OFFICIAL LANGUAGE

News: Recently, the Union Home minister presided over the 37th meeting of the Parliamentary Official Language Committee.

About:

Origin:	Created in 1976 under section 4 of the Official Languages Act, 1963.
Functions:	- To review the progress made in the use of Hindi for the Official purposes of the Union. - Submit a report to the President making recommendations. - The President then lays the report before each House of Parliament and sends it to all the State Governments.
Composition:	30 Members of Parliament: Lok Sabha: 20 Members Rajya Sabha: 10 Members
Election:	Elected by the members of Lok Sabha and Rajya Sabha in accordance with the system of proportional representation by means of the single transferable vote.
Chairman:	As a convention, the Union Home Minister has been the Chairman of the Committee from time to time.

Official Language of the Union:

- Article 343 of the Constitution of India** stated that the official language of the Union is Hindi in Devanagari script, with the official use of English to continue for 15 years from 1947.
- Later, the **Official Languages Act of 1963** allowed for the continuation of English alongside Hindi in the Indian government indefinitely until legislation decided to change it.

FLOOR TEST

News:

- The Bihar Chief Minister won the floor test in the Assembly.
- The Governor's decision to call for the floor test was in the spotlight in case of Maharashtra's political crisis.

About the floor test:

Floor Test:	- It is a measure to check whether the executive is enjoying the confidence of the legislature. - A constitutional mechanism under which a Chief Minister appointed by the Governor can be asked to prove majority on the floor of the Legislative Assembly of the state.
Conduction:	- In case the majority is questioned, the leader of the party which claims majority has to move a vote of confidence and prove majority among those present and voting. - The Chief Minister resigns if failed to prove their majority in the house both in the parliament and the state legislative assemblies. - In situations when there are differences within a coalition government, the Governor can ask the Chief Minister to prove majority in the house.
Composite Floor Test:	- It is conducted only when more than one person stakes a claim to form the government. - When the majority is not clear, the governor might call for a special session to see who has the majority. - The majority is counted based on those present and voting. - This can also be done through a voice vote where the member can respond orally or through division voting.

	- Some legislators may be absent or choose not to vote. - In division vote, voting can be done through electronic gadgets, ballots or slips. - The person who has the majority will form the government. In case of tie, the speaker can also cast his vote.
Governor's Discretion:	When no party gets a clear majority, the governor can use his discretion in the selection of chief ministerial candidates to prove the majority as soon as possible.
Supreme Court's view:	Nabam Rebia and Bamang Felix vs Deputy Speaker case (the Arunachal Pradesh Assembly case), 2016: power to summon the House is not solely vested in the Governor and should be exercised with aid and advice of the Council of Ministers and not at his own. Shivraj Singh Chouhan & Ors versus Speaker, Madhya Pradesh Legislative Assembly & Ors, 2020: upheld the powers of the Speaker to call for a floor test if there is a prima facie view that the government has lost its majority.

Constitutional Provisions related to the calling for a Floor Test by the Governor:

Article 174:	Authorizes the Governor to summon, dissolve and prorogue the state legislative assembly.
Article 174(2) (b):	- Powers to the Governor to dissolve the Assembly on the aid and advice of the cabinet. - However, the Governor can apply his mind when the advice comes from a Chief Minister whose majority could be in doubt.
Article 175(2):	Governor can summon the House and call for a floor test to prove whether the government has the numbers.
Article 163:	The Governor acts on the aid and advice of the Council of Ministers headed by the Chief Minister.

Additional Information:

When the House is in session, it is the Speaker who can call for a floor test. But when the Assembly is not in session, the Governor's residuary powers under Article 163 allow him to call for a floor test.

HOUSE COMMITTEES

News: A panel on the Parliamentary Standing Committees suggests increasing the tenure of House committees.

About:

- The House Committees are **one of the Parliamentary Standing Committees**.
- The functions of the Committee which are of advisory nature are:**
 - To deal with all questions relating to residential accommodation for members of Lok Sabha;
 - To exercise supervision over facilities for accommodation, food, medical aid, and other amenities accorded to members in members' residences and hostels in Delhi; and
 - To consider and provide such amenities to Members as may be deemed necessary from time to time.
- In Lok Sabha, the House Committee consists of not more than 12 members appointed by the Speaker.
- The **Committee holds office for a term not exceeding one year**. A member may be re-nominated by the Speaker to the new House Committee.
- The Committee may appoint one or more Sub-Committees, each having the powers of the undivided Committee, if they are approved at a sitting of the whole Committee.
- In Rajya Sabha, the House Committee was **first constituted on the 22nd May, 1952** and the Rules governing the Committee were framed in 1986.

SUPPLEMENTARY DEMANDS FOR GRANTS

News: The government has sought approval from Parliament to spend an extra ₹1.07 lakh crore in the current fiscal year.

About:

- **Meaning:** It is needed when the amount authorized by the Parliament through the **appropriation act** for a particular service for the current financial year is found to be **insufficient** for that year.
- **Constitutional Provisions:**
 - **Article 115:** pertains to supplementary, additional, or excess grants.
 - **Article 116:** Votes on account, Votes of credit and exceptional grants.
- **Procedure to be followed:**
 - These grants are presented and passed by the Parliament before the end of the financial year.

- When actual expenditure incurred exceeds the approved grants of the Parliament, the Ministry of Finance presents a Demand for Excess Grant.
- The Comptroller and Auditor General of India bring such excesses to the notice of the Parliament.
- The Public Accounts Committee examines these excesses and gives recommendations to the Parliament.
- The Demand for Excess Grants is made after the actual expenditure is incurred and is presented to the Parliament after the end of the financial year in which the expenses were made.

Additional Insights:

- Supplementary, additional, excess and exceptional grants and vote of credit are regulated by the same procedure which is applicable in the case of a regular budget.
- Reappropriation involves transfer of funds from one head to another. It does not involve any additional expenditure.

Other Types of Grants:

Additional Grant:	• Granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.
Excess Grant:	• Granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. • Voted by the Lok Sabha after the financial year. • Before being submitted to the Lok Sabha for voting, these grants must be approved by the Public Accounts Committee of Parliament.
Vote of Credit:	• Granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget. • Hence, it is like a blank cheque given to the Executive by the Lok Sabha.
Exceptional Grant:	• Granted for a special purpose and forms no part of the current service of any financial year.
Token Grant:	• Granted when funds to meet the proposed expenditure on a new service can be made available by reappropriation. • A demand for the grant of a token sum (of Re 1) is submitted to the vote of the Lok Sabha and if assented, funds are made available.

NATIONAL E-VIDHAN APPLICATION

News: Ministry of Parliamentary Affairs has developed a "National eVidhan Application (NeVA)", a Mission Mode Project for Digital Legislatures to make the functioning of all Legislative Houses in the country paperless.

About:

- **Nodal Ministry:** Ministry of Parliamentary Affairs (MoPA).
- National eVidhan Application (NeVA) is a Mission Mode Project (MMP) included in the **Digital India Programme**.



National eVidhan Application

Digital Legislatures

One Nation One Application

- **Aim:**
 - To make the functioning of all Legislative Houses in the country paperless on the theme of 'One Nation – One Application'.
 - To transform all State Legislatures into 'DIGITAL HOUSES' so as to enable them to transact entire Government Business on digital platforms including information exchange with the State Government Departments in digital mode.
- **Note:** The application has also enabled provisions for onboarding the two Houses of Parliament.
- **Funding:** The funding for e-Vidhan is provided by the MoPA. It is on the pattern of a Central Sponsored Scheme, i.e. 60:40 for States; 90:10 for North East & hilly States, and 100% for UTs.
- **In 2021, Bihar Legislative Council became the first House in the country** to transit to the NeVA platform completely and conducted Winter Session, 2021 on the NeVA platform in paperless mode.
- **Nagaland became the first state** to successfully implement NeVA in March, 2022.
- **Note:** Lok Sabha Speaker has said that the proceedings of all legislatures — both Houses of Parliament and state Assemblies and Legislative Councils — will be available on one platform by 2023.

SUPREME COURT ON MLA'S' ONE-YEAR SUSPENSION

News: Recently, the Supreme Court has set aside the one-year suspension of 12 BJP MLAs from the Maharashtra Legislative Assembly. The Supreme Court held that suspension for a year was 'unconstitutional, substantively illegal and irrational'.

About the Procedure to be followed for suspension of MLAs:

- **Under Rule 53 of the Maharashtra Legislative Assembly Rules**, the power to suspend can only be exercised by the Speaker, and it cannot be put to vote in a resolution.
- Rule 53 states that the "Speaker may direct any member who refuses to obey his/her decision, or whose conduct is, in his/her opinion, grossly disorderly, to withdraw immediately from the Assembly".
- The member must be **"absent himself during the remainder of the day's meeting"**.

- Should any member be ordered to withdraw for a second time in the same session, the Speaker may direct the member to absent himself "for any period not longer than the remainder of the Session".

What's the issue?

- The legislators were suspended for a year for allegedly misbehaving with the presiding officer in the Assembly.
- **Observations made by the Supreme Court:**
 - Suspension beyond the remaining period of the session of the Assembly was 'non-est' in law, substantially unconstitutional, and irrational.
 - The resolution, therefore, is illegal and was "beyond the powers of the assembly".
- **Concerns expressed by the court:**
 - Suspension beyond the remainder of that session "would not only be a grossly irrational measure", but also lead to these leaders' constituencies remaining unrepresented in the assembly.
 - It would also impact the democratic setup as a whole by permitting the thin majority government (coalition government) of the day to manipulate the numbers of the opposition party in the house in an undemocratic manner.
 - Such a move would "not be healthy for democracy as a whole" as "the opposition will not be able to effectively participate in the discussion/debate in the house owing to the constant fear of its members being suspended for a longer period".

DISQUALIFICATION OF CONVICTED LEGISLATORS FROM ASSEMBLY

News: Two Uttar Pradesh legislators were convicted on criminal charges in recent days, but only one of them has been disqualified and his seat declared vacant by the State's Legislative Assembly secretariat.

About:

- **Section 8 of the Representation of the People Act (RPA), 1951**, contains provisions aimed at decriminalising electoral politics.
- There are two categories of criminal cases that attract disqualification upon conviction.
 1. In the first category are offences that entail disqualification for a period of six years upon any conviction.
 2. If the punishment is fine, the six-year period will run from the date of conviction, but if there is a prison sentence, the disqualification will begin on the date of conviction and will continue up to the



completion of six years after the date of release from jail.

- **Major IPC offences are included under this head:**
 - Making speeches that cause enmity between groups (Sec.153A) and doing so in a place of worship (Sec.505), bribery and personation during elections and other electoral offences, offences relating to rape and cruelty to women by husband and latter's relatives.
 - Besides, serious provisions of special laws such as the Protection of Civil Rights Act, Customs Act, Unlawful Activities (Prevention) Act, etc are among the category of offences that entail disqualification regardless of the quantum of punishment.
 - Laws for the prevention of Sati, corruption, terrorism and insult to national flag and national anthem etc are also part of this group.
- All other criminal provisions form a separate category under which mere conviction will not entail disqualification. A sentence of at least two years in prison is needed to incur such disqualification.

Legal protection:

- Under Section 8(4) of the RPA, legislators could avoid immediate disqualification until 2013.
- The provision said that with respect to a Member of Parliament or a State legislator the disqualification will not take effect for three months.
- If within that period, the convicted legislator files an appeal or revision application, it will not take effect until the disposal of the appeal or application.
- In Lily Thomas vs. Union of India, the Supreme Court struck down clause (4) as unconstitutional, thus removing the protection enjoyed by lawmakers.

Can the disqualification be removed?

- The **Supreme Court has the power to stay not only the sentence but also the conviction of a person.**
- In some rare cases, conviction has been stayed to enable the appellant to contest an election. However,

the SC has made it clear that such a stay should be very rare and for special reasons.

- The RPA itself provides a remedy through the **Election Commission.**
- Under 11 of the Act, the EC may record reasons and either remove or reduce the period of a person's disqualification.
- The EC exercised this power for Sikkim Chief Minister P.S. Tamang, who served a one-year sentence for corruption, and reduced his disqualification so as to contest a byelection and remain in office.

SUSPENSION OF MP

News: The two houses of Parliament have suspended 27 MPs between them. The Rajya Sabha suspensions are for the remaining part of this week and those from Lok Sabha are for the rest of the session.

About:

- Rules for ensuring the smooth functioning of Parliament have been unchanged since 1952.
- First, the presiding officers can direct an MP to withdraw from the House for any disorderly conduct. If the MP continues disrupting the House, the presiding officer can "name" the legislator. After that, the House can suspend the MP until the end of the session. These powers are common to the presiding officers of both Houses.
- However, in 2001, Lok Sabha changed its rules to give the Speaker more powers. As per this new rule, the Speaker can "name" an MP, who shall then automatically stand suspended for five days or the remaining part of the session. This rule removes the need for the House to pass a motion for suspension.
- Rajya Sabha has not incorporated this provision in its procedures.

Process of suspension of MPs:



Intervention of courts in a matter of suspension of MPs:

- **Article 122 of the Constitution** says parliamentary proceedings cannot be questioned before a court:
- However, in some cases, courts have intervened in the procedural functioning of legislatures. For example, the

Maharashtra Legislative Assembly passed a resolution in its 2021 Monsoon Session suspending 12 MLAs for a year. The matter came before the Supreme Court which held that the resolution was ineffective in law beyond the remainder of the Monsoon Session.

MP'S PRIVILEGES ON ARRESTS

News: Rajya Sabha Chairman has clarified that members of Parliament do not enjoy any immunity from arrest in criminal cases when the House is in session, and they cannot avoid summons issued by law enforcement agencies.

About:

- **Constitutional Provision:** Under Article 105 of the Constitution, members of Parliament enjoy certain privileges, so they can perform their duties without any hindrances.
- One of the privileges is that a **member of Parliament cannot be arrested in a civil case 40 days before the commencement of the session or committee meeting and 40 days thereafter.** This privilege is already incorporated under Section 135A of the Civil Procedure Code, 1908.
- **However, in criminal matters, members of Parliament are not on a different footing than a common citizen.** That means members of Parliament do not enjoy any immunity from being arrested in a criminal case during the session or otherwise.

Supreme Court judgments

- **K Anandan Nambiar Case:** In this, the Court held that the true Constitutional position is that so far as a valid order of detention is concerned, a Member of Parliament can claim no special status higher than that of an ordinary citizen and is as much liable to be arrested, detained or questioned even during the Session.
- **State of Kerala Vs K. Ajith and Others:** In this case, the Supreme Court observed that privileges and immunities are not gateways to claim exemptions from the general law of the land, particularly in the case of criminal law which governs the action of every citizen.

MOTION OF THANKS

News: The President's speech at the start of the Budget Session usually highlights the government's achievements over the past year and outlines targets and plans for the future. This speech will be followed by a discussion on the motion of thanks to the President's address.

About:

- The President's Address and Motion of Thanks are **governed by Articles 86(1) and 87(1) of the Constitution and Rules 16 to 24 of the Rules of Procedure and Conduct of Business in Lok Sabha.**
- The address is followed by a motion of thanks moved in each House by ruling party MPs. During the session, political parties discuss the motion of thanks and also suggest amendments.

About the Motion of Thanks:

Constitution:	• Article 87 provides for the special address by the President at the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year to both Houses of Parliament assembled together. • It is called 'special address', and is an annual feature.
Contents of the Presidential Address:	• Statement of policy of the Government and, as such, is drafted by the Government. • Contains a review of various activities and achievements of the Government during the previous year. • Sets out the policies, projects and programs which the Government of the day wishes to pursue with regard to the important national and international issues. • Includes items of legislative business which are proposed to be brought during the sessions to be held in that year.

Motion of Thanks:	- Corresponds to the 'speech from the Throne in Britain'. - It is discussed in both the Houses of Parliament on a motion called the 'Motion of Thanks'.
Amendments to the Motion of Thanks:	- Notices of amendments to Motion of Thanks on the President's Address can be tabled after the President has delivered his Address. - Amendments may refer to matters contained in the Address as well as to matters, in the opinion of the member, the Address has failed to mention. - Amendments can be moved to the Motion of Thanks in such form as may be considered appropriate by the Speaker.
Significance:	- If not passed, then it amounts to the defeat of the government. - Members of Parliament vote on this motion of thanks. This motion must be passed in both of the houses. - A failure to get the motion of thanks passed amounts to the defeat of the government and leads to the collapse of the government. This is why the Motion of Thanks is deemed to be a No-Confidence Motion. - One of the ways through which the Lok Sabha can also express a lack of confidence in the government. Others being: - Rejection of a money bill. - Passing a censure motion or an adjournment motion. - The defeat of the government on a vital issue. - Passing a cut motion
Limitations:	- Members cannot refer to matters which are not the direct responsibility of the Central Government. - The name of the President cannot be brought in during the debate since the Government and not the President is responsible for the contents of the Address.

PRESIDENT'S RULE

News: Imposition of President's rule in West Bengal is being demanded, following the gruesome incidents in Birbhum in which 10 people, including two children, were burnt alive.

About:

- President's Rule **implies the suspension of a state government and the imposition of direct rule of the Centre.**

Constitutional Provisions:	- It is also known as 'State Emergency' or 'Constitutional Emergency'. - Article 356 of the Constitution of India.
Implications:	- Upon the imposition of this rule, there would be no Council of Ministers. - The state will fall under the direct control of the Union government, and the Governor will continue to head the proceedings, representing the President of India.
Parliamentary Approval and Duration:	- A proclamation imposing President's Rule must be approved by both Houses of Parliament within two months from the date of its issue. - The approval takes place through a simple majority in either House, that is, a majority of the members of the House present and voting. Initially valid for six months, the President's Rule can be extended for a maximum period of three years with the approval of the Parliament, every six months.
Report of the Governor:	Under Article 356, President's Rule is imposed if the President, upon receipt of the report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution.

Revocation:	• A proclamation of the President's Rule may be revoked by the President at any time by a subsequent proclamation. • Such a proclamation does not require parliamentary approval.
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ELECTION OF PRESIDENT

News: The Election Commission has notified the election of India's 15th President.

About:

Constitutional provisions	• Article 62(1) of the Constitution: an election to fill a vacancy caused by the expiration of the President's term of office shall be completed before the expiration of the term.
Conducted by:	• The elections are conducted and overseen by Election Commission India (ECI).
Electoral college:	• The President is elected not directly by the people but by members of electoral college consisting of: ○ The elected members of both the Houses of Parliament; ○ The elected members of the legislative assemblies of the states; and ○ The elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry. • The Electoral College for Presidential election doesn't consist of nominated members of Rajya Sabha, Lok Sabha and the Assemblies, and members of state Legislative Councils.
Value of Vote:	• The votes are weighted, their value determined by the population of each state as per Census 1971. • The value of each MLA's vote varies from a high of 208 in Uttar Pradesh to a low of 7 in Sikkim. ○ This means that UP's 403 MLAs contribute $208 \times 403 = 83,824$ votes to the electoral pool, while Sikkim's 32 MLAs contribute $32 \times 7 = 224$ votes.
	○ The weighted votes from all the Assemblies add up to 5.43 lakh. ○ The process demands that all the 776 MPs should contribute the same total of votes as the MLAs. ○ Thus, the value of each MP's vote is 5.43 lakh divided by 776, rounded off to 700. The combined electoral pool from the Assemblies and Parliament adds up to 10.86 lakh. • The value of the vote of a Member of Parliament (MP) is likely to go down to 700 from 708 in presidential polls due to the absence of a legislative assembly in Jammu and Kashmir. • Value of the vote of an MP in a presidential election is based on the number of elected members in legislative assemblies of states and union territories, including Delhi, Puducherry, and Jammu and Kashmir. • Value of the vote has been fixed at 708 since the 1997 presidential election. • For the first Presidential election in 1952, it was 494. • It increased marginally to 496 in the 1957 presidential election, followed by 493 (1962), 576 (1967 and 1969).

ELECTION TO THE POST OF THE VICE-PRESIDENT

News: The Election Commission has announced that the election to the post of Vice-President (VP) will be held on August 6, as M. Venkaiah Naidu's term was coming to an end on August 10.

About:

Vice-President	• The VP is the deputy to the head of state of the Republic of India, the President of India. • His/her office is the second-highest constitutional office after the president and ranks second in the order of precedence and first in the line of succession to the presidency. • The vice president is also a member of the Parliament as the ex officio Chairman of the Rajya Sabha.
Qualifications:	• As in the case of the President, to be qualified to be elected as vice president, a person must: ○ Be a citizen of India; ○ Be at least 35 years of age; ○ Not hold any office of profit. • Unlike in the case of the president, where a person must be qualified for election as a member of the Lok Sabha, the vice president must be qualified for election as a member of the Rajya Sabha. ○ This difference is because the vice president is to act as the ex officio Chairman of the Rajya Sabha.
Election procedure:	• Article 66 of the Constitution of India states the manner of election of the vice president. • The vice president is elected indirectly by members of an electoral college consisting of the members of both Houses of Parliament and NOT the members of the state legislative assembly. • The election is held as per the system of proportional representation using single transferable votes. • The voting is conducted by the Election Commission of India via secret ballot. • The Electoral College for the poll will comprise 233 Rajya Sabha members, 12 nominated Rajya Sabha members, and 543 Lok Sabha members. • The Lok Sabha Secretary-General would be appointed the Returning Officer. • Political parties cannot issue any whip to their MPs in the matter of voting in the Vice-Presidential election
Removal:	• The Constitution states that the vice president can be removed by a resolution of the Rajya Sabha passed by an Effective majority (majority of all the then members) and agreed by the Lok Sabha with a simple majority (Article 67(b)). But no such resolution may be moved unless at least 14 days' notice in advance has been given. • Notably, the Constitution does not list grounds for removal. • No Vice President has ever faced removal or the deputy chairman in the Rajya Sabha cannot be challenged in any court of law per Article 122.

ELECTION OF RAJYA SABHA MP

News: On June 10, the Assemblies of 4 states will elect 16 MPs to Rajya Sabha.

About:

- The Rajya Sabha or the Upper House of Parliament is modelled after the **House of Lords in the United Kingdom**.
- The **Vice-President is the chairperson of the Rajya Sabha**.
- It is a **permanent House** and cannot be dissolved.
- To ensure continuity, **one-third of its members retire after every second year, under Article 83(1) of the Constitution**, and “biennial elections” are held to fill these vacancies.
- A nominated member may join a party within six months of taking a seat.

Composition of RS	Out of the 245 members, 12 are nominated by the President and 233 are representatives of the States and Union territories of Delhi and Puducherry.
Election Procedure	- Rajya Sabha MPs are elected by MLAs through an indirect election. Article 80(4) provides that members shall be elected by the elected members of state Assemblies through a system of proportional representation by means of a single transferable vote. - The Fourth Schedule to the Constitution provides for the allocation of Rajya Sabha seats to the states and Union Territories on the basis of the population of each state. - Elections are held where there are more candidates than vacancies; otherwise, candidates are elected unopposed.
NOTA option in voting	- The ECI issued two circulars, on January 24, 2014, and November 12, 2015, giving Rajya Sabha members the option to press the NOTA button in the Upper House polls. - However, in 2018, the Supreme Court struck down the provision, holding that the 'None Of The Above' option is only for general elections. - It cannot be applied to indirect elections based on proportional representation.
Does cross-voting attract disqualification?	- The Supreme Court, while declining to interfere with the open ballot system, ruled that not voting for the party candidate will not attract disqualification under the anti-defection law. - As voters, MLAs retain their freedom to vote for a candidate of their choice. - However, the Court observed that since the party would know who voted against its own candidate, it is free to take disciplinary action against the legislator concerned.
Can a legislator vote without taking an oath as a member of the Assembly?	- While taking an oath as a member is for anyone to function as a legislator, the Supreme Court has ruled that a member can vote in a Rajya Sabha election even before taking an oath as a legislator. - It ruled that voting at the Rajya Sabha polls, being a non-legislative activity, can be performed without taking an oath. - A person becomes a member as soon as the list of elected members is notified by the ECI. Further, a member can also propose a candidate before taking an oath.

NOMINATED MEMBERS IN RAJYA SABHA

News: Olympic sprinter PT Usha and music composer Ilaiyaraaja among others have been nominated to the Rajya Sabha in the category of eminent persons nominated by the President.

About:

- Twelve members are nominated to the RS by the President of India for a **six-year term**.
- This is for their contributions towards **arts, literature, sciences, and social services**.
- This right has been bestowed upon the President according to the **Fourth Schedule under Articles 4(1) and 80(2) of the Constitution of India**.
- Normal composition:**
 - The present strength is **245 members** of whom **233 are representatives of the states and UTs and 12 are nominated by the President**.
 - The Rajya Sabha is not subject to dissolution; **one-third of its members retire every second year**.
- Powers and privileges of such members:**

- A nominated member enjoys all the powers and privileges and immunities available to an elected Member of Parliament. They take part in the proceedings of the House as any other member.
- Nominated members are however not entitled to vote in an election of the President of India. They have the right to vote in the vice-presidential election.**
- As per Article 99** of the Constitution, a nominated member is **allowed six months' time should he join a political party**.

PARDONING POWERS OF GOVERNOR AND PRESIDENT

News: The Supreme Court has disagreed with the Central government's suggestion that the court should wait till the President took a call on Rajiv Gandhi's assassination case convict mercy plea referred to him by the Tamil Nadu Governor for a decision.

About:

- The Supreme Court said that the pertinent question was whether the Governor had in the first place the authority to refer the mercy plea to the President.
- This is because, under **Article 161 of the Indian Constitution**, the Governor was bound by the aid and advice given by the Council of Ministers (COM). This means that the **Governor prima facie had**

no authority to transfer the mercy plea to the President.

- In case, the governor disagrees with the state cabinet's decision to release him, he can at most send it back to the cabinet but **cannot forward it to the President.**

Meaning of Pardon:

- A pardon is a government/executive decision to allow a person to be absolved of guilt for an alleged crime or other legal offence as if the act never occurred.

Pardoning Powers of the Governor and President:	• The President and Governor exercised two distinct powers of mercy under Articles 72 and 161, respectively. • The scope of the pardoning power of the President under Article 72 is wider than the pardoning power of the Governor under Article 161.
The power differs in the two ways:	1. The power of the President to grant pardon extends in cases where the punishment or sentence is by a Court Martial but Article 161 does not provide any such power to the Governor. 2. The President can grant pardon in all cases where the sentence given is the sentence of death, but the pardoning power of the Governor does not extend to death sentence cases.

PUBLIC ACCOUNTS COMMITTEE

News: Recently, the centennial celebrations of the Public Accounts Committee (PAC) were held.

About the Public Accounts Committee (PAC):

About:	• Oldest Parliamentary Committee. Constituted in 1921 under the provisions of the Government of India Act of 1919 (in the wake of the Montague-Chelmsford Reforms).
Membership:	• 22 Members: ○ Lok Sabha: 15 Members ○ Rajya Sabha: 7 Members
Chairperson:	• The Speaker is empowered to appoint the Chairman of the Committee from amongst its members. • W M Hailey → first president • Bhupendra Nath Mitra → first Indian president. • Liaquat Ali Khan → last president before Independence.
Purpose:	• Constituted by Parliament each year for examination of accounts showing the appropriation of sums granted by Parliament for expenditure of Government of India, the annual Finance Accounts of Government of India, and such other accounts laid before Parliament as the Committee may deem fit such as accounts of autonomous and semi-autonomous bodies. • Accounts of those Public Undertakings and Government Companies which come under the purview of the Committee on Public Undertakings are exempted.
Functions:	• Scrutinizes the Appropriation Accounts of the Government of India and the reports of the Comptroller and Auditor General (CAG) of India. • Examines the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, projects, and autonomous and semi-autonomous bodies. • Regularization of Expenditure: satisfying itself that the amount shown in the accounts as having been disbursed was legally available for, and applicable to, the service or purpose to which has been applied or charged. • Expenditure conforms to the authority which governs it.

	• Every re-appropriation has been made in accordance with the provisions • Discuss points of financial discipline and principle, without getting concerned with questions of policy in the broad sense.
Convention:	• Until 1966 – 67, the chairman of the committee belonged to the ruling party. However, since 1967 a convention has developed whereby the chairman of the committee is selected from the Opposition.

ELECTION OF SPEAKER

News: Maharashtra Governor Bhagat Singh Koshyari and the Maha Vikas Aghadi (MVA) government were locked in a tussle over the election of the Speaker of the Assembly.

About the Election of Speaker:

Constitution:	• Article 93 (Lok Sabha) and Article 178 (State Assemblies), state that these Houses shall, as soon as may be, choose two of its members to be Speaker and Deputy Speaker.
Date of Election:	• In Lok Sabha and state legislatures, the President/Governor sets a date for the election of the Speaker. • The Speaker decides the date for the election of the Deputy Speaker. • The legislators of the respective Houses vote to elect one among themselves to these offices.
Functions:	• The Speaker presides over the House proceedings and joint sittings (Art.108) of the two Houses of Parliament. • The Speaker determines whether a Bill is a Money Bill. • Usually, the Speaker comes from the ruling party.
Independence:	• Salary is charged on the Consolidated Fund of India and is not subject to vote of Parliament.
Timeframe:	• The Constitution neither sets a time limit nor specifies the process for these elections rather leaves it to the legislatures. • For example, Haryana and Uttar Pradesh have specified a time-frame.

DEPUTY SPEAKER OF LOK SABHA

News: The Delhi High Court sought Lok Sabha Secretariat reply to a petition on the vacant post of deputy speaker for over 2 years. The combined opposition lacks the strength to elect a member of their choice in the present Lok Sabha.

About the Deputy Speaker and his election:

- The Speaker and the Deputy Speaker are the **Presiding Officers of the Lok Sabha.**
- The post of deputy speaker (since Morarji Desai Government) is **conventionally given to the biggest opposition party in the house, with few exceptions.**

Origin:	• The institutions of Speaker and Deputy Speaker originated in India in 1921 under the provisions of the Government of India Act of 1919 (Montague-Chelmsford Reforms). • Before 1921, the Governor-General of India used to preside over the meetings of the Central Legislative Council. • In 1921, Frederick Whyte and Sachidanand Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker (respectively) of the central legislative assembly. • G.V. Mavalankar and Ananthasayanam Ayyangar had the distinction of being the first Speaker and the first Deputy Speaker (respectively) of the Lok Sabha.
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Election:	- Like the Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members. - He is elected after the election of the Speaker has taken place. While the President fixes the date for the Speaker election, Rule 8 of the Rules of Procedure and Conduct of Business in Lok Sabha leaves it to the speaker to fix the date for holding the election of the Deputy Speaker.
Removal:	- Like the Speaker, the Deputy Speaker remains in office usually during the life of the Lok Sabha. - However, he may vacate his office earlier in any of the following three cases: - If he ceases to be a member of the Lok Sabha; - If he resigns by writing to the Speaker; and - If he is removed by a resolution passed by a majority of all the then members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.
Powers, functions, privileges, etc.	- The Deputy Speaker performs the duties of the Speaker's office when it is vacant. - He also acts as the Speaker when the latter is absent from the sitting of the House. In both cases, he assumes all the powers of the Speaker. He also presides over the joint sitting (Art.108) of both the Houses of Parliament, in case the Speaker is absent from such a sitting. - It should be noted here that the Deputy Speaker is not subordinate to the Speaker. He is directly responsible to the House. - The Deputy Speaker has one special privilege, that is, whenever he is appointed as a member of a parliamentary committee, he automatically becomes its chairman. - Like the Speaker, the Deputy Speaker, while presiding over the House, cannot vote in the first instance; he can only exercise a casting vote in the case of a tie. - Further, when a resolution for the removal of the Deputy Speaker is under consideration of the House, he cannot preside at the sitting of the House, though he may be present. - When the Speaker presides over the House, the Deputy Speaker is like any other ordinary member of the House. He can speak in the House, participate in its proceedings and vote on any question before the House. - The Deputy Speaker is entitled to a regular salary and allowance fixed by Parliament, and charged on the Consolidated Fund of India.

DELIMITATION

News: Recently, a commission set up by the Centre Government submitted its final report for the delimitation of Assembly and parliamentary constituencies in Jammu and Kashmir.

About:

- The **Delimitation Commission (DC) was set up on March 6, 2020** to redraw the boundaries of assembly and parliamentary constituencies in Jammu and Kashmir.
 - The panel, formed by the Centre in March 2020, is headed by former Supreme Court judge Ranjana Prakash Desai.
 - The commission has proposed increasing the number of seats in the UT from 83 to 90. Besides, there are 24 seats in Pakistan-occupied Kashmir (PoK) that continue to remain vacant.
- Delimitation is the **act of redrawing boundaries of Lok Sabha and state Assembly seats to represent changes in population.**
- The main objective of delimitation is **to provide equal representation to equal segments of a population.**
- Process of Delimitation:**
 - Under **Article 82**, the Parliament enacts a Delimitation Act after every Census. Under **Article 170**, States get divided into territorial constituencies.
 - Once the Act is in force, the Union government sets up a Delimitation Commission.
 - The Delimitation commission was constituted in 1952, 1963, 1973 under their respective acts.
 - In 1976, the 42nd Constitutional Amendment was used to stop the delimitation process until 2001.
 - In 2002, based on the 2001 Census delimitation commission was set up to readjust the boundaries of existing Lok Sabha and Assembly seats and rework the number of reserved seats.
 - Further, in 2002, the 84th Constitutional Amendment was used to freeze the delimitation process till at least 2026.

Delimitation Commission:

- The **Delimitation Commission is appointed by the President of India** and works in collaboration with the Election Commission of India.
- The **commission is made up of a retired Supreme Court judge, the Chief Election Commissioner, and the respective State Election Commissioners.**
- **The commission is mandated to:**
 - Determine the number and boundaries of constituencies to make the population of all constituencies nearly equal,
 - Identify seats reserved for Scheduled Castes and Scheduled Tribes, wherever their population is relatively large.
- The constitution mandates that the orders of the commission are **final and cannot be questioned before any court as it would hold up an election indefinitely.**

GOVERNOR

News: Kerala governor warned ministers against making statements that lowered the dignity of his office and saying it would invite action, including their removal from office.

About:

Constitutional Provisions:	• The Governor acts in 'Dual Capacity'- ○ Constitutional head of the state ○ Representative of the Union government. • Article 163: There shall be a council of ministers with the chief minister as the head to aid and advise the governor in the exercise of his functions, except in so far as he is required to exercise his functions at his discretion.
	• Article 174: The Governor can also summon, prorogue, and dissolve the Legislative Assembly. By convention, he does this on the advice of the Council of Ministers while they enjoy the confidence of the Assembly. • Article 200: Every Bill passed in an Assembly has to be sent to the Governor, after which he has four options ○ To assent to the Bill, ○ Withhold assent, ○ Reserve the Bill for the consideration of the President, or ○ Return the Bill to the legislature, asking it to reconsider the Bill or an aspect of it. The Governor can also suggest an amendment to the Bill.
Appointment and removal of governor:	• Under Articles 155 and 156 of the Constitution, a Governor is appointed by the President and holds office at the pleasure of the President. • If this pleasure is withdrawn before the completion of the five-year term, the Governor has to step down. • Note: There is no provision for impeaching the Governor. • The Governor is envisaged as an apolitical head who must act on the advice of the council of ministers.
Powers/ Functions:	• Article 161: Governor has the power to grant pardons, reprieves, etc. • Article 163: There is a CoM with the CM at the head to aid and advise the Governor in the exercise of his functions, except some conditions for discretion. • Article 164: The Governor appoints the Chief Minister and other Ministers. • Article 200: Governor assents, withholds assent, or reserves the bill for the consideration of the President passed by the Legislative Assembly. • Article 213: Governors may promulgate Ordinances under certain circumstances.

Discretionary powers (Constitution):	• Giving or withholding assent to a Bill passed by the state legislature. • Determining the time needed for a party to prove its majority, or Which party must be called first to do so, generally after a hung verdict in an election.
Tenure and Removal:	• The Governor has a 5-year tenure. • Remains in office only until the pleasure of the President.
What happens in case of disagreements between the Governor and the State Government?	• There are no provisions laid down in the Constitution for the manner in which the Governor and the state must engage publicly when there is a difference of opinion. • The management of differences has traditionally been guided by respect for each other's boundaries.

The Supreme Court's observation:

- **Surya Narain Choudhary vs Union of India (1981):** Rajasthan High Court held that the pleasure of the President was not justiciable, the Governor had no security of tenure and can be removed at any time by the President withdrawing pleasure.
- **BP Singhal vs Union of India (2010):** The Supreme Court elaborated on the pleasure doctrine. The court held that the President can remove the Governor from office at any time without assigning any reason and without giving any opportunity to show cause.
 - However, the power to remove can't be exercised in an arbitrary, capricious or unreasonable manner.
 - For instance, the Governor cannot be removed on the ground that he is out of sync with the policies and ideologies of the Union Government or the party in power at the Centre.
 - Hence, the court held that it will presume that the President had "compelling and valid" reasons for the removal but if a sacked Governor comes to the court, the Centre will have to justify its decision.

Reforms needed in the office of Governor:

Appointment and Removal:	Use of Article 356:	Dismissal of State Government (Article: 356):	Discretionary Powers
Punchhi commission (2010): • The provision for the impeachment of the governor by the state legislature. • The state chief minister should have a say in the governor's appointment.	• The Sarkaria Commission (1988): Article 356 should be used in very rare cases. • Similar recommendations given by the Administrative Reforms Commission (1968), • Rajamannar Committee (1971) and Justice V.Chelliah Commission (2002).	• S.R. Bommai Judgment (1994): An end to the arbitrary dismissal of State governments by a hostile Central government. • The floor of the Assembly is the only forum that should test the majority of the government. • Not the subjective opinion of the Governor.	• Nabam Rebia judgment (2016): SC ruled that the exercise of Governor's discretion (Article 163) is limited and his choice of action should not be arbitrary or fanciful.

GOVERNOR'S ROLE IN THE UNIVERSITIES

News: The Kerala government decided to remove the Governor as the Chancellor of State universities replacing him with "renowned academic experts".

About Governor's Role in State Universities:

- **Almost all universities in India have a chancellor as their titular head** with largely ceremonial function. Government is the honorary chancellor of all State owned universities.
- The **Vice-Chancellor is the de facto head** of any government university..
- In private/non-profit universities, the head of the foundation who has established the university is the chancellor of the university and is the head of the university.

State Universities:	• Governor of the state is the ex-officio chancellor of the universities in that state, in most cases. • The powers and functions as the Chancellor are laid out in the statutes that govern the universities under a particular state government.
Central Universities:	• Central Universities Act, 2009, and other statutes → President of India shall be the visitor of a central university. • Chancellors in central universities are titular heads, who are appointed by the President in his capacity as Visitor with roles being limited to presiding over the convocations. • The VCs are appointed by the Visitor from panels of names picked by search and selection committees formed by the Union government. • The Act adds that the President, as Visitor, shall have the right to authorize inspections of academic and non-academic aspects of the universities.

DEMAND FOR RAJYA SABHA SEAT TO CHANDIGARH

News: The Chandigarh Municipal Corporation has approved a proposal to amend Article 80 of the Constitution so that its councillors could send a representative to the Rajya Sabha. So far, Chandigarh has no representation in the Rajya Sabha.

Proposals in the Bill:

- The bill (Private Member Bill) sought the adding of a provision “provided that the representative of the Union Territory of Chandigarh in the council of states shall be elected by an electoral college consisting of elected members of the Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994 in Article 80 of the Constitution.
- An amendment has also been sought to the **Fourth Schedule of the Constitution**.

Additional Insights:

- **Article 80:** deals with the composition of the council of states also called the Upper House and Rajya Sabha (Upper House).
- **Fourth Schedule:** contains provisions as to the allocation of seats in the Council of States. It contains the number of seats represented in the Council of states (Rajya Sabha) from each State and Union Territory.
- **UTs having representation in Rajya Sabha:** Puducherry, Jammu and Kashmir and the National Capital Territory of Delhi.
- **UTs not having representation in Rajya Sabha:** Ladakh, Chandigarh, Dadra and Nagar Haveli — Daman and Diu, Andaman and Nicobar Islands and Lakshadweep

Case of Chandigarh:

- Between 1966 and 1990, Rajya Sabha MPs from Delhi (having Metropolitan Council) were selected by the members of the Metropolitan Council of Delhi.
- **Chandigarh (has Municipal Corporation) lacks a metropolitan council**, which exists in Delhi.
- **Chandigarh also does not have a legislative Assembly** unlike Delhi, which also is a Union Territory.
- Also, selecting Rajya Sabha MP, is beyond the listed scope of functions of the municipal corporation.
- If the functions of the civic body are to be extended beyond the listed scope of functions, it would not be

feasible to go with the constitutional mandate of any such Municipal Corporation.

- As the civic body gave its assent to the amendment, UT Administration will send it to the Ministry of Home Affairs for further consideration and then it will be forwarded to the Parliament.
- The **elected Municipal Corporation Councillors do not form the electoral college for selecting a**

member for Upper house (Rajya Sabha) because it is beyond the powers of the Municipal Corporation.

Present Status of Chandigarh:

- **It is a Union Territory** without any legislative assembly **and has** a seat of Member of Parliament (MP) in the Lower House (Lok Sabha) or House of the People.
- **Chandigarh residents elect an MP every five years through** direct voting.



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- > APPEARED TWICE IN UPSC CSE INTERVIEW
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 14+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



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LOK ADALAT

News: Recently, National Legal Services Authority (NALSA) decided to lay more emphasis on the contribution of National Lok Adalat in effectively reducing the number of pending cases through Alternative Dispute Mechanisms.

About:	- The term 'Lok Adalat' means 'People's Court' and is based on Gandhian principles. - It is one of the components of the Alternative Dispute Resolution (ADR) system and delivers informal, cheap and expeditious justice to the common people. - The first Lok Adalat camp was organized in Gujarat in 1982, without any statutory backing for its decisions. - It was given statutory status under the Legal Services Authorities Act, 1987.
Organization:	- The State/District Legal Services Authority or the Supreme Court/High Court/Taluk Legal Services Committee may organize Lok Adalats at such intervals and places as it thinks fit. - A Lok Adalat consists of a judicial officer as the chairman and a lawyer (advocate) and a social worker as members.
Jurisdiction:	Any case pending before any court, or Any matter which falls within the jurisdiction of any court and is not brought before such court. Any case pending before the court can be referred to the Lok Adalat for settlement if: - Parties agree to settle the dispute in the Lok Adalat or one of the parties applies for referral of the case to the Lok Adalat or court is satisfied that the matter can be solved by a Lok Adalat. - In the case of a pre-litigation dispute, the matter can be referred to the Lok Adalat on receipt of an application from any one of the parties to the dispute. - Matters such as matrimonial/family disputes, criminal (compoundable offenses) cases, land acquisition cases, labor disputes, workmen's compensation cases, bank recovery cases, etc. are being taken up in Lok Adalats. - The Lok Adalat has no jurisdiction in respect of any case or matter relating to an offense not compoundable under any law.
Powers:	- The Lok Adalat shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure (1908). - It has the powers to specify its own procedure for the determination of any dispute coming before it. All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of the Indian Penal Code (1860) and every Lok Adalat shall be deemed to be a Civil Court for the purpose of the Code of Criminal Procedure (1973).
Benefits:	- No Court Fee. - Procedural flexibility and speedy trial of the dispute. - Direct interaction of the parties with the Judges. - Award by the Lok Adalat is binding. It has the status of a decree of a civil court is non-appealable.

ALTERNATIVE DISPUTE MECHANISMS (ADR)

Arbitration:	• The dispute is submitted to an arbitral tribunal which decides on the dispute. • It is binding on the parties. • Less formal than a trial. • Relaxed rules of evidence. • No right to appeal an arbitrator's decision. • Very little scope for judicial intervention.
Conciliation:	• Parties are assisted by an impartial third party, conciliator to reach a settlement. • It is less formal than arbitration. • Recommendations of the conciliator can be either accepted or rejected by the parties. • Non-binding procedure. • If accepted, then final and binding on both.
Mediation:	• An impartial person called a "mediator" helps the parties reach a mutually acceptable resolution. • The mediator does not decide the dispute but only helps the parties communicate. • To be a mediator, a person has to undergo a 40 hours training stipulated by the Mediation and Conciliation Project Committee of the Supreme Court (SC). • To be a qualified mediator: He also needs to have 20 mediations in all with at least ten mediations resulting in a settlement.
Negotiation:	• It is initiated without the intervention of any third party. • It is a non-binding procedure and the most common method of alternative dispute resolution. • It occurs in business, non-profit organizations, government branches, legal proceedings, among nations and in personal situations such as marriage, divorce, parenting, and everyday life.

JUSTICE CLOCK

News: Supreme Court e-Committee chairperson and SC judge Justice DY Chandrachud inaugurated two digital services for Gujarat High court — a 'Justice Clock', and electronic payment of court fees.

About Justice Clock:

- An LED display of 7 feet by 10 feet, placed at a height of 17 feet from the ground, has been erected at a busy crossroad near the Gujarat High Court premises.
- 'Justice Clock' will exhibit vital statistics of the justice delivery system in Gujarat, to "maximise outreach and visibility" of the work done by the state judiciary.
- The interface has been designed and developed in-house and will display data from the National Judicial Data Grid (NJDG) in real-time.
- A similar format of Gujarat judiciary-related statistics will also be available on the Gujarat HC website under a tab of 'Virtual Justice Clock', accessible to all.

E-court fee:

- While the online e-Courts fee system was already available for the Gujarat High Court, which was tested on a pilot basis allowing advocates and parties to procure judicial stamps online through electronic payment and upon submission of a PDF receipt, this platform now stands expanded to all district and taluka courts.
- The payment platform is of StockHolding Corporation of India Ltd (SHCIL) as empanelled by the Gujarat government.

SC ON INHERITANCE OF DAUGHTERS

News: Recently, the Supreme Court (SC) has ruled that daughters will have equal rights to their father's property even prior to the enactment of the Hindu Succession Act (HSA) of 1956.

About:

- Daughter now can inherit property by inheritance and not by survivorship if a property of a male Hindu dying intestate is a self-acquired property or obtained in a partition of a joint heirship or family property. This was not the case before 1956.
- The apex court in 2020 clarified that daughters had coparcenary rights by birth. Coparcenary refers to a person who has the capacity to assume a legal right in ancestral property.

Hindu Succession Act, 1956:	• The Mitakshara school of Hindu law codified as the Hindu Succession Act, 1956 governed succession and inheritance of property but only recognised males as legal heirs. • It applied to everyone who is not a Muslim, Christian, Parsi or Jew by religion. Buddhists, Sikhs, Jains and followers of Arya Samaj, Brahmo Samaj, are also considered Hindus for this law. • In a Hindu Undivided Family, several legal heirs through generations can exist jointly. • Traditionally, only male descendants of a common ancestor along with their mothers, wives and unmarried daughters are considered a joint Hindu family. The legal heirs hold the family property jointly.
Hindu Succession (Amendment) Act, 2005	• The 1956 Act was amended in September 2005 and women were recognised as coparceners for property partitions arising from 2005. • Section 6 of the Act was amended to make a daughter of a coparcener also a coparcener by birth “in her own right in the same manner as the son”. • It also gave the daughter the same rights and liabilities “in the coparceny property as she would have had if she had been a son”. • The law applies to ancestral property and to intestate succession in personal property, where succession happens as per law and not through a will.

CONSENT OF AG TO INITIATE CONTEMPT PROCEEDINGS

News: The Supreme Court has threatened to initiate contempt proceedings against the chief secretary of Telangana if the state government failed to deposit a cost of ₹2.5 lakh within two weeks.

About:

- The **Contempt of Courts Act 1971 defines civil and criminal contempt** and lays down the powers and procedures by which courts can penalize contempt, as well as the penalties that can be given for the offence of contempt.
- **Contempt of court is the power of the court to protect its own majesty and respect.**
- The power is regulated but not restricted in the **Contempt of Courts Act, 1971.**
- As per the Contempt of Courts Act 1971, contempt refers to the offense of showing disrespect to the dignity or authority of a court.
 - The expression ‘**contempt of court**’ **has not been defined by the Constitution.**
- **Article 129 of the Constitution:** conferred on the Supreme Court the power to punish contempt of itself.
- **Article 215:** conferred a corresponding power on the High Courts.
- The **Contempt of Courts Act, 1971 defines both civil and criminal contempt.**
 - **Civil contempt** refers to wilful disobedience to any judgment of the court.
 - **Criminal contempt** can be invoked if an act:
 - ◆ Tends to scandalise or lower the authority of the court.
 - ◆ Tends to interfere with the due course of any judicial proceeding.
 - ◆ Obstruct the administration of justice.
- **Punishment:** A contempt of court may be punished with-
 - Simple imprisonment which may extend to six months or
 - Fine which may extend to two thousand rupees or With both.
 - However, the accused may also be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Consent of Attorney General (AG) to initiate contempt proceedings:

Legal Framework:	As per Section 15 of the Contempt of Courts Act, the consent of the Attorney General or the Solicitor General is a condition precedent to set the criminal contempt proceedings in motion before the apex court.
Objective:	- Saves the time of the court. - Safeguards against frivolous petitions.
Situations where consent is needed:	- It is mandatory for a private citizen. Not Mandatory: When the court (Under Article 129) itself initiates a contempt of court case.
Denial by Attorney General:	- If the AG denies consent, the matter all but ends. - The complainant can, however, separately bring the issue to the notice of the court and urge the court to take suo motu cognizance.

NATIONAL JUDICIAL INFRASTRUCTURE AUTHORITY OF INDIA (NJIAI)

News: Chief Justice of India has proposed creation of a National Judicial Infrastructure Authority of India (NJIAI).

About:

- The NJIAI's objective will be to take control of the budgeting and infrastructure development of subordinate courts in the country.

Objective:	- It would take control of the budgeting and infrastructure development of subordinate courts in the country. - It would be established on the model of National Legal Services Authority (NALSA), and would work as a central agency with each State having its own State Judicial Infrastructure Authority.
Key Features:	Patron-in-Chief: Chief Justice of India. - It would be placed under the Supreme Court of India. (NALSA works under the Ministry of Law and Justice).
Members:	High Court Judges and some Central Government Officials.

Key features of the proposed body:

- It will be **established on the National Legal Services Authority (NALSA) model**, whereby it would work as a central agency with each State having its own State Judicial Infrastructure Authority.
- NALSA provides free Legal Services to the weaker sections of the society having an overall national body along with similar entities at state and district levels.
- The **Chief Justice of India would be the patron-in-chief of the NJIAI** and it would be placed under the Supreme Court of India, unlike NALSA which is under the Ministry of Law and Justice.
- In the NJIAI there would be a few High Court judges as members, and some Central Government officials.

Judicial Infrastructure in India:

- It includes the physical premises of courts, tribunals, lawyers' chambers, the digital and human resources infrastructure, including the availability of all the resources that are essential to ensure timely dispensation of justice.
- Efficient "judicial infrastructure" means providing equal and free access to justice** which can be realized through a "barrier free and citizen friendly environment".

Role of State Government:	Presently, primary responsibility for the development of Judicial Infrastructure rests with state governments.
Role of Central Government:	It augments the resources of the State Governments by releasing financial assistance under a Centrally Sponsored Scheme for the Development of Judicial Infrastructure.

SEALED COVER JURISPRUDENCE

News: Recently, the two separate Benches of the Supreme Court have criticized the “Sealed Cover Jurisprudence” practiced by the Government in Courts.

About:

- It is a **practice used by the Supreme Court and sometimes lower courts** of asking for or accepting information from government agencies in sealed envelopes that can only be accessed by judges.
- While a **specific law does not define the doctrine of sealed cover**, the Supreme Court derives its power from:
 1. **Rule 7 of Supreme Court Rules:** It states that if the Chief Justice or court directs certain information to be kept under sealed cover or considers it of confidential nature, no party would be allowed access to the contents of such information, except if the Chief Justice himself orders that the opposite party be allowed to access it.
 2. **Section 123 of the Evidence Act:** It says that the official unpublished documents relating to state affairs are protected, and a public officer cannot be compelled to disclose such documents.

Accommodations

- A modified working environment, shortened or staggered working hours, additional support from supervisory staff and reduced work commitments are ways in which accommodation can be made.
- Suitable changes in recruitment processes — allowing scribes during written tests or sign language interpreters during interviews — will also be a form of accommodation.

Legal Position on this in India:

- In India, the **Rights of People with Disabilities Act, 2016**, defines ‘reasonable accommodation’ as “necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others”.

LOKAYUKTAS

News: The Kerala government has proposed to amend the Kerala Lok Ayukta Act with an ordinance. This move has attracted criticism from the opposition.

PRINCIPLE OF REASONABLE ACCOMMODATION

News: In its recent verdict on the Hijab case, the Karnataka High Court rejected an argument in support of permitting Muslim girls wearing headscarves that was based on the principle of ‘reasonable accommodation’.

About:

- This **principle promotes equality, enables the grant of positive rights and prevents discrimination based on disability, health condition or personal belief.**
- **Principle captures the positive obligation of the State and private parties** to provide additional support to persons with disabilities to facilitate their full and effective participation in society.

Working of Principal of Reasonable Accommodation:

- Reasonable accommodation should be provided, unless some undue hardship is caused by such accommodation.
- In 2016, the ILO came out with a practical guide on promoting diversity and inclusion through workplace adjustments.
- **Four categories of workers were chosen for the guide:**
 - Workers with disabilities.
 - Workers living with HIV and AIDS.
 - Pregnant workers and those with family responsibilities.
 - Workers who hold a particular religion or belief.

About:

- Lokayukta is an **anti-corruption authority or ombudsman** – an official appointed by the government to represent the interests of the public.
- Lokayukta **investigates allegations of corruption and mal-administration against public servants** and is tasked with speedy redressal of public grievances.
- Lokayuktas are the **state equivalents of the central Lokpal.**
- The **Lokayukta is usually a former High Court Chief Justice or former Supreme Court judge** and has a **fixed tenure.**

Genesis:	• The Administrative Reforms Commission (ARC) headed by Late Morarji Desai in 1966 recommended the setting up of the institution of Lokayukta. • The Lokpal and Lokayukta Act, 2013, commonly known The Lokpal Act was passed by the Parliament of India in December 2013. • The law gave states the autonomy to frame their own laws. • So, the Lokayukta's powers vary from state to state on various aspects, such as tenure, and the need for sanction to prosecute officials.
Selection of Lokayukta:	• The Chief Minister selects a person as the Lokayukta after consultation with: ○ the High Court Chief Justice, ○ the Speaker of the Legislative Assembly, ○ the Chairman of the Legislative Council, ○ Leader of Opposition in the Legislative Assembly and ○ the Leader of Opposition in the Legislative Council. • The appointment is then made by the Governor. • Once appointed, Lokayukta cannot be dismissed nor transferred by the government, and can only be removed by passing an impeachment motion by the state assembly.

LOKPAL

News: The Lokpal has now got its own office at World Trade Centre in south Delhi.

The Lokpal and Lokayuktas Act 2013:

- The Act allows **setting up of an anti-corruption ombudsman called Lokpal at the Centre and Lokayukta at the State-level**.
- The Act also incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while the prosecution is pending.
- The States will have to institute Lokayukta within one year from the commencement of the Act.

Composition:	• It consists of a chairperson and a maximum of eight members.
Jurisdiction:	• The Lokpal can inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as officials of the Union government under Groups A, B, C and D. • It also covers complaints against chairpersons, members, officers and directors of any board, corporation, society, trust or autonomous body either established by an Act of Parliament or wholly or partly funded by the Centre and any society or trust or body that receives foreign contribution above ₹10 lakh.
Powers:	• The Lokpal will have the power of superintendence and direction over any investigation agency including CBI for cases referred to them by the ombudsman. • As per the Act, the Lokpal can summon or question any public servant if there exists a prima facie case against the person, even before an investigation agency (such as vigilance or CBI) has begun the probe. • Any officer of the CBI investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal. • An investigation must be completed within six months. However, the Lokpal or Lokayukta may allow extensions of six months at a time provided the reasons for the need of such extensions are given in writing. • Special courts will be instituted to conduct trials on cases referred by Lokpal.

FASTER PLATFORM

News: The Chief Justice of India has launched the FASTER (Fast and Secured Transmission of Electronic Records) platform.

About:

- It is a **digital platform to communicate interim orders, stay orders, and bail orders of the Supreme Court to authorities concerned** through a secured electronic communication channel.

Developed by:	Registry of the Supreme Court in collaboration with the National Informatics Centre (NIC).
Functioning:	FASTER Cell: It has been established in the Registry of the Supreme Court. The cell will transmit digitally signed records of proceedings or orders related to bail and release passed by the court to the nodal officers and duty holders concerned through email.
Nodal Officers:	To reach all districts of India, 73 nodal officers have been nominated at various levels. All nodal officers have been connected through a specific Judicial Communication Network (JCN) by creating a secured pathway.
Significance:	It will ensure that undertrials are not made to wait for days on end behind bars to be released because the certified hard copies of their bail orders took time to reach the prison.

SUPACE Portal

- It is a tool that collects relevant facts and laws and makes them available to a judge.
- It processes facts to be made available to the judges as an input for a decision.
- It is not designed to make any decision.
- It facilitates research and hence makes it easier for judges to make their judgements.

OLGA TELLIS JUDGMENT

News: A 37-year-old Constitution Bench judgment of the Supreme Court which held that pavement dwellers are different from trespassers. This may become a game-changer in the Jahangirpuri case.

Arguments by the Court and the State government:

Court:	State Government:
- The Olga Tellis vs Bombay Municipal Corporation judgment in 1985 ruled that eviction of pavement dwellers using unreasonable force, without giving them a chance to explain, is unconstitutional. - It is a violation of their right to livelihood. - The court emphatically objected to authorities treating pavement dwellers as mere trespassers.	Question of Estoppel: The State government and the corporation countered that pavement dwellers should be stopped. - Estoppel is a judicial device whereby a court may prevent or "estop" a person from making assertions. - Estoppel may prevent someone from bringing a particular claim contending that the shacks constructed by them on the pavements cannot be demolished because of their right to livelihood.

RECUSAL OF JUDGES

News: The Delhi High Court has said that no litigant or third party has any right to intervene, comment or enquire regarding a judge's recusal from a case.

About:

Meaning:	- It is the act of abstaining from participation in an official action such as a legal proceeding due to a conflict of interest of the presiding court official or administrative officer. - The doctrine of judicial recusal requires a Judge, who has been appointed to hear and determine a case, to stand down from that case. - The practice stems from the cardinal principle of due process of law that nobody can be a judge in her own case.
Reasons for recusal:	- When there is a conflict of interest, a judge can withdraw from hearing a case to prevent creating a perception of biasness while deciding the case. - The conflict of interest can be in many ways: - Holding shares in a company that is a litigant; - Having a prior or personal association with a party involved in the case. - Appeared for one of the parties involved in a case. - Ex parte communications with lawyers or non-lawyers. - An appeal is filed in the SC against a judgement of a HC that may have been delivered by the SC judge when he/she was in the HC.
Process for recusal:	- The decision to recuse generally comes from the judge herself as it rests on the conscience and discretion of the judge to disclose any potential conflict of interest. - In some circumstances, lawyers or parties in the case bring it up before the judge. Once a request is made for recusal, the decision to recuse or not rests with the judge. - There are no formal rules governing recusals, although several Supreme Court judgments have dealt with the issue. - The basic principle of judicial conduct is in taking the oath of office. - Judges promise to perform their duties, to deliver justice, without fear or favor, affection or ill-will. - In Ranjit Thakur v Union of India, the SC held that the test of the likelihood of bias is the reasonableness of the apprehension in the mind of the party. - Judges should look at the mind of the party before him rather than asking himself about the biasness.
Can a judge refuse to recuse?	- Once a request is made for recusal, the decision to recuse or not rests with the judge. - There have also been several cases where judges have refused to withdraw from a case. - Judges record reasons for recusal - Since there are no formal rules governing the process, it is often left to individual judges to record reasons for recusal. - Some judges disclose the reasons in open court; in some cases, the reasons are apparent. Some explain the reasons in their order.

NATIONAL LEGAL SERVICES AUTHORITY

News: Recently, the Minister of Law and Justice informed the details of funds allocated by NALSA (National Legal Services Authority) to Legal Services Authorities to organise Legal Aid Programmes in India.

About:

- It was **founded in 1995 under the Legal Services Authorities Act of 1987** to monitor and review the effectiveness of legal aid programs.
- It also distributes funding and grants to state legal services authorities and non-profit organizations to help them execute legal aid systems and initiatives.
- Aim:** to ensure that opportunities for securing justice are not denied to any citizen by reasons of economic or other disabilities.

- 'Nyaya Deep' is the official newsletter of NALSA.

Constitutional Provisions:	• Article 39A: State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability. • Articles 14 and 22(1): make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all.
Objectives:	• Provide free legal aid and advice. • Spread legal awareness. • Organize lok adalats. • Promote settlements of disputes through Alternative Dispute Resolution (ADR) Mechanisms. • Provides compensation to victims of crime.
Composition:	• As per section 3(2) of Legal Service Authorities Act, the Chief Justice of India shall be the Patron-in-Chief. • Second senior-most judge of the Supreme Court of India is the Executive-Chairman.
Legal Services Institutions at Various Levels:	• National Level: NALSA was constituted under the Legal Services Authorities Act, 1987. The Chief Justice of India is the Patron-in-Chief. • State Level: State Legal Services Authority - It is headed by the Chief Justice of the State High Court who is its Patron-in-Chief. • District Level: District Legal Services Authority - The District Judge of the District is its ex-officio Chairman. • Taluka/Sub-Division Level: Taluka/ Sub-Divisional Legal Services Committee - It is headed by a senior Civil Judge. • High Court: High Court Legal Services Committee • Supreme Court: Supreme Court Legal Services Committee.
Eligibility:	• Women and children • Members of SC/ST • Industrial workmen • Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster. • Disabled persons • Persons in custody • Those persons who have annual income of less than the amount prescribed by the respective State Government, if the case is before any court other than the Supreme Court, and less than Rs. 5 Lakhs, if the case is before the Supreme Court. • Victims of Trafficking in Human beings or beggars.

DISTRICT LEGAL SERVICES AUTHORITIES (DLSA)

News: PM recently addressed the inaugural session of First All India District Legal Services Authorities (DLSAs) Meet.

About:

- DLSAs are **established under Legal Services Authorities Act (LSA), 1987** to provide free legal aid, organize Lok Adalats, Legal literacy camps etc, to ensure that opportunities for securing justice and fundamental

rights are not denied to any citizens by reasons of poor economic conditions.

- There are a total of about 676 DLSAs in the country. They are **headed by a District Judge who acts as Chairman of DLSA**.
- DLSAs also contribute towards reducing burden on courts by regulating Lok Adalat conducted by National Legal Services Authority (NALSA).
- **Lok Adalat is an Alternative Disputes Resolution Mechanism (ADR)**. It has been **given statutory status under LSA, 1987**.
- **About LSA, 1987:**

- It was enacted to establish a nationwide uniform network for providing free and competent legal services to the weaker sections.
- **Article 39A** provides for free legal aid to the poor and weaker sections of the society and ensures justice for all.
- NALSA has been constituted under LSA to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under Act.

LEGAL AID DEFENCE COUNSEL (LADC) SYSTEM

News: NALSA Executive Chairman has launched the Legal Aid Defence Counsel (LADC) system in 365 districts in 22 states across India.

About:

- **Launched by:** National Legal Services Authority (NALSA).
- **Purpose:** To provide free legal aid to poor people facing criminal cases to defend themselves during trial.

Significance:

- In India, where 70% of the population is below the poverty line, the number of cases with NALSA, especially on the criminal side, is only about 10-12%.
- The rest of the marginalized population was engaging private counsels even at the cost of losing their assets – selling their jewellery and mortgaging their houses.
- Hence, to extend legal aid to these marginalized populations, the LADC system has been launched.

CONSTITUTIONAL BENCH OF THE SUPREME COURT

News: Justice U U Lalit (49th Chief Justice of India) assured there will be at least one Constitution Bench functioning throughout the year in the Supreme Court.

About:

- A Constitution Bench is a **bench of the Supreme Court having five or more judges on it**.
- These benches are **not a routine phenomenon**.
- A vast majority of cases before the Supreme Court are heard and decided by a **bench of two judges** (called a **Division Bench**), and sometimes of three.

Circumstances for Constitutional Bench to Exist:

Article 145(3):	● Article 145(3) provides, “The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five.”
Article 143:	● When the President seeks the Supreme Court’s opinion under law under Article 143 of the Constitution. ● As per the provision, the President of India has the power to address questions to the Supreme Court, which he deems important for public welfare. ● The Supreme Court upon reference advises the President by answering the query. However, such referral advice by the apex court is not binding on the President, nor is it ‘law declared by the Supreme Court’.
Conflicting Judgments:	● When two or more three-judge benches of the Supreme Court have delivered conflicting judgments on the same point of law, necessitating a definite understanding and interpretation of the law by a larger bench. ● The Constitution benches are set up on an ad hoc basis as and when the above-mentioned conditions exist.

SUPREME COURT JUDGES RULES

News: Recently, the Centre amended the Supreme Court Judges Rules.

About:

- **Chauffeurs and domestic help:** It provides chauffeurs and domestic help for retired Chief Justices of India and Supreme Court judges for their entire lifetime.

- **Secretarial assistants:** Retired CJIs would also get secretarial assistants. The staff would be paid the salary and allowances of regular employees of the Supreme Court.
- **Security cover:** The benefit of 24-hour security cover has been extended to five years for retired Chief Justices and three years for retired judges of the Supreme Court.
- **Bills:** Former CJIs and retired judges of the top court can get their monthly mobile phone and Internet bills reimbursed to the extent of 4,200.
- **Rent-free Type VII accommodation:** A retired CJI is also entitled to a rent-free Type VII accommodation, other than the designated official residence, in New Delhi for six months immediately after retirement.
- **Ceremonial lounges of airports:** The amended Rules mandate that retired Chief Justices and judges should be extended courtesies as per protocol at ceremonial lounges of airports.
- **Exceptions:** These post-retirement benefits would be available only if the retirees were not getting similar facilities from any High Court or government body.

TELE-LAW SERVICE TO BE MADE FREE OF COST FOR CITIZENS FROM 2022

News: A Memorandum of Understanding has been signed between Department of Justice and National Legal Services Authority (NALSA) on Integrated Delivery of Legal Services.

About:

- As per the agreement, NALSA will provide services of about 700 lawyers, in each district exclusively for the Tele-Law program.
- These empanelled lawyers would also act as **referral lawyers** and assist in strengthening the mechanism for dispute avoidance and dispute resolution at the pre-litigation stage.
- **Launched in 2017 by the Department of Justice (Ministry of Law & Justice)**, Tele-Law initiative is a reliable and efficient e-interface and pre-litigation tool.
- Tele-Law mainstreams legal aid to the marginalized seeking legal help by connecting them with the Panel Lawyers through the tele/video-conferencing infrastructure available at Common Service Centres (CSCs) across 1 lakh Gram Panchayats.

LANDMARK MARY ROY CASE IN SC

News: Mary Roy, the mother of author-activist Arundhati Roy, has passed away at age 89.

About:

- Educator and women's rights activist Mary Roy was best known for the "Mary Roy" case, the prolonged legal battle that **ensured equal property rights for women from Kerala's Syrian Christian families**.
- Mary Roy mounted a legal challenge to the law after she was asked to leave her father's Ooty cottage that she had returned to, along with her two children, after her divorce.
- Denied equal rights to her deceased father's property, Mary Roy sued her brother, George Isaac, marking the beginning of a case that is seen as a milestone in ensuring gender justice in India.
- The Supreme Court in its 1986 judgment upheld the supremacy of the Indian Succession Act, 1925. A Bench comprising Chief Justice of India P N Bhagwati and Justice R S Pathak ruled that in case the deceased parent has not left a will, the succession will be decided as per the Indian Succession Act, 1925 which will also apply to the Indian Christian Community in the erstwhile state of Travancore.

SPLIT VERDICT

News: The Supreme Court recently delivered a split verdict in the Karnataka hijab ban case.

About:

- A split verdict is passed **when the Bench cannot decide one way or the other in a case, either by a unanimous decision or by a majority verdict**.
- **Split verdicts can only happen when the Bench has an even number of judges.** This is why judges usually sit in Benches of odd numbers (three, five, seven, etc.) for important cases, even though two-judge Benches — known as Division Benches — are not uncommon.
- **Solution: In case of a split verdict, the case is heard by a larger Bench.** The larger Bench to which a split verdict goes can be a three-judge Bench of the High Court, or an appeal can be preferred before the Supreme Court. In the case of the hijab verdict, the **CJI, who is the 'master of the roster', will constitute a new, larger Bench to hear the matter**.

CHIEF JUSTICE OF INDIA

News: Recently, Justice Dhananjaya Y Chandrachud was appointed as the **50th Chief Justice of India**.

About:

Qualifications:	- The CJI should be a citizen of India. He/She should: - Have been for at least five years a Judge of a High Court or of two or more such Courts in succession or - Have been for at least ten years an advocate of a High Court or of two or more such Courts in succession, or - Be, in the opinion of the President, a distinguished jurist.
Appointment of the CJI:	- The CJI and the Judges of the Supreme Court (SC) are appointed by the President under clause (2) of Article 124 of the Constitution. - As far as the CJI is concerned, the outgoing CJI recommends his successor. - The Union Law Minister forwards the recommendation to the Prime Minister who, in turn, advises the President. Second Judges Case (1993): SC ruled that the senior most judge of the Supreme Court should alone be appointed to the office of the CJI. - The SC collegium is headed by CJI and comprises four other senior most judges of the court. - The collegium system is the system of appointment and transfer of judges that has evolved through judgments of the SC (Judges Cases), and not by an Act of Parliament or by a provision of the Constitution.
Administrative Powers of CJI (Master of Roster):	- It is common to refer to the office as primus inter pares – first amongst equals. - Besides his adjudicatory role, the CJI also plays the role of the administrative head of the Court. - In his administrative capacity, the Chief Justice exercises the prerogative of allocating cases to particular benches. - CJI also decides the number of judges that will hear a case. - Such administrative powers can be exercised without collegial consensus, and without any stated reasons.
Removal:	- He/She can be removed by an order of the President only after an address by Parliament has been presented to the President. - This should be supported by a special majority of each House of Parliament (i.e., by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting). Grounds of Removal: Proved misbehaviour or Incapacity (Article 124(4)).

- Recent Development:** In 2019, the SC ruled that the office of Chief Justice of India (CJI) comes under the purview of the Right to Information (RTI) Act, 2005.

COLLEGIUM SYSTEM FOR THE APPOINTMENT OF JUDGES

News: 9 judges of the Supreme Court including one third women have taken the oath, the biggest ever number at one go. It takes the total SC strength to 33, of whom 4 are women.

About the Appointment of Judges:

- Constitutional Provisions:**
 - Articles 124(2):** Governs the appointment of judges to the Supreme Court (SC).
 - Article 217:** governs the appointment of judges to the High Courts (HC).
 - The President has the power to make the appointment after “consultation” with such judges of SC and HC as the president may deem necessary.
- Evolution of the Collegium System:**
 - It is the system of appointment and transfer of judges that has evolved through judgments of the SC (Judges Cases), and not by an Act of Parliament or by a provision of the Constitution.

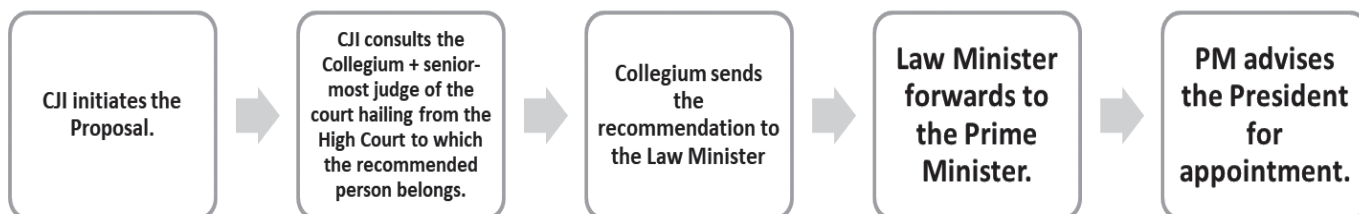
First Judges Case (1981)	Second Judges Case (1993)	Third Judges Case (1998)
- Declared the “primacy” of the Chief Justice of India (CJI)’s recommendation on judicial appointments and transfers can be refused for “cogent reasons.” - The ruling gave primacy to the Executive over the Judiciary in judicial appointments for the next 12 years.	- SC introduced the Collegium system, holding that “consultation” really meant “concurrence”. - It added that it was not the CJI’s individual opinion, but an institutional opinion formed in consultation with the two senior-most judges in the SC.	- SC expanded the Collegium to a five-member body, comprising the CJI and four of his senior-most colleagues. - The SC collegium is headed by the CJI and comprises four other senior most judges of the court. - A HC collegium is led by its Chief Justice and four other senior most judges of that court.

• **Procedure for Judicial Appointments:**

For CJI:



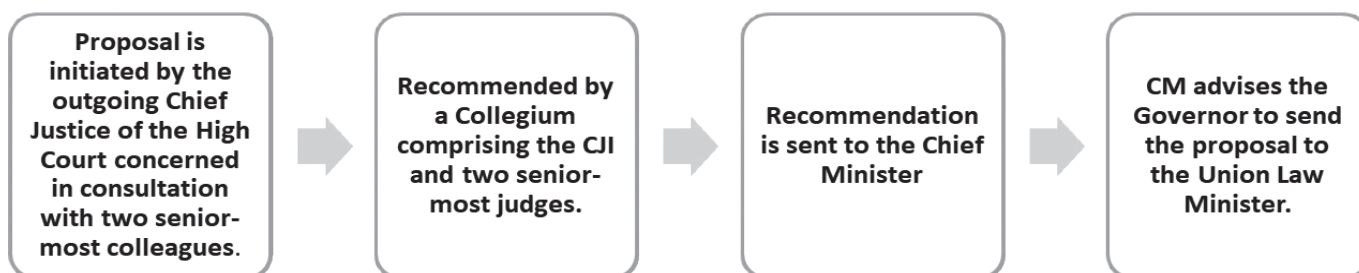
For SC Judges:



For Chief Justice of High Courts:

- The Collegium makes the recommendation as per the policy of having Chief Justices from outside the respective States.

Judges of High Courts:



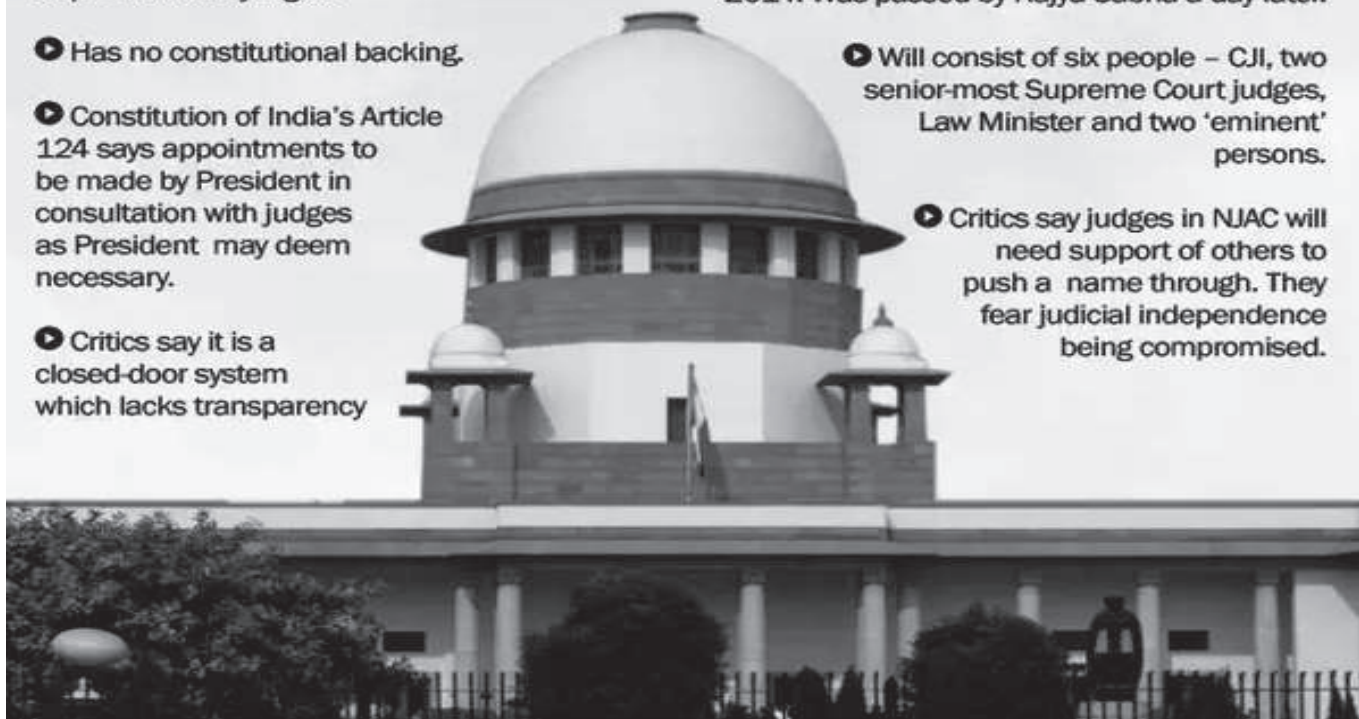
● NJAC Vs Collegium:

WHAT'S COLLEGIUM SYSTEM

- Collegium system based on Three Judges Cases
- Under it, appointment of judges are made by Chief Justice of India and four most senior Supreme Court judges.
- Has no constitutional backing.
- Constitution of India's Article 124 says appointments to be made by President in consultation with judges as President may deem necessary.
- Critics say it is a closed-door system which lacks transparency

WHAT'S NJAC

- NJAC was a body created to end the two-decade-old Supreme Court Collegium system of judges appointing judges.
- Was passed by Lok Sabha on August 13, 2014. Was passed by Rajya Sabha a day later.
- Will consist of six people – CJI, two senior-most Supreme Court judges, Law Minister and two 'eminent' persons.
- Critics say judges in NJAC will need support of others to push a name through. They fear judicial independence being compromised.



Strength of the Supreme Court:

- Currently, the **Supreme Court has 34 judges, including the CJI.**
- As per **Article 124(1)** of the Constitution of India, Parliament by law prescribes the strength of the SC.
- Parliament has enacted the Supreme Court (Number of Judges) Act and has gradually increased the number of judges from 8 in 1950 to 34 in 2019.

GOVERNMENT APPROVES IMPLEMENTATION OF INTER-OPERABLE CRIMINAL JUSTICE SYSTEM (ICJS) PROJECT

News: Ministry of Home Affairs has approved implementation of ICJS project Phase II during 2022-23 to 2025-26, as a Central Sector Scheme.

About:

- ICJS is an **initiative of the e-Committee of the Supreme Court** to enable seamless transfer of

data and information among different pillars of the criminal justice system.

- ICJS is a national platform for enabling integration of the main IT system used for delivery of Criminal Justice in the country by **five pillars namely:**
 - Police (Crime and Criminal Tracking and Network Systems)
 - e-Forensics
 - e-Courts
 - e-Prosecution for Public Prosecutors
 - e-Prisons

- **Phase-II is built on the principle of 'one data-one entry'** whereby data is entered only once in one pillar and the same is then available in all other pillars.
- Under Phase-I, individual IT systems have been implemented and stabilized; search of records has been enabled.
- **National Crime Records Bureau (NCRB) will be responsible for the implementation of ICJS** in

association with **National Informatics Center**, in collaboration with States and UTs.

REVIEW PETITION

News: The Government filed a review petition in the Supreme Court against the court's verdict on freeing all 6 Rajiv Gandhi assassination case convicts.

About:	• It is the power given to the Supreme Court by the Constitution to review its judgments or orders.
Articles:	• Article 137: The Constitution under Article 137, gives the Supreme Court the power to review its judgments or orders. • Article 145(e): It authorizes the Supreme Court to make rules for review petitions. • This provision forms the legal basis for the filing of a 'review petition'.
Rules:	• Under Article 145, the Supreme Court Rules, 1966 mandated certain rules for review petitions. • It must be filed within 30 days of pronouncement of the judgment.
Exceptions:	• In cases of death penalty, review petitions are heard through 'circulation' by judges in their chambers and not in the open court.
Bench:	• The same judges who passed the original verdict usually also hear the review petition.
Grounds:	• Three Grounds (SC, 2013): 1. The discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him; 2. A mistake or error apparent on the face of the record. 3. Any other sufficient reason (a reason that is analogous to the other two grounds).
Procedure:	• Lawyers to make their case through written submissions, and not oral arguments

SC ENFORCES A LANDMARK RULING ON DEATH PENALTY

News: Supreme Court, in Chhannu Lal Verma vs. State of Chhattisgarh, held that, before awarding death sentence, a proper psychological/psychiatric evaluation is to be done by courts to assess probability and possibility of reform of the criminal.

About:

- In this case, SC referred to various judgments:

Bacchan Singh v/s State of Punjab (1980):	• The Court established the doctrine of "rarest of rare" crime in handing down capital punishment while mandating a comparative analysis of aggravating and mitigating circumstances in connection to the accused. • Aggravating circumstances: It is the manner in which crime was committed, motive for committing the crime, severity of crime, and the victim of crime. • Mitigating circumstances: It is the possibility of reformation and rehabilitation of an accused, his mental health and his antecedents.
Machhi Singh v/s State of Punjab (1983):	• SC elucidated the doctrine of "rarest of rare" and set down some guiding principles in the death sentences cases.

- In 2014, SC ruled that unexplained delay in execution was a ground for commutation of death penalty, and an inmate, his or her kin, or even a public-spirited citizen, could file a writ petition seeking such commutation.

PSYCHOLOGICAL TEST OF DEATH ROW CONVICTS

News: In a significant order, SC has reiterated the importance of conducting a psychological evaluation of convicts who have been awarded death sentences.

About:

- It called for **Psychological evaluation of condemned prisoners by expert doctors** and access to them by mitigating investigators.
- It held, this will aid the Court to have an independent and holistic picture of the physical and mental condition and background of the condemned person.
- Death Penalty or capital punishment is the execution of an offender sentenced to death after conviction by a court of law for a criminal offense.
- The Constitution gives power to the President of India and the Governor respectively to grant pardon and to suspend, remit or commute the death penalty in certain cases.

INITIATIVES LAUNCHED UNDER THE E-COURT PROJECT

- **Newly launched projects include:**
 - **Virtual Justice Clock:** Exhibits vital statistics at Court level giving the details of the cases instituted, cases disposed and pendency.
 - **JustIS Mobile App 2.0:** Tool for judicial officers for effective court and case management by monitoring pendency and disposal of cases.
 - **Digital court:** Initiative to make court records available to judge in digitised form to enable the transition to Paperless Courts.
 - **S3WaaS Websites:** To generate, configure, deploy and manage websites for publishing specified information and services related to district judiciary.
- **E-Courts Mission Mode Project (2007)** is a national e-Governance project for ICT enablement of district & subordinate courts.

- It was conceptualised based on the report submitted by e-Committee, Supreme Court of India.
- The E-Committee is the governing body headed by the Chief Justice of India.

- **Benefits of e-Courts:**

- Make functioning of the courts accountable and transparent.
- Effective management of court and cases, bringing down pendency.
- Will make the justice delivery system affordable, accessible and cost-effective.

- **Other initiatives:** National Judicial Data Grid NJDG, Virtual Courts, live-streaming of proceedings etc.

LIVE STREAMING OF CONSTITUTION BENCH HEARINGS

News: Supreme Court (SC) will Live Stream Constitution Bench Hearings from September 27.

About:

- In 2021, SC's e-Committee came out with model rules for live-streaming and recording court proceedings in India.
- **Article 21:** Earlier, in 2018 (Swapnil Tripathy vs Supreme Court), the Supreme Court declared a live telecast of court proceedings part of the right to access justice under Article 21 of the Constitution.
- Currently, **six high courts, namely Gujarat, Orissa, Karnataka, Jharkhand, Patna, and Madhya Pradesh**, live-stream court proceedings through their channel on YouTube.
- Live-streaming of SC proceedings is part of the third phase of the e-courts project, an initiative to implement the use of information and technology in judiciary.

LANGUAGE OF COURTS IN INDIA

News: The Gujarat High Court recently asked a journalist facing contempt of court proceedings to speak only in English as English was the language in the higher judiciary.

Constitutional provisions on Language:

Article 343:	- It provides that the official language of the Union shall be Hindi in the Devanagari script. - However, it mandated that the English language will continue to be used for all official purposes of the Union for 15 years from the commencement of the Constitution of India. - It further provides that the President may, during the said period, by order can authorize the use of the Hindi language for any official purpose of the Union, other than the English language.
Article 348(1)(a):	It states that unless Parliament by law provides otherwise, all proceedings before the Supreme Court and in every High Court shall be conducted in English.
Article 348(2):	- It provides further that notwithstanding the provisions of Article 348(1), the Governor of a state may, with the previous consent of the President, authorize the use of Hindi or any other language used for any official purpose, in proceedings in the High Court. - A further provision states that nothing in this clause would apply to any judgement, decree, or order made by the High Court.

Hence, the **Constitution recognizes English as the primary language of the Supreme Court and the High Courts.** However, when some other language is used in the proceedings of High Courts, judgments of the High Courts must be delivered in English.

The Official Languages Act 1963:

- It **empowers the Governor of a state, with the previous consent of the President, to authorize the use of Hindi/the official language of the state, in addition to English**, for the purpose of any judgement, decree or order passed by the High Court of that state.
- It further provides that where any judgement/decreed/order is passed in any such language it shall be accompanied by a translation of the same in English.
- The **Official Languages Act does not contain any mention of the Supreme Court**, where English is the only language in which proceedings are conducted.

Language of Subordinate Courts:

- Until the State Government determines**, the language of all courts subordinate to High Courts remains the same as the language on the commencement of the **Civil Procedure Code 1908.**
- Section 137 of the Code of Civil Procedure:**
 - The language of the district courts shall be similar to the language of the act.
 - The state government has the power to declare any regional language as an alternative for the proceedings of the court.

- However, judgments, orders, and decree may be passed by the magistrate in English.
- Section 272 of the Code of Criminal Procedure 1973:**
 - It states that the State government shall determine the language of all courts other than the High Courts.

LEGAL AID CLINIC

News: Recently, the National Commission for Women (NCW) in collaboration with Delhi State Legal Services Authority (DSLISA) has launched a **Legal Aid Clinic.**

About:

- Launched by:** National Commission for Women (NCW) in collaboration with Delhi State Legal Services Authority (DSLISA).
- Purpose:** It will act as a single-window facility for resolving the grievances of women by offering them free legal assistance.
- Located at:** The legal aid clinic will operate out of the NCW office in New Delhi.
- Services:** Under the clinic, counselling will be provided for walk-in complainants, women in distress, advice and information on various schemes of the National Legal Services Authority (NALSA), free legal aid, hearings in matrimonial cases and other complaints registered with the Commission.



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ELECTION EXPENDITURE LIMIT

News: The Election Commission of India has raised the expenditure limit for candidates contesting elections.

About Election Expenditure Limit:

- **Meaning:** It is the amount an election candidate can legally spend for their election campaign and has to account for.
- **Includes:** expenses on public meetings, rallies, advertisements, posters, banners, vehicles and advertisements.
- **Legal Provisions:**
 - Under **Section 77 of the Representation of the People Act (RPA), 1951**, every candidate shall keep a separate and correct account of all expenditure incurred between the date on which they have been nominated and the date of declaration of the result.

- All candidates are required to **submit their expenditure statement to the ECI within 30 days** of the completion of the elections.
- An incorrect account or expenditure beyond the cap can lead to disqualification of the candidate by the ECI for up to three years, under Section 10A of RPA, 1951.
- **The following changes have been made:**
 - **Lok Sabha constituencies:** The expenditure limit increased from Rs 54 lakh-Rs 70 lakh (depending on states) to Rs 70 lakh-Rs 95 lakh.
 - **Assembly constituencies:** The spending limit hiked from Rs 20 lakh-Rs 28 lakh to Rs 28 lakh-Rs 40 lakh (depending on states).
 - **Others states:** The enhanced amount of Rs 40 lakh would apply in Uttar Pradesh, Uttarakhand and Punjab and ₹28 lakh in Goa and Manipur.

ELECTORAL BOND

News: State Bank of India (SBI) shared data reporting that Donations to political parties through electoral bonds (EBs) have crossed the Rs 10,000-crore mark.

About Electoral Bonds:

About:	• Electoral Bond is a financial instrument for making donations to political parties. • These bonds are redeemable in the designated account of a registered political party.
Issuance:	• The bonds are issued in multiples of Rs. 1,000, Rs. 10,000, Rs. 1 lakh, Rs. 10 lakh and Rs. 1 crore without any maximum limit. • State Bank of India is authorised to issue and encash these bonds, which are valid for fifteen days from the date of issuance.
Who can purchase it?	• The bonds are available for purchase by any person (who is a citizen of India or incorporated or established in India) for a period of ten days each in the months of January, April, July and October as may be specified by the Central Government. • A person being an individual can buy bonds, either singly or jointly with other individuals. • Donor's name is not mentioned on the bond.
Eligibility:	• Only the political parties registered under Section 29A of the Representation of the People Act, 1951 and have secured not less than 1% of the votes polled in the last general election to the House of the People or the Legislative Assembly, are eligible to receive electoral bonds.

DISPUTE OVER ELECTORAL SYMBOL

News: A political party approached the Election Commission of India (ECI) staking claim on the Party Symbol. Recently, the Election Commission barred the Shiv Sena factions led by former CM Uddhav Thackeray and current Maharashtra CM Eknath Shinde from using the party name and its election symbol.

About the Election Symbols:

- It is a **standardized symbol allocated to a political party**.
- **Used by the parties during their campaigning** and are **shown on Electronic Voting Machines (EVMs)** for the voters to choose the candidates.
- It was **introduced to facilitate voting by illiterate people**.
- In a response to a proposal to ensure the regulation, reservation and allotment of electoral symbols, the ECI stated that the recognition of political parties is supervised by the provisions of **Election Symbols (Reservation and Allotment) Order, 1968 enacted by the Parliament**.
- The **split of the Indian National Congress in 1969 was the first case** pertaining to the 1968 order.

Powers of ECI in disputes relating to the Election Symbols:

- The **Election Symbols (Reservation and Allotment) Order, 1968 empowers the EC** to recognize political parties and allot symbols.
- **ECI can decide disputes among rival groups or sections of a recognised political party** staking claim to its name and symbol.
- The **EC is empowered to take decisions** after considering all the available facts and circumstances of the case in case of disputes among rival groups.
- The **decision of the Commission shall be binding** on all such rival sections/groups. This applies to disputes between recognized national and state parties.
- The ECI usually **conducts the test of majority** to resolve a symbol dispute.
- For splits in registered but unrecognized parties, the **EC usually advises the warring factions to resolve their differences internally or to approach the court**.
- **Prior to 1997**, the EC would assess the splinter group of the party — other than the group that got the party symbol. They would be considered as a recognised party, if they have a substantial presence in some

states and satisfy the criteria fixed for recognition of parties under Paras 6 and 7 of the Symbols Order.

- **In 1997**, the EC introduced a new rule under which the splinter group of the party — other than the group that got the party symbol — had to register itself as a separate party, and could lay claim to national or state party status only on the basis of its performance in the state or central elections after registration.
- The **EC is also empowered to recognise mergers of groups into one entity** and can restore the symbol and name of the original party.

REGISTERED UNRECOGNISED POLITICAL PARTIES (RUPP)

News: Election Commission of India has delisted 86 non-existent Registered Unrecognized Political Parties (RUPPs) and declared an additional 253 as 'Inactive RUPPs'. 111 Registered Unrecognised Political Parties (RUPPs) were found to be non-existent and violating the Representation of the People Act, 1951.

About:

- As per ADR, annual audit reports of only about 8.23 percent RUPPs and the annual contribution reports of only about 5.72 percent are available in the public domain for 2019-20.
- It is to be noted that **EC does not have the power to deregister a political party**, a reform still pending approval from the government.
- However, **it can take up the issue of financial irregularities and seek mandatory compliance from the parties** like sources and manner of donations, disclosures by companies, and details of bank accounts, etc.
- EC has initiated action against several registered unrecognized political parties under Sections 29A and 29C of the Representation of People Act, 1951, for claiming tax exemptions without fulfilling mandatory requirements.
- If a party satisfies any one of the below-mentioned criteria, then they are called Registered Unrecognized Political Parties (RUPPS). **The conditions are:**
 - If the political party is newly registered,
 - If the political party has not secured enough percentage of votes in Assembly or General Elections to become a State party, and
 - Political Parties that have never contested in elections since they got registered with the Election Commission.

- These parties are not entitled to an exclusive allotment of a reserved election symbol. They have to choose from a list of 'free symbols' issued by the Commission.
- They are also **not eligible** either to get free copies of electoral rolls, free authorisation for broadcast/telecast facilities over All India Radio/ Doordarshan during Assembly and general elections and are not eligible for subsidized land for party offices.

CHIEF ELECTION COMMISSIONER AND ELECTION OF COMMISSIONER OF INDIA

News: The President of India has appointed Rajiv Kumar as the Chief Election Commissioner in the Election Commission of India. Also, Retired Punjab cadre IAS officer Arun Goel recently assumed the office of Election Commissioner (EC), two days after President Droupadi Murmu appointed him to the post.

About Chief Election Commissioner:

Appointment:	• The power to appoint the CEC and the ECs lies with the President of India under Article 324(2) of the Constitution, which states that "the President shall fix the number of ECs in a manner he sees fit, subject to the provisions of any law made by Parliament". • Thus, Article 324(2) left it open for the Parliament to legislate on the issue.
Procedure:	• In the absence of any Parliamentary law governing the appointment issue, the ECs are appointed by the government of the day, without pursuing any consultation process. • There is no concept of collegium and no involvement of the opposition.
Tenure:	• The Commissioners are appointed for a 6-year period, or up to the age of 65 years, whichever is earlier.
Qualification:	• There are no prescribed qualifications for their appointment, although convention dictates that only senior (serving or retired) civil servants, of the rank of the Cabinet Secretary or Secretary to the GoI or an equivalent rank, will be appointed.

Issues with the Appointment of CEC/ECs:

- Discretion of the ruling party.
- No qualifications prescribed by the Constitution.
- Difference in removals of CEC and other ECs.
- Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 is silent on the further appointment of the CEC and ECs. No restriction even on them joining a political party post retirement.

About the Election Commission of India (Art.324):

Establishment:	• Established in accordance with the Constitution on 25th January 1950 (celebrated as national voters' day). • The secretariat of the commission is in New Delhi. • It administers elections to the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country. • Not concerned with the elections to panchayats and municipalities in the states (Constitution of India provides for a separate State Election Commission for this purpose).
Constitution:	• Part XV under Article 324-329.
Structure :	• Originally had only one election commissioner. • It was made a multi-member body after the Election Commissioner Amendment Act, 1989. • It consists of the Chief Election Commissioner (CEC) and such a number of other election commissioners, if any, as the President may from time-to-time fix. • Presently: one CEC and two Election Commissioners. • At State level: Election commission is helped by the Chief Electoral Officer (an IAS rank Officer).

Appointment & Tenure:	- The President appoints CEC and Election Commissioners. Fixed tenure: six years, or 65 years of age, whichever is earlier. - Status, Salary and Perks same as the Judges of the Supreme Court (SC) of India.
Removal:	- Can resign anytime or can also be removed before the expiry of term. - CEC can be removed from office only through a process of removal similar to that of a SC judge by Parliament. - He does not hold office during the pleasure of the President.
Limitations:	- The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission. - The Constitution has not specified the term of the members of the Election Commission. - The Constitution has not debarred the retiring election commissioners from any further appointment by the government.
Powers and Functions:	Administrative: - Determines the territorial areas of the electoral constituencies on the basis of the Delimitation Commission Act of Parliament. - Prepares and periodically revises electoral rolls to register all eligible voters. - Grants recognition to political parties and allot election symbols to them. - Observes Model Code of Conduct (evolved with the consensus of political parties) to ensure a level playing field for the political parties. Advisory Jurisdiction & Quasi-Judicial Functions: - Advisory jurisdiction in the matter of post-election disqualification of sitting members of Parliament and State Legislatures. - The opinion of the Commission in all such matters is binding on the President or, as the case may be, the Governor. - The cases of persons found guilty of corrupt practices at elections which come before the SC and High Courts are also referred to the Commission for its opinion. - Power to disqualify a candidate who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law.
Independence	CEC: provided with the security of tenure. He cannot be removed from his office except in the same manner and on the same grounds as a judge of the Supreme Court. Other election commissioner: cannot be removed from office except on recommendation of the CEC. Service conditions: cannot be varied.
Other Aspects	Members: removed on recommendation of the CEC. Advises President & Governors on matters of disqualification of MP and MLA respectively. All-India body: common to both Central and state governments. Not concerned: elections to panchayats and municipalities in the states. - In case of difference of opinion amongst CEC and/or two other election commissioners, the matter is decided by the Commission by majority. 61st CAA (1989): Lowering of the voting age from 21 to 18 years.

ECI SEEKS LIMIT ON CASH DONATIONS

News: Recently, the Election Commission of India (ECI) has suggested a slew of amendments to RP (Representation of People Act) Act, 1951 to increase transparency and accountability on the part of candidates.

About:

- Donations:** All donations above Rs 2,000 should be reported, thereby enhancing transparency in funding.
- As per current rules, political parties have to disclose all donations above Rs 20,000 through their contribution report that is submitted to the EC.

- **Cash Donations:** Restrict cash donations at 20% or at a maximum of ₹20 crores out of the total funds received by a party, whichever is less.
- **Digital Transactions:** Make digital transactions or account payee cheque transfers mandatory for all expenses above ₹2,000 to a single entity/person.
- **Separate Bank account:** Every fielding candidate should open a separate bank account for election purposes and route all expenses and receipts through this account, and furnish these details in their account of election expenditure.
- As of now, maintaining a separate bank account for poll expenditure is part of the instructions but EC wants it to become part of the Conduct of Election Rules.
- Ensure that no foreign donations creep into the funds of the political parties as stipulated under the RP Act and the Foreign Contribution Regulation Act (FCRA), 2010.

THE ELECTION COMMISSION OF INDIA (ECI) RESTORES THE MAXIMUM LIMIT ON STAR CAMPAIGNERS

News: Citing a decline in COVID-19 cases, ECI has restored the number of star campaigners a party can field for campaigning in the ongoing polls in five states.

About:

- They are **nominated by political parties to campaign in a given set of constituencies for a specified duration.**
- List of star campaigners must be communicated to the Chief Electoral Officer and ECI within a week from the

election notification date under section 77(1) of the Representation of People Act (RPA), 1951.



- A recognised political party can have 40 Star campaigners and an unrecognised (but registered) political party can have 20.
- There is **no law that defines who can be a star campaigner.**
- Expenditure incurred by star campaigners is **exempt from being added to the election expenditure of a candidate** (only if the star campaigner limits oneself to a general campaign for the political party he/she represents).
- However, this only applies when a star campaigner limits oneself to a general campaign for the political party one represents.
- If a candidate or his/her election agent shares stage with a star campaigner at a rally, then the entire expenditure on that rally, other than the travel expenses of the star campaigner, is added to candidate's expenses.

CONTESTING ELECTIONS FROM MULTIPLE SEATS

News: Recently, Chief Election Commissioner has made a fresh push for amending the Representation of People's Act, 1951 (RPA) to bar people from contesting from more than one seat.

The Present Scenario:

Section 33(7) of the RPA:	● One candidate can contest from a maximum of two constituencies (more constituencies were allowed until 1996 when the RPA was amended to set the cap at two constituencies).
● Dinesh Goswami Committee report (1990) and 170th report of the Law Commission on Electoral Reforms (1999): Recommended for restricting one contestant to one seat.	
● Additional Information: The Legislative Department, ministry of Law and Justice, is the nodal agency in the government to deal with issues related to the EC.	

Issues with contesting elections from two constituencies:

- **Inconsistencies in RPA:** Section 70 of RPA bars candidates from representing two constituencies in the Lok Sabha/state Assembly, meaning that if a candidate won both seats, he or she is legally mandated to vacate one of the seats in favour of the other.
- **Strain on public exchequer:** In the other constituency in which the seat has been vacated, a by-election would be automatically triggered immediately after the general election.
- **Negative impact on voters:** It further causes voter fatigue (travelling, travel costs etc.) and loses interest in the electoral process.

REGISTRATION OF ELECTORS

News: Election Commission (EC) in pursuance of legal amendments in Representation of People's Act 1950 and modifications in Registration of Electors Rules, 1960, has initiated certain changes related to registration of voters:

The Changes introduced are:

- Those above 17 years of age can apply in advance for getting enrolled in voters' lists.
- Electoral rolls will be updated every quarter. Eligible youngsters can register in the next quarter of year in which they have attained the qualifying age of 18 years.
- Optional provision to link Aadhaar details with the form has been added.

RIGHT TO VOTE FOR UNDERTRIALS

- The Supreme Court (SC) has decided to examine law depriving undertrials the right to vote.
- Decision to examine came on a petition challenging **Section 62 (5) of Representation of the People Act**

(RPA), 1951 which deprives prisoners of their right to vote. This restriction does not apply to a person under preventive detention.

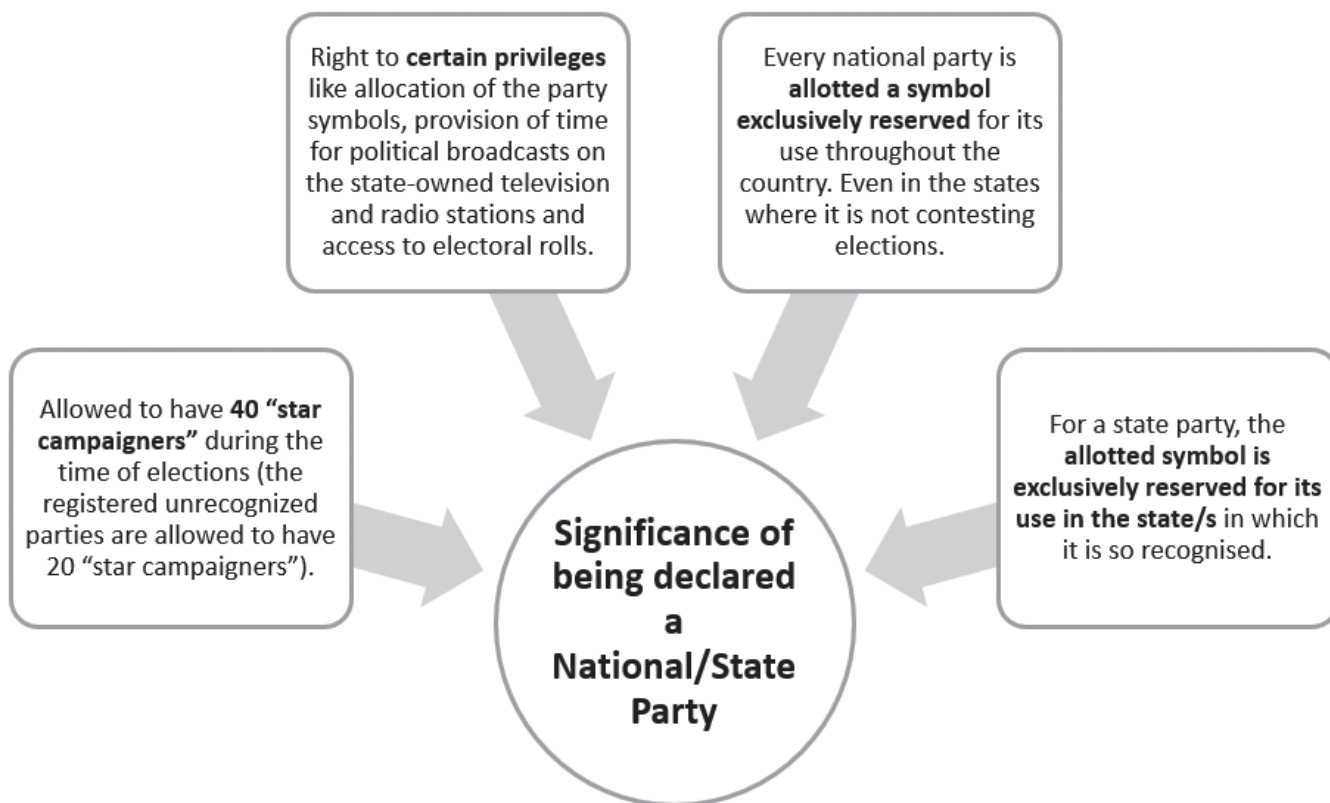
- According to the latest National Crime Reports Bureau (NCRB) report, there are around 5.5 lakh prisoners in various jails across the country.

NATIONAL AND STATE PARTIES

News: The Aam Aadmi Party recently became the 9th National Party of India after the result of Gujarat elections where it gained almost 13% of the vote share.

Statutory Provisions:

- The Election Commission of India (ECI) registers political parties for the purpose of elections and grants them recognition as national or state parties on the basis of their poll performance.
- The other parties are simply declared as registered unrecognized parties.
- **Representation of People Act 1951:** Registered political parties, in course of time, can get recognition as 'State Party' or 'National Party'.



National Party:	State Party:
- It has a nationwide presence as opposed to a regional party restricted to only a particular state or region. At the time of the first General Elections (1952), there were 14 national parties in India. Conditions for Declaring a Party 'National': (As per the ECI's Political Parties and Election Symbols, 2019 handbook)- - A political party would be considered a national party if: - It is 'recognised' in four or more states. - If its candidates have secured at least 6% of total valid votes in at least 4 states (in latest Lok Sabha or Assembly elections) and the party has at least 4 MPs in the last LS polls - If it has won at least 2% of the total seats in the LS from at least 3 states.	- A party is recognised as a state party in a state if any of the following conditions is fulfilled: - Secures 6% of the valid votes polled in the state at a general election to the respective state legislative assembly (state LA) and also, it wins 2 seats in the same state LA. - If it secures 6% of the total valid votes in the state at a general election to the LS; and also, it wins 1 seat in the LS from the same state. - If it wins 3% of seats in the LA at a general election to the legislative assembly of the state concerned or 3 seats in the assembly (whichever is more). - If it wins 1 seat in the LS for every 25 seats or any fraction thereof allotted to the state at a general election to the LS from the state concerned. - If it secures 8% of the total valid votes polled in the state at a General Election to the LS from the state or to the State LA.

EXIT POLLS

News: Exit polls were recently conducted for the Gujarat and Himachal Pradesh state assembly elections.

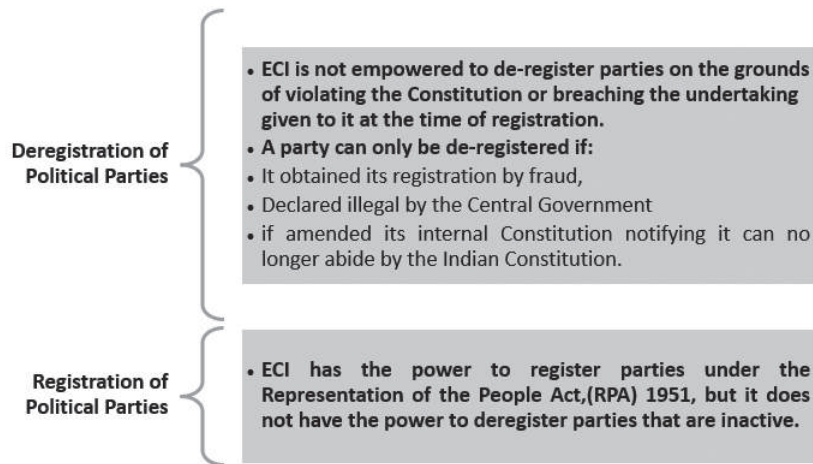
About:	- It is a poll of the voters at the exit of the polling station. - It is conducted immediately after people have voted to assess the support for political parties and their candidates. - Exit polls in India are conducted by a number of organizations, often in tie-ups with media organizations. These surveys can be conducted both in person and online. - Historically in 1957, during the second Lok Sabha elections, the Indian Institute of Public Opinion had conducted an exit poll.
Rules governing them:	Section 126(A) was introduced to the Representation of Peoples Act of 1951 in 2010 which imposed restrictions on exit polls. Restrictions: - Exit polls cannot be telecasted from before voting begins till the last phase concludes. - In case of a single-phased election → The result of any opinion poll or exit poll conducted shall not be published at any time during the period of 48 hours ending with the hour fixed for closing of poll in an election. - In case of a multi-phased election and elections in different States simultaneously → At any time during the period starting from 48 hours before the hour fixed for closing of poll in the first phase of the election and till the poll is concluded in all the phases in all States.

EC SEEKS DEREGISTRATION OF INACTIVE POLITICAL PARTIES

News: Election Commission of India (ECI) notified the updated list of registered political parties, seeking deregistration of parties which do not contest elections. It has also raised concerns over misuse of income tax exemption law.

Key Points:

- There are over two thousands registered unrecognized parties, and the EC has sought the power to deregister (Cancel registration) inactive parties fearing such entities may misuse income tax exemption law.
- ECI has also pushed for a wide range of electoral reforms to usher in digitisation, removing duplication of voters and enabling remote voting for Non-Resident Indians (NRIs), even migrant workers within the country.



Article 324: It provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission.

Model Code of Conduct (MCC):

- It is a set of guidelines issued by the EC to regulate political parties and candidates prior to elections.
- The origin of the MCC lies in the Assembly elections of Kerala in 1960, when the State administration prepared a 'Code of Conduct'.
- Subsequently, in the Lok Sabha elections in 1962, the ECI circulated the code to all recognised political parties and State governments.

APPOINTMENT OF ELECTION COMMISSIONERS



News:

- Recently, a private member's Bill was introduced in Lok Sabha regarding formation of selection committee for Election commissioners.
- Proposed Panel for the appointment of Election Commissioners to include: Prime Minister, Union Home Minister, Leader of Opposition or floor leader in Lok Sabha, Leader of Opposition or floor leader in Rajya Sabha, Chief Justice of India, and 2 senior most judges of the Supreme court.

About the Bill:

- Bill seeks to insulate the appointment process of election commissioners and mandates that they should not be eligible for any post-retirement jobs.
- It seeks the members of the EC, including the Chief Election Commissioners (CEC), to be appointed by the PM Led panel. (refer infographics)
- Bill seeks to give the Chief Election Commissioner and Election Commissioners a fixed term of 6 years and the Regional Commissioners a fixed term of 3 years from the dates of their respective appointments.
- This bill also comes in the backdrop of the Supreme Court (SC) hearing petitions on the need for reforms in appointment of CEC and Election Commissioners (EC).
- SC has questioned the government on methods to pick CEC and also asked center for reasons of not coming up with any law to regulate appointment of CEC and ECs yet.



FOREIGNERS' TRIBUNALS

News: A Foreigners' Tribunal in Assam's Cachar district has served a notice to a deceased person, asking him to appear before it by March 30 as he had failed to produce valid documents to prove his Indian citizenship.

About the Foreigners' Tribunal:

About:	They are quasi-judicial bodies established as per the Foreigners' Tribunal Order, 1964 and the Foreigners' Act, 1946.
Composition:	Advocates not below the age of 35 years of age with at least 7 years of practice (or) Retired Judicial Officers from the State Judicial Service (or) Retired IAS (not below the rank of Secretary/Addl. Secretary) having experience in quasi-judicial works.
Establishment:	- As per the amendment in the Foreigners (Tribunals) Order, 1964 by the Ministry of Home Affairs: The District Magistrates in all States and Union Territories are empowered to set up tribunals (quasi-judicial bodies) to decide whether a person staying illegally in India is a foreigner or not. - Earlier, the powers to constitute tribunals were vested only with the Centre.
Eligibility:	- The amended order (Foreigners (Tribunal) Order, 2019) empowers individuals to approach the Tribunals. - Earlier: only the State administration could move the Tribunal.
Definition:	Declared Foreigner or DF: A person marked by Foreigners' Tribunal (FT) for allegedly failing to prove their citizenship after the State police's Border wing marks him or her as an illegal immigrant.

CENTRAL ADMINISTRATIVE TRIBUNAL

News: Central Administrative Tribunal (CAT) conducted a special drive across all 19 Benches of the Tribunal for the disposal of cases of the most vulnerable section of applicants like the senior citizens/pensioners.

About:	CAT provides for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other authorities under the control of the Government.
Objective:	The CAT is a specialist body consisting of Administrative Members and Judicial Members who by virtue of their specialized knowledge are better equipped to dispense speedy and effective justice.
Constitutional Framework:	Article 323-A: Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

Legal Framework:	• In pursuance of Article 323-A, Parliament passed the Administrative Tribunals Act in 1985. • The act authorizes the Central government to establish one CAT and the state administrative tribunals. • It was set up during the Prime Ministership of Rajiv Gandhi.
Benches:	• There are 19 Benches in the CAT all over India.
Composition:	• Chairperson: a sitting or retired Judge of a High Court.
Operating Principles:	• Quasi-judicial institution. • Guided by the principles of natural justice. • Not bound by the procedure prescribed by the Civil Procedure Code.
Powers:	• Section 17 of the Administrative Tribunal Act, 1985: Tribunal has been conferred with the power to exercise the same jurisdiction and authority in respect of contempt of itself as a High Court.
Independence:	• The conditions of service of the Chairman and Members are the same as applicable to a Judge of the High Court as per the Administrative Tribunals (Amendment) Act, 2006.
Appeals	• Before the respective High Court under Article 226/227 in whose territorial jurisdiction the Bench of the Tribunal is situated.



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RADPFI GUIDELINES

News: Union Minister Shri Giriraj Singh releases revised Rural Area Development Plan Formulation and Implementation (RADPFI) Guidelines prepared by the Ministry of Panchayati Raj.

About:

- **Aim:** The plan aims to serve as the basis for rural transformation and enable effective Land use planning in rural areas.
- The plan also ensures ease of living in villages and helps minimise migration to big cities by providing all necessary infrastructure and facilities and also resources and opportunities for livelihood in rural areas.
- **Key features of the RADPFI Guidelines:**
 - Village Planning Scheme(VPS) on the lines of Town Planning Schemes in urban areas;
 - provisions of linking Gram Panchayat Development Programme (GPDP) with Spatial Land Use Planning,
 - Planning for environmental benefit and disaster preparedness.
 - Linking to the 15th Central Finance Commission (CFC) and respective State Finance Commission (SFCs).
 - Improving the E-Governance through Spatial Data Infrastructure
 - Integrating/Consolidation of GP Development with Rurban Clusters/ Block District Plan,
 - Using the SVAMITVA (and other digital tools) for the Abadi area (linking to land records).
- **Significance:** In recent times, there has been a large growth in rural areas, but this unplanned growth has led to inefficient utilization of geospatial potential in rural areas.
- Thus, spatial planning especially for the villages located in the vicinity of the urban centres and those, along the major road corridors, becomes necessary.

NATIONAL PANCHAYATI RAJ DAY

News: India commemorates the 12th National Panchayati Raj day on 24th April 2022.

About:

- Observed on **24th April every Year.**
- The **first National Panchayati Raj Day was celebrated in 2010.**
- It marks a defining moment in the history of decentralization of power, with the institutionalization of Panchayati Raj, through the Constitution (73rd Amendment) Act, 1992 which came into force with effect from 24th April 1993.
- **Awards Presented on the Day:** Every year, the Ministry of Panchayati Raj awards the best performing Panchayats/States/UTs. These are conferred under various categories namely:
 - Deen Dayal Upadhyay Panchayat Sashaktikaran Puraskar (DDUPSP).
 - Nanaji Deshmukh Rashtriya Gaurav Gram Sabha Puraskar (NDRGGSP).
 - Child-friendly Gram Panchayat Award (CFGPA).
 - Gram Panchayat Development Plan (GPDP) Award.
 - e-Panchayat Puraskar (given to States/UTs only).

Panchayati Raj in India

- After the Constitution came into force, **Article 40** made a mention of panchayats and Article 246 empowered the state legislature to legislate with respect to any subject relating to local self-government.
- **Balwant Rai Committee:** The establishment of the Panchayati Raj System in the country was recommended by the Balwant Rai Committee.
- To build democracy at the grass roots level and was entrusted with the task of rural development in the country.
- PRI is a system of **rural local self-government in India.**
- To strengthen e-Governance in Panchayati Raj Institutions (PRIs) across the country, the Ministry of

Panchayati Raj (MoPR) has launched **eGramSwaraj**, a user-friendly web-based portal.

HOLD LOCAL BODY POLLS EVERY FIVE YEARS: SC

News: The Supreme Court has declared that polls in each state must be conducted before expiry of the five years' term as per the constitutional mandate.

About Constitutional Provisions:

- **73rd & 74th Constitutional Amendment Acts:** The Panchayats and Urban Local Bodies, respectively, are provided with a five-year term of office at every level.
- Fresh elections have to be completed **before the expiry of its duration of 5 years.**
- **Dissolution:**
 - It can be dissolved before the completion of its term.
 - In case of dissolution, elections have to be conducted before the expiry of a period of six months from the date of its dissolution.
 - However, if the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.
- A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration **shall continue only for the remainder of the period for which the dissolved Panchayat would have continued.**
- The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the local bodies are vested in the **State Election Commission.**

PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

News: A one-day National Conference was organized to commemorate the 25th year of enactment of PESA, as part of Azadi Ka Amrit Mahotsav recently.

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

- **PESA Act was enacted in 1996** based on the recommendations of **Dilip Singh Bhuria Committee.**

- **Nodal Ministry:** Ministry of Panchayati Raj
- It is called a '**Constitution within the Constitution**' since it extends the Provision of Panchayati Raj (Part IX) of the Constitution to the Fifth Schedule areas of 10 States under clause (1) of the Article 244 with certain modifications and exceptions.
- The **Act recognises the role of the Gram Sabha** and the community in these areas and directs the state government to devolve power and authority directly to Gram Sabha and Panchayats.
- **10 states under PESA:** Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Telangana.
- **Note:** Article 243M of the Constitution exempts the Fifth Schedule areas from the Part IX of the Constitution. However, Parliament is empowered to extend its provisions to the Scheduled and Tribal Areas by law (without an amendment to the Constitution).

Provisions of PESA Act:

- All State Legislation on Panchayats to be **in conformity with the customary law, social and religious practices and traditional management practices of community resources.**
- **Every village has a separate Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level.**
- Every Gram Sabha to safeguard and preserve the traditions and customs of people, their cultural identity, community resources and the customary mode of dispute resolution.
- Every panchayat has **reservation of seats in proportion to the community population** (minimum of 50%) with Chairperson of Panchayats at all levels to be reserved for STs.
- **Roles and Responsibilities of Gram Sabhas:** To approve all development works in the village, identify beneficiaries, issue certificates of utilization of funds.

URBAN LOCAL BODIES (ULBS)

News: Delhi Municipal Corporation (Amendment) Act, 2022 was enacted recently to reunify the three Municipal Corporations of Delhi (MCD).

About Municipal corporations:

About:	• They are urban local level governments in India which work for the development of any Metropolitan City with a population of more than one million. • Also known as - Mahanagar Palika, Nagar Palika, Nagar Nigam, City Corporation, etc.
Establishment:	• They are established in states by acts of the concerned state legislatures, and in the union territories by the acts of Parliament. • The 74th Amendment Act, 1992 has inserted Part IX-A into the Constitution to provide for a common framework and strengthen urban local bodies (ULBs). It deals with administration of Municipalities and Nagar Palikas.
Origin:	• The first Municipal Corporation was set-up in Madras in 1688, and followed by similar corporations in Bombay and Calcutta in 1726.
Sources of Revenue:	• Property tax, water tax, professional tax, drainage tax, etc and some fixed aid from the state government.
Election:	• Lord Ripon (1880-84), the Viceroy of India introduced elections in Municipal Corporation and is known as “father of Local Self-government in India”. • Members are directly elected by the people and are called Councilors. • Elections are conducted under the guidance, direction, superintendence and control of the State Election Commission.



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DEMAND FOR INCLUDING LADAKH UNDER SIXTH SCHEDULE

News: A demand has been raised in Parliament to include the Union Territory (UT) of Ladakh in the Sixth Schedule of the Constitution to safeguard land, employment, and cultural identity of the local population.

About the Sixth Schedule:

- The **Sixth Schedule under Article 244** provides for the formation of autonomous administrative divisions — **Autonomous District Councils (ADCs)** — that have some legislative, judicial, and administrative autonomy within a state.
- It contains **special provisions** for the administration of tribal areas in the **four north-eastern states of Assam, Meghalaya, Tripura and Mizoram**.
- **Autonomous Districts:**
 - The tribal areas in these **four states** have been constituted as **autonomous districts**.
 - The **governor** is empowered to organize and reorganize the autonomous districts.
 - The **acts of Parliament or the state legislature do not apply to autonomous districts or apply with specified modifications and exceptions**.
 - The power of direction, in this regard, lies either with the **President or Governor**.
- **District Council:**
 - 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**.
- **Powers of the Council:**
 - They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, the inheritance of property, marriage and divorce, social customs and so on. However, all such laws require the **assent of the Governor**.
 - They can constitute village councils or courts for trial of suits and cases between the tribes. They hear appeals from them. The **jurisdiction of the high court over these suits and cases is specified by the governor**.
 - The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district.
 - They are empowered to assess and collect land revenue and to impose certain specified taxes.

The Jammu and Kashmir Reorganisation Act, 2019 was introduced to bifurcate the State into two separate union territories of Jammu and Kashmir (with legislature), and Ladakh (without legislature).



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NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST): ART.338A

News: According to a parliamentary committee's recent report, the National Commission for Scheduled Tribes has been dysfunctional for the last four years and has not delivered a single report to Parliament.

About NCST:

About	• Status: It is a constitutional body. • NCST was set up with effect from 19th February 2004 by amending Article 338 and by inserting a new article 338A in the Constitution through the 89th Constitution Amendment Act, 2003.
Objective:	• Article 338A inter-alia gives powers to the NCST to oversee the implementation of various safeguards provided to STs under the Constitution or under any other law for time being in force or under any other order to the Government and to evaluate the working of such safeguards.
Composition:	• It consists of a Chairperson, a Vice-Chairperson and 3 other Members who are appointed by the President by warrant under his hand and seal. • At least one member should be a woman. • The Chairperson, the Vice-Chairperson and the other Members hold office for a term of 3 years. • The members are not eligible for appointment for more than two terms. • The Chairperson has been given the rank of Union Cabinet Ministers, the Vice Chairperson has the rank of a Minister of State and other Members have the rank of a Secretary to the Government of India.
Duties and Functions of the NCST:	• To investigate and monitor all matters relating to the safeguards provided for the STs under the Constitution or under any other law for the time being in force or under any order of the Government. • To inquire into specific complaints with respect to the deprivation of rights and safeguards of the STs. • To participate and advise in the planning process of socio-economic development of the STs and to evaluate the progress of their development. • To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards. • To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may be subject to the provisions of any law made by Parliament by rule specified.
NCST would also discharge other functions:	• Measures to be taken over conferring ownership rights in respect of minor forest produce to STs. • Measures to be taken to safeguard rights to the STs over mineral resources, water resources etc. • Measures to be taken for the development of tribals and to work for more viable livelihood strategies.

- Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.
- Measures to be taken to elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation.
- Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996.
- Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by Tribals.

GST COUNCIL'S PROPOSALS NOT BINDING ON CENTRE AND STATES

News: The Supreme Court, in a judgment championing the importance of “cooperative federalism”, held that Union and State legislatures have “equal, simultaneous and unique powers” to make laws on Goods and Services Tax (GST) and the recommendations of the GST Council are not binding on them.

What next?

FOR BUSINESSES

■ Goods importers get some relief as they are no longer liable to pay GST on ocean freight charges; could seek refunds for past payments

FOR THE CENTRE AND STATES

■ Finance Ministry believes SC order only

reiterates the spirit in which the GST Council is functioning

■ All but one decision of the Council has been reached by consensus so far

■ The Council may be summoned soon to discuss SC verdict's implications

An administrative body created by the Constitution cannot have an overriding right on the legislature

TARUN BAJAJ, Revenue Secretary

The Centre had been arbitrarily imposing its decisions on States... We hope the verdict would pave the way for States to protect rights

K.N. BALAGOPAL, Kerala Finance Minister

- The court emphasised that Article 246A (which gives the States power to make laws with respect to GST) of the Constitution treat the Union and the States as “equal units”. It confers a simultaneous power (on Union and States) for enacting laws on GST.
- **Article 279A**, in constituting the GST Council, envisions that neither the Centre nor the States are actually dependent on the other.
- The judgment said that though the Centre may have a larger share of power in certain instances to prevent chaos and provide security, the States still wielded power.
- After all, the court said, “Indian federalism is a dialogue between cooperative and uncooperative federalism where the federal units are at liberty to use different means of persuasion, ranging from collaboration to contestation”.

INTER-STATE COUNCIL (ART. 263)

News: The Inter-State Council has been reconstituted with the Prime Minister as Chairman and Chief Ministers of all States and six Union Ministers as members. Ten Union Ministers will be the permanent invitees to the Inter-State Council.

About:

- The apex court's decision came while confirming a Gujarat High Court ruling that the Centre cannot levy Integrated Goods and Services Tax (IGST) on ocean freight from Indian importers.

About:

Constitution:	• Article 263: The President can establish an ISC and define the nature of duties to be performed by such a council. • The Council is not a permanent constitutional body for coordination between the states and the Center. Instead, the President can establish the council at any time if it appears to him that the public interests would be served by the establishment of such a council. • It is a constitutional body that has representatives of the Union government as well as chief ministers of states.
Establishment:	• ISC was constituted in 1990 based on the recommendations of Sarkaria Commission.
Mandate:	• To inquire and advise on interstate disputes and to provide recommendations for better policy coordination.

Nature:	- It is a recommendatory body on issues relating to inter-state, Centre–state and Centre–union territories relations. Meetings and decisions: The council meeting is supposed to be held thrice a year and its decisions on all questions are decided by consensus.
Composition:	Chaired by: The Prime Minister. Members: - Chief Ministers of all the States and Union Territories with Assembly, - The Administrators of the Union Territories without Assembly, - The Governors of the States under the rule of the President, - The six Ministers in the Cabinet, including the home minister, to be nominated by the PM, and - Five ministers of the cabinet rank are permanent invitees of the council.
Formation of Standing committee:	A standing committee of the council was set up in 1996 for continuous consultation and processing of matters for the consideration of the council. The chairman of this standing committee is the Union Home Minister.

ATTORNEY GENERAL OF INDIA

News: Senior Advocate Mukul Rohatgi has declined the government's offer to be Attorney General (A-G) for India.

About Attorney General of India:

About:	- The A-G is the Government of India's first law officer, and has the right of audience in all courts of the country. - The Constitution of India places the post of the A-G on a special footing.
Eligibility:	Article 76(1): The A-G is appointed by the President from among persons who are qualified to be appointed a Judge of the Supreme Court.
Term:	Article 76(4): He shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.
Powers and Functions:	Article 76(2): It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President. - He is supposed to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force. Article 88: The Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member. However, he is not entitled to vote in the House.

COMPTROLLER AND AUDITOR GENERAL OF INDIA (CAG)

News: Lok Sabha Speaker Om Birla recently said that CAG is among the most effective and prestigious audit institutions in the world.

About the Comptroller and Auditor General of India:

About:	- Comptroller and Auditor General of India is the apex authority responsible for external and internal audits of the expenses of the National and state governments in the country. - He is the head of the Indian Audit and Accounts Department. - He is the guardian of the public purse and controls the entire financial system of the country at both the levels- the center and state. - His duty is to uphold the Constitution of India and the laws of Parliament in the field of financial administration. - CAG acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.
Constitutional Provisions:	The Constitution of India provides for an independent office of the CAG in chapter V covering Articles 148-151.
Appointment and Tenure:	- He is appointed by the President of India by a warrant under his hand and seal. - Holds office for a period of six years or upto the age of 65 years, whichever is earlier.
Functions:	- He audits the accounts related to all expenditure from the Consolidated Fund of India, Consolidated Fund of each state and UT having a legislative assembly. Audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the Contingency Fund and Public Account of each state. - He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and the state governments. - CAG audits the receipts and expenditure of all bodies and authorities substantially financed from the Central or State revenues; government companies; other corporations and bodies, when so required by related laws. - He ascertains and certifies the net proceeds of any tax or duty and his certificate is final on the matter.
Reports:	He submits his audit reports relating to the accounts of the Centre and State to the President and Governor, who shall, in turn, place them before both the houses of Parliament and the state legislature respectively. He submits 3 audit reports to the President: - audit report on appropriation accounts, - audit report on finance accounts, and - audit report on public undertakings.



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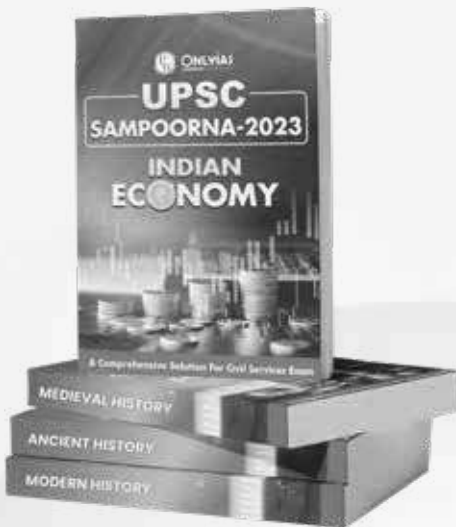
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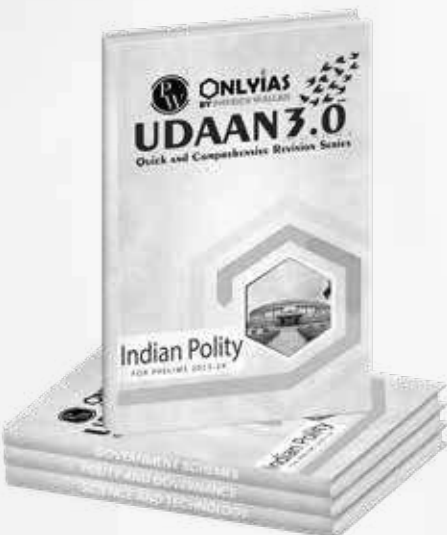
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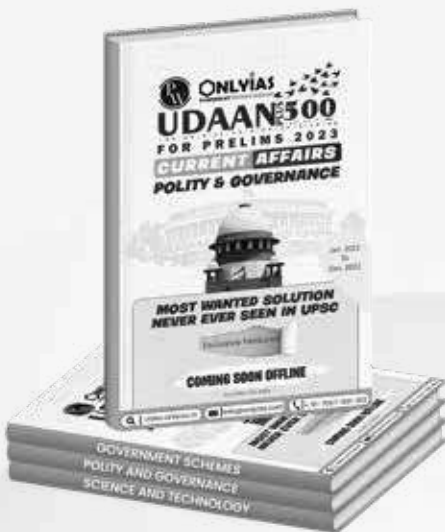
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UNIQUE IDENTIFICATION AUTHORITY OF INDIA (UIDAI)

News: Recently, the Comptroller and Auditor General (CAG) audit on the 'Functioning of UIDAI' presented in Parliament has found that the data stored in the Aadhaar Data Vault of the institution is "vulnerable."



About UIDAI:

- It is a **statutory authority** established under provisions of the **Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016**.
- It is **under the jurisdiction of the Ministry of Electronics and Information Technology (MeitY)**.
- It issues a **12-digit unique identity number** called Aadhaar to each resident of the country.
- After being launched in 2010, the Aadhaar database reached 1.29 billion records by March 2021 and is considered as one of the largest biometric based identification systems in the world.

Issues highlighted by CAG:

No residency proof:	• Aadhaar numbers are only issued to individuals who have resided for a period of 182 days or more in the 12 months before the date of application. • UIDAI has not prescribed specific proof/document or process and there is no system in place to confirm that Aadhaar holders in the country are 'Residents' as defined in the Aadhaar Act.
Bal Aadhaar cards:	• Bal Aadhaar cards are issued to children under the age of five based on their parents' biometric information, which is against the basic tenet of the Aadhaar Act.
Data protection:	• Lack of data archiving policy.
Deduplication:	• Instances like issuing Aadhaar with the same biometric data, faulty biometrics and documents to different residents indicate flaws in the system even after the introduction of iris-based authentication features.
Data matching:	• Non pairing of some Aadhaar numbers with the documents relating to personal information of their holders.
Faulty system:	• People were charged for voluntary biometric updates when poor quality data was fed in during enrolment.
Infrastructure verification:	• No verification of the infrastructure and technical support of requesting Entities and Authentication Service Agencies before their appointment.
Inadequate arrangements:	• Insufficient arrangements with the Department of Posts for the delivery of Aadhaar letters.

LAW COMMISSION OF INDIA

News: Retired High Court Chief Justice Rituraj Awasthi has been appointed as the chairperson of the Law commission.

About:

Status:	- It is an executive body established by an order of the Government of India. - It is a non-statutory body. - It works as an advisory body to the Ministry of Law and Justice.
Establishment:	- The first Law Commission was established in 1834 by the Charter Act of 1833 and was chaired by Lord Macaulay. - The Commission was originally constituted in 1955 and is reconstituted every three years. - The First Law Commission of Independent India was established in 1955 under the Chairmanship of the then Attorney-General of India, M. C. Setalvad.
Tenure:	The tenure of the Law Commission is for three years.
Composition:	- A full-time chairperson, four full-time members, including a member-secretary. - Law and Legislative Secretaries in the Law Ministry will be the ex-officio members of the commission. - Not more than five part-time members. - A retired Supreme Court judge or Chief Justice of a High Court will head the Commission.
Roles and functions:	- The Law Commission shall, on a reference made to it by the Central Government or suo motu, undertake research in law and review of existing laws in India for making reforms and enacting new legislation. - It also undertakes studies and research for bringing reforms in the justice delivery systems for elimination of delay in procedures, speedy disposal of cases, reduction in cost of litigation, etc. - The recommendations of the commission are not binding.

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

News: The National Commission for Protection of Child Rights (NCPCR) has asked the West Bengal chief secretary to get all children care institutions (CCIs) registered under the Juvenile Justice Act 2015.

About NCPCR:

- NCPCR is a **statutory body set up in March 2007** under the Commissions for Protection of Child Rights (CPCR) Act, 2005.
- It is under the administrative control of the **Ministry of Women & Child Development**.
- Definition:** The Child is defined as a person in the 0 to 18 years age group.
- Mandate:** The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative

Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.

- Composition:** This commission has a chairperson and six members of which at least two should be women.
 - All of them are appointed by the Central Government for three years.
 - The maximum age to serve in commission is 65 years for Chairman and 60 years for members.
- Under the RTE Act, 2009, the NCPCR can:**
 - Inquire into complaints about violation of the law.
 - Summon an individual and demand evidence.
 - Seek a magisterial enquiry.
 - File a writ petition in the high court or supreme court.
 - Approach the government concerned for prosecution of the offender.
 - Recommend interim relief to those affected.

Child Welfare Committees:

Legal Framework:	They are constituted by the State Government for every district (As per the Section 27(1) of Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)).
Powers:	To discharge the duties conferred on such Committees in relation to children in need of care and protection.
Composition:	A Chairperson, and four other members as the State Government may think fit to appoint (with at least one woman and another an expert on matters concerning children).
Eligibility Conditions:	- Above the age of thirty-five years. - Minimum seven years of experience of working with children in the field of education, health, or welfare activities, or should be a practicing professional with a degree in child psychology or psychiatry or social work or sociology or human development or in the field of law or a retired judicial officer.

NATIONAL COMMISSION FOR WOMEN (NCW)

News: At a consultation organised by the National Commission for Women on amendments to criminal law, there was unanimity among speakers that marital rape should be criminalised.

About NCW:

About:	It is a statutory body generally concerned with advising the government on policy matters affecting women.
Legal Framework:	Established in 1992 under the National Commission for Women Act, 1990.
Objectives:	Represents the rights of women in India and to provide a voice for their issues and concerns.
Composition:	The Commission shall consist of: - A Chairperson, committed to the cause of women, to be nominated by the Central Government. - Five Members nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry potential of women, women's voluntary organizations (including women activist), administration, economic development, health, education or social welfare; - Provided that at least one Member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively. - The first head of the commission was Jayanti Patnaik.
Powers:	- Provide consultation on all major policy matters that affect women. - Issuing summons for the examination of documents and the witnesses. - Power to make any public record. - Receiving evidence on affidavits - Discovery and production of documents.
Functions:	- Tabling reports to the Central Government every year. - Proper investigation and examination of the rights of the women provided under the Constitution or the laws. - Reviewing and scrutinizing all laws constantly. - Takes care of complaints and also suo motu matters about the deprivation of rights of women. - Assessing the development and the progress of the women community under the Center and State level.

Additional Insights:

- The Indian Constitution doesn't contain any provision specifically made to favor women intrinsically.
- Article 15 (3), Article 14 and Article 21** protect and safeguard women. They are more gender-neutral.

NATIONAL COMMISSION FOR SAFAI KARAMCHARIS

News: The Union Cabinet has approved the extension of the tenure of the National Commission for Safai Karamcharis (NCSK) for three years beyond 31.3.2022.

About:

Establishment:	- It was established in the year 1993 as per the provisions of the NCSK Act 1993, initially for the period upto 31.3.1997. - Later validity of the Act was extended upto 2004. - After that, the tenure of the NCSK has been extended as a non-statutory body from time to time through resolutions.
Definition of Safai Karamchari:	"Safai Karamchari means a person engaged in, or employed for any sanitation work and includes his/her dependents."
Aim:	Achieving the goal of complete mechanization of sewer/septic tanks cleaning in the country and rehabilitation of manual scavengers.
Functions of NCSK:	- Giving recommendations to the Government regarding specific programmes for welfare of Safai Karamcharis. - Monitor implementation of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. - Enquire into complaints regarding contravention of the Act. - The Commission calls for the factual reports in connection with these complaints/petitions from the concerned authorities and impress upon them to redress the grievances of the affected Safai Karamcharis.

CENTRAL BUREAU OF INVESTIGATION (CBI)

- President promulgated ordinances that would allow Centre to extend the tenures of the directors of Central Bureau of Investigation (CBI) and ED from two years to up to five years.
- Government amended the Delhi Special Police Establishment Act, 1946 for this.

About CBI:

About:	- It is the premier investigating police agency in India, established in 1963, and functions under the Ministry of Personnel, Pension & Public Grievances. - It was recommended by Santhanam Committee on Prevention of Corruption (1962-64).
Legal Framework:	- It is governed by the Delhi Special Police Establishment (DSPE) Act, 1946. - It is neither a statutory nor a constitutional body.
Powers:	CBI can suo-moto take up investigation of offenses only in the UTs.
Cases under CBI:	Anti-corruption: Usually against public officials, employees of the union government. The superintendence of CBI related to investigation of offenses under the Prevention of Corruption Act, 1988 lies with CVC. Special crimes: Investigation of serious and organized crime under Indian Penal Code on requests of State Governments or on the orders of Supreme Court and High Courts. Economic offenses: Crimes of financial malfeasance. CBI usually transfers cases of money laundering to the Enforcement Directorate (ED).
Objectives:	- It is the nodal police agency in India and coordinates investigations on behalf of Interpol Member countries. Motto: Industry, Impartiality and Integrity. - It provides assistance to the Central Vigilance Commission (CVC) and Lokpal.
Appointment of CBI director:	Lokpal Act, 2014 provided for the appointment of CBI director through a high-powered committee comprising Prime Minister, CJI and Leader of opposition.

Additional Insights:

- Section 6 of DSPE Act empowers the state government to give or deny consent to CBI officers.
- The Supreme Court and High Courts can order CBI to investigate a crime anywhere in the country without the consent of the state.

GENERAL CONSENT TO CBI

News: Recently, Maharashtra Government restored general consent to the Central Bureau of Investigation (CBI) to investigate cases in Maharashtra.

About:

- **Mandatory consent:** CBI is governed by The Delhi Special Police Establishment (DSPE) Act, 1946, and it must mandatorily obtain the consent of the state government concerned before beginning to investigate a crime in a state.



- **Section 6 of The DSPE Act:** Consent of the State Government to exercise powers and jurisdiction.
- Nothing contained in section 5 (titled "Extension of powers and jurisdiction of special police establishment to other areas") shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in a State, not being a Union territory or railway area, without the consent of the Government of that State.
- **Authority different from NIA:** NIA is governed by The NIA Act, 2008, and has jurisdiction all over the country.
- **Types of Consent:**
 - **General Consent:** When a state gives a general consent (Section 6 of the Delhi Special Police Establishment Act) to the CBI for probing a case, the agency is not required to seek fresh permission every time it enters that state in connection with investigation or for every case. A general consent is given to facilitate that seamless investigation in a case of corruption or violence.
 - **Specific Consent:** When a general consent is withdrawn, CBI needs to seek case-wise consent for investigation from the concerned state government. If specific consent is not granted, the CBI officials will not have the power of police personnel when they enter that state. This hurdle impedes seamless investigation by the CBI.

SERIOUS FRAUD INVESTIGATION OFFICE (SFIO)

About:	• It is a multi-disciplinary organization under the Ministry of Corporate Affairs.
Legal Framework:	• Companies Act, 2013.
Composition:	• Experts from the field of accountancy, forensic auditing, law, information technology, investigation, company law, capital market and taxation for detecting and prosecuting or recommending for prosecution of the white-collar crimes/frauds.
Headquarters:	• New Delhi
Powers:	• Power to arrest an accused for violation of Company law.
Functions:	• To assist officers of SFIO in investigations, the Computer Forensic and Data Mining Laboratory (CFDML) was set up in 2013.

NATIONAL INVESTIGATION AGENCY (NIA)

Legal Framework:	• NIA Act, 2008. • Governed by the Ministry of Home Affairs.
Headquarters:	• New Delhi
Functions:	• Functions as the Central Counter Terrorism Law Enforcement Agency in the country.

ENFORCEMENT DIRECTORATE

News: The Enforcement Directorate (ED) has been in the news for summoning people for possible money laundering cases.

About:

About:	It is a specialized financial investigation agency under the Department of Revenue, Ministry of Finance.
Headquarters:	New Delhi
Establishment:	- In 1956, an 'Enforcement Unit' was formed, in the Department of Economic Affairs, for handling Exchange Control Laws violations under Foreign Exchange Regulation Act, 1947. - In the year 1957, this Unit was renamed as 'Enforcement Directorate'.
Mandate:	- Enforcing the provisions of two special fiscal laws: - Foreign Exchange Management Act, 1999 (FEMA). - The Prevention of Money Laundering Act, 2002 (PMLA).
Jurisdiction:	For offenses that generate proceeds of crime over and above ₹1 crore.
Powers (as per PMLA Act):	- It carries out search (property) and seizure (money/documents) based on which it decides on the arrest. - Can directly carry out search and seizure without calling the person for questioning. - Has to file the prosecution complaint (chargesheet) within 60 days of the arrest of the person or the attachment of property.

ZONAL COUNCIL

News: Minister of Home Affairs chaired the 25th meeting of the Western Zonal Council at Diu.

About:

- Zonal Councils are the **statutory** (and not the constitutional) bodies.
- They were **established by the States Reorganisation Act of 1956**.
- Objectives of setting up of Zonal Councils:** Bringing out national integration; Enabling the Centre and the States to co-operate and exchange ideas and experiences.
- Composition:**
 - The Northern Zonal Council** → It comprises the States of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh,
 - The Central Zonal Council** → It comprises the States of Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh,
 - The Eastern Zonal Council** → It comprises the States of Bihar, Jharkhand, Orissa, Sikkim and West Bengal,
 - The Western Zonal Council** → It comprises the States of Goa, Gujarat, Maharashtra and the Union

Territories of Daman & Diu and Dadra & Nagar Haveli,

- The Southern Zonal Council** → It comprises the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry.
- Organizational Structure:**
 - Chairman:** The Union Home Minister is the Chairman of each of these Councils.
 - Vice Chairman:** The Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.
 - Members:** Chief Minister and two other Ministers as nominated by the Governor from each of the States and two members from Union Territories included in the zone.
 - Advisers:** One person nominated by the Planning Commission (now NITI Aayog) for each of the Zonal Councils, Chief Secretaries and another officer/Development Commissioner nominated by each of the States included in the Zone.
- Functions of the Councils:**
 - Any matter of common interest in the field of economic and social planning,
 - Any matter concerning border disputes, linguistic minorities or inter-State transport,
 - Any matter connected with or arising out of, the reorganization of the States under the States Reorganisation Act.

- In addition to the above-mentioned Zonal Councils, a **North-Eastern Council was created by a separate Act of Parliament, the North-Eastern Council Act of 1971**. Its members include Assam, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.
- **These are advisory bodies** that make recommendations with regard to any matter of common interest in the field of economic and social planning between the Centre and States border disputes, linguistic minorities, inter-State transport or matters connected with the reorganisation of States.

NORTH EASTERN COUNCIL

News: The Plenary meeting of the North Eastern Council concluded recently.

About:

- **NEC is not a constitutional body**, it is a statutory organization **established in 1971** under the **North Eastern Council Act, 1971**.

- **Composition:** It comprises Governors and Chief Ministers of all the 8 North-Eastern States and three members nominated by the President.

Functions:

- To function as Apex Regional Planning Body for the North Eastern Region.
- Implementing various projects through the State and Central agencies.
- **Administration:** In June 2018, the Union cabinet approved the nomination of the Home Minister as the ex-officio chairman and Minister for DoNER (Development of North-East Region) as the council's vice chairman.

CENTRAL VIGILANCE COMMISSION

News: Vigilance Commissioner Suresh N. Patel was sworn in as the Central Vigilance Commissioner (CVC) by President Droupadi Murmu at the Rashtrapati Bhavan.

About:

About:	• It was set up by the Government of India (Ministry of Home Affairs) vide Resolution in 1964 on the recommendation of the Santhanam Committee. • It is an apex body for the prevention of corruption and exercising general superintendence over vigilance administration. • It is an independent body which is only responsible to the Parliament. • It submits its report to the President of India.
Legal Framework:	• Central Vigilance Commission Act, 2003 (CVC Act) confers statutory status to the CVC.
Functions:	• Superintendence over the functioning of the Delhi Special Police Establishment (DSPE) insofar as it relates to the investigation of offenses under the Prevention of Corruption Act, 1988. • It has no investigation wing of its own unlike CBI. It depends on the CBI and the Chief Vigilance Officers (CVO) of central organizations.
Composition:	• Multi-member Commission consisting of a Central Vigilance Commissioner (Chairperson) and not more than 2 Vigilance Commissioners (Member).
Appointment:	• Appointed by the President of India on the recommendations of a committee consisting of the: ○ Prime Minister, ○ Union Home Minister and ○ Leader of the Opposition in Lok Sabha (if there is no Leader of Opposition then the leader of the single largest Opposition party in the Lok Sabha).
Tenure:	• 4 years or 65 years, whichever is earlier.
Removal:	• Removed by the President on grounds of bankruptcy, unsound mind, infirmity of body or mind, sentenced to imprisonment for a crime, or if engaged in paid employment or has acquired financial or other interest that might affect his judgment. • Can also be removed for proved misbehavior or incapacity post Supreme Court inquiry. • Can resign by writing to the President.

CENTRAL CONSUMER PROTECTION AUTHORITY (CCPA)

News: Central Consumer Protection Authority (CCPA) completed two years of establishment.

About:

- The CCPA was constituted to promote, protect and enforce the rights of consumers **under the Consumer Protection Act (CPA), 2019**.
- CPA 2019 replaced the CPA 1986, and widened its scope in addressing consumer concerns.

About:	• It aims to protect the rights of the consumer by cracking down on unfair trade practices, and false and misleading advertisements that are detrimental to the interests of the public.
Legal Framework:	• Consumer Protection Act (CPA), 2019 (It replaced the CPA, 1986).
Powers:	• To conduct investigations into violation of consumer rights. • Can order recall of unsafe goods and services, • Can order discontinuation of unfair trade practices and misleading advertisements, • Impose penalties on manufacturers/endorsers/publishers of misleading advertisements. • Initiate class action to protect the rights of those consumers who are unaware of their rights.
Appeals:	• National Consumer Disputes Redressal Commission within a period of 30 days from the date of receipt of such order. • State Consumer Disputes Redressal Commission (SCDR) is the state level appellate body under the CPA 2019.

CHILD WELFARE COMMITTEE (CWC)

News: Government has notified Juvenile Justice (Care and Protection Amendment) Model Amendment Rules, 2022 that bar a person associated with an organization receiving foreign funds to be a part of CWC.

About:

- CWCs were **established under Juvenile Justice (Care and Protection of Children) Act, 2015** for Children in need and care of protection.

- They are **constituted for every district or group of districts by the state government** for care and protection of children who are abused, exploited, abandoned or orphaned.
- It **consists of a chairperson and four other members** of whom **at least one shall be a woman** and another, an **expert on child matters**.

NATIONAL COMMISSION FOR MINORITIES (NCM)

News: Recently, a former IPS officer Iqbal Singh Lalpura was chosen as chairman of National Commission for Minorities.

About the National Commission for Minorities:

Background:	• The Minorities Commission (MC) was envisaged in the Ministry of Home Affairs Resolution in 1978. • It was detached from the Ministry of Home Affairs and placed under the newly created Ministry of Welfare in 1984 which excluded linguistic minorities from the Commission's jurisdiction in 1988. • The National Commission for Minorities Act, 1992, accorded statutory status to MC which was renamed as the NCM. • The first Statutory National Commission was set up in 1993 and five religious communities viz. The Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities. • Jains were notified as a minority community in 2014.
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Composition:	• Chairperson, a Vice-Chairperson and five members all from amongst the minority communities. • 7 persons to be nominated by the Central Government from amongst persons of eminence, ability and integrity. • Each Member holds office for a period of three years from the date of assumption of office.
Functions:	• Evaluates the progress of the development of minorities under the Union and States. • Monitoring the working of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the state legislatures.

SUO-MOTU POWERS OF NATIONAL GREEN TRIBUNAL (NGT)

News: The Supreme Court has recently declared that National Green Tribunal (NGT) is a “unique” forum endowed with suo motu (on its own motion) powers to take up environmental issues across the country.

Observation by the Court:

- The role of the NGT is not merely adjudicatory in nature but also preventative, ameliorative or remedial in nature.
- It is a complimentary, competent, specialized forum, to deal with all multidisciplinary environmental issues both as original and also as an appellate authority.
- The NGT embodies the international obligation India owed to the environment.

About the National Green Tribunal:

About:	• It is a specialized body set up under the National Green Tribunal Act (2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources. • India is the third country in the world to set up a specialized environmental tribunal, after Australia and New Zealand.
Laws covered under NGT:	• Acts under seven specified laws (mentioned in Schedule I of the Act): ○ The Water Act ○ The Water Cess Act ○ The Forest Conservation Act ○ Air Act ○ Environment Protection Act ○ Public Liability Insurance Act ○ Biological Diversity Act.
Timeframe:	• Mandated to dispose off applications or appeals finally within 6 months of filing the same.
Composition:	• Headed by the Chairperson who sits in the Principal Bench. • At Least ten but not more than twenty judicial members. • At Least ten but not more than twenty expert members.
Decisions:	• Decisions of the Tribunal are binding. • Power to review its own decisions.
Appeal:	• The decision can be challenged before the Supreme Court within ninety days.

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

News: The 28th anniversary of the National Human Rights Commission (NHRC) was observed on 12th October 2021.

About the National Human Rights Commission:

About:	It is a watchdog of human rights in the country, guaranteed by Indian Constitution or embodied in the international covenants and enforceable by courts in India.
Legal Framework:	- Established under Protection of Human Rights Act (PHRA), 1993 amended by the Protection of Human Rights(Amendment) Act, 2006 and Human Rights (Amendment) Act , 2019. Established in conformity with the Paris Principles, adopted for the promotion and protection of human rights in Paris (October, 1991) and endorsed by the General Assembly of the United Nations in December, 1993.
Composition:	- It is a multi-member body consisting of a chairman and four members. Chairman: A person who has been the Chief Justice of India or a judge of the Supreme Court.
Appointment:	Appointed by the President on the recommendations of a six-member committee consisting of the: - Prime Minister (head), - Speaker of the Lok Sabha, - Deputy Chairman of the Rajya Sabha, - Leaders of the Opposition in both the Houses of Parliament - Union Home Minister.
Tenure:	Three years or until the age of 70 years, whichever is earlier.
Removal:	By the President under some circumstances.
Role and Function:	- It has all the powers of a civil court and its proceedings have a judicial character. - It is empowered to utilize the services of any officer or investigation agency of the Central government or any state government for the purpose of investigating complaints of human rights violation.
Limitations:	- Look into a matter within one year of its occurrence. - Functions are mainly recommendatory in nature. - No power to punish the violators of human rights, nor to award any relief including monetary relief to the victim. - It has limited role, powers and jurisdiction with respect to the violation of human rights by the members of the armed forces. - It is not empowered to act when human rights violations take place through the private parties.

CENTRAL INFORMATION COMMISSION (CIC)

News: The Central Information Commission (CIC) achieved a consistent decline in the pendency of RTI (Right to Information) cases with the constant rise in the disposal of the RTI appeals.

About Central Information Commission:

About:	- It is a statutory body constituted under the RTI Act, 2005. - Its jurisdiction extends over all Central Public Authorities.
Composition:	Chief Information Commissioner (CIC) and not more than ten Information Commissioners (ICs).
Appointment:	Appointed by the President on the recommendation of a committee consisting of the: - Prime Minister as Chairperson, - Leader of Opposition in Lok Sabha - Union Cabinet Minister nominated by the Prime Minister. - Not eligible for reappointment.

Tenure:	• The tenure of the commissioners has been cut to three years (RTI (Amendment) Act, 2019 and the Rules brought in thereafter). • Earlier, the 2005 Act gave them a fixed tenure of five years or a retirement age of 65 years, whichever is earlier.
Functions:	• It has the same powers as are vested in a civil court while trying a suit under Code of Civil Procedure, 1908, in respect of the following matters: ○ Summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things; ○ Requiring the discovery and inspection of documents; ○ Receiving evidence on affidavit; ○ Requisitioning any public record or copies thereof from any court or office; ○ CIC may receive and inquire into a complaint from any person: ◆ who has been refused access to any information requested; ◆ who has not been given a response to access to information within the time limit specified, etc.

About the RTI Act, 2005:

Origin:	• Mr. Kulwal v/s Jaipur Municipal Corporation case marked the genesis of the RTI law in 1986. • The SC in this case, directed that freedom of speech and expression provided under Article 19 implies RTI, as without information the freedom of speech and expression cannot be fully used by the citizens. • It replaced the Freedom of Information Act, 2002.
Objective:	• To empower the citizens, promote transparency and accountability in the working of the Public Authorities and contain corruption. • The salary of CIC and ICs (at central level) will be equivalent to salary paid to Chief Election Commissioner and Election Commissioners, respectively. (However, the RTI bill 2019 removes these provisions and empowers the Central Government to decide on these matters).
Right to Information Rules, 2019:	• Given discretion to the government to decide on allowances or service conditions (tenure, salary) which would be binding and hence increasing government's control over CIC.

Additional Information:

- **Online portal:** 24 hours' portal service was introduced for e-filing of RTI applications during any part of day or night and from any part of the country or abroad.
- **National Federation of Information Commissions of India (NFICI):** It was established in 2009 to facilitate coordination and mutual consultations among CIC and SIC as well as exchange of information on laws and their interpretation through education, research and dissemination of knowledge, leading to strengthening administration of RTI Act.



MENTORSHIP AND DOUBT ENGINE



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LAUNCHING SOON



DRAFT INDIA DATA ACCESSIBILITY & USE POLICY, 2022

- Draft India Data Accessibility & Use Policy, 2022 **aims to radically transform India's ability to harness public sector data for catalysing large scale social transformation.**
- As per policy, any data sharing shall happen within the legal framework of India, its national policies and legislation as well as the recognized international guidelines.
- **Major Objectives of the policy include:**
 - Maximising access to and use of quality of Non-Personal Data (NPD) available with the public sector.
 - Improving policy making, evaluation, and monitoring.
 - Building digital and data capacity, knowledge & competency of government officials.
 - Ensuring greater citizen awareness, participation, and engagement with open data.
- This draft policy comes in the backdrop of a government committee formed in 2019, headed by Infosys co-founder S Gopalakrishnan, to draft a Non-Personal Data Protection Framework (NPDPF). Goals of NPDPF include creating a framework to unlock economic, social and public value from using data, and address concerns of harm arising from use of such data.

CENTRE NOTIFIES INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) AMENDMENT RULES, 2022

News: IT Rules 2021 has been released under section 87 of IT Act, 2000 for Social-Media, Digital Media and OTT platforms.

Key provisions:

- **Grievance Appellate Committees (GAC):** The Central Government shall establish one or more Grievance Appellate Committees (GAC) within three months.

- Each GAC will consist of a chairperson and two whole time members appointed by the Central government.
- The GAC will hear appeals by social media users against decisions of grievance officers appointed by the intermediary.
- **Dispute Resolution Mechanism:** Online dispute resolution mechanism, i.e. digital mode of the entire appeal process, from filing of appeal to the decision.
- **Obligations for intermediary:** Intermediaries can develop and implement "appropriate safeguards" to prevent misuse of the grievance redressal mechanism.
- **Time bound:** The companies will be required to acknowledge complaints from users within 24 hours and resolve them within 15 days or 72 hours in case of an information takedown request.

Concerns with IT rules:

- Excessive government control.
- Can act as an effective tool to curb government criticism and dissent.
- Additional responsibilities on grievance officers.

MINISTRY OF INFORMATION AND BROADCASTING (I & B) HOLDS CONSULTATION WITH FILM INDUSTRY ON PROPOSED AMENDMENTS TO CINEMATOGRAPH ACT

- **Cinematograph Act, 1952** made provision for the certification of cinematograph films for exhibition and regulating exhibitions by means of cinematographs.
- Under it, **the Central Board of Film Certification (CBFC), a statutory body under the Ministry of I&B**, regulates the public exhibition of films.
- **Key Provisions of Cinematograph (Amendment) Bill 2021:**
 - Empowering government to direct CBFC to reconsider certification it has issued to a film.
 - Subdividing the U/A category to U/A 7+, U/A 13+ and U/A 16+
 - Adding Section 6AA to curb piracy by introducing penal provisions.

- **Concerns raised against the bill:**
 - **The Central** Government would have the power to revoke or recall certification of films that have already been cleared by CBFC.
 - It is against the recommendations of Mudgal Committee (2013) and Shyam Benegal Committee (2016) on film certification.
 - Film fraternity held that some provisions stifle creativity by being a hindrance to open expression and discussion.
- **Suggestions:** Encouraging self-regulation, Limiting the extent of censoring power of the state, increased usage of content warnings involving explicit material etc.

PREVENTION OF MONEY LAUNDERING ACT (PMLA) & SUPREME COURT

News: The Supreme Court has upheld the validity of several key provisions of the Prevention of Money Laundering Act (PMLA) which gives the Enforcement Directorate wider powers of arrest, seizure and makes it difficult to obtain bail.

About:

- A number of petitions were filed in the Supreme Court challenging the amendments that were introduced to the PMLA Act by way of Finance Acts.
- The Supreme Court has upheld the amendments made to the PMLA Act. These amendments give ED wider powers of arrest, seizure and makes it difficult to obtain bail.

Key Provisions Upheld by the Supreme Court:

- **EDs Power of Arrest:** The petitioners had argued that the ED could arrest a person even without informing him/her of the charges. This power was violative of the right to 'due process' enshrined in Article 21 of the Constitution. However, the court rejected the notion that the ED has been given blanket powers of arrest, search of person and property and seizure. The court said there were in-built safeguards within the Act, including the recording of reasons in writing while effecting an arrest.
- **On not providing ECIR to the accused:** SC held that it was not mandatory for the ED to provide a copy of the Enforcement Case Information Report (ECIR) to the accused. The court was of the view that it is enough if the ED disclosed the grounds of arrest at the time of the arrest.
- **Note:** ECIR is an ED document which is widely seen as similar to the police first information report (FIR).

- **Twin Conditions of Bail:** The court upheld the stringent twin bail conditions required under the law for granting bail to an accused. The two conditions require a court to hear the public prosecutor against the bail plea and reach a satisfaction that there are reasonable grounds to believe that the accused is not guilty of the offense and that he is not likely to commit any offence while on bail.
- However, the court said undertrials could seek bail under Section 436A of the Code of Criminal Procedure if they had already spent one-half of the term of punishment in jail for the offence prescribed in law. But, again, this is not an "absolute right" and would depend from case to case.
- **Issue of the burden of proof rests heavily on the shoulders of the accused:** The court upheld this provision and said that this provision did not suffer from the "vice of arbitrariness or unreasonableness".
- **Introduction of the amendments through Money Bills:** The SC held that this issue would be separately examined by a larger Bench of the apex court.

COMPETITION (AMENDMENT) BILL, 2022

News: Recently, The Competition (Amendment) Bill, 2022 has been introduced that aims to improve regulatory set-up by increasing the CCI's accountability, giving it flexibility and enforcement efficiency.

About Key Provision:

- **Regulation of combinations based on deal value:** Any acquisition, merger or amalgamation may constitute a combination. The act currently says parties indulging in merger, acquisition, or amalgamation need to notify the Commission of the combination only on the basis of 'asset' or 'turnover'. The Bill proposes to add a 'deal value' threshold.
- **Time limit for approval of combinations:** The Act specifies that any combination shall not come into effect until the CCI has passed an order or 210 days have passed from the day when an application for approval was filed, whichever is earlier. The Bill reduces the time limit in the latter case to 150 days.
- **Gun Jumping:** Parties should not go ahead with a combination prior to its approval. If the combining parties close a notified transaction before the approval, or have consummated a reportable transaction without bringing it to the Commission's knowledge, it is seen as gun-jumping.
- **Addresses the issue of the Hub and Spoke Model:** A Hub-and-Spoke arrangement is a kind of cartelisation in which vertically related players act as a hub and

place horizontal restrictions on suppliers or retailers (spokes).

- Currently, the prohibition on anti-competitive agreements only covers entities with similar trades that engage in anti-competitive practices.
- To combat this, the Bill broadens the scope of 'anti-competitive agreements' to catch entities that facilitate cartelisation even if they are not engaged in identical trade practices.
- **Leniency Plus:** The Bill allows the commission to give an additional waiver of penalties to an applicant who discloses the existence of another cartel in an unrelated market, provided the information enables the Commission to form a prima facie opinion about the existence of the cartel.
- **Settlement and Commitment in anti-competitive proceedings:** Under the Act, CCI may initiate proceedings against enterprises on grounds of: (i) entering into anti-competitive agreements, or (ii) abuse of dominant position.
- **The Bill permits CCI to close inquiry proceedings if the enterprise offers:** (i) settlement (may involve payment), or (ii) commitments (may be structural or behavioral in nature).
- **Appointment of Director General:** The Act empowers the central government to appoint a Director General to CCI. The Bill amends this to empower the CCI to appoint the Director General, with prior approval of the government.

- **Penal Provisions:** The penalties and penalty guidelines are proposed to be amended.
 - For any false information filed, a penalty of five crores will be imposed, and for failure to comply with the Commission directions, a penalty of ₹10 crores will be imposed.
 - For an appeal to be heard by the National Company Law Tribunal (NCLT) against the Commission's order, the party will have to deposit 25% of the penalty amount.

Competition Commission of India (CCI):

- It is a **statutory body** of the Government of India, responsible for enforcing the **Competition Act, 2002** throughout India and to prevent activities that have an adverse effect on competition.
- **Functions of the commission:**
 - It is the duty of the Commission to eliminate practices having adverse effects on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade in the markets of India.
 - The Commission is also required to give opinion on competition issues on a reference received from a statutory authority established under any law and to undertake competition advocacy, create public awareness and impart training on competition issues.

ANTARCTIC BILL 2022

News: The Lok Sabha deferred the consideration and passing of the Indian Antarctic Bill, 2022, due to protests by the Congress members outside of Parliament over the Enforcement Directorate's summoning of their party president Sonia Gandhi for questioning.

About the Antarctic Bill, 2022:

About:	● It aims to give effect to the Antarctic Treaty, the Convention on the Conservation of Antarctic Marine Living Resources, and the Protocol on Environmental Protection to the Antarctic Treaty.
Applicability:	● Applicable to any person, vessel or aircraft that is a part of an Indian expedition to Antarctica under a permit issued under the Bill.
Central committee:	● A Committee on Antarctic Governance and Environmental Protection to be established by the Central Government. ● It would be chaired by the Secretary of the Ministry of Earth Sciences.
Prohibited activities:	● Nuclear explosion or disposal of radioactive wastes, ● Introduction of non-sterile soil, and ● Discharge of garbage, plastic or other substances into the sea which is harmful to the marine environment.

Need:	● India had been a signatory to the Antarctic Treaty since 1983 and that encumbered India to specify a set of laws governing portions of the continent where it had its research bases. ● India is also a signatory to treaties such as the Convention on the Conservation of Antarctic Marine Living Resources and the Commission for Conservation of Antarctic Marine Living Resources, both of which enjoin India to help preserve the pristine nature of Antarctica.
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MPLADS

News: At a time when MPs have been asking for an increase in the MP Local Area Development Scheme (MPLADS) fund, the Union Finance Ministry has ordered revised rules, under which the interest that the fund accrues will be deposited in the Consolidated Fund of India.

About:

About:	● It is a Central Sector Scheme announced in December 1993.
Objective:	● To enable MPs to recommend works of developmental nature with emphasis on the creation of durable community assets in the areas of drinking water, primary education, public health, sanitation and roads, etc. primarily in their Constituencies. ● Since June 2016, the MPLAD funds can also be used for implementation of the schemes such as Swachh Bharat Abhiyan, Accessible India Campaign (Sugamya Bharat Abhiyan), conservation of water through rainwater water harvesting and Sansad Aadarsh Gram Yojana, etc.
Implementation:	● The Members of Parliament recommend works to the Nodal District Authority. ● The Nodal District concerned is responsible for implementing the eligible works along with maintaining the details of individual works executed and amount spent under the Scheme.
Functioning:	● MPs receive Rs. 5 crore in two installments of Rs. 2.5 crore each each year. ● Funds under MPLADS are non-lapsable. ● Lok Sabha MPs→ recommend the works in their Lok Sabha constituencies. ● Rajya Sabha MPs→ In the State that elected them to the House. ● Nominated Members (both RS and LS)→anywhere in the country.

INFORMATION TECHNOLOGY ACT'S SECTION 69A

News: Recently, the Ministry of Electronics & Information Technology (MeitY) issued orders under Section 69 (A) of the Information Technology Act, 2000 to take down certain posts from Twitter (Microblogging Site).

About:

- It confers on the Central and State governments the power to issue directions “to intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource”.
- **The grounds on which these powers may be exercised are:**
 - In the interest of the sovereignty or integrity of India, defence of India, the security of the state.

- Friendly relations with foreign states.
- Public order, or for preventing incitement to the commission of any cognizable offence relating to these.

- For investigating any offence.

● **Process of Blocking Internet Websites:**

- Section 69A, for similar reasons and grounds (as stated above), enables the Centre to ask any agency of the government, or any intermediary, to block access to the public of any information generated, transmitted, received or stored or hosted on any computer resource.
- The term ‘intermediaries’ includes providers of telecom service, network service, Internet service and web hosting, besides search engines, online payment and auction sites, online marketplaces and cyber cafes.
- Any such request for blocking access must be based on reasons given in writing.

DRAFT 'DRUG, MEDICAL DEVICES, AND COSMETICS BILL-2022'

News: The Union Health Ministry has released the new draft 'Drug, Medical Devices, and Cosmetics Bill-2022'.

About Provisions:

- **Separate Definition of Medical Devices:** The Bill has a separate definition for medical devices that bring under its ambit diagnostic equipment, its software, implants, devices for assistance with disabilities, life support, instruments used for disinfection, and any reagents or kits. The previous 1940 Act regulated medical devices as one of the four categories of "drugs".
- **Medical Technical advisory board:** The Bill proposes a medical technical advisory board along the lines of the existing drugs technical advisory board. This board will not only include medical professionals, but also people with technical knowledge of the devices.
- **Medical Devices Testing Centre:** The Bill proposes medical device testing centres on the lines of drug laboratories in states and at the central level.
- **Clinical Trials:** The Bill proposes compulsory permission of the central licensing authority for clinical trials or clinical investigation of drugs and medical devices. Although companies at present also have to seek permission from the apex drug regulator to conduct trials, it was never mentioned in the previous law.
- The Bill also says that medical management and compensation have to be provided to persons who are injured while participating in clinical trials. And, in case of death, the legal heir of the participant should be awarded compensation.
- **Regulation of e-pharmacies:** The Bill specifically states that the Central government must come up with rules to regulate the online sale of drugs and for online pharmacies to operate "in accordance with a licence or permission issued".

REGISTRATION OF PRESS AND PERIODICALS BILL, 2019

News: Government will revive the Registration of Press and Periodicals Bill, 2019 for a new registration regime for newspapers that will include digital Media as well (the current registration framework doesn't include digital news).

About:

- It will **replace the Press and Registration of Books Act, 1867** which currently regulates the newspaper and printing press industry.
- It will enable the Central and State Government to formulate appropriate rules or regulations for issuing govt advertisements in newspapers, accreditation of newspapers and such other facilities for newspapers.
- Create a **Press Registrar General** along with laying down a simple system of registration of e-papers.
- It is **mandatory for the editor of the periodical to be an Indian citizen**.
- Allows anyone who is a citizen of India to bring out its publication
- Bill seeks to punish the concerned only with a fine (the previous bill had fine + imprisonment).

NATIONAL ANTI-DOPING BILL, 2021

News: The Lok Sabha has passed the National Anti-Doping Bill, 2021 by voice vote.

About:

- The **bill provides for the constitution of the National Anti-Doping Agency- NADA** for regulating anti-doping activities in sports.
- Its functions include planning, implementing, and monitoring anti-doping activities as well as investigating anti-doping rule violations.
- It **also seeks to give effect to the UNESCO International Convention against doping in sports** and compliance of such other obligations and commitments.
- The legislation prohibits athletes, athlete support personnel, and other persons from engaging in doping in sports.
- Under the new legislation, violation of anti-doping rules may result in disqualification of results including forfeiture of medals, points, and prizes, ineligibility to participate in a competition or event for a prescribed period, and financial sanctions.
- The Bill also proposes to establish the **National Board for Anti-Doping in Sports** with a view to make recommendations to the government on anti-doping regulations and compliance with international commitments on anti-doping. The Board will oversee the activities of NADA and issue directions to it.

FAMILY COURTS (AMENDMENT) BILL, 2022

News: The Lok Sabha has passed the Family Courts (Amendment) Bill, 2022 to amend the Family Courts Act, 1984.



About:

- **Establishment of Family Courts:** The Family Courts Act, 1984 was enacted for the establishment of Family Courts with a view to promote conciliation, and secure speedy settlement of disputes relating to marriage and family affairs and for related matters.
- **Appointment of Judges:** The State Government may, with the concurrence of the High Court, appoint one or more persons to be the Judge or Judges of a Family Court.
- **Association of Social Welfare Agencies:** The State Government may provide with a Family Court of:
 - Institutions or organisations engaged in social welfare.
 - Persons professionally engaged in promoting the welfare of the family.
 - Persons working in the field of social welfare.
 - Any other person whose association with a Family Court would enable it to exercise its jurisdiction more effectively in accordance with the purposes of this Act.

Family Courts (Amendment) Bill:

- It seeks to provide for the establishment of Family Courts in the State of Himachal Pradesh with effect from the 15th February, 2019 and in the State of Nagaland with effect from the 12th September, 2008
- It also seeks to insert a new Section 3A to retrospectively validate all actions under the said Act taken by the State Government of Himachal Pradesh and Nagaland and the Family Courts of those states prior to the commencement of the Family Courts (Amendment) Act, 2022.
- According to the bill, all orders of appointment of a family court judge, and the posting, promotion or transfer of such a judge under the Act will also be valid in the two States.

COFFEE (PROMOTION AND DEVELOPMENT BILL), 2022

News: The Ministry of Commerce and Industry is planning to replace the 80-year-old Coffee Act with the new Coffee (Promotion and Development Bill), 2022, which has been listed for the Monsoon Session of Parliament.

About:

- The **Coffee Act, 1942** was first introduced during **World War II**, in order to protect the struggling Indian coffee industry from the economic downturn caused by the war.

- The government is now trying to scrap the law because the substantive portion of the Coffee Act, 1942, which deals with pooling and marketing of the commodity, has become redundant/inoperative.
- The new legislation is now primarily concerned with promoting the sale and consumption of Indian coffee, including through e-commerce platforms, with fewer government restrictions.
- It also aims at encouraging further economic, scientific and technical research in order to align the Indian coffee industry with **“global best practices.”**
- While the Coffee Board continues to have limited control over marketing, exporters will still require a certificate from the statutory body.

Coffee Board of India

- The Coffee Board is a **statutory organization** constituted under Section (4) of the Coffee Act, 1942 and functions under the administrative control of the Ministry of Commerce and Industry, Government of India. The Board comprises 33 Members including the Chairperson.
- The Board is mainly focusing its activities in the areas of research, extension, development, market intelligence, external & internal promotion, and welfare measures.
- It is **headquartered in Bengaluru**.
- The Board has a Central Coffee Research Institute at **Balehonnur (Karnataka)**.

ELECTRICITY AMENDMENT BILL, 2022

News: Recently, the government has tabled the Electricity (Amendment) Bill 2022 in the Lok Sabha soon after which it was referred to the parliamentary standing committee on energy for wider consultation with stakeholders.

About:

- The **Bill amends the Electricity Act, 2003**. The Act regulates the electricity sector in India. It sets up the Central and State Electricity Regulatory Commissions (CERC and SERCs) to regulate interstate and intrastate matters, respectively.

Key provisions of the Bill:

- **Multiple discoms in the same area:** More than one power distributor can operate in an area and they will be allowed to use the power distribution infrastructure of other suppliers. This is aimed at boosting competition and giving more choice to the consumers.

- **Tariffs:** The Bill makes provision for “mandatory” fixing of minimum as well as maximum tariff ceilings by the “appropriate commission” to avoid predatory pricing by power distribution companies and to protect consumers.
- **Timely Tariff Revisions:** The Bill has several provisions to ensure graded and timely tariff revisions that will help provide state power utilities with enough cash to be able to make timely payments to power producers.
- **Cross-subsidy Balancing Fund:** The Bill adds that upon grant of multiple licenses for the same area, the state government will set up a Cross-subsidy Balancing Fund. Cross-subsidy refers to the arrangement of one consumer category subsidizing the consumption of another consumer category.
- Any surplus with a distribution licensee on account of cross-subsidy will be deposited into the fund. The fund will be used to finance deficits in cross-subsidy for other discoms in the same area or any other area.
- **Renewable Purchase Obligation (RPO):** The Act empowers SERCs to specify Renewable Purchase Obligations (RPO) for discoms. RPO refers to the

mandate to procure a certain percentage of electricity from renewable sources.

- The Bill adds that RPO should not be below a minimum percentage prescribed by the central government. Failure to meet RPO will be punishable with a penalty between 25 paise and 50 paise per kilowatt of the shortfall.
- **Strengthen Regulators:** The Bill seeks to strengthen payment security mechanisms and give more powers to regulators.

THE CRIMINAL PROCEDURE (IDENTIFICATION) ACT, 2022

News: The Criminal Procedure (Identification) Act, 2022 received the assent of the President.

About:

- The Act seeks to replace the Identification of Prisoners Act, 1920.
- Comparison of key provisions:

Parameters	1920 Act	Changes in the 2022 Act
Data permitted to be collected	Fingerprints, foot-print impression, photographs.	Iris and retina scan, physical & biological samples and their analysis. Behaviour attributes – signature, handwriting, or any other examination referred to in section 53 or section 53A of the CrPC, 1973.
Persons whose data may be collected	• Convicted or arrested for offences punishable with rigorous imprisonment of one year or more. • Persons ordered to give security for good behavior or maintaining peace. • Magistrate may order in other cases collection from any arrested persons to aid criminal investigation.	• Convicted or arrested for any offence. However, biological samples may be taken forcibly only from persons arrested for offences against a woman or a child, or if the offence carries a minimum of 7 years imprisonment. • Persons detained under any preventive detention law. • On the order of the Magistrate, from any person (not just an arrested person) to aid an investigation.
Persons who may require/ direct collection of data	• Investigating officer, an officer in charge of a police station, or of rank Sub-Inspector or above. • Magistrate	• Officer in charge of a police station, or of rank Head Constable or above. In addition, a head Warden of a prison. • Metropolitan Magistrate or Judicial Magistrate of first class. In case of a person required to maintain good behaviour or peace, the Executive Magistrate.

BENAMI LAW OF 1988

News: Recently, the Supreme Court struck down one of the provisions of the Benami Transactions (Prohibition) Act of 1988 which provides for the punishment of a maximum jail term of three years or a fine or both for those indulging in benami transactions.

About:

- In 2016, the Government of India enacted the Benami Transactions (Prohibition) Amendment Act of 2016. The **law amended the original Benami Act of 1988**.
- Section 3 (2) introduced through the amendment mandates a punishment of three years imprisonment for those who have entered into Benami transactions between September 5, 1988, and October 25, 2016. That is, a person can be sent behind bars for a Benami transaction entered into 28 years before the section even came into existence.
- Section 5 said that any property which is the subject matter of a benami transaction shall be liable to be confiscated by the Central Government.
- In 2019, the Calcutta High Court ruled that the Benami Transactions (Prohibition) Amendment Act, 2016 cannot be applied retrospectively. The Central government then appealed to the Supreme Court against this judgement.

Supreme Court verdict on these amendments:

- The Supreme Court has declared Sections 3(2) and 5 introduced through this amendment as unconstitutional and held that these provisions cannot be applied retrospectively.
- The court also held that the amendment also violated Article 20(1) of the Constitution. Article 20(1) mandates that no person should be convicted of an offence which was not in force "at the time of the commission of the act charged as an offence".

- The court dismissed the government's version that forfeiture, acquisition and confiscation of property under the 2016 Act was not in the nature of prosecution and cannot be restricted under Article 20.

PLACES OF WORSHIP ACT

News: SC has refused a petition by a sect of Jain community filed under Article 32 of Constitution to enforce Places of Worship (Special Provisions) Act 1991 against alleged conversion of its religious places by another sect.

About:

- Act 1991 prohibits conversion of any place of worship and to provide for maintenance of religious character of any place of worship as it existed on 15th day of August, 1947.
- **Key provisions of Act:**
 - **Section 3:** Bars conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination — or even a different segment of the same religious denomination.
 - **Section 4(2):** Any suit or legal proceeding with respect to conversion of religious character of any place of worship existing on August 15, 1947, pending before any court, shall abate — and no fresh suit or legal proceedings shall be instituted.
- **Significance:**
 - Through it, the state has enforced a constitutional commitment and operationalised its constitutional obligations to uphold equality of all religions and secularism.
 - Preserves non-retrogression as an essential feature of India's secular values i.e, there must not be any regression of rights.



MEET OUR GS FACULTIES



RAJNEESH RAJ

(HISTORY)

- > MOST LOVED FACULTY FOR HISTORY OPTIONAL
- > 20+ YEARS OF EXPERIENCE AT RENOWNED INSTITUTES
- > MENTORED MORE THAN 2,00,000 UPSC CSE ASPIRANTS
- > MORE THAN 2000 SELECTIONS IN UPSC
- > POST GRADUATE FROM DLHI UNIVERSITY



AMIT KUMAR SINGH

(ETHICS)

- > 15+ YEARS OF EXPERIENCE AT RENOWNED INSTITUTES
- > MENTOR MORE THAN 1,00,000+ STUDENTS & 1000+ SELECTION
- > TAUGHT ETHICS & PHILOSOPHY IN DELHI UNIVERSITY FOR 3 YEARS
- > GRADUATE FROM ALLAHABAD UNIVERSITY IN PHILOSOPHY & POST GRADUATE FROM DELHI UNIVERSITY



DR. ADARSH KUMAR

(POLITY, GOVERNANCE AND IR)

- > EDUCATIONAL & LEGAL CONSULTANT
- > PHD IN ROLE OF BUREAUCRACY, UGC-NET QUALIFIED
- > 23+ YEARS OF EXPERIENCE IN TEACHING, MENTORING 3,00,000+ STUDENTS FOR CIVIL SERVICE EXAM
- > AUTHORED BOOKS ON INDIAN POLITY, CONSTITUTION & PUBLIC ADMINISTRATION FOR UPSC ASPIRANTS



RAJESH MISHRA

(GEOGRAPHY)

- > 10+ YEARS OF UPSC TEACHING EXPERIENCE WITH MENTORING OF 1 LAKH+ ASPIRANTS
- > UGC-NET QUALIFIED
- > EX. FACULTY FOR MULTIPLE RENOWNED INSTITUTES



DEEPAK KUMAR SINGH

(ETHICS & IR)

- > 18 YEARS+ EXPERIENCE IN BOTH ONLINE AND OFFLINE PLATFORM
- > RENOWNED FACULTY FOR ETHICS, PSIR & POLITY.
- > EX-EDUCATOR OF TOP PROMINENT INSTITUTES.
- > MENTORED MORE THAN 100000+ STUDENTS IN UPSC



RITESH R JAISWAL

(SCIENCE & TECHNOLOGY & ENVIRONMENT)

- > 15+ YEARS OF UPSC TEACHING EXPERIENCE WITH RENOWNED INSTITUTES ACROSS INDIA
- > MOCK INTERVIEW PANELIST & INTERVIEW EXPERT
- > SPECIALIZED IN TEACHING SCIENCE & TECHNOLOGY AND ENVIRONMENT



PRATIK GUPTA

(ECONOMY)

- > POST GRADUATE FROM DU & IGNOU
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 10+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



KAPIL SIKKA

(POLITY & GOVERNANCE)

- > MENTORING, GUIDING AND TEACHING UPSC STUDENTS SINCE 9 YEARS
- > SPECIALIZED IN TEACHING INDIAN POLITY, INDIAN ECONOMY, ESSAY, INTERNAL SECURITY & POST INDEPENDENCE INDIA WITH AN EXPERIENCE OF TEACHING IN LEADING INSTITUTES



DR. MOHD. ZIA

(ECONOMY & HISTORY)

- > FACULTY, COACH AND MENTOR- GS-HISTORY, GS-ECONOMY AND HISTORY OPTIONAL
- > TEACHING EXPERIENCE OF 8+ YEARS WHICH INCLUDES SERVICE AS ASSISTANT PROFESSOR AT RIE, NCERT, BHOPAL
- > MA IN HISTORY FROM IGNOU, PHD FROM A.M.U.



ABHISHEK SRIVASTAV

(HISTORY)

- > EXPERIENCED FACULTY FOR INDIAN HISTORY & CULTURE AT RENOWNED INSTITUTES
- > 7+ YEARS OF EXPERIENCE IN TEACHING AND MENTORING 45000+ STUDENTS FOR CIVIL SERVICE EXAM
- > GRADUATE FROM INDIAN MARITIME UNIVERSITY, KOLKATA



LOKESH TRIPATHI

(ECONOMY)

- > MA (ECONOMICS) , UGC NET QUALIFIED
- > APPEARED FOR 3 UPSC INTERVIEWS
- > 10+ YEARS OF EXPERIENCE IN TEACHING, MENTORING 60000+ STUDENTS FOR CIVIL SERVICE EXAM
- > FACULTY, COACH AND MENTOR- GS- INDIAN ECONOMY AND GOVERNMENT SCHEMES.



MANJU CHOUDHARY

(POLITY, NCERTS, CA)

- > M.COM (GOLD MEDALIST), MA (PUBLIC ADMINISTRATION) , UGC NET QUALIFIED
- > 6+ YEARS OF EXPERIENCE IN TEACHING, MENTORING 50000+ STUDENTS FOR CIVIL SERVICE EXAM
- > FACULTY, COACH AND MENTOR- GS- INDIAN POLITY AND NCERT BASICS, CURRENT AFFAIRS.

MEET OUR GS FACULTIES



DR. MOHD SALEEM
(SCIENCE & TECHNOLOGY)

- > RENOWNED SCIENCE & TECH FACULTY
- > 12+ YEARS YEARS OF EXPERIENCE IN TEACHING
- > MENTORED MORE THAN 100000+ STUDENTS FOR CIVIL SERVICE EXAM
- > ALUMNI OF JAMIA MILLIA ISLAMIA RESIDENTIAL COACHING
- > EX-EDUCATOR OF PROMINENT INSTITUTES



ANANT TRIPATHI
(HISTORY, CSAT)

- > MBA FROM IIFT, NET QUALIFIED IN HISTORY, MANAGEMENT & PUBLIC ADMINISTRATION.
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 10+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



BARUN
(ECONOMICS & CURRENT AFFAIRS)

- > B. TECH FROM WEST BENGAL UNIVERSITY OF TECHNOLOGY IN ELECTRICAL ENGINEERING
- > MENTORED MORE THAN 5,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 5+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



NANKI BAWEJA
(ECONOMY)

- > EX. EDUCATOR AT RENOWNED INSTITUTES WITH AN EXPERIENCE OF MENTORING 5000+ STUDENTS IN THEIR UPSC JOURNEY
- > QUALIFIED COMPANY SECRETARY AND HOLDS AN MBA IN FINANCE



DEEPAK SINGH
(HISTORY, ECONOMY & ETHICS)

- > B.COM ACCOUNTS HONORS GRADUATE
- > MENTORED MORE THAN 1,00,000 STUDENTS FOR CIVIL SERVICE EXAM
- > 8+ YEARS OF EXPERIENCE IN TEACHING WITH VARIOUS RENOWNED INSTITUTES



SHASHANK SHEKHAR ROY
(ETHICS & IR)

- > TRAINED THOUSANDS OF STUDENTS FOR UPSC AND OTHER STATE SERVICES
- > DECADES OF EXPERIENCE IN TEACHING, TRAINING AND MENTORING
- > CERTIFIED COMMUNICATION COACH, MOTIVATIONAL SPEAKER AND MENTOR



AKSHAT DWIVEDI
(POLITY & IR)

- > B.TECH IN BIOMEDICAL ENGINEERING & POST GRADUATION IN M. A. POLITICAL SCIENCE
- > 5+ YEARS OF EXPERIENCE AT RENOWNED INSTITUTE
- > MENTORED MORE THAN 20,000 UPSC CSE ASPIRANTS.
- > INVOLVED IN RESEARCH FIELD OF INTERNATIONAL RELATIONS



SNEHIL TRIPATHI
(POLITY)

- > PUBLISHED AUTHOR WITH MCGRAW HILL EDUCATION AND OXFORD UNIVERSITY PRESS
- > 7+ YEARS OF TEACHING EXPERIENCE WITH VARIOUS INSTITUTES ACROSS THE COUNTRY
- > EX. ACADEMIC HEAD AND TOP FACULTY WITH RENOWNED ED-TECH ORGANIZATION



SONIYA AHUJA
(INTERNATIONAL RELATIONS)

- > 7+ YEARS OF TEACHING EXPERIENCE IN POLITICAL SCIENCE AND PSYCHOLOGY
- > MA POLITICS WITH SPECIALIZATION IN INTERNATIONAL RELATIONS, JNU DELHI
- > SPECIALIZED IN LEARNING PEDAGOGY & CURRICULUM DESIGN
- > BA IN SOCIAL SCIENCE, TISS MUMBAI



ADITYA TIWARI
(HISTORY, ECONOMY AND ETHICS)

- > BIOCHEMICAL ENGINEER, HBTI, KANPUR
- > G.T.E. DESIGN, INDIAN OIL CORPORATION
- > UPSC INTERVIEW APPEARED

MYSURU DECLARATION

- It was signed at the National Consultative Workshop on Citizen Charter and Delivery of Services by Panchayats organized by the Ministry of Panchayat Raj in association with National Institute of Rural Development and Panchayat Raj, Hyderabad and Abdul Nazir State Institute of Rural Development and Panchayat Raj, Mysuru.
- It aims to recognise the efforts to promote inclusive and accountable **Local Self Governments** in delivery of services, in consonance with the priorities and the aspirations of our citizens.

NATIONAL E-GOVERNANCE SERVICE DELIVERY ASSESSMENT (NESDA) 2021 REPORT

- It was organized by the Department of Administrative Reforms & Public Grievances (under the Ministry of Personnel, Public Grievances & Pensions) to assess State, UT and Central Ministries on the depth and effectiveness of e-Governance service delivery.

- It helps the respective governments improve their delivery of citizen centric services and shares best practices across the country to emulate.

Key highlights:

- Increase in e-Service Delivery,
- Rise in use of integrated/centralized portals for delivery of e-Services,
- Improvement across assessment parameter scores.
- e-Services of Finance and Local Governance & Utility Services sectors were most widely used.
- Amongst all States and UTs, Kerala had the highest overall compliance score.
- Among North-East and Hill States, Meghalaya and Nagaland are leading States and among UTs, Jammu & Kashmir ranked the highest.

PRAGATI

News: The 38th PRAGATI meeting was chaired by the Prime Minister recently.

About PRAGATI:

About:	• It is a multi-purpose and multi-modal governance platform launched in 2015.
Nodal Body:	• Designed by the Prime Minister's Office (PMO) team with the help of the National Informatics Center (NIC).
Aim:	• Addressing the common man's grievances • Simultaneously monitor and review important programmes and projects of the Government of India as well as projects flagged by various State governments.
Structure:	• It is a three-tier system of PMO, Union Government Secretaries, and Chief Secretaries of the States.
Significance:	• Promotes cooperative federalism; • A robust system for bringing e-transparency and e-accountability with real-time presence and exchange among the key stakeholders; • An innovative project in e-governance and good governance.

SDG URBAN INDEX: NITI AAYOG

News: NITI Aayog under the Indo-German Cooperation released the inaugural Sustainable Development Goals (SDGs) Urban Index and Dashboard 2021-22 recently.

About Sustainable Development Goals (SDGs) Urban Index and Dashboard 2021-22:

About:	- The index and dashboard are a result of the NITI Aayog-Germany's International Cooperation Agency (GIZ) and BMZ. - It focuses on driving SDG localization in our cities, under the umbrella of Indo-German Development Cooperation. - It ranks 56 urban areas on 77 SDG indicators across 46 targets of the SDG framework.
Ranking Scale:	- Score of 100- urban area has achieved the targets set for 2030. - Score of 0- farthest from achieving the targets among the selected urban areas. - Overall or composite urban area scores are generated from the Goal-wise scores to measure aggregate performance of the urban area.
Classification of Urban areas:	- The urban areas are ranked on a scale of 0-100. - Urban areas have been classified as below based on their composite score: - Aspirant: 0-49 - Performer: 50-64 - Front-Runner: 65-99 - Achiever: 100
Significance:	- Instituting a robust SDG monitoring system in our cities. - Milestone step in SDG localisation. - Highlights the strengths and gaps of Urban Local Body (ULB) level data, monitoring, and reporting systems.
Performance of the States:	- Top Performers: Shimla, Coimbatore, Chandigarh, Thiruvananthapuram and Kochi. - Worst Performers: Dhanbad, Meerut, Itanagar, Guwahati and Patna.

NATIONAL CONFERENCE ON E-GOVERNANCE

News: It was adopted at the 24th National e-Governance conference unanimously jointly held by the Ministry of Electronics & Information Technology (MeitY), Department of Administrative Reforms & Public Grievances, in collaboration with Telangana Government.

About:

- Organized by:** Department of Administrative Reforms & Public Grievances (DARPG) and Ministry of Electronics & Information Technology (MeitY) in association with the State Government of Telangana.
- Theme:** "India's Techade: Digital Governance in a Post Pandemic World".
- Purpose:** The conference provides a platform for Government officers, industry stalwarts and researchers to share best practices, the latest technology developments so that we can use them for achieving effective governance and public service delivery.
- At the conference, the National Awards for e-Governance are presented for exemplary implementation of e-Governance initiatives to recognize and promote excellence in the implementation of e-Governance initiatives.
- Hyderabad Declaration:** At the conference, the 'Hyderabad Declaration' on e-Governance was adopted. The declaration aims to bring citizens and governments closer through digital platforms and transform citizen services through the use of technology.
- Key highlights of Hyderabad Declaration;**
 - Transform citizen services by using Aadhaar, UPI, DigiLocker, UMANG, e Sign etc.

- Fast track implementation of national level public digital platforms in key social sectors viz. Health, Education, Agriculture, etc.
- Foster responsible use of emerging technology such as AI, Machine Learning, Blockchain, 5G etc.
- Robust technological solutions to withstand pandemic-like disruptions.
- Make digital the primary aspect of government service design and delivery.
- National e-Governance Service Delivery Assessment (NeSDA) to be adopted in collaboration with MeITY.

Prominent e-governance Initiatives

- **Bhoomi Project for (Karnataka):** Online Delivery of Land Records.
- **eSeva (Andhra Pradesh)**
- **Gyandoot (MP):** Service delivery initiative.
- **Lokvani (UP):** For handling of grievances, land record maintenance and providing a mixture of essential services.
- **FRIENDS (Fast, Reliable, Instant, Efficient Network for the Disbursement of Services)** in Kerala.

NATIONAL E-GOVERNANCE SERVICE DELIVERY ASSESSMENT (NESDA)

News: Ministry of Personnel, Public Grievances and Pensions releases the second edition of the National e-Governance Service Delivery Assessment 2021, NeSDA 2021.

About

- Constituted in 2019 by the Department of Administrative Reforms & Public Grievances (DARPG).
- It is a **biennial study** that assesses States, Union Territories (UTs), and focuses on Central Ministries on the effectiveness of e-Governance service delivery.
- **Criteria:**
 - **NeSDA 2021 covers services across seven sectors** – Finance, Labour & Employment, Education, Local Governance & Utility Services, Social Welfare, Environment and Tourism sectors.
 - The assessment covered 56 mandatory services for each States & UTs and 27 services for the focus Central Ministries.

NeSDA 2021 Assessment:

- Among the Central Ministry Services Portals, scores have improved for 6 portals while among States and UTs, scores have improved for 28 of the State / UT Portals and for 22 of the State / UT Services Portals.
- In the category of State/UT portal, among group A states- Kerala became a front runner and the progress was made by Tamil Nadu followed by Punjab.
- Among group B states- Odisha being at top followed by Uttar Pradesh and Bihar.
- Among North-Eastern states Nagaland, Meghalaya and Assam are at top.
- Among UTs, J&K topped followed by A&N, Puducherry, Delhi and Chandigarh.

GOOD GOVERNANCE INDEX (GGI) 2021 LAUNCHED ON GOOD GOVERNANCE DAY (25TH DECEMBER)

Objective:	● GGI assesses the State of Governance across States and UTs and provides a comparative picture while developing a competitive spirit for improvement. ● It aims to create a tool that can be used uniformly across States/UTs to assess the impact of various interventions taken up by the Central and State Governments.
Published by:	● It is a bi-annual exercise by the Department of Administrative Reforms and Public Grievances.
Categorization of States:	● Into four groups: ○ North-East and Hill States, ○ UTs, ○ Other States – Group A and Group B.
Highlights of the Index:	● Twenty states have improved their composite GGI scores over the 2019 index scores: ○ In Group A states, Gujarat has topped. ○ In Group B states, Madhya Pradesh topped. ○ UT category- Delhi topped. ○ In North-East and Hill States category- Himachal Pradesh.

Ten key sectors were identified for the GGI 2020- 21:



DISTRICT GOOD GOVERNANCE INDEX

News: Union home minister Amit Shah recently launched the District Good Governance Index (DGGI) in Jammu and Kashmir, which is the first Union Territory to have such an index.

About:

- **Conducted by:** The index will be carried out by the Department of Administrative Reforms and Public Grievances (DARPG) in collaboration with the Jammu & Kashmir Administration.
- **Launched for 20 districts of Jammu and Kashmir.**
- Under the index, the policies, schemes and programs of the central as well as the state governments have been monitored at the district level.
- **Sectors:** The index has 58 Indicators across 10 sectors such as -
 - Agriculture & allied sector,
 - Commerce & Industry,
 - Human Resource Development,
 - Public Health,
 - Public Infrastructure & Utilities,
 - Economic Governance,
 - Welfare & Development,
 - Public Safety & Judiciary,
 - Environment and
 - Citizen-Centric Governance.

- Based on these indicators, districts will be ranked on composite 10 Sectors. The index will also offer an indicator-wise performance of the Districts.

Key findings

- **Topped by:** Jammu district has managed to top the index, followed by districts of Doda, Samba, Pulwama and Srinagar in the UT.
- **Other key findings:** a) Universal coverage has been achieved in Kisan Credit Card scheme, Soil Health Card Scheme and Animal Vaccination b) Achieved 80% Aadhaar seeding of ration cards c) Financial inclusion under Jan Dhan Yojana has achieved universal coverage and d) Disposal of court cases has gone up significantly.

CORRUPTION PERCEPTION INDEX

Published By:	Transparency International.
India's rank:	85th among 180 countries with a score of 40. (Last year rank: 86th). - India's score has remained stagnant over the past decade, some mechanisms that could help reign in corruption are weakening.
Top Performers:	Denmark, New Zealand and Finland have topped the index jointly
Ranking Scale:	It uses a scale of 0 (highly corrupt) to 100 (very clean.)

WORLD PRESS FREEDOM INDEX (WPFI), 2022

About:	It highlights the degree of freedom that journalists, news organizations and netizens have in each country, and the government's efforts to respect such freedom.
Published By:	Reporters Without Borders (RSF), non - profit organization
Ranking Scale:	Ranging from 0 to 100, with 100 being the best possible score (highest possible level of press freedom) and 0 the worst.
Indicators:	Political context, legal framework, economic context, sociocultural context and safety.
India's Performance:	- India slipped to 150 in 2022. - Last year- 142nd rank out of 180 countries.

RULES FOR RESIGNATION AND REINSTATEMENT OF AN OFFICER

News: Recently, an Indian Administrative Service (IAS) officer who resigned from the service in protest against the "unabated" killings in Kashmir in 2019, has been reinstated.

About:

- The resignation of an officer of any of the three All-India Services — IAS, the Indian Police Service (IPS) and Indian Forest Service — is governed by Rules 5(1) and 5(1)(A) of the All India Services (Death-cum-Retirement Benefits) Rules, 1958.
- An officer serving in a cadre (state) **must submit his/her resignation to the chief secretary of the state.**
- An officer who is on central deputation is required to **submit his/her resignation to the secretary of the concerned Ministry or Department.**
- Before forwarding the resignation to the central government, the concerned state is supposed to send information on the issues of dues and vigilance status, along with its recommendation.
- Can the resignation be rejected?**
 - The state checks to see if any dues are outstanding against the officer, as well as the vigilance status of the officer or whether any cases of corruption

etc. are pending against him/her. In case there is such a case, the resignation is normally rejected.

- Competent authorities are:** Minister of State at the Department of Personnel & Training (DoPT) in respect of the IAS, the Minister for Home Affairs in respect of the IPS, and the Minister for Environment, Forest and Climate Change in respect of the Forest Service.
- Is an officer allowed to withdraw a resignation that has already been submitted?**
 - The central government may permit an officer to withdraw his/her resignation "in the public interest".

NATIONAL DATA & ANALYTICS PLATFORM (NDAP)

News: NITI Aayog has launched the National Data & Analytics Platform (NDAP) for open public use.

About:

- Initiative of :** NITI Aayog.
- Aim:** To democratize access to public government data by making data accessible, interoperable, interactive and available on a user-friendly platform.
- Key Features of NDAP:**
 - Accessibility:** The platform makes data more accessible by hosting data in clean, machine-readable formats, ensuring datasets

are interoperable, and providing detailed documentation on the contents of each dataset.

- **Use case-based Approach:** It follows a use-case based approach to ensure that the datasets hosted on the platform are tailored to the needs of data users from government, academia, journalism, civil society and the private sector.

NITI AAYOG

News: Parameswaran Iyer, a senior official who helmed the Swachh Bharat Abhiyan, will be the new Chief Executive Officer (CEO) of the NITI Aayog.

About:

- The NITI Aayog serves as the **apex public policy think tank of the GoI.**



नीति आयोग

National Institution for Transforming India

- It was **established in 2015**, by the NDA government, to replace the Planning Commission which followed a top-down model.
- It **advises both the centre and states on social and economic issues.**
- It is **neither a constitutional body nor a statutory body** but the outcome of an executive resolution. It was not created by the act of parliament.

Composition:

- **Chairperson:** Prime minister
- **Vice-Chairperson:** To be appointed by Prime-Minister
- **Governing Council:** Chief Ministers of all states and Lt. Governors of Union Territories.
- **Regional Council:** To address specific regional issues, Comprising Chief Minister and Lt. Governors Chaired by the Prime Minister or his nominee.
- **Ad-hoc Membership:** Two members in ex-officio capacity from leading Research institutions on a rotational.
- **Ex-Officio membership:** Maximum four from the Union council of ministers to be nominated by the Prime Minister.
- **Chief Executive Officer:** Appointed by the Prime-minister for a fixed tenure, in the rank of Secretary to Government of India.

- **Special Invitees:** Experts, Specialists with domain knowledge nominated by the Prime Minister.

CENTRALIZED PUBLIC GRIEVANCES REDRESS AND MONITORING SYSTEM (CPGRAMS)

News: The timeline for redressal of grievances has been reduced from 45 days to 30 days.

About:

- CPGRAM is an online web-enabled system developed by the National Informatics Centre (Ministry of Electronics & IT [MeitY]), in association with the Directorate of Public Grievances (DPG) and Department of Administrative Reforms and Public Grievances (DARPG) (under Ministry of Personnel, Public Grievances & Pensions)
- It helps in receiving, redressing and monitoring grievances of the public in an efficient way.

GRIEVANCE REDRESSAL INDEX 2022

News: The Grievance Redressal Index for the month of August 2022 has been **published by the Department of Administrative Reforms and Public Grievances (DARPG).**

About:

- In this report, the **Unique Identification Authority of India (UIDAI) has topped** amongst all Ministries/ Departments for resolving Public Grievances.
- The UIDAI has been a top performer in resolution of cases received through the Centralized Public Grievance Redress and Monitoring System (CPGRAMS).
- The UIDAI has a robust grievance redressal mechanism in place comprising UIDAI HQ Divisions, Regional Offices, Technology Centre and engaged Contact Centre partners.

UIDAI

- It is a **statutory authority established in 2009.**
- **Parent body:** Works under the jurisdiction of the Ministry of Electronics and Information Technology.
- **Mandate:** The UIDAI is mandated to assign a 12-digit unique identification (UID) number (Aadhaar) to all the residents of India.

CIVIL SERVANTS AND THEIR PERSONAL VIEWS

News: A senior IAS officer from Telangana tweeted from her personal account in support of Ms. Bilkis Bano and questioned the Gujarat government's decision of releasing 11 men convicted on charges of gang-raping during the 2002 Gujarat riots.

About:

- The citizens of this country have the fundamental right of free speech guaranteed by the Constitution, subject to reasonable restrictions.
- Hence, civil servants also have the right to tweet but disciplinary rules prevent a government servant from becoming a member of a political organization or expressing herself freely with regard to anything that has to do with the governance of the country.
- But in a democracy, the right to criticize the government is a fundamental right and nobody can muzzle that.

Court's judgements:

- **Lipika Paul v. The State of Tripura:** The court said that a civil servant (the petitioner) is not devoid of her right to free speech, a fundamental right which can be curtailed only by a valid law. However, this is subject to the civil servant not crossing the borders laid down in the Conduct Rules.
- **Kerala High Court Judgement:** The court said that one cannot be prevented from expressing his views merely because he is an employee. In a democratic society, every institution is governed by democratic norms.

Rule 9 of the Central Civil Services (Conduct) Rules:

- Rule 9 says that "No Government servant shall make any statement of fact or opinion, which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government".

Does Rule 9 violate Article 19 of the Indian Constitution?

- No, Rule 9 does not violate Article 19. This is because freedom of speech is given in the Constitution, but these are Conduct Rules and they are imposed because there has to be some discipline in an organization for that organization to function.

ONE NATION-ONE POLICE UNIFORM

News: The Prime Minister has mooted the idea of "one nation, one police uniform". He was addressing the State Home Minister's conference on internal security issues in Faridabad, Haryana.

About:

- One Nation one Police Uniform means having a uniformed attire for police officers across India.
- This will not only ensure quality products due to the scale at which they'll be produced but also give a common identity to law enforcement as citizens will recognise police personnel anywhere in the country.

Police Uniforms in States:

- The **Indian Constitution puts police forces under the jurisdiction of state governments**, and each of the 28 states have their own police force.
- **Both 'public order' and the 'police' are placed in List II (State List) of the Seventh Schedule** of the Constitution, which deals with the division of powers between the Union and States.
- While police personnel in India are often associated with the colour khaki, their uniforms do differ in varying degrees in different regions.
- Since state governments and even an individual force can decide the uniform their personnel wear, there are at times inconsistencies in their official attire.
- For instance, Kolkata police wear white uniforms, Puducherry Police constables wear bright red caps with their khaki uniforms, Delhi Traffic Police personnel wear white and blue uniforms among others.

DIRECTOR GENERAL OF AUDIT

News: Tamil Nadu was the first State to create the role of Director General of Audit to oversee all audit departments.

About:

- **Purpose:** The Director General of Audit (DGA) is responsible to strengthen and streamline the functioning of internal audit departments.
- The post of DGA was created to provide independence to internal audit departments, which were earlier working under the department they had to audit.
- **Appointment:** The DGA can be appointed through 3 different ways –
 - Indian Audit and Accounts Service (on deputation).
 - Indian Administrative Service belonging to Tamil Nadu cadre.
 - Through a lateral entry system by selecting a person experienced in the public sector or private sector audit from the open market.
- At present, the DGA appointed is from the Indian Audit and Accounts Service (on deputation).
- **Functions:** The DGA will exercise general supervision and control over the audit directorates.

- This includes the audit departments under the administrative control of the Finance Department.
- The staff of the five audit directorates should report to the DGA.
- The power to approve audit reports is currently vested with the directors concerned and will continue to rest with them.
- However, the DGA has the power to review the reports.
- **Other Powers:** All proposals to the government on postings, transfers, other establishment matters, and budget and Assembly-related matters will be routed through the DGA.
- The DGA has the power to invite a private audit firm to do a special audit of any organisation under its audit jurisdiction.

THE NATIONAL CENTRE FOR GOOD GOVERNANCE (NCGG)

News: Recently, NCGG received high praise from the Maldives Government for its capacity building programme for Maldivian Civil Servants.

About:

- It is an **autonomous institute under the aegis of Department of Administrative Reforms and Public Grievances, Government of India.**
- The NCGG has been set up to assist in bringing about governance reforms through studies, training, knowledge sharing and promotion of good ideas.
- It seeks to carry out policy relevant research and prepare case studies; curate training courses for civil servants from India and other developing countries.
- **Head office:** Its head office is at New Delhi and the branch office at Mussoorie.
- **Objectives:**
 - To function as a national repository of information on best practices, initiatives and methodologies that promote Good Governance, e-Governance etc.
 - To advise on key issues in governance and develop synergy across various Ministries/ Departments of GoI, and State Governments.
- **History:**
 - NCGG traces its origin to the National Institute of Administrative Research (NIAR).
 - **NIAR was set up in 1995 by the Lal Bahadur Shastri National Academy of Administration (LBSNAA), the Government of India's apex training Institute for higher civil services.**

- NIAR was subsequently rechristened with an expanded mandate, as National Centre for Good Governance, which was inaugurated on February 24th, 2014.

BROADCAST SEVA PORTAL

- It is an online portal solution for speedy filing and processing of applications of broadcasters for various kinds of licenses, permissions, registrations, etc
- It is launched by the **Ministry of Information & Broadcasting.**
- It is a simple and user-friendly web portal that provides a broadcaster with an end-to-end solution and would bring Transparency, Accountability & Responsiveness in the ecosystem.
- It will reduce the turnaround time of applications and at the same time will help applicants track the progress.

GOVERNMENT FLAGGED LOW SCORE IN WORLD BANK'S WORLDWIDE GOVERNANCE INDICATORS (WGI)

News: In an analysis of the World Bank's WGI, a key input for India's sovereign ratings, India's scores were "much below" its peers on all counts.

About:

- These data sources include the think tanks, survey agencies and international media such as Freedom House, Economist Intelligence Unit etc. which can lead to downgrading of sovereign rating.
- WGI reports aggregate and individual governance indicators for over 200 countries and territories over the period 1996–2020.
- It is **based on 6 dimensions of governance** combining views of a large number of enterprise, citizen and expert survey respondents in industrial and developing countries.
- Earlier, other reports were also flagged for such downgrading like WHO's a methodology to estimate Covid-19 mortalities, Economic Intelligence Unit showed India's rank fell from 27 in 2014 to 51 in 2019 and Global hunger Index 2021, which ranked India at the 101st position out of 116 countries.
- Such methodologies have an issue like over-weightage to a particular indicator; using inappropriate statistical/mathematical models, comparison of the past performance of a country without incorporating significant inputs, use of a subjective approach to quantify other objective measures etc.

POLICE COMMISSIONERATE SYSTEM (PCS)

News: Agra, Ghaziabad and Prayagraj to get Police Commissionerate System (PCS).

About:

- Decision to set up PCS has been taken due to increase in population, religious and cultural significance, tourism, provide better policing and maintain law and order.
- Districts would be declared as metropolitan cities as per rules of Code of Criminal Procedure (CrPC) before implementing PCS.**

- Earlier, Lucknow and Noida adopted PCS followed by Kanpur and Varanasi.

Commissionerate System:	Dual Command System:
- The Commissioner of Police (CP) is the head of a unified police command Structure. He is drawn from the Deputy Inspector General rank or above, and is assisted by Special/Joint/Additional/Deputy Commissioners. - He is responsible for the force in the city, and is accountable to the state government. - The office also has magisterial powers, including those related to regulation, control, and licensing. - Such officers are provided with powers of preventive arrest, imposing Section 144. - Police have powers to prevent people from entering and removing a person from their jurisdiction for a maximum of two years. - This system is supposed to allow for faster decision-making to solve complex urban-centric issues.	- A 'dual system' of control exists, in which SP has to work with DM for supervising police administration. - DM is entrusted with issuing arrest warrants, licenses while SP has powers and responsibilities to investigate crime and make arrests. - It is designed to ensure a lower concentration of power. - It makes the police accountable to DM at district level.

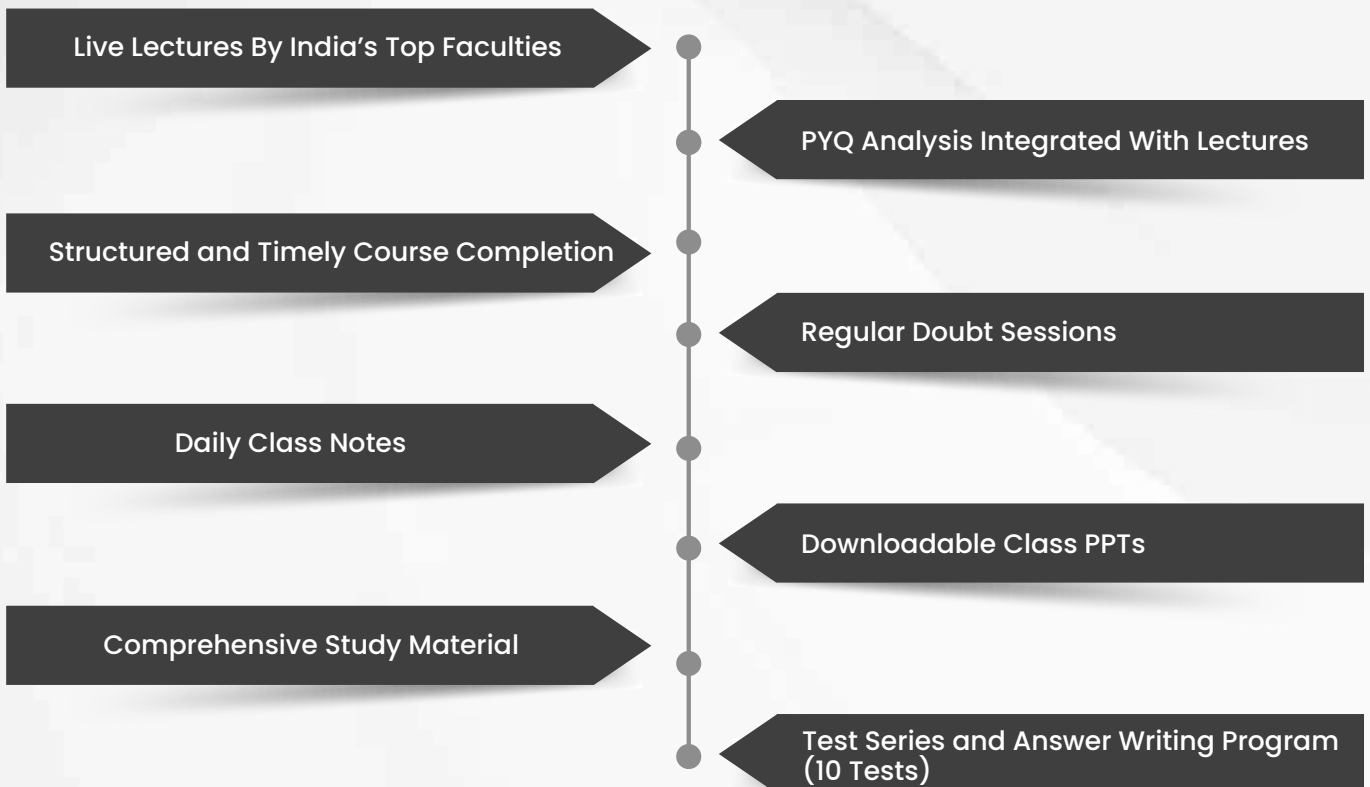


OPTIONAL SUBJECTS OFFERED

- | | |
|-------------------------|--|
| ● History | ● इतिहास |
| ● Sociology | ● समाजशास्त्र |
| ● Geography | ● भूगोल |
| ● PSIR | ● राजनीति विज्ञान एवं अंतर्राष्ट्रीय संबंध |
| ● Anthropology | ● हिंदी साहित्य |
| ● Public Administration | |



OPTIONAL BATCH OFFERINGS



FIRST INFORMATION REPORT (FIR)

- It is a **written document prepared by the police when they receive information about the commission of a cognizable offense**. It reaches the police first at that point of time and that is why it is called the First Information Report.
- The **term FIR is not defined in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), 1973, or in any other law**.
- However, the **information recorded under Section 154 of CrPC in police regulations** is known as First Information Report (FIR).
- It is generally a complaint lodged with the police by the victim of a cognizable offense or by someone on his/her behalf.
- Anyone can report the commission of a cognizable offense either orally or in writing.

Three important elements of FIR are:

It must relate to the commission of a cognizable offense.	It should be given in writing or orally to the head of the police station.	It must be written down and signed by the informant, and its key points should be recorded in a daily diary.
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Zero FIR:

When a police station receives a complaint regarding an alleged offense that has been committed in the jurisdiction of another police station, it registers an FIR, and then transfers it to the concerned police station for further investigation. This is called a Zero FIR.

Comparison between Cognizable Offense & Non-cognizable Offense:

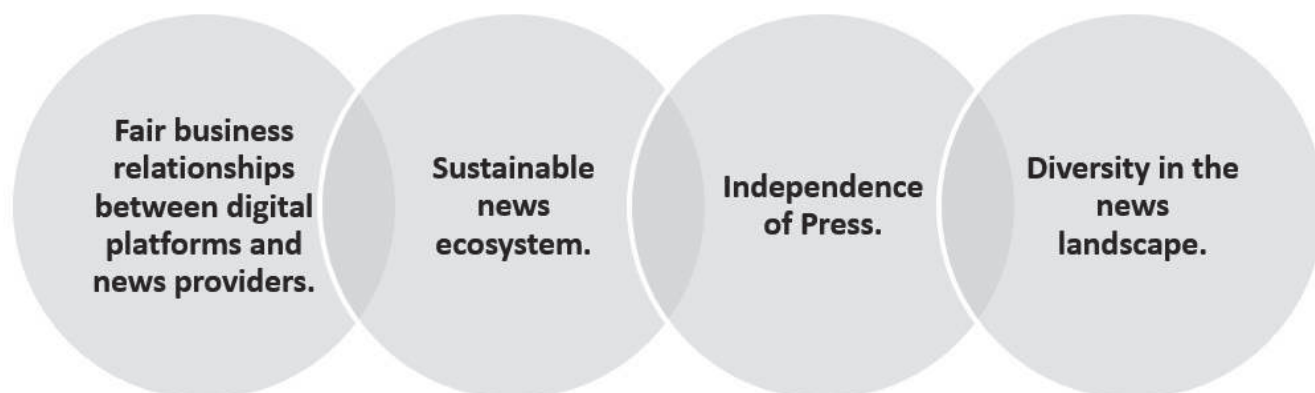
Cognizable Offense	Non-cognizable Offense:
• It is a one in which the police may arrest a person without warrant. • They are authorized to start investigation into a cognizable case on their own and do not require any orders from the court to do so.	• It is an offense in which a police officer has no authority to arrest without warrant. • The police cannot investigate such an offense without the court's permission. • In case of non-cognizable offenses, an FIR under Section 155 CrPC is registered.

REGULATING DIGITAL NEWS INTERMEDIARIES

News: Canada introduced a Bill that seeks to make Internet platforms such as Google and Facebook pay news publishers for use of their content.

About:

- The bill seeks to regulate digital news intermediaries “to enhance fairness in the Canadian digital news marketplace and contribute to its sustainability.”
- **It aims to ensure:**



Comparison between News Publishers and Platform providers:

News Publishers:	Platforms (Google, Facebook):
• Uses tools and strategies of Platforms to increase the reach. • Struggle for profit. • Frequent changes in algorithms impacts them.	• Provide traffic to publishers. • Make money and benefit.

Impact of such laws:

Importance for India:	• Likely to boost the chances of India's news publishers getting a fair revenue-sharing system. • Regulation of social and digital media could make India rise as a trustworthy and responsible nation, being the largest democracy in the world.
Status in Other Countries:	• News publishers in Australia, the UK, the European Union, and France have enacted or are planning to enact laws to enforce a fair revenue-sharing model. Such a move is opposed by the Tech-giants.

MULTI-STATE COOPERATIVES

News: The Union Cabinet has approved the Multi-State Cooperative Societies (MSCS) Amendment Bill, 2022 that seeks to amend the Multi-State Cooperative Societies Act, 2002.

About the Cooperatives in India:

- “An autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically controlled enterprise.”: International Cooperative Alliance (ICA).
- The **Constitution (97th Amendment) Act, 2011 added a new Part IXB** regarding the cooperatives in India.
- The word “cooperatives” was added after “unions and associations” in Article 19(1)(c) under Part III of the Constitution (forming of cooperatives → Fundamental Right).
- **Article 43B added to the Directive Principles of State Policy (Part IV)** deals with the “promotion of cooperative societies”.
- Although Cooperatives is a state subject, there are many societies whose members and areas of operation are spread across more than one state. Example- milk unions, sugar and milk banks, etc.
- **Highest number of Multi-State Cooperative Societies:** Maharashtra (567) >Uttar Pradesh (147) > New Delhi (133).

Multi-State Cooperative Societies (MSCS) Amendment Bill, 2022:

- It seeks to improve ease of doing business, bringing greater transparency and enhancing governance.
- Included provisions relating to representation of women and Scheduled Caste/Scheduled Tribe members on the board of multi-state cooperative societies.
- Reform the electoral process, strengthen monitoring mechanisms and enhance accountability.
- Widens the composition of the board and ensures financial discipline, besides enabling the multi-state cooperative societies to raise funds.
- Contains provisions for setting up a Cooperative Election Authority, Cooperative Information Officer and Cooperative Ombudsman.
- Provision for issuing non-voting shares in multi-state co-operative societies to help them raise funds.
- The Proposed Rehabilitation, Reconstruction & Development Fund to help in revitalizing sick co-operative societies.
- To incorporate the provisions of the 97th Constitutional Amendment.

Supreme Court Judgement:

- The Supreme Court struck down certain provisions of the 97th Amendment Act, 2011 in July 2021.
- **Observations of the Court:**
 - Part IX B (Articles 243ZH to 243ZT) has “significantly and substantially impacted” State legislatures’ “exclusive legislative power” over its co-operative sector.
 - The provisions in the 97th Amendment were passed by Parliament without getting them ratified by at least one-half of the state legislatures as required by the Constitution (Article 368(2)).
 - The SC held that states have exclusive power to legislate on topics reserved exclusively to them (cooperatives are a part of the State list).
 - Upheld the validity of the provisions of Part IX B which are related to Multi State Cooperative Societies (MSCS). Since they are not confined to one state, the legislative power would be that of the Union of India.

SECTION 144 CRPC

News: Recently, Section 144 has been imposed in Bodhan town in Telangana after protests turned violent over the installation of a statue of Chhatrapati Shivaji at Ambedkar junction in the town by the Shiv Sena and BJP workers.

About:

- Section 144 of the Criminal Procedure Code (CrPC) of 1973 generally **prohibits public gathering**.
- It **authorises the Executive Magistrate of any state or territory to issue an order to prohibit the assembly of four or more people in an area**.
- According to the law, every member of such ‘unlawful assembly’ can be booked for engaging in rioting. The maximum punishment for such an act is three years.
- Moreover, obstructing police from breaking up an unlawful assembly is a punishable offence as well.
- **Section 144 also restricts carrying any sort of weapon** in that area where it has been imposed and people can be detained for violating it.
- Section 144 is **imposed in urgent cases of nuisance or apprehended danger of some event that has the potential to cause trouble or damage to human life or property**.
- **No order under Section 144 shall remain in force for more than two months** but the state government can extend the validity for two months and maximum up to six months.
- It can be **withdrawn at any point of time if the situation becomes normal**.
- **Background:** Section 144 was used for the first time in 1861 by the British Raj, and thereafter became an important tool to stop all nationalist protests during the Freedom Struggle. However, the use of the section in Independent India remains controversial as very little has changed.

Section 144 vs Curfew:

- Section 144 is generally prohibitory in nature. **It restricts from public gathering but doesn't bar it all together.**
- A curfew, on the other hand, orders people to stay indoors for a specific period of time. So, the authorities can impose curfew for a certain period of time (However, the authorities can also extend the curfew if the need be).
- One also needs prior approval from the local police for moving out during curfew.

DEMOCRACY INDEX

News: The Economist Intelligence Unit has released the Democracy Index, 2021.

About:

- The Democracy Index (began in 2006), which is **prepared by the Economist Intelligence Unit**,

provides a snapshot of the state of democracy worldwide in 165 independent states and two territories.

- The **Economist Intelligence Unit is the research and analysis division of The Economist Group**, which is the sister company to The Economist newspaper.
- The index is based on 60 indicators grouped into five categories: electoral process and pluralism, civil liberties, functioning of government, political participation and political culture.
- Each country will be provided with a **score of 0 to 10**. These scores are decided based on the above indicators. Based on their scores, each country is then classified into any one of the four types of regime such as a) full democracy, b) flawed democracy, c) hybrid regime and d) authoritarian regime.

Key findings:

- **Norway has topped the index.**
- It has been classified as a **full democracy**.
- **India is ranked 46th on the 2021 index** with an overall score of 6.91. It has been classified as a flawed democracy. (In 2020, India was ranked 53rd in the index).

Economist Intelligence Unit (EIU)

- The Economist Intelligence Unit (EIU) was created in 1946.
- It is the research and analysis division of The Economist Group and the world leader in global business intelligence.

DIGITAL RIGHTS

News: European Commission, in a global first, proposed a set of digital rights and principles recently.

About:

- It is an **extension of the Berlin declaration on Digital Society and Value Based Digital Government of the EU council**.
- Declaration aims to contribute to a value-based digital transformation by addressing and ultimately strengthening digital participation and digital inclusion in our societies.
- **Aim is to:**
 - Protect people's rights, support democracy and ensure a fair and safe online environment.
 - Provide a guide for policymakers and companies when dealing with new technologies.
 - Promote these principles as a standard for the world countries.

Principles outlined are:

- **People at the centre** – digital technology should protect people's rights, support democracy and ensure that all digital players act responsibly and safely.
- **Freedom of choice** – people should benefit from a fair online environment, be safe from illegal and harmful content.
- **Safety and security** – safe and secure digital environment.
- **Solidarity and inclusion** – technology should unite people.
- **Participation** – citizens should engage in democratic process and have control over their own data.
- **Sustainability** – digital devices should support sustainability and green transition.

Digital Rights:

- Digital rights, **closely linked to freedom of expression and privacy**, are those that allow people to access, use, create and publish digital media, as well as access and use computers, other electronic devices and communications networks.
- Digital rights are **merely an extension of the rights set out in the Universal Declaration of Human Rights by the United Nations as applied to the online world**.
- It is a **broad term implying right to privacy and data protection**; it can be related to trolling, online threats and hate speech; it can address broader issues of equitable Internet access regardless of economic backgrounds and disabilities.

LOOK OUT NOTICE

News: Journalist Rana Ayyub was stopped in Mumbai based on a look out circular (LOC), issued by the Enforcement Directorate (ED), that restrains her from leaving the country.

About:

- A Look out notice (**LOC**) is issued to make sure that an individual who is absconding or wanted by law enforcement agencies is not able to leave the country.
- It is **mostly used at immigration checkpoints at international airports and seaports by the immigration branch**.
- The police can approach a court asking for the restriction of a person's movement outside the country, when a person is a suspect and the police apprehend

that the person may not join the investigation at a later stage.

- The subject of an LOC can challenge the circular and get relief from a court.
- **Issuing an LOC:** An LOC can be initiated by a large number of authorised officers, including:
 - An officer not below the rank of deputy secretary,
 - An officer not below the rank of joint secretary in the state government,
 - A district magistrate or superintendent of police,
 - Designated officers of various law enforcing and security agencies,
 - A designated officer of Interpol,
 - An officer not below the rank of additional director in the Serious Fraud Investigation Office, and the Ministry of Corporate Affairs.
- From 2018, an officer not below the rank of chairman/managing director/chief executive of any public sector bank can make a request.
- An LOC can be modified/deleted/withdrawn by the Bureau of Immigration only on the specific request of the authorised originator on whose request the LOC was issued.
- **Does an LOC lead to arrest?**
 - Not necessarily. LOC is of many types.
- They can seek to merely stop a person against whom the circular has been issued from travelling outside the country, to prevent a person from entering the country, or inform the concerned investigation agencies.
- The proforma of the LOC also contains a request to detain the individual at the local police/investigation agency, which generally leads to arrest.

CENSUS NEW RULES NOTIFIED

News: The Union government has amended Census Rules, 1990, to include “electronic form” and “self-enumeration” in the schedule of questions to be asked during census enumeration.

About:

- It will allow online self-enumeration in the upcoming Census and National Population Register (NPR).

- **NPR is a Register of usual residents** of the country.
- Its objective is to create a comprehensive identity database of every usual resident in the country.
- Section 8 of Census Act, 1948, gives powers to the enumerator to ask questions regarding the Census and makes it obligatory for respondents to answer, with certain exceptions.
- Also, “print media, electronic media, social media”, have been added to the list of modes for ensuring wide publicity for the exercise. Earlier lists only included radio, audio-visuals and posters.
- Earlier, the first phase of Census 2021, and NPR exercise scheduled to be held in 2020 was postponed indefinitely due to Covid-19.
- Population Census is the process of collecting, compiling, analyzing, disseminating demographic, economic and social data pertaining, at a specific time, of all persons in a country or a part of a country.
- **Conducted by:** Office of the Registrar General and Census Commissioner under Ministry of Home Affairs.

Census History

- A systematic and modern population census, in its present form, was **conducted non synchronously between 1865 and 1872 in different parts of the country.**
- This effort culminating in **1872** has been popularly labeled as the **first population census of India.**
- However, the **first synchronous census in India was held in 1881.** Since then, censuses have been undertaken uninterruptedly **once every ten years.**

NATIONAL POPULATION REGISTER (NPR)

News: The Ministry of Home Affairs (MHA) recently highlighted the need to update the National Population Register (NPR) database across the country in order to incorporate the changes due to birth, death, and migration for which demographic and other particulars of each family and individual are to be collected.

About the National Population Register:

About:	- It is a database containing a list of all usual residents of the country. - A usual resident is a person who has resided in a place for six months or more and intends to reside there for another six months or more. - It is mandatory for every “usual resident of India” to register in the NPR. - It is generated through house-to-house enumeration during the “house-listing” phase of the Census. - It was first collected in 2010 and updated in 2015.
Objective:	To have a comprehensive identity database of people residing in the country.
Legal Framework:	Prepared under the Citizenship Act 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.
Significance:	- Streamline the data of residents across various platforms. - Better formulation of government policies and aids national security. - Better targeting of government beneficiaries. - Implementing the idea of ‘One Identity Card’, which seeks to replace duplicate and siloed documentations of Aadhaar card, voter ID card, banking card, passport, and more.

About the National Register of Citizens:

- It is a **register prepared after the conduct of the Census of 1951** for each village, showing the houses or holdings in a serial order and indicating against each house or holding the number and names of persons staying therein.
- It was **published only once in 1951** and has not been updated since then.
- It has been **updated for only Assam** and the government plans to update it nationally as well.

NPR Vs NRC:

- NPR is the first step towards compilation of a National Register of Citizens (NRC) (As per the Citizenship Rules, 2003).
- After a list of residents is created (or NPR), a nationwide NRC verifies the citizens from that list.
- Unlike the NRC, the NPR is not a citizenship enumeration drive since it records even a foreigner staying in a locality for more than six months.

NPR vs Census:

NPR	Census
Citizenship Act, 1955.	The Census Act, 1948.
It collects basic demographic data and biometric particulars.	A detailed questionnaire with 29 items to be filled up which aims at eliciting the particulars of every person, including age, sex, marital status, children, occupation, birthplace, mother tongue, religion, disability and whether they belonged to any Scheduled Caste or Scheduled Tribe.

About the Citizenship Act, 1955:

- It provides various ways in which citizenship may be acquired which includes: birth, descent, registration, naturalization and by incorporation of the territory into India.
- It regulates the registration of Overseas Citizen of India Cardholders (OCIs) and their rights. An OCI is

entitled to some benefits such as a multiple-entry, multipurpose lifelong visa to visit India.

The Citizenship (Amendment) Act (CAA), 2019:

- It was introduced to amend the Citizenship Act, 1955.
- It provides citizenship on the basis of religion to six non-Muslim communities (Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) from Pakistan, Afghanistan and Bangladesh who entered India on or before 31st December, 2014.

- It exempts the members of the six communities from any criminal case under the Foreigners Act, 1946 and the Passport Act, 1920.

PRINCIPAL SCIENTIFIC ADVISOR

News: Prof Ajay K Sood from the Indian Institute of Science (IISc) has been appointed as the new Principal Scientific Adviser (PSA) to the government of India.

About:

- Established in **1999**.
- **Aim:** to provide advice to the Prime Minister and cabinet on matters related to science, technology and innovation.
- It is currently a Secretary level position.
- **First PSA:** P. J. Abdul Kalam.

THIRUVANANTHAPURAM DECLARATION

News: The first National Women Legislators' Conference in Kerala concluded with the adoption of Thiruvananthapuram Declaration.

About:

- The Thiruvananthapuram Declaration laments the long-pending Women's Reservation Bill (since 1996) for 33% reservation for women in the Lok Sabha and State Legislatures.
- The low representation of women in Parliament, i.e. Lack of political empowerment is the main reason for India's poor performance on **Global Gender Gap published by World Economic Forum**.
- India was ranked at 140 out of 156 countries in 2021.

COMMITTEE ON THE RIGHT TO REPAIR

News: The Government of India has set up a committee to develop a "comprehensive framework" on the Right to Repair.

About:

- The **Department of Consumer Affairs has set up a committee chaired by Nidhi Khare**, an additional secretary to develop a framework for 'Right to Repair'.
- This committee held their first meeting recently.

Right to Repair:

- It is a **right to give users and third-party companies the required tools, parts and manuals related to a product**. This would enable them to repair a

product on their own instead of depending on the manufacturers. The right to repair movement traces its roots back to the very dawn of the computer era in the 1950s.

- The rationale behind the movement is that the individual who purchases a product must own it completely. This implies that apart from being able to use the product, consumers must be able to repair and modify the product the way they want to.
- However, in spite of the movement, repairing is becoming unreasonably expensive or pretty much impossible because of the technology becoming obsolete. Further, companies avoid the publication of manuals that can help users make repairs easily, manufacturers have proprietary control over spare parts and most firms refuse to make their products compatible with those of other firms.
- **Note:** The right to repair has been recognised in many countries across the globe, including the US, UK and European Union.

FLAG CODE OF INDIA



News: Recently, the Government of India has announced that the national flag can now remain hoisted through the night, if it is in the open.

Related Information:

- **Earlier, the Flag could be hoisted only between sunrise and sunset.**
- The government had earlier amended the flag code to allow for machine-made and polyester flags to be used.
- The **Ministry of Home Affairs amended the Flag Code of India 2002 to allow for the national flag to be flown even at night**, when the Government launched the Har Ghar Tiranga campaign.

About the Flag Code of India:

- **The Indian flag was adopted in its present form during a meeting of the Constituent Assembly held on 22nd July 1947.**
- Flag Code was an effort to bring together all the previous laws, conventions and practices and allowed the unrestricted display of the Tricolour as long as the honor and dignity of the flag were being respected.
- **It is divided into three parts:**
 1. General description of the tricolor.
 2. Rules on display of the flag by public and private bodies and educational institutions.
 3. Rules for display of the flag by governments and government bodies.
- **The tricolor cannot be used for commercial purposes and cannot be dipped in salute to any person or thing.** Moreover, the flag should not be used as a festoon, or for any kind of decoration purposes.
- For official display, only flags that conform to the specifications as laid down by the Bureau of Indian Standards can be used.

About the Har Ghar Tiranga Campaign:

- It was a campaign under the aegis of Azadi Ka Amrit Mahotsav to encourage people to bring the Tiranga home and to hoist it to mark the 75th year of India's independence.
- The idea was to invoke the feeling of patriotism in the hearts of the people and to promote awareness about the Indian National Flag.

Rules Governing the Tricolour:

- The Emblems and Names (Prevention of Improper Use) Act, 1950: It restricts the use of the national flag, the coat-of-arms used by a government department, the official seal of the President or Governor, the pictorial representation of Mahatma Gandhi and the Prime Minister, and the Ashoka Chakra.
- **The Prevention of Insults to National Honour Act, 1971:**
 - It prohibits the desecration of or insult to the country's national symbols, including the national flag, the Constitution, the national anthem and the Indian map.
 - A person who is convicted of insulting the National Flag, the Constitution of India, preventing the singing of the National Anthem, is disqualified to contest in the elections to the Parliament and state legislature for 6 years.
- **Article 51(A) (a), Part IV-A of the Constitution:** It shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

NATIONAL EMBLEM

News: The Prime Minister of India unveiled the 6.5 meter tall National Emblem on top of the under-construction new Parliament building recently.



About the National Emblem:

- **The State Emblem of India is the national emblem of the Republic of India** and is used by the union government, many state governments, and other government agencies as its official seal.
- It is an adaptation from the **Sarnath Lion Capital of Ashoka (Varanasi, Uttar Pradesh)**.
- It has **four lions, standing back to back, mounted on an abacus with a frieze carrying sculptures of an elephant, a galloping horse, a bull and a lion separated by intervening wheels over a bell shaped lotus.**
- Carved out of a **single block of polished sandstone**, it is crowned by the **Wheel of the Law (Dharma Chakra)**.

Emblem Adopted:

- It was **adopted by the Government of India on 26th January 1950**, only three lions are visible, the fourth being hidden from view.
- The words **Satyameva Jayate** from **Mundaka Upanishad**, meaning **'Truth Alone Triumphs'**, are inscribed below the abacus in Devanagari Script.
- It was built in commemoration of the **first sermon by Buddha, called Dharmachakrapravartana**.
- **The Ashoka Chakra in the National Flag is taken from the National Emblem.**

Legal Provisions relating to National Emblem:

- State Emblem of India (Prohibition of Improper Use) Act 2005 and the State Emblem of India (Regulation of Use) Rules 2007.
- Punishment for Violation: **imprisonment of up to 2 years or a fine up to Rs 5,000.**

- **Usage:**
 - On the Letterheads of the Central Government, State Government and other government agencies.
 - On the Currency of India
 - On the Passports of India
- **Buildings displaying National Emblem:** Rashtrapati Bhawan, Parliament House, Supreme Courts, High Courts, Central Secretariat, Secretariat Buildings of States and Union Territories, Raj Bhawan/Raj Niwas, State Legislature, Premises of India's Diplomatic Mission abroad, Residence of Heads of Missions in the countries of their accreditation, At the entrance doors of buildings occupied by Indian Consulates abroad.

Some examples of Mauryan Pillars:

- Lauria Nandangarh Pillar (West Champaran, Bihar)
- Ashoka Pillar (Sanchi, Madhya Pradesh)
- Lion Capital of Ashoka (Sarnath, Varanasi, Uttar Pradesh)

WAQF PROPERTIES

News: Ministry of Minority Affairs is implementing various schemes to protect Waqf properties.

About:

- **Waqf is any movable or immovable property given in the name of God for religious and charitable purposes by a person professing Islam.**
- A waqf can be formed through a deed or instrument, or a property can be deemed waqf if it has been used for religious or charitable purposes for a long period of time.
- A person creating the waqf cannot take back the property and the waqf would be a continuing entity.

Schemes:

- Shahari Waqf Sampatti Vikas Yojana (SWSVY) is a **Central Sector Scheme**, under which the **Ministry of Minority Affairs provides Grant-in-Aid to Central Waqf Council (CWC).**
- Under the scheme, interest free loans are provided to State Waqf Boards/ Waqf (SWB) Institutions for construction of economically viable buildings on the urban Waqf land such as marriage halls, hospitals, cold storages etc.

- **Qaumi Waqf Board Taraqqiati Scheme (QWBTS):** Financial Assistance is provided to SWBs towards computerization, digitization of records of Waqf properties and GIS Mapping of Waqf properties.

Central Waqf Council (CWC)

- It is a **statutory body** under the administration control of the **Ministry of Minority Affairs.**
- It was **set up in 1964** as per the provision given in the **Waqf Act, 1954.**
- It **acts as an advisory Body to the Central Government** on matters concerning the working of the Waqf Boards and Auqaf.
- The council consists of **chairman and members not exceeding 20 in number** and **appointed by the Government of India.**
- **The Union Minister in charge of Waqf** is the ex-officio chairman of the council.

PHARMACOPOEIA COMMISSION FOR INDIAN MEDICINE & HOMOEOPATHY

News: The Government of India has established the Pharmacopoeia Commission for Indian Medicine & Homoeopathy (PCIM&H) as a subordinate office under the Ministry of Ayush.

About:

- PCIM&H is an **autonomous body** under the aegis of **Ministry of Ayush, established since 2010.**
- Pharmacopoeia is an officially recognized book of standards as per the Drugs and Cosmetics Act, 1940 and Rules 1945 thereunder.
- **Functions:**
 - The Commission is engaged in **development of Pharmacopoeial Standards for Ayurvedic, Unani, Siddha & Homeopathic drugs.**
 - PCIM&H is also acting as Central Drug Testing cum Appellate Laboratory for Indian systems of Medicine & Homoeopathy.
- **Benefits of Merger with PLIM & HPL:**
 - Optimum use of infrastructural facilities, technical manpower and financial resources of the three organizations for enhancing their standardised outcomes.
 - Focused and cohesive development of standards of AYUSH drugs and publication of pharmacopoeias and formularies.

Ayurveda, Siddha and Unani Drugs Technical Advisory Board

- ASUDTAB is a **statutory body under the provisions of Drugs and Cosmetics Act, 1940.**
- It **advises the central and state governments in regulatory matters of Accelerated Shelf-Life Testing (ASLT) drugs.**
- ASLT is an indirect method of measuring and estimating the stability of a product by storing the product under controlled conditions that increase the rate of degradation occurring in the product under normal storage conditions.

BAL AADHAR

News: Over 7.9 million children aged up to five were enrolled under the Unique Identification Authority's Bal Aadhaar initiative from April to July.

About:

- Baal Aadhaar is a **blue-coloured variant of the Aadhaar Card.** It is issued for children below the age of 5 years.
- **How is Bal Aadhaar different from Aadhaar Card?**
 - Biometrics to establish uniqueness for the Bal Aadhaar is not collected unlike in the case of Aadhaar. A facial image of a child is instead taken for enrolment.
 - Moreover, biometric authentication of the parent/guardian and a proof of relationship document, preferably a birth certificate, are collected at the time of enrolment.
- **What happens to the Baal Aadhaar after the children turn five?**
 - On attaining the age of five, the child is required to furnish his or her biometrics at an Aadhaar Seva Kendra to complete a process called mandatory biometric update (MBU).
 - The MBU process goes through a de-duplication process. After completion of this process, the child is issued a normal Aadhaar without any change in the Aadhaar number.

WIKIPEDIA

News: India summoned officials of Wikipedia, in response to cricketer Arshdeep Singh's Wikipedia page being edited with misleading information that stated he was a "Khalistani".

About:

- It is a **multilingual free online encyclopaedia written and maintained by a community of volunteers** through open collaboration and a wiki-based editing system. This means that anyone can contribute to its pool of knowledge by making edits to existing pages for updation or correction and can even add new pages.
- This model has its advantages so far that it allows democratization of knowledge and unhindered access to editing. But this has also resulted in concerns relating to the reliability of the information that it hosts.
- **What control mechanisms exist for content on Wikipedia?**
 - To increase reliability and also to prevent vandalism and disruptive edits, restrictions have been placed on edits to the content that Wikipedia hosts. These restrictions include:
 - First, it allows certain "protections" to be accorded to particular pages. A page may have varying degrees of protection depending on the vulnerability of the page to vandalism, disruption and abuse.
 - Second, given that edit rights are widespread there have been instances of "content disputes" and "edit warring". In such circumstances also, administrators can provide temporary or permanent protection to a page to prevent edits.
- **Wikipedia Foundation is a non-profit organization. It controls Wikipedia through:**
 - First, the foundation legally controls the servers on which Wikipedia's content is hosted. This means that they are in control of the user activity information generated on the servers.
 - Second, it also exercises control over who the "system administrators" of Wikipedia are. System administrators are in a position to exercise considerable power because they can take decisions of blocking users or reversing edits in some circumstances.
- **Can the Wikimedia Foundation be held responsible for the content that Wikipedia hosts?**
 - There is no settled position on this. Typically, the architecture of Wikipedia is that of an intermediary i.e. it hosts content generated by its users.
 - However, in previous challenges to content on Wikipedia, there have been rulings that the Wikimedia Foundation does not own the content, and does not have the legal responsibility for it.
- **Related Indian laws:**
 - **Section 79 of the Information Technology Act, 2000:** Must abide by due diligence requirements under the Act and its Rules.

- **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021:** There are certain categories of information that an intermediary should not allow to be hosted or uploaded on its platform.
- **IT Rules, 2021:** Actual knowledge occurs when an intermediary has been notified by either a court order or through an order of the appropriate agency demanding the removal of the offending content.

ENHANCED ACCESS AND SERVICE EXCELLENCE

News: Similar to the Enhanced Access and Service Excellence (EASE) for Public Sector Banks (PSBs), the Centre has asked the Indian Banks' Association (IBA) to prepare a viability plan for Regional Rural Banks (RRBs).

About:

- EASENext is well-positioned to channel reforms with a specific focus on customer-centric initiatives and emphasised on customer-first strategy and focus on employee development.
- The EASENext reforms should bring ease for customers as well as for employees.
- **EASENext would comprise 2 major initiatives:**
 - EASE 5.0 (Common reform agenda for Public Sector Banks) and
 - Bank specific strategic 3-year roadmap (Based on individual bank's business priorities).
- **EASE 5.0:** The Enhanced Access and Service Excellence is a common reform agenda for Public Sector Banks (PSBs) aimed at institutionalizing clean and smart banking.
- It commits PSBs to tech-enabled, simplified and collaborative banking to further the agenda of customer-centric digital transformation.
- Under EASE 5.0, PSBs will continue to invest in new-age capabilities and deepen the ongoing reforms to respond to evolving customer needs, changing competition, and the technology environment.
- **EASE 5.0** will focus on digital customer experience, and integrated and inclusive banking, with emphasis on supporting small businesses and agriculture.
- **3-year roadmap:** All PSBs will also create a bank-specific three-year strategic roadmap. It will entail strategic initiatives beyond EASE 5.0.
- The initiatives will be across diverse themes - business growth, profitability, risk, customer service, operations, and capability building.

- **EASE index is prepared by the Indian Banking Association (IBA), along with Boston Consulting Group.** It is commissioned by the **Union Ministry of Finance.**

SCHEDULED CASTE STATUS FOR CONVERTED DALITS

News: The Centre has recently appointed a commission to examine the issue of whether Scheduled Caste (SC) status can be accorded to Dalits who have over the years converted to religions other than Sikhism or Buddhism.

About:

- **Members:** The three-member commission is headed by former Chief Justice of India K G Balakrishnan, along with Professor Sushma Yadav from UGC and retired IAS officer Ravinder Kumar Jain.
- **Timeline:** The committee has been given a two-year deadline to submit a report on the issue.
- **The commission's inquiry will look into:**
 - The implications of adding new persons to Scheduled Castes on the existing Scheduled Caste members.
 - The changes an SC person goes through after converting to another religion.
 - The changes they go through on converting to other religions in terms of customs, traditions, social and other discrimination, and deprivation.

Earlier Recommendations:

- **Ranganath Misra Commission (2004):** It recommended that SC status should be made fully religion-neutral like Scheduled Tribes.
- The National Commission for Scheduled Castes and the National Commission for Minorities had also recommended providing SC status to Dalit Muslims and Dalit Christians.

MATADATA JUNCTION PROGRAM

News: Election Commission to launch Matadata Junction on All India Radio.

About:

- It is a **year-long voter awareness program.**
- The Matadata Junction program will be broadcast in 23 languages across the country.
- The weekly program covers all aspects of the Voter ecosystem and shall be broadcast every Friday on the All India Radio network.

- Each Program will be based on a particular theme on the Electoral process.
- All the 52 Themes are aimed at encouraging all eligible citizens and especially the young and first-time voters to vote and make an informed decision during the elections.
- The program includes a Citizen's Corner where any citizen can ask a query or suggest any aspects of the voting.

I&B MINISTRY ADVISORY

News: Ministry of Information and Broadcasting (I&B) has issued an advisory stating that any kind of broadcasting be done only through Prasar Bharti.

About:

- It states that ministries, departments of the central government, state governments, and union territory (UT) administrations or entities related to them would not be allowed to enter into broadcasting or distribution of broadcasting activities.
- In case central ministries, states, UTs and entities related to them are already broadcasting their content, it would now be done through the public broadcaster Prasar Bharati.
- It is in line with the recommendations of the Telecom Regulatory Authority of India (TRAI), the Supreme Court judgment and the legal opinion given by the Ministry of Law and Justice.
- As per the Supreme Court, Public service broadcasting should be in the hands of a statutory corporation or corporation set up under a statute to ensure their impartiality in political, economic, and social matters.
- As per the existing policy guidelines for setting up of community radio in India, government universities, colleges, schools, Krishi Vigyan Kendras, central / state universities, including autonomous bodies and agricultural universities are eligible for setting up of community radios.

Prasar Bharti

- It was established under the **Prasar Bharati Act in 1997**.
- Prasar Bharati is a **statutory autonomous body**.
- It is the **Public Service Broadcaster of the country**.
- The Prasar Bharati Corporation's main objective is to provide autonomy to Doordarshan and Akashvani in order to educate and entertain the public.

OPEN DATA WEEK (ODW)

News: Ministry of Housing and Urban Affairs (MoHUA) launches the ODW to encourage adoption of open data and promote innovation across India's urban ecosystem.

About:

- Open data is data that can be freely used, re-used and redistributed by anyone.
- All 100 Smart Cities will participate in ODW where high quality datasets and data blogs will be published on the Smart Cities Open Data Portal.
- The event aims to show the benefits of open data such as increased efficiency, transparency, spur in innovation and economic growth.

INDIA STAYS OUT OF GLOBAL DECLARATION ON FUTURE ON INTERNET

- Aiming to keep the Internet open, free, and neutral, the declaration is a political commitment among the partners to advance a positive vision for the Internet and digital technologies.
- Around 60 countries have signed the declaration including the US, European Union, United Kingdom, Canada and France.
- **India, China and Russia** are among the large nations that are **not part** of this declaration.
- **Key principles of Declaration:**
 - Commitments to protect human rights and fundamental freedoms of all people,
 - Promote a global Internet that advances the free flow of information, advancing "inclusive and affordable" connectivity,
 - Promote trust in the global digital ecosystem, including through protection of privacy,
 - Protecting and strengthening the multistakeholder approach to governance.
- Earlier, a report titled, "The return of digital authoritarianism: internet shutdowns" highlighted that a Number of countries that shut down the internet in 2021 has increased to 34 from 29 in 2020.
- **India is the top country to impose internet shutdowns in 2021** for the fourth consecutive year.
- **India also did not sign the Budapest Convention on Cybercrime, 2001.** The data sharing provisions of Budapest Convention infringes on national sovereignty.

- Presently, it is the **only legally binding multilateral convention on cybercrime and electronic evidence.**

THE DEPARTMENT OF PERSONNEL AND TRAINING (DOPT) LAYS DOWN NORMS FOR QUOTA IN PROMOTIONS

- The DoPT has asked all departments of central government to collect the data on inadequacy of representation of Scheduled Castes and Scheduled Tribes before implementing the policy of reservation in promotion in government offices.
- The memorandum referred to the January verdict of the SC (upheld the *M. Nagaraj v. Union of India*, 2006 judgement) having three conditions laid down by the apex court.
 - The collection of quantifiable data regarding the inadequacy of representation of SCs and STs.
 - The application of this data to each cadre separately.
 - The cadre being the unit of operation of the promotion roster.
- **Reservation in promotion:**
 - **Article 16 (4A):** Empowers States to make provisions for reservation in matters of promotion to SC/ST.
 - **Nagaraj v. Union of India, 2006:** SC laid down 3 criteria to be followed for implementing reservation in promotion.
 - **Jarnail Singh v L.N. Gupta (2018):** SC held that states need not be required to collect quantifiable data on the backwardness of the SCs and STs.

INTERNET SHUTDOWNS

News: United Nations has called on countries to stop imposing Internet shutdowns, warning of dire consequences.

About:

- **Impact of Internet shutdown as per UN report:**
 - Major economic costs for all sectors, disrupting for example financial transactions, commerce, and industry.
 - Undermines pedagogical outcomes, interferes with education planning and participation in political debates or decisions.
 - Communication delays and impediments also compromise the effectiveness of health-care.
 - Undermines access for women and girls to critical support and protection, exacerbating the gender divide.
 - Causes mental trauma by depriving people of their only means of reaching loved ones.

Key Recommendations by Report

- **To states:** States should refrain from the full range of Internet shutdowns. Any Internet shutdowns must be:
 - ◆ Clearly grounded in unambiguous, publicly available law;
 - ◆ Necessary to achieve a legitimate aim;
 - ◆ Proportional to the legitimate aim.
- **To companies:**
 - ◆ Reinforce engagement and collaboration with all stakeholders working to prevent and reverse communications disruption.
- To development agencies, regional organizations, and international organizations: Ensure that the risks of Internet shutdowns are considered when designing and implementing cooperation programmes relating to Internet connectivity
- **To civil society:** Reinforce collaborative efforts to prevent, detect, study, and respond to Internet shutdowns
- **Internet shutdowns related provisions in India:**
 - Currently, suspension of telecom services (including internet shutdowns) is **governed by the Temporary Suspension of Telecom Services (Public Emergency & Public Safety) Rules, 2017**, notified under the Indian Telegraph Act, 1885.
 - The 2017 Rules provide for temporary shutdown of telecom services in a region on grounds of public emergency (up to 15 days at once).

SOCIAL DEMOCRACY

News: The Nordic (Scandinavian) Model of Social Democracy is in discussion due to recent Sweden elections.

About:

- The **Nordic model of social democracy is the combination of social welfare and economic systems adopted by Nordic countries** (Sweden, Norway, Finland, Denmark, and Iceland).
- **The features of social democratic system include:**
 - Reliance on representative and participatory democratic institutions where separation of powers is ensured;
 - Comprehensive social welfare scheme with emphasis on publicly provided social services and investment in child care, education and research among others, that are funded by progressive taxation.

- Presence of strong labour market institutions with active labour unions and employer associations. This allows for significant collective bargaining, wage negotiations and coordination besides an active role in governance and policy.
- **This model has helped these countries achieve significant outcomes like:**
 - High levels of international trade and participation in globalisation,
 - Economic progress, o low levels of inequality,
 - High living standards
 - Highest labour participation rates in the world.
- Key reasons for the thriving social democratic model in the Nordic countries has been their relatively smaller and more homogenous populations enabling focused governance.
- But aging populations and immigration are posing recent challenges to the Nordic model of social democracy.

DIGITISATION OF LAND RECORDS IN INDIA

News: The government is also planning to come up with an online registration system under the Digital India Land Records Modernization Programme (DILRMP).

Digital India Land Records Modernization Programme (DILRMP):

- It is a central sector scheme launched in 2016, implemented by the Union Ministry of Rural Development
- **The DILRMP has 3 major components:**
 - Computerization of land record;
 - Survey/re-survey
 - Computerization of Registration.

How is Land ownership recognised in India?

- Land ownership in India is recognised through a set of documents including-
 - Record of rights (RoR), which captures details such as the name of the land holder, the number and size of the plot area, and revenue rate (for agricultural land),
 - Registered sale deed to prove that the property has been sold from one person to the other, and the taxes on the sale have been paid,
 - Survey documents to record a property's boundaries and area, and prove that the property is listed in government records,
 - Property tax receipts.

Other measures taken to promote digitization:

- **National Generic Document Registration System (NGDRS)** is an in-house advanced software application for the registration system developed by NIC.
- **Unique Land Parcel Identification Number (ULPIN) System** provides a unique ID of 14 digits for every plot of land in the country based on the Georeference coordinate of vertices of the parcel.
- **BhuNaksha:** A Solution for Digital Cadastral Mapping.
- **Survey of Villages Abadi and Mapping with Improvised Technology in Village Areas (SVAMITVA) scheme** aims to demarcate inhabited (Abadi) land and provide Record of Rights/Property Cards in rural areas through the latest surveying drone technology.
- Initiative to transliterate the Records of Rights to any of the 22 languages recognised by the Constitution.

Efforts at the State level:

- **Bhoomi** is a project jointly funded by the Centre and the state of Karnataka to digitise the paper land records and create a software mechanism to control changes to the land registry in Karnataka.
- **Telangana's Dharani project** integrates RoR data with individual land plot maps.

AADHAAR RULES UPDATED

News: Government amended Aadhaar rules.

About:

- It specifies that **supporting documents may be updated "at least once" by Aadhaar holders on completion of 10 years from enrolment date.**
- Updation would ensure continued accuracy of Aadhaar-related information in CIDR. CIDR is a centralized database containing all Aadhaar numbers issued to Aadhaar holders along with corresponding demographic and biometric information of such individuals etc.

RULE OF LAW (ROL) INDEX 2022

News: World Justice Project (WJP) released RoL Index 2022.

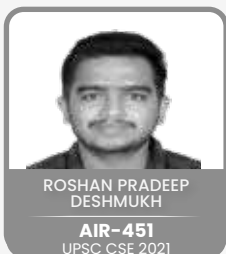
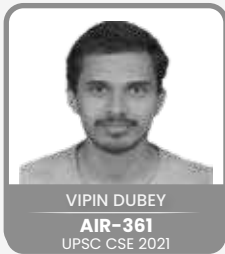
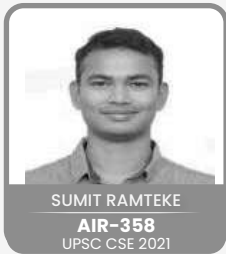
About:

- The WJP is an independent, multidisciplinary organization working to create knowledge, build awareness, and stimulate action to advance the rule of law worldwide.

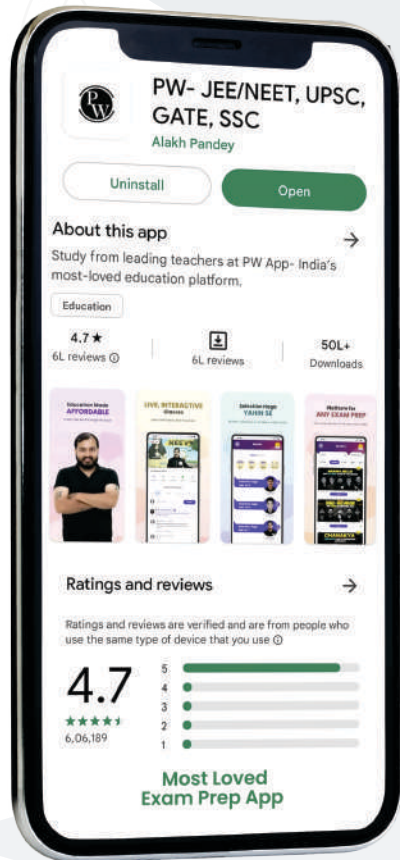
- **Key highlights:**
 - RoL has declined globally for the fifth year in a row.
 - India has ranked 77 out of 140 countries.
 - Topped by Denmark.
- As per World Justice Project's definition, the rule of law is "a durable system of laws, institutions, norms and community commitment" that delivers the following universal principles:
 - Accountability (of government as well as private actors under the law)
 - Just law (i.e., law which is clear, publicized, stable and applied evenly; and ensures rights)
 - Open Government (i.e., accessible, fair, and efficient processes by which the law is adopted, administered, adjudicated, and enforced)
 - Accessible and Impartial Justice (i.e., timely justice delivered by competent, ethical, and independent representatives and neutral parties who are accessible, have adequate resources, and reflect the makeup of the communities they serve).



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