



POLITY

Classroom Study Material

(May 2021 to January 2022)



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POLITY AND CONSTITUTION

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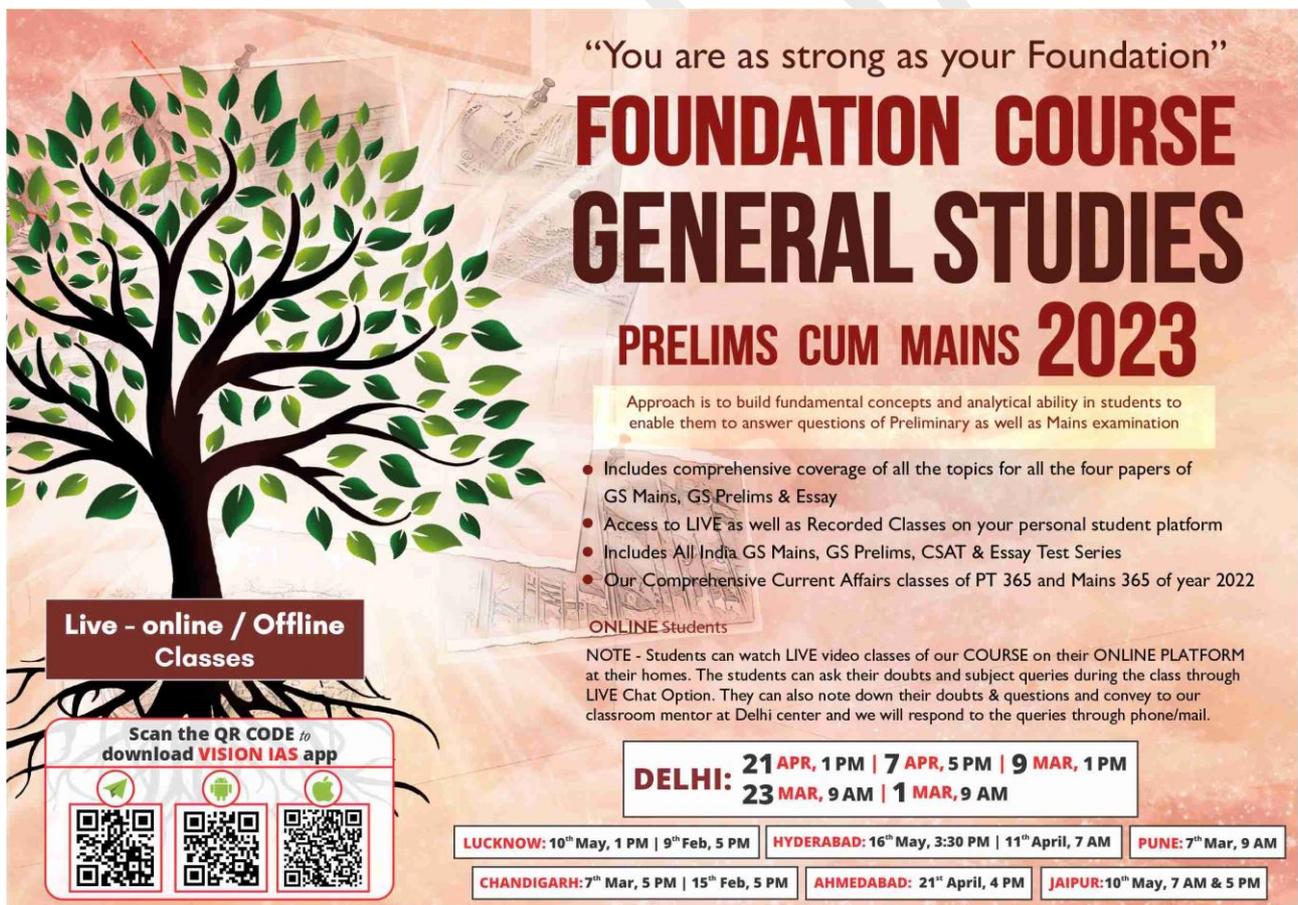
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1. Different colours have been used in the document for easy classification and recollection of a variety of information.
2. QR based Smart quiz has been added to test the aspirant's learnings and understanding.
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PT 365 - Polity & Constitution

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1. ISSUES RELATED TO CONSTITUTION

1.1. LOCAL RESERVATION IN PRIVATE SECTOR

Why in news?

The Haryana government has challenged in Supreme Court, the order by the Punjab & Haryana High Court, to halt 75% quota in private jobs for locals.

More on news

- The Haryana State Employment of Local Candidates Act, 2020, came into force on January 15, 2022.
- Haryana is not the first state in India to push for such a move. Others like **Maharashtra, Andhra Pradesh, Karnataka and Madhya Pradesh** have already tried to reserve private jobs for locals. But, all of them have run into hurdles.

Related information on the issue of legislation for “sons of the soil”

The 2020 announcement by the Madhya Pradesh government to reserve all government jobs for “children of the state” raised questions relating to the fundamental right to equality.

• Constitutional provisions on the issue of legislation for “sons of the soil”

- **Article 16:** Guarantees equal treatment under law in matters of public employment & **prohibits the state from discriminating on grounds of place of birth or residence.**
- **Article 16(2):** “No citizen shall, on grounds **only of religion, race, caste, sex, descent, place of birth, residence or any of them**, be ineligible for, or discriminated against in respect or, any employment or office under the State”.

✓ The provision is **supplemented by the other clauses** in the Constitution that guarantee equality.

- **Article 16 (3):** It provides an **exception** by saying that **Parliament** may make a law “prescribing” a **requirement of residence for jobs in a particular state**. This power vests solely in the Parliament, **not state legislatures.**

○ Why does the Constitution prohibit reservation based on domicile?

- ✓ As **India has common citizenship**, which gives citizens the liberty to move around freely in any part of the country, the requirement of a place of birth or residence cannot be qualifications for granting public employment in any state.

Judicial stand on the issue of legislation for “sons of the soil”

1984: In **Dr Pradeep Jain v Union of India**, the court expressed an opinion that such policies would be unconstitutional but did not expressly rule on it as the case was on different aspect of the right to equality.

2002: The Supreme Court **invalidated** appointment of government teachers in Rajasthan in which the state selection board gave preference to “applicants belonging to the district or the rural areas of the district concerned”.

1995: In **Sunanda Reddy v State of Andhra Pradesh** the Supreme Court affirmed the observation in Pradeep Jain to **strike down** a state government policy that gave 5% extra weightage to candidates who had studied with Telugu as the medium of instruction.

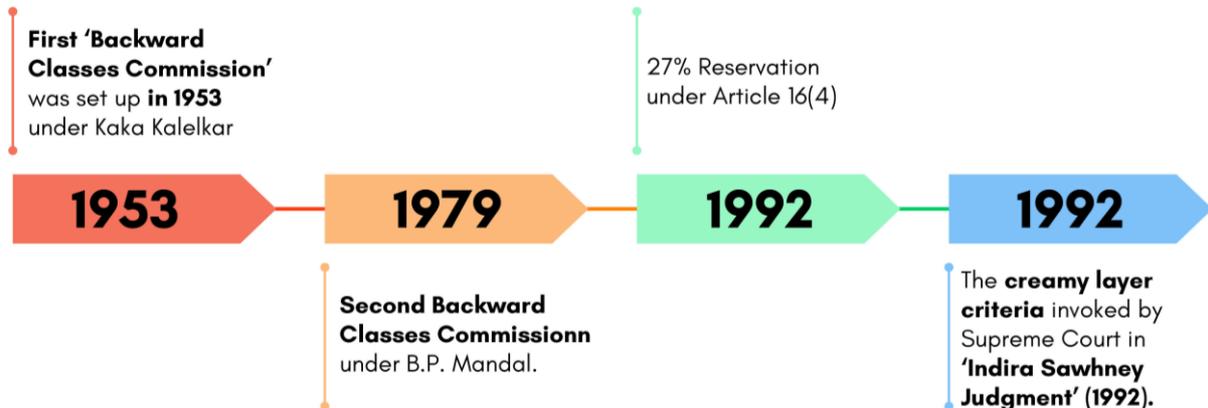
2019: The Allahabad High Court **struck down** a recruitment notification by the UP Subordinate Service Selection Commission which prescribed preference for women who are “original residents” of the UP alone.

1.2. SUB-CATEGORISATION OF OTHER BACKWARD CLASSES

Why in news?

Union Cabinet has approved an extension of the term of **Justice Rohini Commission** by six months.

OBC Reservation Background



Justice Rohini Commission

- Union Government had constituted a four-member commission headed by Justice G. Rohini in 2017 under **Article 340** with an aim to **improve the equitability of sharing of benefits among OBCs**.
 - **OBC is a collective term used by the Government to classify castes** which are educationally or socially disadvantaged (OBCs are referred to as Socially and Educationally Backward Classes).
 - **Article 340 of the Indian Constitution lays down conditions for the appointment of a Commission to investigate the conditions of backward classes.**
- **Mandate of the Commission:**
 - **Examining the extent of inequitable distribution of benefits of reservation** (i.e. 27% reservation in jobs and education) among the castes or communities with reference to the central OBC list.
 - **Work out the mechanism, criteria, norms and parameters** in a scientific approach **for sub categorization of OBCs.**
- The commission has proposed to divide **OBCs into four subcategories numbered 1, 2, 3 and 4 and split the 27% into 2, 6, 9 and 10%, respectively.**
- According to the NCBC, **11 states/UTs** (Andhra Pradesh, Telangana, Puducherry, Karnataka, Haryana, Jharkhand, West Bengal, Bihar, Maharashtra, Rajasthan and Tamil Nadu) have **subcategorized OBC for reservations** in state-government-owned institutions.



- A household with an **annual income of Rs 8 lakh or above** is not eligible for reservations.
 - The term 'creamy layer' was introduced by **Sattanatham Commission** in 1971.

- **Other conditions for reservation laid down in Indra Sawhney case**
 - Reservation to Socially and educationally backward class
 - 50% cap on vertical reservation
 - There should be no reservation in the promotions.

- **National Commission for Backward Classes (NCBC)**
 - The NCBC was set up as a **statutory body** under the NCBC Act, 1993.
 - **102nd Constitutional Amendment Act** made it a **constitutional body** as per **Article 338B** of the Constitution.
 - Key functions performed by the panel:
 - In the case of **grievances** related to non-implementation of reservations, economic grievances, violence, etc. people will be able to move the Commission.
 - To **inquire into complaints of deprivation of rights and safeguards.**

Developments with regard to 102nd Amendment Act

- The 102nd Amendment inserted Articles 338B and 342A in the Constitution.
 - **Article 338B** deals with the structure, duties and powers of the National Commission for Backward Classes commission (NCBC), and
 - **Article 342A** (with two clauses), gives the President the power to notify a class as SEBC and the power of Parliament to alter the central SEBC list.
- Recently, **Ministry of Social Justice and Empowerment has framed an amendment to Article 342A (127th amendment)** to introduce a third clause - Article 342A (3) **to restore power of states to identify OBCs** to be included on the respective state lists.
- Until now, state governments were free to decide which castes would be part of the OBC list in their own state. **Separate OBC lists** are drawn up by the Centre and each state concerned since 1993.
 - **Articles 15(4), 15(5) and 16(4) expressly conferred power on a state** to identify and declare the list of socially and educationally backward classes
- However, the Supreme Court ruling on the Maratha reservation held that only the President can declare any community as OBC and that too only on the recommendation of the National Commission for Backward Classes (NCBC).
- Additionally, Supreme Court have also remarked about there being in future a **“single list” of OBCs** that should be issued by the President on the recommendations of the National Commission for Backward Classes.

Related news**Other Backward Classes (OBC) And Economically Weaker Section (EWS) Get Quotas Under All India Quota (AIQ) Scheme for Medical Courses**

- **Union Health Ministry has announced 27% reservation for OBCs and 10% quota for EWS in AIQ scheme** for undergraduate (UG) and postgraduate (PG) **state-run Medical and Dental colleges**.
- AIQ scheme was **introduced in 1986 for domicile-free, merit-based opportunities to students** from any state to study in a good medical college in any other state.
 - It comprises 15% of UG seats and 50% of PG seats in government medical colleges.
 - Initially, there was **no reservation in the AIQ scheme up to 2007**.
 - ✓ In 2007, reservation for SCs (15% of AIQ seats) and STs (7.5% of AIQ seats) was made under the scheme.

Article 15 and Special Provisions for Education

- **Article 15 (5)** provides for special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes for admission to educational institutions
- Based on the provisions under Article 15(5), 27% OBC reservation in **higher-educational institutions** including central government medical institutions was implemented in **2006-07**.
 - **But it didn't include** medical and dental course seats under the **all-India quota for OBCs in states**.
 - In 2019, through the **103rd constitutional amendment act**, 10% reservation for EWS was extended in **higher-educational institutions** under **Article 15 (6) (b)**.
 - ✓ But it also excluded medical and dental course seats under the all-India quota for EWS.

Reservation of OBCs in Local Body Polls

- Centre is considering **moving a review petition** before the Supreme Court to **allow political reservation of OBCs in local bodies and municipal corporations for the time being** till the states comply with the **triple test criteria**.
 - Earlier, SC had decided to **strike down 27% reservation** in favour of Other Backward Classes (OBCs) in local bodies made by Maharashtra and Madhya Pradesh governments.
 - ✓ The SC's orders are based on **the Krishna Murthy judgment** stressing that **barriers to political participation are not of the same character as barriers that limit access to education and employment**.
- **The triple test includes:**
 - Setting up a **dedicated commission to conduct a contemporaneous rigorous empirical inquiry** into the nature and implications of the backwardness as regards local bodies within the state.
 - Specify the **proportion of reservation required** to be provisioned local body-wise as per recommendations of the commission,
 - Reservation should not **exceed an aggregate of 50% of the seats reserved** in favour of SCs, STs and OBCs taken together.

1.3. BASIC STRUCTURE

Why in news?

Recently, Kesavananda Bharati of the landmark **Kesavananda Bharati Sripadagalvaru and Others v State of Kerala** case passed away.

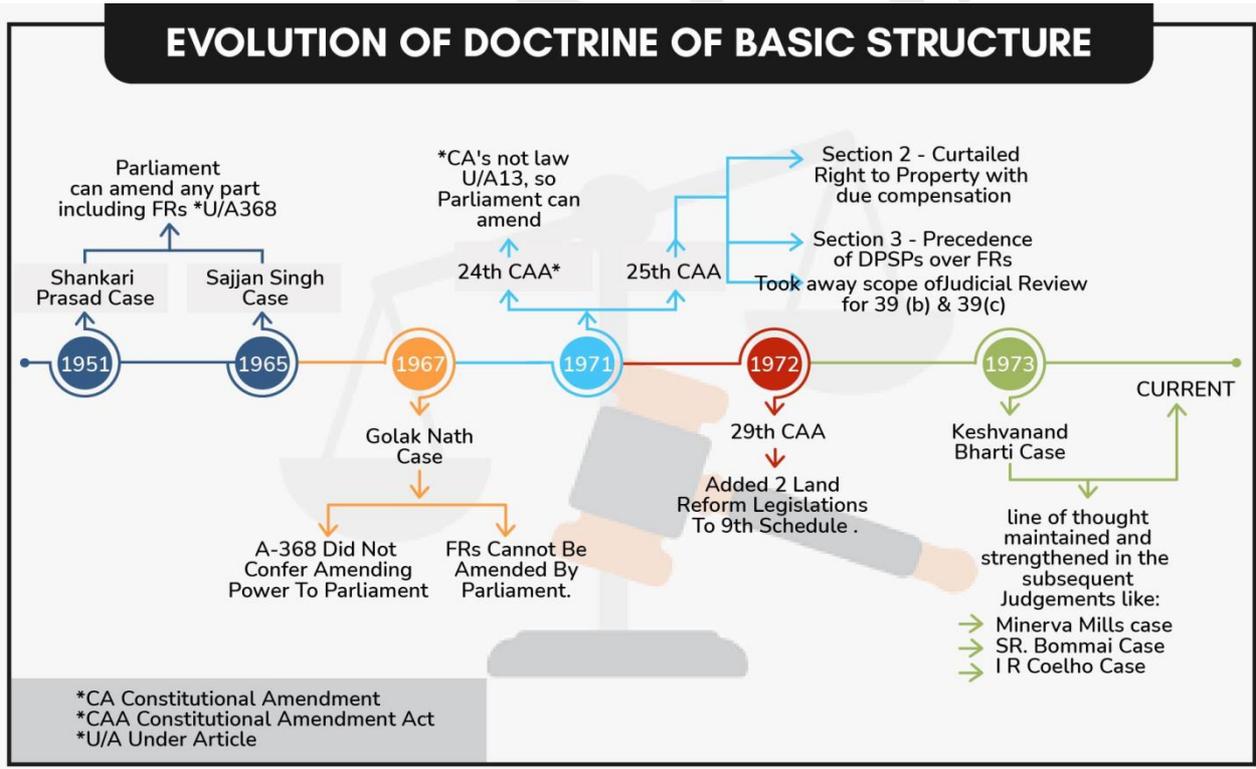
About the Kesavananda Bharati Case

- In Kesavananda Bharati judgement, **Supreme court (SC) outlined basic structure of the constitution**.

- The case dealt with a petition against the Kerala Government challenging the compulsory acquisition of his land by the Government under the **Kerala Land Reforms Act 1963**, as a violation of Fundamental Rights (FRs), as enshrined in - **Articles 25, 26 and 31** of the Constitution of India.
- The case was heard by a Bench of 13 judges — the largest formed in the Supreme Court (SC).
- As hearing proceeded, the scope of the case was expanded to address the following-
 - interpretation of **Golaknath case**
 - interpretation of the **Article 368** (Power of Parliament to amend the Constitution) the validity of the **24th Constitutional Amendment Act, Section 2 and 3** of the **25th Constitutional Amendment Act** and **29th Constitutional Amendment Act**.

Various elements of Basic Structure

- Some principles that are presently part of the ‘Basic Structure’ are stated below-
 - sovereignty of India
 - essential features of the individual freedoms secured to the citizens
 - mandate to build a welfare state
 - supremacy of the Constitution
 - republican and democratic form of government
 - secular and federal character of the Constitution
 - separation of powers between the legislature, executive and the judiciary
 - unity and integrity of the nation
 - power of Judicial review
 - harmony and balance between FRs and DPSPs etc.
 - Parliamentary system
 - Rule of law
 - Principle of equality
 - Free and fair elections
 - Independence of Judiciary
 - Limited power of Parliament to amend the Constitution
 - Effective access to justice
 - Principles (or essence) underlying fundamental rights
 - Powers of the Supreme Court under Articles 32, 136, 141 and 142
 - Powers of the High Courts under Articles 226 and 227



Outcomes of Kesavananda Bharati Case

- **Upheld the validity of the 24th amendment:** SC held that **Parliament had the power to amend any or all provisions of the Constitution** (including FRs), with a condition that the amendments should not alter, damage or destroy the essential features or the fundamental principles of the Constitution. This came to be known as the **“Basic Structure Doctrine”**.
- **Corrected judgments of the Golaknath case:** SC held that Article 368 contained both the power and the procedure for amending the Constitution and that **amending powers and legislative powers of Parliament were different**.

- **Other judgments:** SC upheld the 25th and 29th Amendments except for the parts that curtailed its power of judicial review and also asserted that the **Preamble is a part of the Constitution** and hence amendable.

1.4. UNIFORM CIVIL CODE (UCC)

Why in news?

Recently, the Ministry of Law and Justice said in response to a PIL filed in 2019 that the implementation of the Uniform Civil Code (UCC), is a matter of public policy and that no direction in this regard can be issued by the Court.

About UCC

- UCC provides 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** of the Constitution lays down that the state shall endeavor to secure a UCC for the citizens throughout the territory of India.
- **Status of Uniform Codes in India:**
 - **Indian laws do follow a uniform code in most civil matters** such as Indian Contract Act 1872, Civil Procedure Code, Transfer of Property Act 1882, Partnership Act 1932, Evidence Act, 1872 etc.
 - States, however, have made hundreds of amendments and, therefore, in certain matters, there is diversity even under these secular civil laws.
 - Recently, **several states refused to be governed by the Uniform Motor Vehicles Act, 2019.**
 - **Goa is the only Indian state to have a UCC in the form of common family law.**

Background of UCC

- **Pre-Independence (colonial era)**
 - **Lex Loci Report of October 1840-** It stressed the importance and necessity of uniformity in the codification of Indian law, relating to crimes, evidence and contract. But, it also recommended that personal laws of Hindus and Muslims should be kept outside such codification.
 - **Queen's 1859 Proclamation-** It promised absolute non-interference in religious matters.
 - **B N Rau Committee** was formed to codify Hindu law in 1941.
- **Post-Independence:**
 - **The Hindu code bill** -The bill was drafted by Dr. B R Ambedkar to reform Hindu laws, which legalized divorce, opposed polygamy, gave rights of inheritance to daughters
 - **Hindu Succession Act, 1956** to amend and codify the law relating to intestate or unwilled succession, among Hindus, Buddhists, Jains, and Sikhs. However, there were separate personal laws for muslim, Christians and Parsis.
- **Landmark court cases:** In order to bring uniformity, the courts have often said in their judgements in cases like **Shah Bano case (1985)**, **Sarla Mudgal Case (1995)**, **Daniel Latifi Case**, that the government should move towards a UCC.

1.5. ANTI-CONVERSION LAWS

Why in news?

The **Karnataka legislative Assembly passed** The Karnataka Right to Freedom of Religion Bill, 2021, commonly referred to as the **anti-conversion Bill**.

States that have anti-conversion laws

Currently, there are **at least nine states** in the country where legislations on unlawful conversions are **in force**:

- Odisha,
- Madhya Pradesh,
- Arunachal Pradesh,
- Gujarat,
- Himachal Pradesh,
- Chhattisgarh,
- Jharkhand,
- Uttarakhand and
- Uttar Pradesh

History of anti-conversion laws in India

 Pre-independence	<ul style="list-style-type: none"> Introduced by Hindu Princely states during the 1930s and 1940s to preserve their religious identity from the influence of the Christian missionaries Example includes: Raigarh State Conversion Act 1936, the Patna Freedom of Religion Act of 1942, the Udaipur State Anti Conversion Act 1946 etc.
 Failed attempts at national level	<ul style="list-style-type: none"> 1954: Indian Conversion (Regulation and Registration) Bill was introduced 1960: Backward Communities (Religious Protection) Bill was introduced 1979: freedom of religion bill However, they failed due to lack of parliamentary support.
 Current stand	<ul style="list-style-type: none"> In 2015, the Law Ministry said that matter is “purely a state subject” and legislating such a law by Parliament would not be in accordance with the tenets of the Constitution. This means anti-conversion laws are completely in the domain of the states.

Important Court verdicts on anti-conversion laws

- Rev. Stainislaus vs State of Madhya Pradesh & Ors (1977):** Court upheld the constitutionality of earliest anti-conversion statutes in Madhya Pradesh and Orissa.
 - Freedom to propagate** one’s religion, as stipulated under Article 25 (1), **did not grant a fundamental right to convert another person.** The bench ruled that a **purposive conversion would impinge on the “freedom of conscience”** guaranteed to all citizens.
 - It also held that the Anti- Conversion Acts fall within the purview of **Entry I of List II of the Seventh Schedule** as they are meant to **avoid disturbances to the public order** by prohibiting conversion from one religion to another in a manner **reprehensible to the conscience of the community.**
- Sarla Mudgal case (1995):** Supreme Court held that conversion to Islam was not valid if done only in order to be able to practise polygamy.
- Lata Singh Vs State of UP:** The court highlighted the **need for stringent punishment** over acts of violence or threats in cases of inter-caste and inter-faith marriages.
- M Chandra Vs M Thangamuthu & Another, 2010,** the **Supreme Court laid down the test to prove conversion:** First, there **has to be a conversion** and second, **acceptance into the community** to which the person converted.

1.6. OFFICIAL LANGUAGE

Why in news?

Recently, Tulu speakers demand for official language status, inclusion in Eighth Schedule.

More on news

Tulu is a Dravidian language spoken mainly in two coastal districts Dakshina Kannada and Udupi of Karnataka and Kasaragod of Kerala.

About Official Language

- Part XVII** of the Indian Constitution deals with the official language in **Articles 343 to 351.** The Constitutional provisions relating to the Eighth Schedule occur in Article 344 (1) and 351 (Part XVII) of the Constitution.
- Languages are added through Constitutional Amendments.**
- Constitution does not specify the official language of different states** and at present, there is no such criterion for languages to be included in Eighth schedule.
 - Article 345 of the Constitution** says “the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State”.
- Significance of inclusion under Eighth schedule:**
 - Recognition as official language of the nation.
 - Sahitya Academy will start recognizing the language and books would be translated into other recognized Indian languages.
 - MPs and MLAs could speak in this language in Parliament and State Assemblies, respectively.
 - Candidates could write all-India competitive examinations like Civil Services Exams in a scheduled language.

Assamese	Oriya
Bengali	Punjabi
Gujarati	Sanskrit
Hindi	Sindhi
Kannada	Tamil
Kashmiri	Telugu
Konkan	Urdu
Malayalam	Bodo
Manipuri	Santhali
Marathi	Maithili
Nepali	Dogri

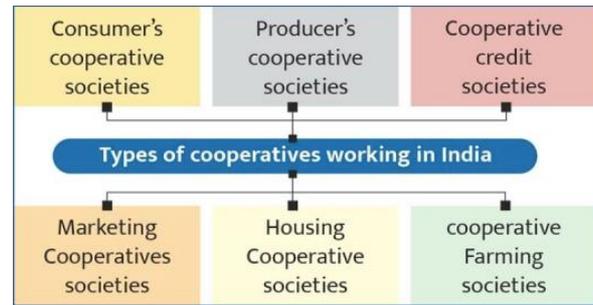
1.7. CO-OPERATIVES

Why in news?

Recently, a separate 'Ministry of Co-operation' has been created by the Central Government.

About Co-operatives

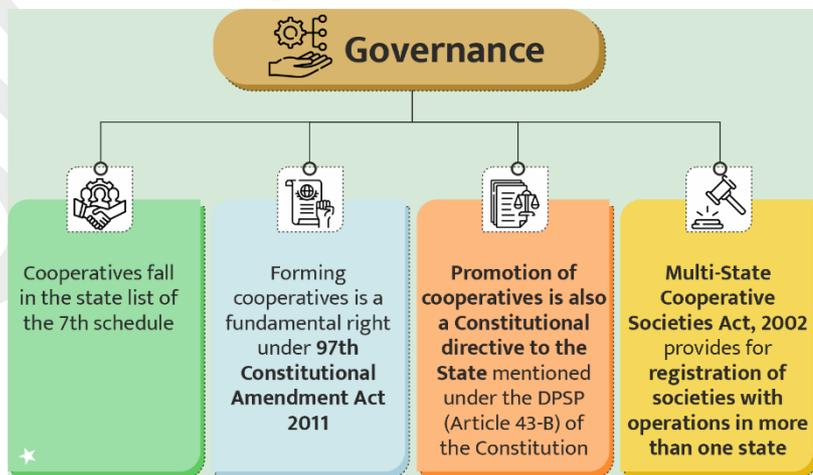
- It is a **voluntary association of individuals having common needs**, who join hands for attainment of common economic goals and interests.
 - It includes, Co-operative societies, Primary Agricultural Credit Societies, Co-operative Banks, etc.
- **97th Constitution Amendment Act, 2011 provided for**
 - **Insertion of Article 19(1)(c)** to make Right to form cooperative societies a fundamental right.
 - **Insertion of Article 43B in Part IV of the Constitution (DPSP)** as "The State Shall endeavor to promote Voluntary formation, autonomous functioning, democratic Control and professional management of the Co-operative societies"
 - **Part IX-B was inserted.** It deals with incorporation, terms of members of board and its office bearers and effective management of cooperative societies.
 - Part IX-B extended from **Article 243ZH to Article 243ZT.**
- In India, **Sir Frederic Nicholson is known as 'Father of the Cooperative Movement'** in the country.
 - Sir Frederic Nicholson studied the problems of farmers after Madras famine and published a report in 1895 which led to establishment of cooperative agricultural credit societies and cooperative banks in India.



DID YOU KNOW?

The **cooperative movement first began in 1844 in Britain** by 28 weavers.

The first cooperative society was initiated by **Robert Owen** in 1844 A.D. named "Rochdale Society of Equitable Pioneers". The main objective of this society was to save poor people by providing goods at a lower price from the market price, eliminate the middleman and supply better services to its members.



Related News

Recently, **Supreme Court annulled part of the 97th Amendment Act** and Part IX B of the Constitution.

- The 97th Amendment Act was passed by the Parliament without getting them ratified by State legislatures as required by the Constitution.
- The Court declared that Part IXB of the Constitution is operative only insofar as it concerns multi-State cooperative societies both within the various States and in the Union Territories.

1.8. OVERSEAS CITIZENS OF INDIA

Why in news?

Overseas Citizens of India (OCIs) plan to challenge Home Ministry's notification that required professional OCIs, such as journalists and researchers **to notify about their activities** in India.

Issues with notification:

- It equates India-domiciled OCIs with a foreigner.
- **Exorbitantly high fees under the (Non-Resident India) NRI quota cannot be afforded** by many OCIs.
- India-domiciled OCI students are **deprived of domicile status both in India** as well as the **country of their citizenship**.

Elements of Comparison	NRI	OCI
Who?	An Indian citizen who is ordinarily residing outside India and holds an Indian passport .	A person registered as OCI cardholder under section 7A of Citizenship Act, 1955. OCIs are of Indian origin but hold foreign passports .
What benefits one is entitled to?	All benefits as available to Indian citizens subject to notifications issued by the Government from time to time.	<ul style="list-style-type: none"> • Multiple entry lifelong visa for visiting India for any purpose. • Exemption from registration for any length of stay in India. • Parity with NRIs in <ul style="list-style-type: none"> ○ Financial, economic and educational fields except in the acquisition of agricultural, farm house or plantation properties. <ul style="list-style-type: none"> ✓ They are allowed to inherit agricultural or plantation properties from any person resident in India. ○ Inter-country adoption of Indian children ○ Pursuing professions- Doctors, pharmacists, etc ○ Parity with the Indian nationals for airfare tariffs for domestic travel and entry fees to any national parks, museums, etc.
How can one acquire Indian citizenship?	A person is an Indian citizen already.	As per the Citizenship Act 1955 , a person registered as an OCI for 5 years and who is ordinarily resident in India for 12 months before making an application for registration is eligible for citizenship.



DO YOU REMEMBER?

- 

Part 2 of the Constitution having Article 5 to 11 deals with the Citizenship of India.
- 

Citizenship Act, 1955:

 - provides for the acquisition of Indian citizenship viz. birth (section 3), descent (section 4), registration (section 5), and naturalisation (section 6).
 - prescribes 3 ways of losing Indian citizenship viz. Renunciation, Termination, and Deprivation.
- 

Citizenship is a central subject and the MHA periodically delegates powers to state through gazette notification under **section 16** of the citizenship Act 1955.

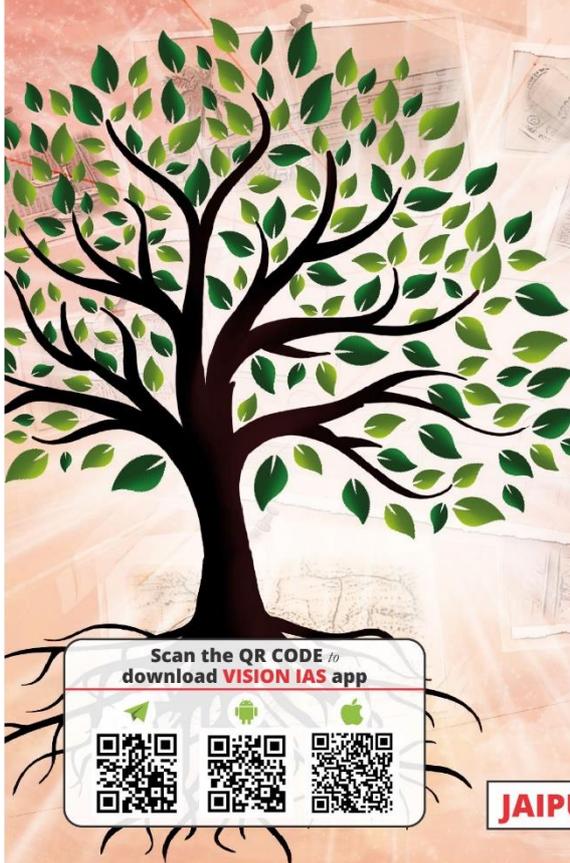
 - Recently, 13 districts of five states were empowered to grant citizenship to certain applicants from Afghanistan, Bangladesh and Pakistan.

1.9. OTHER IMPORTANT NEWS

Constituent Assembly (CA)	<p>First Sitting of Constituent Assembly (CA) completed 75 Years.</p> <ul style="list-style-type: none"> CA met for the first time in New Delhi on December 9, 1946 in the Central Hall of Parliament House. <ul style="list-style-type: none"> Cabinet Mission Plan, 1946 (comprising of Frederick Pethick-Lawrence, Sir Stanfford Cripps and A.V. Alexander) created the CA of India. <ul style="list-style-type: none"> The Assembly was recognized by Section 8 of the Indian Independence Act, 1947. Composition: Members were chosen by indirect election by the members of the Provincial Legislative Assemblies, according to the scheme recommended by the Cabinet Mission. <ul style="list-style-type: none"> The arrangement was <ul style="list-style-type: none"> 292 members were elected through the Provincial Legislative Assemblies 93 members represented the Indian Princely States and 4 members represented the Chief Commissioners' Provinces. (Total membership of 389). However, as a result of the partition under the Mountbatten Plan of 3 June, 1947, a separate Constituent Assembly was set up for Pakistan and representatives of some Provinces ceased to be members of the Assembly. As a result, the membership of the Assembly was reduced to 299. First sitting of the Assembly was presided over by Dr Sachchidananda Sinha. CA took two years, eleven months and seventeen days for drafting the Constitution for Independent India.
Reservation in Promotions for Persons with Disabilities (PWDs)	<p>Supreme Court (SC) Directs Centre to Issue Instructions for Reservation in Promotions for PWDs.</p> <ul style="list-style-type: none"> SC said instructions should be issued in accordance with Section 34 of Rights of Persons with Disabilities (PwD) Act, 2016, which prescribes not less than 4% reservation for persons with benchmark disabilities. <ul style="list-style-type: none"> According to PwD Act, 2016, a "person with benchmark disability" means a person with not less than forty percent of a specified disability, as certified by the certifying authority. 21 types of disabilities have been covered under the Act. Landmark SC cases: <ul style="list-style-type: none"> Siddaraju v. State of Karnataka, January 2020 judgment: SC had confirmed that PwDs have a right to reservation in promotions as well, and not just in recruitment. <ul style="list-style-type: none"> However, this was not implemented by Centre. National Federation of the Blind case: SC held that the computation of reservation for PwDs has to be done in case of Group A, B, C & D posts by computing reservation on total number of vacancies in the cadre strength, i.e., both identified and non-identified posts. Rajeev Kumar Gupta Case: SC directed the government to extend reservation to PwDs in all identified posts in Group A and B.
Government Aid	<p>Supreme Court held that an institution's right to government aid under Article 30(2) is not a fundamental right.</p> <ul style="list-style-type: none"> Article 30(2) states that states that the government shall not discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language, while giving aid. Article 30 of the Constitution is subject to reasonable restrictions: For aided institutions, there cannot be any difference between a minority and non-minority one, but if an institution does not want to accept and comply with the conditions accompanying such aid, it is well open to it to decline the grant and move in its own way.
Sedition	<ul style="list-style-type: none"> Section 124A of Indian Penal Code(IPC) defines sedition as an offence committed when any person brings or attempts to bring into hatred or contempt, excites or attempts to excite disaffection towards the government established by law in India by <ul style="list-style-type: none"> words, signs, visible representation or otherwise. It is a non-bailable offence. It provides for punishment of imprisonment for life or imprisonment up to three years with fine. Various verdicts in Romesh Thappar case(1950), Kedar Nath Singh case(1962), Kanahiya Kumar case(2017) re-defined a seditious act only if it had essential ingredients as <ul style="list-style-type: none"> Disruption of public order Attempt to violently overthrow a lawful government Threatening the security of State or of public.
Hate Speech	<p>Home Ministry constituted a panel to suggest reforms on "offences relating to speech and expression."</p> <ul style="list-style-type: none"> As there is no clear definition of what constitutes a "hate speech" in the Indian Penal Code (IPC), the Committee for Reforms in Criminal Laws is attempting for the first time to define such speech.

	<ul style="list-style-type: none"> ○ Earlier, Bureau of Police Research and Development had defined hate speech as a “language that denigrates insults, threatens or targets an individual based on their identity and other traits (such as sexual orientation or disability or religion etc.).” ○ Also, United Nations Secretary-General released Strategy and Plan of Action on Hate Speech which sets out strategic guidance for the United Nations system to address hate speech at the national and global level. ● Legal Provisions of Hate Speech in India: <ul style="list-style-type: none"> ○ Restrictions imposed by Article 19(2) of the Constitution ○ Section 124A IPC penalises sedition. ○ Sections 153A and 153B of the IPC punishes acts that cause enmity and hatred between two groups. ○ Section 505(1) and (2) IPC penalises publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes. ○ 267th Report of the Law Commission of India defines hate speech as an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief and the like. ● Recommendations by various committees: <ul style="list-style-type: none"> ○ Viswanathan Committee 2019: Proposed inserting Sections 153 C (b) and Section 505 A in the IPC for incitement to commit an offence on grounds of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe. ○ Bezbaruah Committee 2014: Proposed amendment to Section 153 C of IPC (promoting or attempting to promote acts prejudicial to human dignity), punishable by five years and fine or both and Section 509A IPC (word, gesture or act intended to insult member of a particular race), punishable by three years or fine or both.
Sacrilege	<p>Punjab government has written to centre for assent to state’s bill that proposes life imprisonment for desecration of religious scriptures of four religions.</p> <ul style="list-style-type: none"> ● Sacrilege (also termed as Blasphemy) means treating a religious object or place without the respect that it deserves. ● India being a secular state protects all the religions by blasphemy laws. ● Sections 295 and 295A, 296, 297, 298 of the Indian Penal Code (IPC) presently deals with blasphemy incidents. <ul style="list-style-type: none"> ○ Section 295 deals with punishment if any person intentionally damages, destroys or defiles any religious object deemed to be sacred by followers of any religion in India, including objects other than idols and books. ○ Section 295A deals with punishment if a person maliciously by words spoken or written or signs or by visible representation insults or attempts to insult religious sentiments.
Preventive detention	<p>In Banka Sneha Sheelavs State of Telangana case, Supreme Court ruled that the provision for preventive detention cannot be invoked over apprehension of law-and-order problems but in cases where public order is directly affected.</p> <ul style="list-style-type: none"> ● About Preventive detention <ul style="list-style-type: none"> ○ Preventive detention is action to detain a person, taken on grounds of suspicion that some wrong actions may be done by the person concerned {Section 151 of The Criminal Procedure Code, 1973 (CrPC)}. ○ Article 22 of the Indian Constitution provides protection against arrest and detention in certain cases. <ul style="list-style-type: none"> ✓ This article confers certain rights to the individual such as the knowledge of ground of arrest, right to consult and to be defended by a legal practitioner, etc. ○ However, these rights aren’t granted to an alien or a person detained under the preventive detention laws.
Right to Protest	<p>Recently, the Supreme Court observed that Right to protest of farmers should not hinder traffic or public movement.</p> <ul style="list-style-type: none"> ● About Right to Protest <ul style="list-style-type: none"> ○ Under Article 19 (1) (a) and 19 (1) (b), the Right to protest is a Fundamental Right. <ul style="list-style-type: none"> ✓ It allows people to assemble (without arms) and express their views through peaceful protest, strengthening India’s democracy by holding government accountable and raise voice against misuse of power ○ But it is not an absolute right. Under Article 19 (2) and 19 (3), it is subjected to reasonable restrictions.
Right to be Forgotten	<ul style="list-style-type: none"> ● Delhi High Court has upheld Right to be forgotten (RTBF) of an Individual.

	<ul style="list-style-type: none"> RTBF is the right to have personal information removed from publicly available sources, including the internet and search engines, databases, websites etc. once the personal information in question is no longer necessary, or relevant. <ul style="list-style-type: none"> RTBF comes under the right to privacy. Presently, India lacks statutory provisions regarding RTBF. Though the Personal Data Protection Bill, 2019 includes it but it lacks specific right to erasure of data (or RTBF) as given by the European GDPR's Article 17, outlining the circumstances under which individuals can exercise their right to be forgotten or right to erasure.
Article 311 (2) of the Indian Constitution	<ul style="list-style-type: none"> A J&K government teacher was terminated from his services without holding any inquiry. Article 311 (2) mandates prior inquiry before dismissal, removal or reduction in rank of government employees. However, Article 311 (2) (C) provides that no prior inquiry is required if the President or the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold such an inquiry.
Foreigners' Tribunals (FT)	<p>Assam government' ordered the State police's Border wing not to forward any case against Gurkhas to the Foreigners' Tribunals (FT).</p> <ul style="list-style-type: none"> FTs are quasi-judicial bodies established as per the Foreigners' (Tribunal) Order, 1964 to give an "opinion" on whether a person is a foreigner or not, in accordance with the Foreigners Act (FA), 1946. <ul style="list-style-type: none"> The Foreigners Act, 1946 empowers the Central Government to make provisions regarding foreigners' entry or departure. FTs were first setup in 1964 and are unique to Assam. In rest of the country, a foreigner apprehended by police for staying illegally is prosecuted in a local court and later deported/put in detention centres. FTs get two kinds of cases: those against whom a "reference" has been made by border police, and those whose names in the electoral rolls have a D (Doubtful) against them. FT is headed by a member who can be a retired judicial officer, bureaucrat or lawyer with minimum seven years of legal practice. In 2019, Ministry of Home Affairs amended Foreigners (Tribunal) Order, 1964 empowering district magistrates in all States & UTs to set up tribunals to decide whether a person staying illegally in India is a foreigner or not. Earlier, powers to constitute FTs were vested only with Centre.



फाइंडेशन कोर्स

सामान्य अध्ययन

प्रारंभिक एवं मुख्य परीक्षा 2023

इनोवेटिव क्लासरूम प्रोग्राम

- प्रारंभिक परीक्षा, मुख्य परीक्षा और निबंध के लिए महत्वपूर्ण सभी टॉपिक को विस्तृत कवरेज
- मौलिक अवधारणाओं की समझ के विकास एवं विश्लेषणात्मक क्षमता निर्माण पर विशेष ध्यान
- एनीमेशन, पॉवर प्वाइंट, वीडियो जैसी तकनीकी सुविधाओं का प्रयोग
- अंतर - विषयक समझ विकसित करने का प्रयास
- योजनाबद्ध तैयारी हेतु करंट ओरिएंटेड अप्रोच
- नियमित क्लास टेस्ट एवं व्यक्तिगत मूल्यांकन

- सीसेट कक्षाएं
- PT 365 कक्षाएं
- MAINS 365 कक्षाएं
- PT टेस्ट सीरीज
- मुख्य परीक्षा टेस्ट सीरीज
- निबंध टेस्ट सीरीज
- सीसेट टेस्ट सीरीज
- निबंध लेखन - शैली की कक्षाएं
- करंट अफेयर्स मैगजीन

DELHI: 5 अप्रैल, 9 AM | 1 फरवरी, 1 PM

JAIPUR: 10 मई | 15 फरवरी **LUCKNOW: 12 अप्रैल, 9 AM**

लाइव/ऑनलाइन कक्षाएं भी उपलब्ध

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2. FUNCTIONING OF PARLIAMENT, STATE LEGISLATURE/LOCAL GOVERNMENT

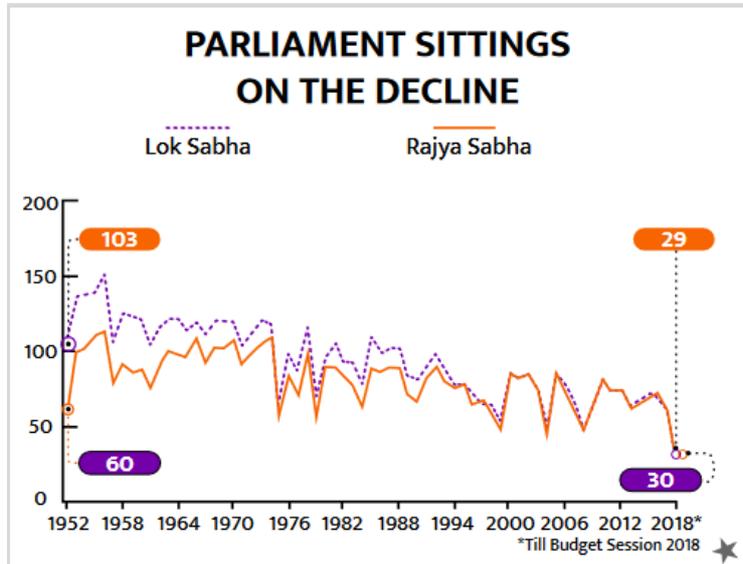
2.1. DECLINING PRODUCTIVITY OF PARLIAMENTARY SESSIONS

Why in news?

This Monsoon Session was the **third least productive** for Lok Sabha (21%), and the **eighth least productive** for Rajya Sabha (28%) in over two decades.

About summoning the sessions of Parliament

- The summoning of Parliament is specified in **Article 85 of the Constitution**.
- The power to convene a session of Parliament rests with the government. The decision is taken by the **Cabinet Committee on Parliamentary Affairs**. This decision is **formalised by the President**, in whose name MPs are summoned to meet for a session.
- India **does not have a fixed parliamentary calendar**. By **convention**, Parliament meets for **three sessions in a year**
 - Budget Session (longest),
 - Monsoon Session
 - Winter Session (shortest).
 - The **gap** between two sessions of the Parliament **cannot exceed 6 months**.



Adjournment: Terminating a sitting of Parliament for a few hours, days or weeks.



Adjournment sine die: Terminating a sitting of Parliament for an indefinite period. The power of adjournment sine die lies with the presiding officer of the House.



Prorogation: End of the sitting as well as the session. President can prorogue the House.



Recess: The time between prorogation and reassembly.



Dissolution: Terminates the life of the Lok Sabha. Only the President can dissolve the House.

2.2. DEPUTY SPEAKER OF LOK SABHA

Why in News?

Recently, the Delhi High Court sought Lok Sabha Secretariat reply to a petition on the vacant post of deputy speaker for over 2 years.

Deputy Speaker and his election

- The Speaker and the Deputy Speaker are the **Presiding Officers of the Lok Sabha**.
- While the office of Speaker is vacant or during the absence of the Speaker from any sitting of the House, the **duties of the office shall be performed by the Deputy Speaker**.
- Under **Article 94**, the speaker resigns from his office by writing to the Deputy Speaker.
- Under **Article 93**, "The Lok Sabha as soon as may be, choose two members of the House to be respectively **Speaker and Deputy Speaker**."

Rules of Procedure and Conduct of Business in Lok Sabha and the Deputy Speaker

- 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.
- Rule 9** of it provides for up to 10-member **Panel of Chairpersons**, nominated by Speaker, to preside over the House in the absence of the Speaker and the Deputy Speaker, they are not equipped/empowered to handle all duties of the Deputy Speaker.

• **No timeline on election** is provided under **Article 93**,

- President fixes date for election of Speaker.
- The Speaker fixes the date for Deputy Speaker election.

• Since the 11th Lok Sabha, there has been a **consensus** that the Speaker comes from the ruling party/alliance and the post of Deputy Speaker goes to the main opposition party.

• **Term of office:** Like the Speaker, the Deputy Speaker remains in office usually during the life of the Lok Sabha (5 years).

• **Removal:** Deputy Speaker can be removed by a resolution passed by a majority of all the then members of the Lok Sabha.

• **Deputy Speaker is the chairman of the Budget Committee** which approves the budget proposals of the Secretariat before these are sent to the Ministry of Finance for incorporation in general budget.

DO YOU REMEMBER?

- Indian **Vice-President is an ex-officio chairman of Rajya Sabha.**
- Deputy chairman** of Rajya Sabha is a constitutional position created under **Article 89.**
 - Deputy chairman is elected from amongst Rajya Sabha members.
- Article 178** provides for election of speaker and deputy speaker of legislative assembly of a state.
- The origin of the institution of Speaker** in India dates back to 1921 when the central legislative Assembly was constituted under the Montague-Chelmsford Reforms.
 - Prior to 1921, The Governor-General of India used to preside over the sittings of the Legislative council.

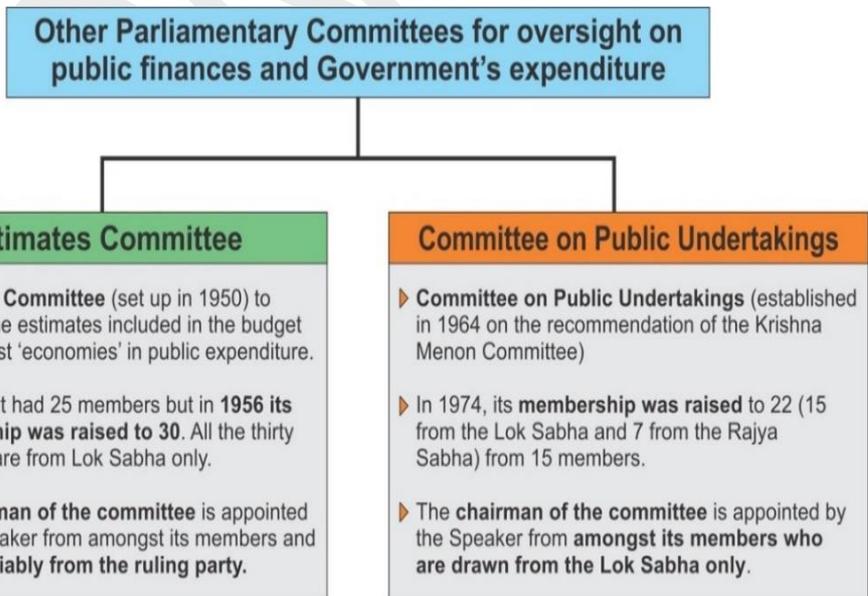
2.3. PUBLIC ACCOUNTS COMMITTEE

Why in News?

Centennial celebrations of Public Accounts Committee (PAC) were held recently.

About Public Accounts Committee (PAC)

- It is the **oldest Parliamentary Standing Committee on Finance and was first constituted in 1921** under the provisions of the Government of India Act of 1919 (in the wake of the Montague-Chelmsford Reforms).
- **Members:** Committee consists of **22 Members; 15 Members are elected from Lok Sabha and 7 Members from the Rajya Sabha.**
- The **Speaker is empowered to appoint the Chairman** of the Committee from amongst its members.



CAG and PAC

- Article 148 provides for an independent office of CAG. He is the **head of the Indian Audit and Accounts Department.**
- **CAG submits three audit reports to the President:**
 - Audit report on appropriation accounts,
 - Audit report on finance accounts, and
 - Audit report on public undertakings.
- The **President lays these reports before both the Houses of Parliament.**
- After this, the **Public Accounts Committee examines them** and reports its findings to the Parliament.

- **W M Hailey was its first president, and Bhupendra Nath Mitra its first Indian president.** The last president before Independence was Liaquat Ali Khan.
- 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 invariably from the Opposition.**
- **Function:** It is **constituted by Parliament each year for examination of**
 - accounts showing the **appropriation of sums granted by Parliament** for expenditure of Government of India,
 - **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 of Public Undertakings and Government Companies** which come under the purview of the Committee on Public Undertakings **are exempted.**

Parliamentary committees draw their authority from **Article 105** (on privileges of Parliament members) and **Article 118** (on Parliament's authority to make rules for regulating its procedure and conduct of business).

There are two types of Parliamentary Committees :
Standing Committees and Ad Hoc Committees.

Standing Committees are Permanent (constituted every year or periodically). They can be categorized into: Financial Committees (3), Departmental Standing Committees(24) and Others Standing Committees (OSCs).

Ad Hoc/Select Committees are Temporary and cease to exist on completion of the task assigned. Ad hoc committees can be divided into two categories, that is, Inquiry Committee and Advisory Committee.

17 DRSCs were set up in the Parliament in 1993 on the recommendation of the Rules Committee of the Lok Sabha. In 2004, seven more such committees were set up, thus increasing their number from 17 to 24.

Related News:

Department Related Standing Committees (DRSCs) are being reconstituted.

About DRSCs

- Parliament constitutes the DRSCs that perform **three important functions**:
 - **Examine Bills referred to them;**
 - Select specific topics related to the ministries and **examine implementation by the Government**
 - **Examine the budgetary outlays** of the departments.
- Out of the 24 DRSC **8 work under RS** and **16 under Lok Sabha.**
- Each committee constituted under **Rule 268** has total of 31 members - **21 from Lok Sabha and 10 from Rajya Sabha**
 - These members are to be **nominated by the Speaker of Lok Sabha or the Chairman of Rajya Sabha** respectively.
- **A Minister shall not be a member** of any Committee.
- Members of the Committee shall hold office for a **term not exceeding one year.**

2.4. LEGISLATIVE COUNCIL

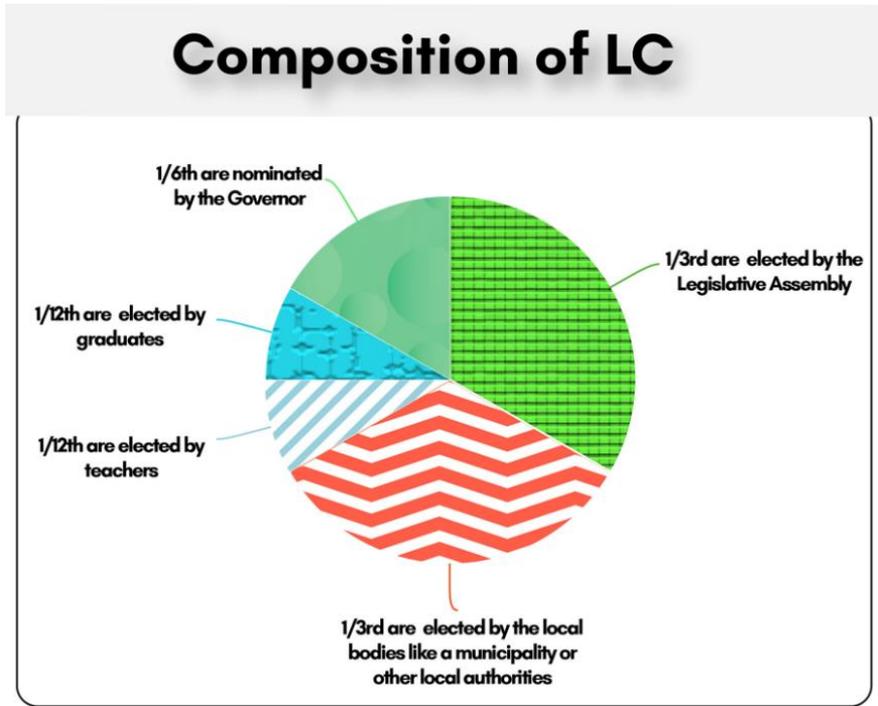
Why in news?

Cabinet approved proposal for creation of Legislative Council in West Bengal.

About Legislative Council

- Legislative Council (LC) is the **upper house in the state** and like the Rajya Sabha, it is a **permanent House.**
- **Members of the Council** are either nominated by the Governor of the state or are indirectly elected.
- **Tenure of the members** of the council is **six years**, and a third of the members of the House retire after every two years.
- **Eligibility criteria:** Indian citizen who is at least 30 years of age; a person cannot simultaneously be a Member of Parliament and State legislature.

- Under **Article 169** of the Constitution, **Parliament may by law create or abolish the legislative council** in a state if the Legislative Assembly of that state passes a resolution to that effect by a special majority (two-thirds of the Assembly members).
- Under **Article 171**, **LC cannot have more than one-third of the number of MLAs in the state**, and not less than 40 members. (Total number of members in LC of a State shall not exceed one-third of the total number of members in the Legislative Assembly of that State, provided that total number of members in LC shall in no case be less than forty).
- Once the Council is set up, **West Bengal will become the seventh Indian state to have a bicameral system of legislature** after Andhra Pradesh, Telangana, Bihar, Uttar Pradesh, Maharashtra and Karnataka.



Difference between Legislative Council and Legislative Assembly

Basis of Comparison	Legislative Council	Legislative Assembly
Meaning	Upper house of Indian States, whose members are partly elected and partly nominated.	Lower house of the State legislature, whose members are directly elected by the people.
Presiding officer	Chairman	Speaker
Minimum age for Membership	30 Years	25 Years
Strength	Maximum one third of the total members of the assembly and the minimum 40	Maximum 500 and minimum 60
Money Bill	It cannot introduce/amend/reject it	It can introduce/amend/reject it
Budget	Can discuss but cannot vote on the demands for grants.	Vote on demands is the exclusive privilege of the assembly.
Election of President of India	It cannot participate	Elected members of the assembly of the states and Union Territories of Delhi and Puducherry can participate.

Related news:
Madras Legislative Council (MLC) completed 100 years of its establishment

- The MLC was established in 1921 which continued to function as the legislative assembly of the then Madras state post 1947 and thereafter Tamil Nadu from 1969.
- It was set up under the Government of India Act 1919.
- The MLC had passed several landmark legislations like
 - Voting rights for women in 1921.
 - Muthulakshmi Reddy was the first woman member of the Council.
 - Hindu Religious Endowment Act (1926).
 - Abolition of the Devadasi system.
 - Issuing free pattas to the poor for housing sites.



DO YOU REMEMBER?

Government of India Act 1919, major provisions:

-  The **proportion of elected members was increased to over 70%.**
-  The **concept of dyarchy came into being** which divided the administrative subjects into Central and Provincial Lists.
-  **Office of the Chief Minister, also called Premier, got instituted.**
-  **One seat** in each territorial plural-member constituency (28 in all) was **reserved for non-Brahmins.**

2.5. OTHER IMPORTANT NEWS

Office of Profit	<p>SC held that Governor can't sit over Election Commission (EC) opinion on disqualification of 12 MLAs for allegedly holding office of profit (OoP) in Manipur.</p> <ul style="list-style-type: none"> OoP has not been defined in the constitution or under Representation of People Act (RPA), 1951 but different courts have interpreted it to mean a position with certain duties that are more or less of public character. <ul style="list-style-type: none"> Essence is to allow legislators to carry out their duties in a free manner without any obligation to government of the day. Further, Parliament (Prevention of Disqualification) Act, 1959 lists a wide- ranging number of offices that are exempted from disqualification. Under Article 102 (1) and Article 191 (1), an MP or an MLA is barred from holding any OoP under the central or state government. <ul style="list-style-type: none"> Also under RPA 1951, holding an OoP is grounds for disqualification. <p>Landmark SC cases:</p> <ul style="list-style-type: none"> In 1964, the Supreme Court ruled that the test for determining whether a person holds an office of profit is the test of appointment. Pradyut Bordoloi vs Swapan Roy (2001): SC outlined the four broad principles for determining whether an office attracts the constitutional disqualification. <ul style="list-style-type: none"> Whether the government exercises control over appointment, removal and performance of the functions of the office. Whether the office has any remuneration attached to it Whether the body in which the office is held has government powers (releasing money, allotment of land, granting licenses etc.). Whether the office enables the holder to influence by way of patronage. Jaya Bachchan vs Union of India (2006): SC said that for deciding the question as to whether one is holding an office of profit or not, what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain.
Suspension of MP	<p>12 Member of Parliament from Rajya Sabha suspended for entire session.</p> <ul style="list-style-type: none"> Rule 256 of Conduct of Business in Rajya Sabha (RS) provides for suspension of a member from parliament. <ul style="list-style-type: none"> The rule has been used 13 times in the past to suspend 26 members (some multiple times) since 1962. According to Rule 256, the Chairman may, if he deems necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and willfully obstructing the business thereof. <ul style="list-style-type: none"> Member so named may be suspended for a period not exceeding the remainder of the Session. The Council may, at any time, on a motion being made, resolve that such suspension be terminated.

<p>Expansion of Council of Ministers</p>	<p>The Union Government expanded its Council of Ministers to 77 by inducting new ministers and promoting junior ministers.</p> <ul style="list-style-type: none"> The 91st Amendment to the Constitution introduced Article 75(1A), which states that the Union Council of Ministers cannot exceed more than 15 percent of the number of MPs in the Lok Sabha. Council of Ministers is a Constitutional body; however its size and classification are not mentioned in the Constitution. <ul style="list-style-type: none"> Classification into a three-tier body (Cabinet Ministers, Ministers of State and Deputy Ministers) is based on British parliamentary conventions.
<p>Rajya Sabha Passes Constitution (Scheduled Tribes) Order (Amendment) Act, 2021</p>	<ul style="list-style-type: none"> The Act seeks to modify Part-XVIII of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 relating to State of Arunachal Pradesh like: <ul style="list-style-type: none"> Deletion of 'Abor', Inclusion of 'Mishmi-Kaman (Miju Mishmi)', 'Idu (Mishmi)' and 'Taraon (Digaru Mishmi)' in lieu of 'Mishmi, Idu, Taroan'; Inclusion of 'Monpa', 'Memba', 'Sartang', 'Sajolang (Miji)' in lieu of 'Momba'; etc. The Constitution empowers the President to specify the Scheduled Tribes (STs) in various states and union territories. <ul style="list-style-type: none"> Further, it permits Parliament to modify this list of notified STs.
<p>Repealing a Law</p>	<p>Government recently announced that the three contentious farm laws would be repealed.</p> <ul style="list-style-type: none"> Article 245 of the Constitution that gives Parliament the power to make laws also gives power to the Parliament to repeal a law through the repealing and amending act. <ul style="list-style-type: none"> Usually, Bills titled Repealing and Amendment are introduced for this purpose. It is passed through the same procedure as any other Bills. This power was used last time in 2019 when the Parliament repealed 58 obsolete laws. Sunset Clause: Legislation can also have a “sunset” clause, a particular date after which they cease to exist. <ul style="list-style-type: none"> For example, the anti-terror legislation Terrorist and Disruptive Activities (Prevention) Act 1987, commonly known as TADA, had a sunset clause, and was allowed to lapse in 1995.

#PrelimsIsComing

ABHYAAS 2022

ALL INDIA PRELIMS

(GS+CSAT)

MOCK TEST SERIES

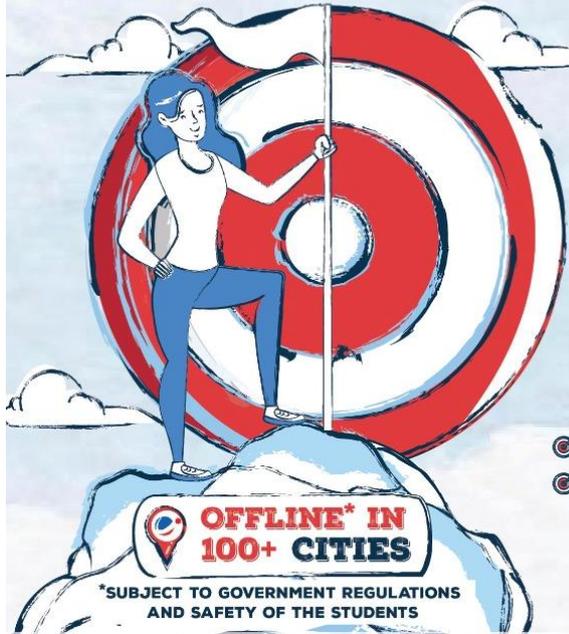
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3. CENTRE-STATE RELATIONS

3.1. INTER STATE RIVER DISPUTES

Why in news?

Recently, the Ministry of Jal Shakti has notified the jurisdiction of Godavari River Management Board (GRMB) and Krishna River Management Board (KRMB) under the Andhra Pradesh Reorganization Act (APRA) of 2014.

Constitutional provisions for Inter State River water disputes

- Under Seventh schedule:
 - Entry 17 of State List deals with water i.e., water supply, irrigation, canal, drainage, embankments, water storage and water power.
 - Entry 56 of Union List gives power to the Union Government for the regulation and development of inter-state rivers and river valleys to the extent declared by Parliament to be expedient in the public interest.
- Article 262 provides for the adjudication of disputes or complaint relating to waters of inter-State rivers or river valleys.
 - Parliament by law provides that neither the Supreme Court nor any other court is to exercise jurisdiction in respect of any such dispute or complaint.
- Parliament has enacted two laws:
 - River Boards Act, 1956, provides for the establishment of River Boards, for the regulation and development of inter-State rivers and river valleys. River boards are established by central government on the request of the concerned state.
 - Inter-State Water Disputes Act, 1956 empowers the central government to set up tribunal for the adjudication of inter-state river dispute. The decision of the tribunal is final and binding on the parties to the dispute.
 - ✓ The Chairman and members of the Water Dispute Tribunals are nominated by Chief Justice of India.



International doctrines and rules with regard to Water Disputes

- **Doctrine of Riparian Rights:** It emphasizes the recognition of equal rights to the use of water by all owners of land abutting a river, as long as there is no resulting interference with the rights of other riparian owners.
- **Theory of absolute territorial sovereignty or Harmon Doctrine:** Under this doctrine, a riparian state can do what it pleases with its water without regard to its effect on other co-riparian state.
- **Theory of Prior appropriation:** It states that the first user who puts the water to beneficial use, establishes a prior right and the subsequent users can only appropriate what is left by the first user.
- **Theory of community of interest:** It argues that a river passing through several states is one unit and should be treated, as such, for securing the maximum utilization of its waters.
- **Doctrine of equitable apportionment:** It states that inter-state water disputes should be settled on the basis of equality of rights. Determination of equal rights encompasses socio-economic needs of the states, beneficial use of water etc.
 - ▶ This doctrine has widely been used in India. For instance, in judgements of The Indus Commission, Krishna Water Disputes Tribunal and Narmada Water Disputes Tribunal.
- **Theory of equitable utilization of Inter-state waters:** It states that each basin state should be entitled to a reasonable and equitable share in the beneficial uses of water of a river basin. The Helsinki Rules of 1966 are based on this principle.
- **Campione Rules:** They outline the need to include the water of an aquifer (that is, underground water or fossil water) while determining reasonable equitable share.
- **Berlin Rules 2004:** Adopted by the International Law Association, they provide that basin states should manage the water of an international drainage basin having due regard for the obligation not to cause significant harm to other basin states.

- ✓ Recently, The **Inter-State River Water Disputes (Amendment) Bill, 2019** was passed by the Lok Sabha that seeks to replace the dispute settlement mechanism under the act by setting up a Disputes Resolution Committee and a single permanent tribunal for dispute settlement.

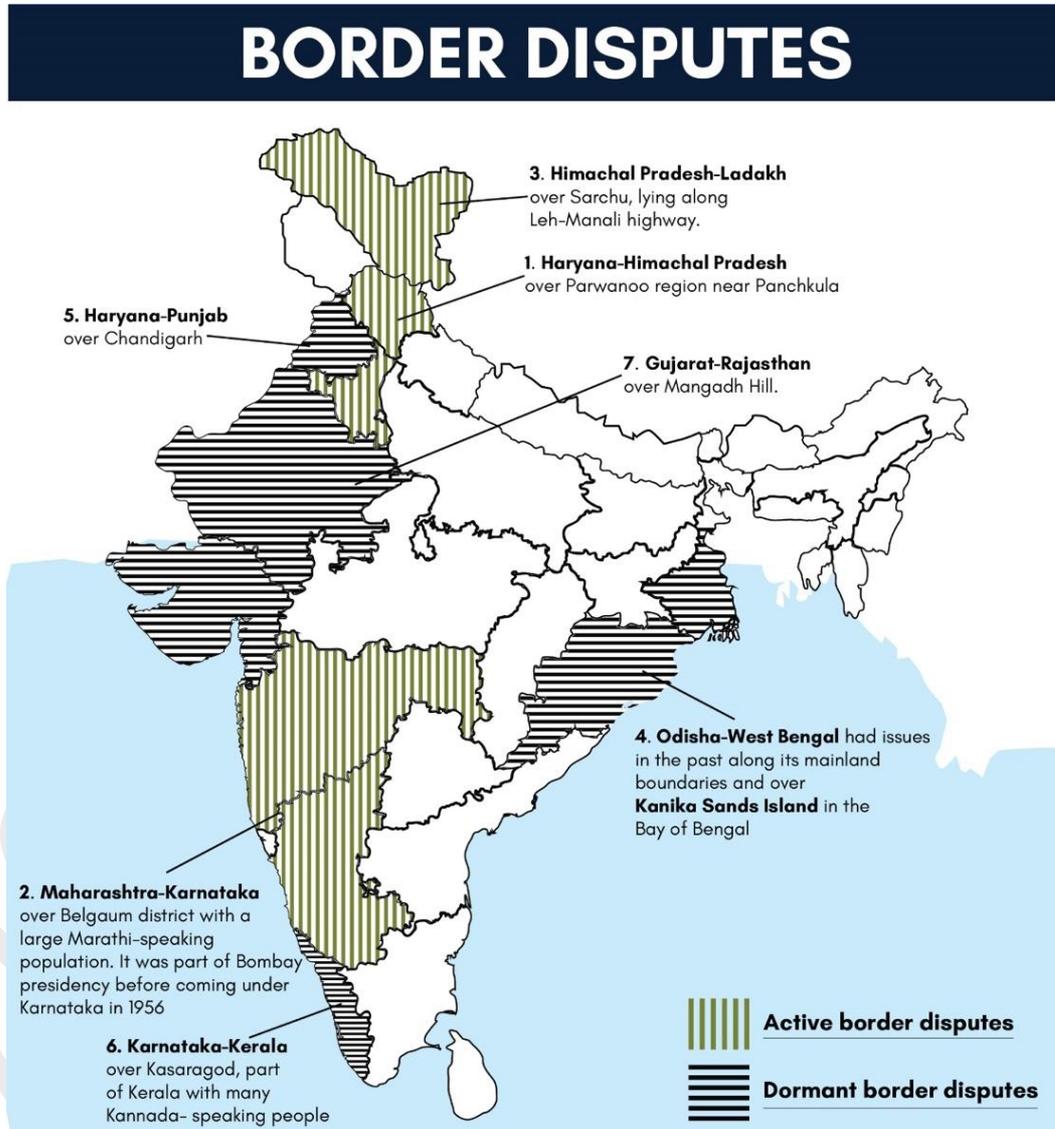
3.2. INTER-STATE BORDER DISPUTES IN INDIA

Why in News?

Recently, the Assam and Meghalaya government has agreed to settle the long pending **inter-state border disputes** in at least **six areas**.

More on News

- Meghalaya was carved out of Assam, and it became a **full-fledged state in 1972**.
- With over **884 km** of border, there are **12 points** of dispute between the two states including Langpih, Boko etc. in **Kamrup, Kamrup Metropolitan and Hailakandi** districts.
- These disputes stemmed from the Meghalaya government's refusal to accept the **Assam Re-organisation (Meghalaya) Act of 1969**.
- The recent decision came after the formation of **special regional committees** by both states to resolve the issue.



Indian Administrative Divisions and its Inter-state border disputes

- One of the oldest and greatest civilizations of the world, the present-day Indian Union was formed by joining over **550 Princely States** and **British Territories**.
- The **State Reorganization Commission (SRC)** of **1953** divided Indian Territory into **14 states** and **6 Union Territories (UTs)** on linguistic and other basis.
- Today, through subsequent reorganizations, the total number of administrative divisions in India is **28 states** and **8 UTs**. This division is not without cracks in certain borders-

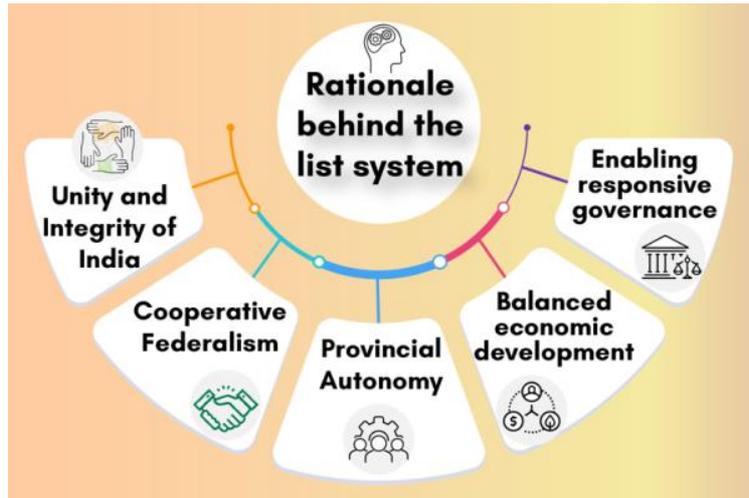
3.3. SEVENTH SCHEDULE

Why in News?

Fifteenth Finance Commission chairman has called for a thorough review of the **Seventh Schedule** of the Constitution in the wake of current challenges of climate change and the pandemic.

About Seventh Schedule

- **Article 246** confers legislative powers on the Parliament and the State Legislatures on the subjects enumerated in the Seventh Schedule.
- Broadly, entries that are related to **national importance** were allocated to the Union and entries of local concern were allocated to the States.
- As per Sarkaria Commission, **concurrent list subjects** are neither exclusively of national concern nor of local concern and hence occupy a constitutional 'grey' area.



3.4. BORROWING POWERS OF STATE GOVERNMENT

Why in news?

Last year, Central government had **increased the borrowing limits for states from 3% of the GSDP (Gross State Domestic Product) to 5%.**

More on news

- Out of 5%, 1% raise was linked to showing progress on four sets of reform measures linked to
 - one nation one ration card
 - ease of doing business,
 - power distribution
 - urban local body revenues.
- This policy incentivising the states to adopt progressive policies to avail additional funds.
- Overall, 23 states availed of additional borrowings of Rs. 1.06 lakh crores.

DO YOU REMEMBER?

Fiscal Responsibility and Budget Management (FRBM) Act, was enacted in 2003 which set targets for the government to reduce fiscal deficits.

The Act provides room for deviation from annual fiscal deficit target under certain conditions.

The fiscal deficit is **targeted at 6.8% of GDP** in 2021-22. The government's aim is to steadily reduce fiscal deficit to 4.5% of GDP by 2025-26.

BORROWING POWERS OF CENTRE & STATES

BASIS	CENTRE	STATE
CONSTITUTIONAL PROVISION	Under Article 292, Central govt has unrestricted power to borrow subject to limit set by Parliament.	Under Article 292, this power is limited by Act of state Legislature.
TERRITORIAL RESTRICTIONS	No restriction. Can borrow domestically and from abroad.	Can only raise loan domestically.
OTHER RESTRICTIONS	N/A	<ul style="list-style-type: none"> ▶ Can borrow upon security of Consolidated fund of state. ▶ Under Article 293, a state can't raise borrowings without the Centre's consent if it has any loan outstanding which is repayable to the Government of India.

3.5. OTHER IMPORTANT NEWS

Special Category States (SCS) Status	<p>Special Assistance Measure (SAM) Extended to Andhra Pradesh in lieu of Special Category States (SCS) Status</p> <ul style="list-style-type: none"> • SAM will be provided by way of repayment of loan and interest for the Externally Aided Projects (EAPs) signed and disbursed during 2015-16 to 2019-20 by the State. • SCS, first introduced in 1969, is a classification given by Centre to assist in the development of those states that face geographical and socio-economic disadvantages like hilly terrains, strategic international borders, economic and infrastructural backwardness, and non-viable state finances. <ul style="list-style-type: none"> ○ The Fourteenth Finance Commission restricted SCS only to the north-eastern and three hilly states. • Under SCS, Central government bears 90% of the state expenditure on all centrally-sponsored schemes and external aid while rest 10% is given as loan to state at zero percent rate of interest.
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	<ul style="list-style-type: none"> ○ Unspent money does not lapse and is carried forward. ○ States with SCS are exempted from customs duty, corporate tax, income tax and other taxes to attract investment.
<p>Inner Line Permit (ILP)</p>	<p>Ladakh administration has scrapped the ILP system for all Indian nationals to visit the protected areas of the union territory to boost rural tourism and underline India's sovereignty.</p> <ul style="list-style-type: none"> ● Foreigners intending to visit these protected areas still need a permit (Protected Area Permit) whose validity has now been extended from 7 days to 15 days. ● About ILP <ul style="list-style-type: none"> ○ ILP is an official document issued by the state government that allows Indian citizens to travel to the state under IPL for a limited period of time. ○ The system is in force today in four North eastern states — Arunachal Pradesh, Nagaland and Manipur, Mizoram. ○ It is used in India to protect the indigenous communities in the Northeast and for the government to regulate and monitor the movement to certain areas near the international border of India. ○ The concept stems from the Bengal Eastern Frontier Regulation Act, 1873, where the British framed regulations restricting the entry and regulating the stay of outsiders in designated areas. <ul style="list-style-type: none"> ✓ This was to protect the Crown's own commercial interests by preventing "British subjects" (Indians) from trading within these regions. <div data-bbox="774 369 1428 1131" style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; background-color: #333; color: white; padding: 5px;">States under ILP regime</p> </div>
<p>Formation of New Districts</p>	<p>Recently, Punjab Government created Malerkotla as the 23rd district of the State.</p> <ul style="list-style-type: none"> ● The power to create new districts or alter or abolish existing districts rests with the State governments, done either through executive order or through state assembly. ● However, when a State wants to change the name of a district or a railway station, it requires a no-objection certificate from a number of other ministries and agencies such as the Ministry of Earth Sciences, Intelligence Bureau, Department of Posts etc. <div data-bbox="678 1276 1428 1982" style="border: 2px solid orange; border-radius: 15px; padding: 10px;"> <div style="text-align: center;"> <p>DO YOU REMEMBER?</p> </div> <div style="margin-top: 10px;"> <p>Formation of New States: Indian constitution empowers the Union government to create new states out of existing states or merge one state with other. This process is called reorganisation of the states.</p> <ul style="list-style-type: none"> ● The basis of reorganisation could be linguistic, religious, ethnic or administrative. ● The New States are created under the provisions of Articles 2, 3, and 4 of the Indian Constitution. ● In this regard, Presidential reference is sent to State Assembly but Parliament is not bound to accept or act upon the views of the State legislature. ● No such law as aforesaid shall be deemed to be an amendment of this constitution for the purposes of Article 368. Only the required changes are done in the first and fourth schedule of the constitution. </div> </div>
<p>Sixth Schedule</p>	<p>Recently, MP from Ladakh demand that the region be included in Sixth Schedule of Constitution.</p>

	<ul style="list-style-type: none"> • Sixth Schedule covers the provisions for the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram under Article 244 (2). • It allows for the constitution of autonomous districts and councils with higher autonomy to frame provisions to safeguard land, employment, and cultural identity of the local population.
<p>Appointment of Director General of Police (DGP)</p>	<p>The Supreme Court refused to entertain application filed by West Bengal Government seeking permission to appoint its own Director General of Police (DGP) without Union Public Service Commission's (UPSC) involvement.</p> <ul style="list-style-type: none"> • Police is a state subject. • SC in a landmark judgement on police reforms (Prakash Singh case Judgement, 2006 and modified in 2018) had ordered that states need to send names of DGP candidates to UPSC, which picks three candidates from the eligible names based on seniority, experience, service record and other criteria. <ul style="list-style-type: none"> ○ The state government then selects any of the top three candidates, provided that the candidate has a minimum of six months of service left. • Prakash Singh and Ors v Union of India case <ul style="list-style-type: none"> ○ Court gave seven directives (refer infographic) to put on record the deep rooted problems of politicization, lack of accountability mechanisms and systemic weaknesses that resulted in poor all round performance and resulted in public dissatisfaction with policing. <div data-bbox="751 280 1439 1019" style="border: 1px solid black; padding: 10px; text-align: center;"> <p>SEVEN DIRECTIVES OF SUPREME COURT</p> </div>
<p>Section 51 of the Disaster Management Act, 2005</p>	<p>Former Chief Secretary of West Bengal was served a show cause notice by the Union Home Ministry under Section 51 of the Disaster Management Act, 2005</p> <ul style="list-style-type: none"> • The section prescribes “punishment for obstruction” for refusal to comply with any direction given by or on behalf of the Central government or the State government or the National Executive Committee or the State Executive Committee or the District Authority under the Act. • It provides for two-year imprisonment in case the refusal to comply with orders.
<p>District-level committees (DLCs)</p>	<p>District-level committees (DLCs) will be set up by Ministry of Power (MoP) that will oversee all power-related schemes of the union government.</p> <ul style="list-style-type: none"> • Committee will comprise members of Parliament (MP) in district as Chairperson, other MPs in the district as Co-chairpersons, district collector as Member Secretary, among others. • All the States/UTs have to notify and ensure establishment of District Electricity Committees, under intimation to MoP. • This is being done in order to ensure the involvement and oversight of the people in the process of power sector reforms, and their implementation, in the country. • Government initiatives in Power sector <ul style="list-style-type: none"> ○ Deendayal Upadhyaya Gram Jyoti Yojana (DDUGJY), ○ Integrated Power Development Scheme (IPDS), ○ Pradhan Mantri Sahaj Bijli Har Ghar Yojana (SAUBHAGYA), • Recently, the cabinet approved ₹3.03 trillion ‘Revamped Distribution Sector Scheme’- a Reforms-based and Results-linked Scheme. <ul style="list-style-type: none"> ○ It aims to improve the operational efficiencies and financial sustainability of all DISCOMs/ Power Departments excluding Private Sector DISCOMs. Result-linked financial assistance to DISCOMs.

4. JUDICIARY

4.1. RULE OF LAW

Why in news?

Recently, Chief Justice of India delivered a lecture on Rule of Law and he advocated that, **“the story of ‘Rule of Law’ is nothing but the story of civilization of humans.”**

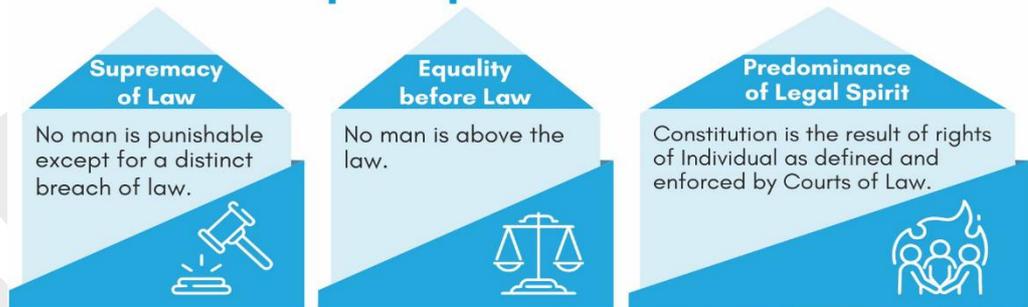
What is Rule of Law?

- According to **A.V. Dicey**, the rule of law means the **absolute supremacy or predominance of the regular law as opposed to the influence of arbitrary power** and excludes the existence of arbitrariness or even of wide discretionary authority.
- Only a State that is **governed by law imbuing ideals of justice and equity** can be said to have the ‘Rule of Law’. (*refer infographic*).
- The origins of the **Rule of Law theory** can be traced back to the Ancient Romans during the formation of the first republic; it has since been championed by several medieval thinkers in Europe such as **Hobbes, John Locke, and Rousseau** through the social contract theory.
- Indian philosophers such as **Chanakya** have also espoused the rule of law theory by maintaining the state is governed, not by the ruler or the nominated representatives of the people but by the law. The expression



'Rule of Law' has been derived from the French phrase **'la principle de legalite'**, i.e., a **government based on the principles of law.**

Three principles of Rule of Law



Rule of Law Vs Rule by Law

In essence, the **Rule of Law is to control the unlimited exercise of the power by the supreme lawmaking authority of the land** while the **Rule by Law is laid down by the supreme lawmaking authority of the land.**

Simply, **Rule of law** is upheld when the laws are guided by the ideals like Justice and Equity. For example, as per Article 14 of the Indian Constitution, the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India and discrimination on grounds of religion, race, caste, sex, or place of birth is prohibited

On the other hand, **Rule by law** can embody ethical as well as unethical laws. For example, the apartheid regime in South Africa was justified based on enacted laws.

Key Principles that emphasize the Rule of Law

- **Laws must be clear and accessible:** Laws to be worded in **simple & unambiguous language.**
- **Equality before the law:** Equal access to justice forms the bedrock of the Rule of Law.
- **Right to participate in the creation and refinement of laws.**
- **Strong independent judiciary** ensuring that the laws which are enacted are in line with the Constitution.

Rule of Law & Indian Constitution

Rule of law is a foundational pillar of Indian Constitution and is embedded in different provisions of the Indian Constitution.



4.2. CONTEMPT OF COURT

Why in news?

Supreme Court held that No law can take away court's power to punish for contempt.

More on news

- SC drew a distinction between Articles 142 and 129 and stated that power to punish for contempt is a constitutional power which cannot be abridged or taken away even by legislative enactment.
 - While power to punish for any contempt of itself under Article 142 (2) is subjected to the provisions of any law made by legislative enactment, there is no such restriction as far as Article 129 is concerned.

CONTEMPT OF COURT 		
What	Refers to the offence of showing disrespect to dignity /authority of the court.	
Constitutional Provisions	Article 261	Full faith and credit shall be given to Judicial Proceedings.
	Article 19 (2)	Reasonable Restriction
	Article 129 & 215	SC/HC powers to punish for contempt respectively
	Article 142 (2)	Powers to SC to punish for contempt or seek any person's attendance
Legal Provisions	Contempt of Courts Act 1971	<ul style="list-style-type: none"> ◦ Defines contempt of court as Constitution does not define it. ◦ Civil contempt for disobedience of order ◦ Criminal contempt for <ul style="list-style-type: none"> > Scandalising the court > Interferes or tends to interfere with Judicial proceedings > 6 months imprisonment or Rs 2000 fine > Cannot initiate contempt proceeding post one year expiry of alleged contempt
Exceptions	<ul style="list-style-type: none"> ◦ Fair and accurate reporting of Judicial proceedings ◦ Fair criticism on merit of judgement ◦ Merely defamatory attack on Judge and not intended to interfere in Proceedings ◦ 2006 - Amended-Introduced TRUTH as a valid defense if done in PUBLIC INTEREST 	

4.3. APPOINTMENT OF JUDGES

Why in news?

The Centre approved all nine names recommended by the Supreme Court Collegium for appointment to the SC, which includes three women judges.

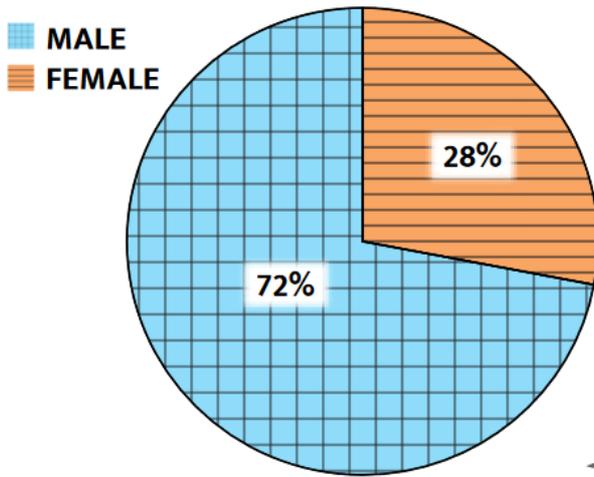
Appointments of judges in the Higher judiciary

- Articles 124(2) and 217 of the Constitution govern the appointment of judges to the **Supreme Court and High Courts respectively**.
- Under both provisions, the **President** has the power to make the appointments **“after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary”**.
- In three cases, which came to be known as the **Three Judges Cases**, in 1981, 1993 and 1998, the **Supreme Court evolved the collegium system for appointing judges**.
- Collegium System** is a system where a **committee of CJI, four senior judges of SC and three members of a HC** (in case of appointments in HCs) take decisions related to appointments and transfer of judges in SC and HCs.
- Once the SC collegium has endorsed the recommendations, **central government was to make such appointments within 3-4 weeks** of receiving the collegium’s decision.
- Government could return collegium’s recommendation, but if sent again, government is bound by it.

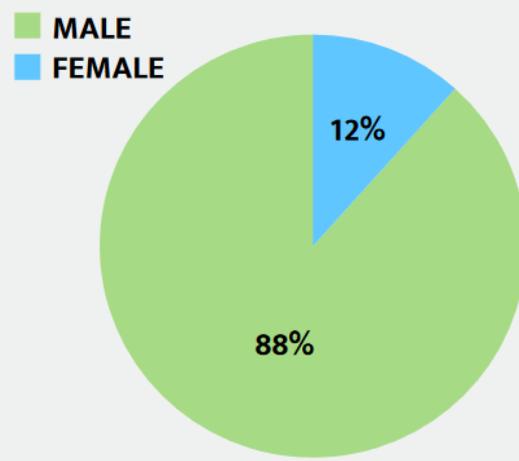
Women in Judiciary

- In the last over 71 years SC has appointed **only eight women judges starting from M Fathima Beevi in 1989**.
- Justice Indira Banerjee is the lone serving woman judge in the top court after her elevation on August 7, 2018.

AVERAGE SEX RATIO JUDGES LOWER JUDICIARY



AVERAGE SEX RATIO OF JUDGES IN HIGHER JUDICIARY (SC AND HCs)



Related News:

Recently, Madras High Court Chief Justice was transferred to Meghalaya High Court.

Transfer of Judges in High Court

- Article 222 provides for the **transfer of a Judge (including Chief Justice) from one High Court to any other High Court**.
- Initiation of the proposal** for the transfer of a Judge **should be made by CJI** whose opinion in this regard is determinative.
- Consent of a Judge** for his first or subsequent transfer would **not be required**.
- Constitution **does not mention the grounds or the procedure** by which such power is to be exercised.
- Power to select, appoint and transfer judges** is derived from SC’s verdicts in **Three Judges Cases**. From various SC judgements on the subject of judges’ transfer, following points emerge:
 - Transfer of a judge **cannot be a punitive measure**.
 - Transfer can be ordered **only on 'public interest'** for the **'better administration of justice'**.
 - Transfer can be ordered by President only on the basis of **concurrence of the CJI after effective consultation**.

4.3.1 APPOINTMENT OF JUDGES AT DISTRICT LEVEL: ALL INDIA JUDICIAL SERVICE (AIJS)

Why in news?

Recently, the Central Government is preparing to give a fresh push to the establishment of an **All India Judicial Service (AIJS)** for the lower judiciary on the lines of the Central Civil Services.

What is AIJS?

- The AIJS is an initiative to **reform the judiciary by centralising the recruitment of judges** at the level of **additional district judges and district judges** for all states.
- In the same way as the **Union Public Service Commission (UPSC)** conducts a **central recruitment process and allocates successful candidates to executives**, judges of the lower judiciary are proposed to be recruited centrally and assigned to states.
- At present, various high courts and state service commissions hold exams to recruit judicial officers.

Current recruitment method of district judges:

- **Articles 233 and 234** of the Constitution of India deal with the **appointment of district judges** and place it in the domain of the states.
- The selection process is **conducted by the State Public Service Commissions (SPSCs)** and the **concerned High Court**, since High Courts exercise jurisdiction over the subordinate judiciary in the state. Panels of High Court judges interview candidates after the exam and select them for appointment.
- All judges of the lower judiciary up to the level of district judge are selected through the **Provincial Civil Services (Judicial) exam**. PCS(J) is commonly referred to as the judicial services exam.

Background of AIJS

- The idea of a centralised judicial service was first mooted in the **14th Law Commission's 1958 'Report on Reforms on Judicial Administration'**.
- The **42nd Constitutional amendment in 1976 amended Article 312 (1)** empowering Parliament to make laws for the **creation of one or more All-India Services, including an AIJS**, common to the Union and the States.
 - The purpose of the constitutional amendment was to **ensure uniformity in standard of selection** and to **attract the bright & young talent** in judiciary so that fair trial and speedy justice made available to every citizen throughout the country.
- In 2006, the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its 15th Report backed the idea of a **pan-Indian judicial service**.
- **Judiciary's view on AIJS:**
 - In 1992, the Supreme Court in **All India Judges' Association v. Union of India** directed the Centre to set up an AIJS. Further, the creation of AIJS was considered and recommended by the first national judicial pay commission, better known as the **Justice Shetty Commission**.
 - In 2017, the Supreme Court took suo motu cognizance of the issue of appointment of district judges, and mooted a **"Central Selection Mechanism"**.

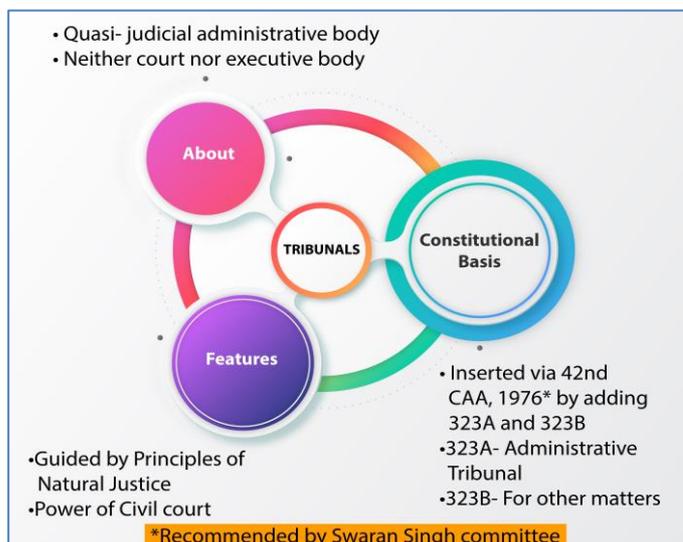
4.4. TRIBUNALS

Why in news?

Parliament has passed the Tribunals Reforms (Rationalisation and Conditions of Service) Act, 2021.

About the Act

- It replaces Tribunal Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.
- **Highlights of the Act**
 - The **Act dissolves certain existing appellate bodies under various acts and transfers their functions** to other existing judicial bodies.
 - ✓ These include the **Cinematograph Act, the Copyright Act, the Customs**



Act, the Patents Act, the Airport Authority of India Act, the Trade Marks Act and the Geographical Indications of Goods (Registration and Protection) Act.

- The **term of office for the Chairperson and members of Tribunals will be four years**, subject to an upper age limit of seventy years for the Chairperson, and sixty-seven years for other members.
 - ✓ Earlier, SC struck down Section 184 of the Finance Act 2017, which prescribed tenure of four years for members, as it **was contrary to the principles of separation of powers, independence of judiciary and Article 14 of the Constitution of India.**
- The **Act specifies that a person should be at least 50 years of age to be eligible** for appointment as a Chairperson or member.

4.5. MEDIATION BILL, 2021

Why in news?

The bill was recently introduced in Rajya Sabha and referred to the standing committee.

About the bill

- Bill **seeks to promote and facilitate mediation**, especially institutional mediation, for resolution of disputes, commercial or otherwise and enforce mediated settlement agreements.
 - It promises an **effective dispute resolution process which can improve ‘ease of doing business’** in the country.
- Presently, **there is no comprehensive law governing various aspects of ADR mechanism of mediation** although they find mention in various existing laws.
- **Key features of the Bill:**
 - **Establishment of Mediation Council of India.**
 - **Mandatory pre-litigation mediation** and settlement.
 - **Due recognition to online mediation.**
 - **Provides for community mediation.**
 - **A period of 180 days for completing the mediation process.**
 - **Mediation Fund.**

ADR

Alternative Dispute Resolution or ADR refers to any means of settling disputes outside the courtroom. ADR typically includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration.

Arbitration

Arbitration is a procedure in which a dispute is submitted by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute.

Conciliation

Conciliation is a voluntary, flexible, confidential, and interest-based process using which parties seek to reach an amicable dispute settlement with the assistance of a neutral third-party known as the conciliator. When they are ready, the disputing parties will ask the conciliator to provide them with a non-binding settlement proposal.

Mediation

Mediation is a procedure in which a neutral intermediary, the mediator, helps the parties reach a mutually satisfactory settlement of their dispute. The settlement is then recorded in an enforceable contract. As a matter of principle, a mediator will refrain from making any non binding settlement proposal.

Related News

Chief Justice of India released vision and mission statement of National Legal Services Authority (NALSA) and legal services app.

- NALSA has been **constituted under the Legal Services Authorities Act, 1987** to provide free Legal Services to weaker sections and to organize Lok Adalats for amicable settlement of disputes.
 - In 1976, government inserted **Article 39A with 42nd Amendment act, which directs the State to provide free legal aid by suitable legislation or schemes.** Subsequently, parliament passed Legal Services Authorities Act in 1987.
- **About Lok Adalat**
 - It is **one of the alternative dispute redressal mechanisms**, it is a forum where **disputes/cases pending in the court of law or at pre-litigation stage** are settled/ compromised amicably.
 - Lok Adalats have been given **statutory status under LSA.**
 - Under LSA, award (decision) made by Lok Adalats is **deemed to be a decree of a civil court and is final and binding on all parties** and no appeal against such an award lies before any court of law.

- There is **no court fee payable** when a matter is filed in a Lok Adalat.
- In a recent judgement, SC stated that Lok Adalats have **no jurisdiction to decide the matter on merits**. Once the settlement or a compromise fails, Lok Adalat has to **return the case to the Court from which reference has been received**.
- **United Nations Convention on International Settlement Agreements Resulting from Mediation also known as “Singapore Convention on Mediation” has come into force.**
 - India approved the signing of the Convention in July 2019.
 - In the recently held India-Singapore mediation summit, addressing the summit, The CJJ called for **prescribing mediation as a mandatory first step** for resolution of every allowable dispute.
 - This is also the **first UN treaty to be named after Singapore**.
 - The Convention is an **instrument to facilitate international trade and the promotion of mediation** as an alternative and effective method of resolving trade disputes.
 - It is also **expected to bring certainty and stability to the international framework on mediation**, thereby contributing to the Sustainable Development Goals (SDGs), mainly the SDG 16, i.e. peace, justice and strong institutions.
- **Mediation in India is divided into two categories:**
 - **Court referred Mediation:** The court may refer a pending case for mediation in India under **Code of Civil Procedure, 1908**.
 - ✓ The Mediation and Conciliation Project Committee (**MCPC**) was established by the Supreme Court in 2005 to oversee the effective implementation of mediation.
 - **Private Mediation:** Qualified personnel works as mediators on a **fixed-fee basis**.

Persons eligible for getting free legal services include



- Women and children.
- Members of SC/ST.
- Industrial Workmen.
- Victims of trafficking in human beings or beggars.
- Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster etc.
- Disabled persons.
- Persons in custody.
- A person in receipt of annual income less than Rs 5 Lakh, if the case is before the Supreme Court.

Note

Senior citizens' eligibility for free legal aid depends on the Rules framed by the respective State Governments in this regard.

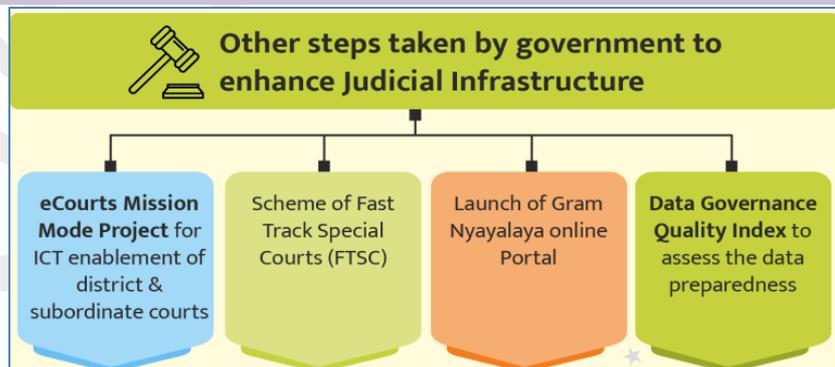
4.6. JUDICIAL INFRASTRUCTURE IN INDIA

Why in news?

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

About NJIAI

- The NJIAI's objective will be to **take control of the budgeting and infrastructure development of subordinate courts** in the country.
- **Key features of the proposed body**
 - It will be established on the **National Legal Services Authority (NALSA) model**, where by it would work as a **central agency with each State having its own State Judicial Infrastructure Authority**.
 - ✓ **NALSA provides free Legal Services to the**



Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary

- Its objective is to **assist the state government in construction of court buildings** and residential quarters for Judicial Officers (JO) in all the States / UTs.
- Union government has recently **extended the scheme for the period from 2021 to 2026**.
- Assistance granted under the scheme also **includes funds for implementation of the Gram Nyayalayas Scheme** as a part of the National Mission for Justice Delivery and Legal Reforms (NMJDRL).
 - Gram Nyayalayas or village courts are **established under Gram Nyayalayas Act, 2008** for speedy and easy access to the justice system in the rural areas of India.
 - NMJDRL was setup in 2011 to increase access to justice by reducing delays and arrears in the system.

weaker sections of the society having 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 NJAI** and it would be **placed under Supreme Court of India**, unlike NALSA which is under Ministry of Law and Justice.
- In the NJAI **there would be a few High Court judges as members, and some Central Government officials.**

4.7. LIVE STREAMING OF COURT CASES

Why in news?

e-Committee of SC has released its Draft Model Rules for Live-Streaming and Recording of Court Proceeding.

About Live Streaming of cases

- In **Swapnil Tripathi v Supreme Court of India, 2018**, the Supreme Court had given its nod to live stream court proceedings, saying
 - Live streaming proceedings are a part of the **right to access justice under Article 21** of the Constitution.
 - **Publishing court proceedings is an aspect of Article 129**, as per which the Supreme Court is a court of record
- Few High Courts like **Gujarat HC** already allow such **live telecast** of court proceedings.
- **Key Provisions of draft rules:**
 - Cases relating to **matrimony, sexual offences, gender violence, etc. will not be live-streamed.**
 - There shall be a **delay of ten minutes in streaming.**
 - **Un-authorized usage of the live stream is punishable** under the Indian Copyright Act, Information Technology Act, and contempt of court.

Other platforms to make judiciary more efficient and accessible

- **SUPACE:** The Supreme Court's Portal for Assistance in Court's Efficiency (SUPACE) is an AI based tool that collects relevant facts and laws and makes them available to a judge.
- **SUVAAS:** It is a neural translation AI based tool for translating SC judgments into vernacular languages.
- **e-Court Mission Mode Project** was conceptualized with a vision to transform the Indian Judiciary by ICT enablement of Courts.
- **Fast and Secured Transmission of Electronic Records" (FASTER) System:** To 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 were late to reach the prison.

4.8. OTHER IMPORTANT NEWS

<p>Powers of Court under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 (SC/ST Act)</p>	<ul style="list-style-type: none"> • SC held that the court could quash proceedings in SC/ST Act for certain offences. • SC ruled that its powers under Article 142 or that of High Court (HC) under Section 482 of Code of Criminal Procedure can be invoked to quash proceedings under SC/ST Act. <ul style="list-style-type: none"> ○ Article 142 allows SC to pass any order necessary to do "complete justice" in any case. Section 482 confers similar powers to HCs. • SC listed following situations where such quashing powers can be invoked: <ul style="list-style-type: none"> ○ Where it appears to the court that the offence <ul style="list-style-type: none"> ✓ is primarily private or civil in nature, ✓ has not been committed on account of the caste of the victim, ✓ where the continuation of the legal proceedings would be an abuse of the process of law. ○ If the court is satisfied that the underlying objective of SC/ST act would not be contravened or diminished even if felony (crime) in question goes unpunished. • About SC/ST act <ul style="list-style-type: none"> ○ Act prohibits the commission of offences against members of SCs and STs and establishes special courts for the trial of such offences and the rehabilitation of victims. ○ It was amended in 2018 to nullify a controversial SC judgment that diluted the stringent provisions of the Act.
<p>National Courts of Appeal (NCA)</p>	<p>Attorney General of India (AGI) pushes for National Courts of Appeal (NCA) to relieve pressure on SC.</p> <ul style="list-style-type: none"> • The idea was put forth on the occasion of the Constitution Day, for the revival of a 11-year-old proposal to set up 4 Regional NCA with 15 judges each. <ul style="list-style-type: none"> ○ The idea was also put forward by Supreme Court itself in 1986 and the Law Commission in its 229th report. • About proposed NCA <ul style="list-style-type: none"> ○ NCA would act as intermediate appellate courts between the State High Courts and the Supreme Court. ○ It will have 15 judges each.

	<ul style="list-style-type: none"> It will act as final court of justice in dealing with appeals from the decisions of High Courts and tribunals within their region in civil, criminal, labour and revenue matters. The judgments of these courts of appeal would be final. However, establishment of NCA may require a constitutional amendment.
National Litigation Policy (NLP)	<p>Government is formulating a National Litigation Policy (NLP).</p> <ul style="list-style-type: none"> Government has recently informed that NLP is under consideration to lay down guidelines for preventing, controlling and reducing litigation. Earlier Law Minister had launched a NLP in 2010 with the purpose that the government should not involve in frivolous litigation, especially where the stakes are not high. The policy was not implemented. Significance: <ul style="list-style-type: none"> The policy aimed to transform the government into an efficient and responsible litigant. <ul style="list-style-type: none"> ✓ Governments in states and at the Centre are litigants in 46% of the total 3.14 crore cases in courts ranging from the districts to the Supreme Court. Policy will save valuable court time by enabling the average pendency of a case in a court reduced from 15 years to 3 years. <div data-bbox="901 280 1428 817" data-label="Diagram"> <p>The diagram illustrates four steps taken to reduce litigation:</p> <ul style="list-style-type: none"> Administrative Mechanism for Resolution of CPSE Disputes (AMRCD): Represented by a scale icon. Legal Information Management & Briefing System (LIMBS): A web-platform for monitoring litigation of the Union of India, represented by a globe icon. The Commercial Courts Act, 2015 was amended in 2018 for Pre-Institution Mediation and Settlement (PIMS) mechanism: Represented by a gear icon. Administrative Mechanism for Resolution of Disputes (AMRD): For the resolution of Inter-Ministerial/Departmental disputes, represented by a handshake icon. </div>
Tele-Law	<p>Recently, Minister of Law and Justice launched Citizen's Tele-Law Mobile App.</p> <ul style="list-style-type: none"> Tele-Law (initiative of Department of Justice) was developed under Digital India scheme to strengthen the pre-litigation mechanism in the country. <ul style="list-style-type: none"> App version of the service would help to rapidly expand its reach and will optimize the citizen-centric justice delivery mechanism. Tele-Law leverages technology to connect the beneficiary with the lawyers in a panel to seek legal advice and consultation for early redressal of their grievance.
Marital Rape	<p>Kerala High Court upheld that marital rape, although not penalised in India, is a good ground to claim divorce.</p> <ul style="list-style-type: none"> Section 375 (Exception) of the Indian penal Code (IPC) exempts unwilling sexual intercourse between a husband and a wife over fifteen years of age from Section 375's definition of "rape" and thus immunizes such acts from prosecution. India is one of only 36 countries where marital rape is not a legal crime. Legal provisions available to women <ul style="list-style-type: none"> Section 498A deals with women being subjected to cruelty by her husband or any relative of her husband. Domestic Violence Act, 2005 recognises forced sexual activity as punishable under the Indian law. <ul style="list-style-type: none"> ✓ However, a magistrate under the law has absolutely no power to criminalise the act of a man raping his wife, neither can the man be sentenced.
Mercy killing	<p>Mercy killing application for a 9 year old raised in an Andhra Pradesh Court</p> <ul style="list-style-type: none"> Euthanasia, i.e. mercy killing, refers to the act of painlessly putting to death a person who is either very old or very ill to prevent further pain and suffering. It is of 2 types i.e Passive and Active. Evolution of Euthanasia in India <ul style="list-style-type: none"> In Gian Kaur vs State of Punjab in 1994 SC had held that both assisted suicide and euthanasia were unlawful. <ul style="list-style-type: none"> ✓ The bench stated that the right to life under Article 21 did not include the right to die. ✓ This overruled the P. Rathinam vs Union of India case which struck down section 309 of Indian Penal Code (attempt to suicide) as unconstitutional. However, later in Aruna Shanbaug vs Union of India case 2011, the Supreme Court held that passive euthanasia could be given a nod in case of exceptional circumstances and under strict monitoring of the apex court. In Common Cause vs UOI case 2018, Supreme Court upheld that the fundamental right to life and dignity includes right to refuse treatment and die with dignity because the fundamental right to a "meaningful existence" includes a person's choice to die without suffering. Active or aggressive euthanasia on the other hand is killing a patient by active means, for example, injecting a patient with a lethal dose of a drug.

5. ELECTIONS

5.1. ELECTIONS LAWS AMENDMENT BILL

Why in news?

The Election Laws (Amendment) Bill, 2021 was passed by the Parliament.

About the bill

- The Bill amends the **Representation of the People Act, 1950** (the RP Act, 1950) and the **Representation of the People Act, 1951** (the RP Act, 1951) to implement certain electoral reforms.

Representation of People Act

RP Act, 1950, inter alia, provides for:

- Allocation of seats in and delimitation of constituencies for elections to, the House of the People and the Legislatures of States,
- Qualifications of voter at such elections and
- Preparation of electoral rolls, etc.

RP Act, 1951, inter alia, provides for:

- Conduct of elections of the Houses of Parliament and to the House or Houses of the Legislatures of each State,
- Qualifications and disqualifications for membership of those Houses,
- Corrupt practices and other offences at or in connection with such elections, etc

Changes introduced are given in below table:

Area	Existing provisions	Changes brought
Linking electoral roll data with Aadhaar (by amendment of section 23 of the RP Act, 1950)	<ul style="list-style-type: none"> The 1950 Act provides that a person may apply to the electoral registration officer for inclusion of their name in the electoral roll of a constituency. After verification, if the officer is satisfied that the applicant is entitled to registration, he will direct the applicant's name to be included in the electoral roll. 	<ul style="list-style-type: none"> The electoral registration officer may require a person to furnish their Aadhaar number for establishing their identity. If their name is already in the electoral roll, then the Aadhaar number may be required for authentication of entries in the roll. Persons will not be denied inclusion in the electoral roll or have their names deleted from the roll, if they are unable to furnish Aadhaar number due to sufficient cause as prescribed. <ul style="list-style-type: none"> Such persons may be permitted to furnish alternate documents prescribed by the central government.
Qualifying date for enrolment in electoral roll (by amendment of clause (b) of section 14 of the RP Act, 1950)	<ul style="list-style-type: none"> Under the 1950 Act, the qualifying date for enrolment in the electoral roll is January 1 of the year in which such roll is being prepared or revised. This implies a person who turns 18 (i.e., eligible to vote) after January 1 can enroll in the electoral roll only when the roll is prepared/ revised the next year. 	<ul style="list-style-type: none"> The Bill amends this to provide four qualifying dates in a calendar year, which will be January 1, April 1, July 1, and October 1.
Gender-neutral provisions (by amendment of section 20 of the RP Act, 1950 and section 60 of the RP Act, 1951)	<ul style="list-style-type: none"> The 1950 Act permits certain persons who are ordinarily resident in a constituency to register in electoral rolls. Such persons include those holding a service qualification, such as members of the armed forces or central government employees posted outside India. The wives of such persons are also deemed to be ordinarily residing in the same constituency if they reside with them. The 1951 Act enables the wife of a person holding a service qualification to vote either in person or by postal ballot. 	<ul style="list-style-type: none"> The Bill replaces the term 'wife' with 'spouse' in both the Acts.

<p>Requisitioning of premises for election purposes (amendment of section 160 of the RP Act, 1951)</p>	<ul style="list-style-type: none"> The 1951 Act permits the state government to requisition premises needed or likely to be needed for being used as polling stations, or for storing ballot boxes after a poll has been conducted. 	<ul style="list-style-type: none"> The Bill expands the purposes for which such premises can be requisitioned. These include using the premises for counting, storage of voting machines and poll-related material, and accommodation of security forces and polling personnel.
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Indian Electoral System

Articles 324 to 329 in Part XV of the Constitution deals with the elections. Following are the key features of Indian electoral system:



Elections are held on the basis of **Universal adult franchise**. Who is a citizen of India and not less than 18 years of age can register as a voter in electoral roll of India. There is **no discrimination on the ground of religion, race, caste, sex or any of them**.



There is a **provision for reservation of seats for Scheduled Castes (84 Seats) and Scheduled Tribes(47 Seats)** in Lok Sabha and Assemblies of State and Union Territories.



Constituencies are delimited with the help of a **delimitation commissions**. Areas/boundaries change from election to election, but the number of constituencies will not be changed up to the year 2026.



Voting takes place through **First past the post system (FPTP) in case of Lok Sabha Election** and through Proportional Representation (PR) in case of Rajya Sabha Election.



Political parties are an indispensable part of the electoral process.

Related news

Election Commission has enhanced the existing election expenditure limit for candidates in Parliamentary and Assembly constituencies.

- Reasons cited:** substantial increase in the number of electors, Cost Inflation Index for the hike etc.
- Expenditure limit for Lok Sabha constituencies** has been raised **from 70 lakh to 95 lakh rupees in bigger states** and 54 lakh to 75 lakhs in smaller states.
- For Assembly constituencies,** expenditure limits have been enhanced **from 28 lakh rupees to 40 lakh rupees in bigger states** and from 20 lakhs to 28 lakhs in smaller states.

Election Commission of India (ECI) postponed Punjab Assembly polls

- The move comes following the request to ECI to **postpone the election in view of Guru Ravidas Jayanti celebrations**.
- Under **Section 153 of the Representation of the People Act 1951,** the ECI can “**extend the time**” for completing an election.
 - However, **such extension should not go beyond the date of the normal dissolution/term of the House** (Lok Sabha or State Assembly).
- Term of the House can only be extended in an emergency** declared by Parliament.
 - Constitution restricts this emergency to only two situations** — war and breakdown of law and order.

5.2. ANTI-DEFECTION LAW

Why in news?

The Calcutta High Court has given West Bengal Assembly Speaker a deadline to pass an order in the **defection case**.

What is defection?

Defection may be defined as the **practice of floor-crossing** by a member of **one political outfit to another** (also, commonly referred as Horse Trading). For instance, in Lok Sabha, if MPs of Party A join Party B, they are said to have defected and thus will face the prevalent anti-defection proceedings.

About Anti-defection Law

The **Tenth Schedule** (added by **52nd Constitutional Amendment Act**) contains the following provisions with respect to the disqualification of members of Parliament and the state legislatures **on the ground of defection**.

- **Disqualification:** A member of a House belonging to any political party **becomes disqualified** for being a member of the House if
 - He **voluntarily gives up his membership** of such political party; or
 - He **votes or abstains from voting in such House contrary to any direction issued** by his political party without obtaining prior permission of such party and such act has not been condoned by the party within 15 days.
- **An independent member** of a House becomes disqualified to remain a member of the House if he joins any political party after such election.
- **A nominated member** of a House becomes disqualified for being a member of the House if he **joins any political party after the expiry of six months** from the date on which he takes his seat in the House.
- **Exceptions:** Legislators may change their party without the risk of disqualification in certain circumstances.
 - 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.
 - If a person is **elected as the speaker of Lok Sabha or the Chairman of Rajya Sabha** then he could resign from his party, and rejoin the party once he demits that post.
 - It must be noted here that the provision of the Tenth Schedule pertaining to **exemption from disqualification in case of split** by one-third members of legislature party has been deleted by the 91st Amendment Act of 2003.
- **Deciding authority:** Any question regarding disqualification arising out of defection is to be **decided by the presiding officer** of the House.
- **Rule-making power:** The **presiding officer** of a House is empowered to make rules to **give effect to the provisions** of the Tenth Schedule.

How has the law been interpreted by the Courts while deciding on related matters?

- **Interpretation of the phrase 'Voluntarily gives up his membership':** The phrase has a **wider connotation than resignation**. The Supreme Court has interpreted that in the absence of a formal resignation by the member, the giving up of membership can be **inferred by his conduct**.
 - Members who have **publicly expressed opposition** to their party or support for another party should **deemed to have resigned**.
- **Decision of the Presiding officer is subject to Judicial Review:** The law initially stated that the decision of the Presiding Officer **is not subject to judicial review**. This condition was **struck down by the Supreme Court in Kihoto holohan Case, 1992**, thereby allowing appeal against the Presiding Officer's decision in the High Court and Supreme Court.
 - However, it held that there may not be any judicial intervention **until the Presiding Officer gives his order**.
- **Time limit within which the Presiding Officer has to decide:** The law does not specify a time-period for the Presiding Officer to decide on a disqualification plea. Courts have expressed concern about the **unnecessary delay in deciding such petitions**. High Courts can **direct Speakers to rule on disqualification petitions** if they do not do this within reasonable time.

5.3. ELECTORAL BONDS

Why in news?

According to ADR report, **four national parties (out of eight)** namely BJP, INC, AITC and **NCP collected 62.92% (₹2,993.826 cr) of their total income from donations through electoral bonds** for FY 2019-20.

Electoral Bond



What is An Electoral Bond?

- An interest-free financial instrument for making anonymous donations to political parties: resembles a promissory note



Who May Purchase These Bond?

- A Citizen of India or a body incorporated in the country



What are different Bond Denominations?

- 1,000, 10,000, 100,000, 1 million, 10 million can be purchased from selected branches of SBI



When May Such Bonds Be Bought?

- Available for purchase for 10 days each in January, April, July, & October



What is its Lifespan?

- Redeemable in the designated account of a registered political party within 15 days since issuance



Which Political Parties Are Eligible To Receive Donations Through Electoral Bonds?

- Political parties who have at least secured 1% votes in the last Lok Sabha or state assembly elections and are registered under Section 29A of the Representation of the People's Act, 1951



When was it announced?

- Electoral bond scheme was announced in Union Budget 2017-18.



What are other features?

- There is no limit on the number of bonds an individual or company can purchase.
- SBI deposits bonds that a political party hasn't encashed within 15 days into the Prime Minister's Relief Fund.

5.4. OTHER IMPORTANT NEWS

Electronic Voting Machines (EVMs)	<p>Citizens' Commission on Elections' Report on EVMs and VVPAT was released recently.</p> <p>About Electronic voting machine (EVM)</p> <ul style="list-style-type: none"> ● EVM is a microcontroller-based portable instrument designed to modernise the election procedure of conducting elections. ● EVM consists of two Units – a Control Unit and a Balloting Unit. These units are joined together by a cable. ● EVMs do not require electricity and run on an ordinary battery. ● EVMs were first used in Parur Assembly Constituency of Kerala in the year 1982.
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	<ul style="list-style-type: none"> In 1988, a new Section 61A was inserted in the Representation of the People Act, 1951 empowering ECI to use electronic voting machines. An EVM being used by ECI can record a maximum of 2,000 votes. EVMs can cater to a maximum of 64 candidates (including NOTA). There is provision for 16 candidates in one Balloting Unit. The arrangement of names of candidates in the ballot paper is in alphabetical order, first candidates from national political parties' figure and then from other state registered parties. <p>About Voter Verifiable Paper Audit Trail (VVPAT)</p> <ul style="list-style-type: none"> VVPAT is another independent machine attached to the EVM which helps the voter verify the vote. After casting the vote, a slip is printed which contains the serial number, name, and symbol of the candidate and is visible through a window for seven seconds. Post this, the printed slip automatically falls in the sealed drop box of the VVPAT.
<p>Model Code of Conduct (MCC)</p>	<ul style="list-style-type: none"> The MCC is a set of guidelines issued by the Election Commission to regulate political parties and candidates prior to elections, to ensure free and fair elections. <ul style="list-style-type: none"> It has been evolved with the consensus of political parties who have consented to abide by the principles embodied in the said code and also binds them to respect and observe it in its letter and spirit. This is in keeping with Article 324 of the Constitution, which gives the Election Commission the power to supervise elections to the Parliament and state legislatures. The MCC is operational from the date that the election schedule is announced till the date that results are announced. The form of the MCC was first introduced in the state assembly elections in Kerala in 1960. <ul style="list-style-type: none"> The Election Commission issued the code for the first time in 1971 (5th Election) and revised it from time to time. The MCC is not enforceable by law. <p>However, certain provisions of the MCC may be enforced through invoking corresponding provisions in other statutes such as the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, and Representation of the People Act, 1951.</p>
<p>Star campaigner status</p>	<p>The Supreme Court stayed the Election Commission's order of revoking the star campaigner status of a person in the recently concluded Madhya Pradesh state assembly elections.</p> <ul style="list-style-type: none"> It is a status that political parties contesting an election give to certain big names who the parties feel have more vote-fetching ability in the polls than others. There is no law governing who can or cannot be made a star campaigner. A recognized political party can have forty (40) star campaigners and an unrecognized (but registered) political party can have 20. <ul style="list-style-type: none"> As per the revised guidelines due to the pandemic, the maximum limit on the number of star campaigners for recognized National/State political parties shall be 30 in place of 40, and for unrecognized registered political parties it shall be 15 in place of 20 during the period of the pandemic. The list of the star campaigners has to be communicated to the Chief Electoral Officer and Election Commission within a week from the date of notification of an election.
<p>Delimitation Commission (DC)</p>	<p>Delimitation Commission (DC) was constituted to redraw Lok Sabha and Assembly constituencies of J&K, Assam, Arunachal Pradesh, Manipur and Nagaland.</p> <p>About Delimitation</p> <ul style="list-style-type: none"> It is process of fixing boundaries of territorial constituencies in a country or a state having legislative body. Delimitation is assigned to a high power body known as DC or a Boundary Commission. <ul style="list-style-type: none"> Under Article 82, Parliament enacts a Delimitation Act after every Census establishing a DC. Under Article 170, States get divided into territorial constituencies. DC has been constituted 4 times in 1952, 1963, 1973 and 2002. <ul style="list-style-type: none"> It is appointed by the President and its orders have force of law and cannot be challenged before any court. Composition: three members for each(respective) state/UT: <ul style="list-style-type: none"> A serving or retired judge of SC as chairperson, Chief Election Commissioner (CEC) or Election Commissioner nominated by CEC. State Election Commissioner of concerned state/UT. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Central Vista project</p> <ul style="list-style-type: none"> Project envisages constructing a new triangular Parliament building, a common secretariat for central government offices, along with the Prime Minister's office and residence, Special Protection Group building and Vice-President Enclave. </div>

	<ul style="list-style-type: none"> • Need for the project: Due to increased population, which has almost quadrupled since independence, there is a need to increase the number of Lok Sabha constituencies through delimitation. And the current parliament does not have enough seats for the MPs of both houses.
Floating constituency	<ul style="list-style-type: none"> • Kashmiri Pandit organizations have proposed a 'floating' constituency which would be reserved for contesting and voting only for Kashmiri Pandit migrants from J&K on similar lines as in Sikkim. • The only 'floating' constituency of India- Sangha model for Lama Sanghas in Sikkim is backed in the Constitution of India under Article 371(F). <ul style="list-style-type: none"> ○ It is a constituency without any geographical boundaries and one for which only Buddhist monks registered with 51 monasteries within the state can contest and vote.
One nation, one legislative Portal	<ul style="list-style-type: none"> • While commemorating the centennial year of All India Presiding Officers' Conference (AIPOC), PM announced slew of measures that will be taken for strengthen the democracy. <ul style="list-style-type: none"> ○ 'One nation, one legislative Portal'- as a technological boost to the parliamentary system which would also connect all state assemblies in the country. • AIPOC is apex body of the Legislatures in India, founded in 1921. Historic resolutions like women's right to vote right to vote in 1925 were passed in the conference.

PERSONALITY DEVELOPMENT PROGRAMME

CIVIL SERVICES EXAMINATION 2021

Programme Features

- ★ DAF Analysis Session with senior faculty members of Vision IAS
- ★ Mock Interview Session with Ex-Bureaucrats/ Educationists
- ★ Interaction with Previous toppers and Serving bureaucrats
- ★ Performance Evaluation and Feedback

6. IMPORTANT LEGISLATIONS/BILLS

6.1. PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

Why in News?

Recently, a National Conference was organized to commemorate the 25th year of enactment of PESA, as part of Azadi Ka Amrit Mahotsav.

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

- **Article 243M: Exempts the Fifth Schedule areas from Part IX (Provision of Panchayati Raj)** of the Constitution but the Parliament is empowered to extend its provisions to the Scheduled and Tribal Areas by law without it being considered as an amendment to the Constitution.
- Based on the recommendations of **Dileep Singh Bhuria Committee**, PESA Act was enacted in **1996** for tribal empowerment and to bring them into the mainstream.
- **PESA Act is called a 'Constitution within the Constitution'** as it extends the **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.

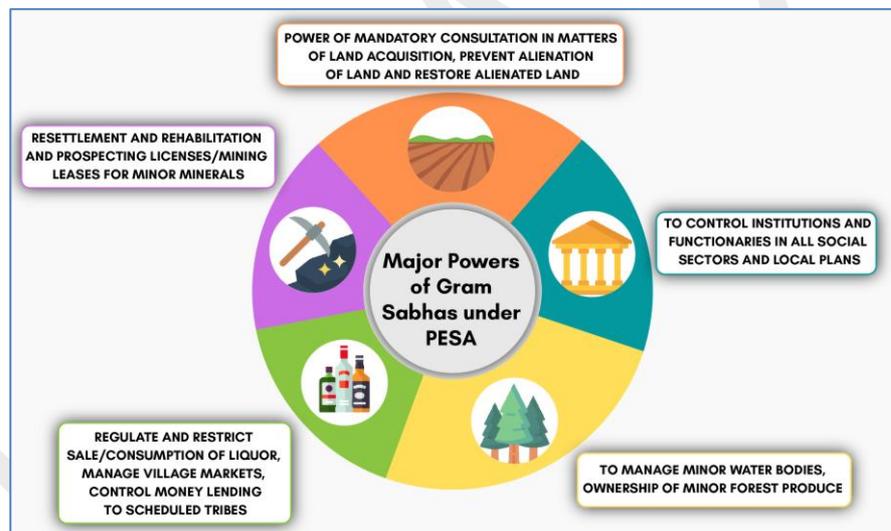
- The 10 states: Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Telangana.

- It recognizes 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**.

- **Nodal Ministry for implementation of the Act: Ministry of Panchayati Raj.**

Promoting **institutions of Local Self Governance** and **participatory democracy**, all the **State Panchayati Raj Acts** for Fifth Schedule areas have following salient features:

- All State Legislation on Panchayats shall be in conformity with the **customary law, social and religious practices** and **traditional management practices** of community resources;
- Every village to have 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 to have **reservation of seats** in proportion to the community population (**minimum of 50%**) with **Chairperson of Panchayats** at all level 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.



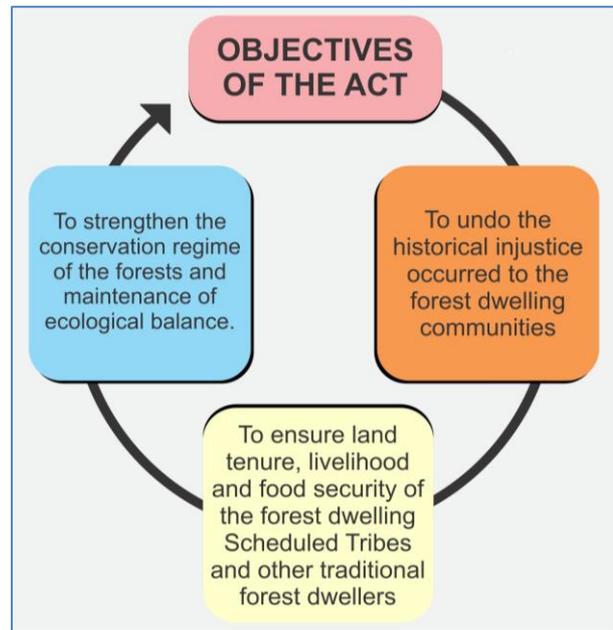
6.2. FOREST RIGHTS ACT

Why in news?

Ministry of Environment and Forests (MoEF) and the Ministry of Tribal Affairs sent a joint communication to all state governments for the “expeditious implementation” of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as Forest Rights Act (FRA).

About the act

- The Act recognizes and vests the forest rights and occupation in forest land in forest dwelling scheduled tribes (FDSTs) and other traditional forest dwellers (OTFDs) who have been residing in such forests for generations but whose rights could not be recorded.
- It provides for the individual and community forest rights that are categorised into following types:
 - **Title rights:** It gives FDST and OTFD the right to ownership to land farmed by tribals or forest dwellers subject to a maximum of 4 hectares.
 - **Use rights:** The rights to extract Minor Forest Produce, grazing, fishing, access to water bodies in forests etc.
 - **Relief and development rights:** To rehabilitate in case of illegal eviction or forced displacement and rights to allocate forest land for developmental purposes to fulfil basic infrastructural needs of the community.
 - **Forest management rights:** It includes the right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.
 - **Knowledge Rights:** Right to intellectual property and traditional knowledge, recognition of traditional customary rights.
- The **Gram Sabha is the authority to initiate the process** for determining the nature and extent of Individual Forest Rights (IFR) or Community Forest Rights (CFR) or both that may be given to FDST and OTFD.



Important Definitions under the act



Community Forest Resource: means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.



Minor Forest Produce: It includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.



Forest Dwelling Scheduled Tribes: Members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities.



Other Traditional Forest Dweller: Any member or community who has for at least three generations prior to the 13th December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs.



Critical Wildlife Habitat: Such areas of National Parks and Sanctuaries that are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Ministry of Environment and Forests after consultation with locally appointed experts.



Forest Villages: settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process.

6.3. JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT

Why in news?

Parliament passed Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, which seeks to amend the Juvenile Justice Act, 2015.

Background

- A juvenile is a **person in conflict with law who is less than 18 years** of age. The Juvenile Justice (Care and Protection of Children) Act, 2015 addresses **children in conflict with law and children in need of care and protection**. It provided for the **trial of juveniles in conflict with law in the age group of 16-18 years** as adults in certain cases.
- The Act was brought to **replace the Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children Act) 2000**.
- It fulfils India's commitment as a signatory to the **United Nations Convention on the rights of the child, the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993)**, and other related international instruments.
- **Changes made by the Act**

Basis	Related Provisions in JJ Act, 2015	Features of Amended Act
Adoption	<ul style="list-style-type: none"> • Adoption of a child is final once a civil court issues an adoption order. 	<ul style="list-style-type: none"> • District Magistrates, including Additional District Magistrates, can issue adoption orders (both for intra-country and inter-country adoptions) in order to ensure speedy disposal of cases and enhance accountability. • Additional functions of DM: <ul style="list-style-type: none"> ○ Empowers the DM including ADM to effectively coordinate and monitor the functions of various agencies responsible for implementation of the provision of the principal act. ○ They have been empowered to supervise the District Child Protection Units and Special Juvenile Protection Units, and conduct a quarterly review of the functioning of CWC, JJ Boards.
Appeals	<ul style="list-style-type: none"> • There will be no appeal for any order made by a Child Welfare Committee concluding that a person is not a child in need of care and protection. The Bill removes this provision. 	<ul style="list-style-type: none"> • The Act removes this provision. • Any person aggrieved by an adoption order passed by the district magistrate may file an appeal before the Divisional Commissioner, within 30 days of such order. Such appeals should be disposed within four weeks from the date of filing of the appeal.
Serious Offences	<ul style="list-style-type: none"> • Offences committed by juveniles are categorised as: <ul style="list-style-type: none"> ○ Heinous offences (those with minimum punishment of seven years of imprisonment under IPC or any other law), ○ Serious offences (three to seven years of imprisonment), and ○ Petty offences (below three years of imprisonment). • Juvenile Justice Board will inquire about a child who is accused of a serious offence. 	<ul style="list-style-type: none"> • Redefines 'serious offences' to include such offences for which the punishment is: <ul style="list-style-type: none"> ○ Minimum imprisonment for a term of 3-7 years; ○ Maximum imprisonment for a term more than 7 years but no minimum imprisonment or minimum imprisonment of less than 7 years. • This has been done to give effect to recommendation of Supreme court in Shilpa Mittal v. State of NCT of Delhi case.
Designated Court	<ul style="list-style-type: none"> • Offences against children that are punishable with imprisonment of more than seven years, will be tried in the Children's Court (equivalent to a Sessions Court). 	<ul style="list-style-type: none"> • Provides that all offences under the Act will be tried in the Children's Court.

	<ul style="list-style-type: none"> Other offences (punishable with imprisonment of less than seven years) will be tried by a Judicial Magistrate. 	
Offences against children	<ul style="list-style-type: none"> An offence under the Act, which is punishable with imprisonment between three to seven years will be cognizable (where arrest is allowed without warrant) and non-bailable. 	<ul style="list-style-type: none"> Such offences will be non-cognizable and non-bailable.
Child Welfare Committees (CWCs)	<ul style="list-style-type: none"> States must constitute one or more CWCs for each district for dealing with children in need of care and protection. Provides certain criteria for the appointment of members to CWC. For instance, a member should be: <ul style="list-style-type: none"> involved in health, education, or welfare of children for at least seven years, or a practising professional with a degree in child psychology, psychiatry, law, or social work. 	<ul style="list-style-type: none"> Stipulate certain additional criteria for appointment of CWC members. No person shall be eligible for selection as a member of the CWC, if he: <ul style="list-style-type: none"> Has any past record of violation of human rights or child rights. Has been convicted of an offence involving moral turpitude. Has been removed or dismissed from service of the Government of India or State Government or an undertaking or corporation owned or controlled by Government of India or State government. Has ever indulged in child abuse or employment of child labour or immoral act. Is part of management of a child care institution in a district.

6.4. OTHER IMPORTANT NEWS

Cable Television Networks (Amendment) Rules, 2021	<ul style="list-style-type: none"> Centre has amended the Cable Television Network Rules to provide statutory mechanism to redress citizen's grievances relating to content broadcast by television channels. <ul style="list-style-type: none"> Television media in India is governed under the Cable Television Networks Regulation Act 1955. At present, there is an institutional mechanism by way of an Inter-Ministerial Committee to address the grievances of citizens relating to the violation of the Programme/Advertising Codes under the Rules, but it does not have statutory backing. Cable Television Networks (Amendment) Rules, 2021 provides for a three-level grievance redressal mechanism, similar to the complaint redressal structure under the new social media rules framed under the IT Act.
Draft Cinematograph (Amendment) Bill, 2021	<p>Ministry of Information and Broadcasting (MIB) released draft Cinematograph (Amendment) Bill 2021</p> <ul style="list-style-type: none"> It aims to make the process of certifying films for theatrical releases more effective, in view of the changing times, and to curb the menace of piracy. Key provision in bill <ul style="list-style-type: none"> Subcategorize viewing into age-based classification such as U/A 7+, U/A 13+ and U/A 16+. <ul style="list-style-type: none"> ✓ Cinematograph Act, 1952, provides for certification of films under three categories-unrestricted public exhibition or U, parental guidance required for children under 12 or U/A, and adult films. Provisions to penalise film piracy with jail term and fine. Provisions to grant certificates to films for perpetuity. Currently, certificate issued is valid only for 10 years. <p>Central Board of Film Certification</p> <ul style="list-style-type: none"> HQ at Mumbai with nine regional offices, CBFC is a statutory body under Section 3 of the Cinematograph Act 1952. It carries out the prior examination of films as per the 1952 Act, Cinematograph Rules 1983, and Guidelines from Central Government, 1991, based on which: <ul style="list-style-type: none"> it can sanction the film for public exhibition under various categories of Section 5 (B), direct excisions or modifications before sanction or

	<ul style="list-style-type: none"> ○ refuse to give sanction for public exhibition.
Model Tenancy Act (MTA)	<p>Assam has become the first state to adopt the Model Tenancy Act.</p> <ul style="list-style-type: none"> ● MTA aims to bridge the trust deficit between tenants and landlords by clearly delineating their obligations. ● Key features of MTA 2019: <ul style="list-style-type: none"> ○ Tenancy Agreement-No person will let out or rent any premises without such agreement. ○ Security Deposit-limiting the advance security deposit to a maximum of two months' rent for residential and six months for non-residential purposes ○ Rent Authority- To be appointed by District Collector with previous approval from State/UT government for registration of rental agreements ○ Rent Courts and Rent Tribunals- Bars Civil Courts from entering a suit with set up of district wise rental courts and tribunals for fast track resolution ○ Withholding Essential Supply or Service- No withholding of any essential supply to the premises occupied by the tenant.
Narcotic Drugs and Psychotropic Substances (NDPS) Amendment Act, 2021	<ul style="list-style-type: none"> ● Parliament has passed NDPS Amendment Bill, 2021 to replace an ordinance promulgated in September 2021. ● Key provisions of the act <ul style="list-style-type: none"> ○ The Act regulates certain operations (such as manufacture, transport and consumption) related to narcotic drugs and psychotropic substances. ○ Financing certain illicit activities such as cultivating cannabis and harbouring persons engaged in those actions is an offence. ○ People found guilty can be punished with rigorous imprisonment of at least ten years (extendable up to 20 years) and a fine of at least Rs 1 lakh. ○ The new provision has given retrospective effect from May 1, 2014.
National Anti-doping Bill, 2021	<p>National Anti-doping Bill, 2021 introduced in Parliament by Minister of Youth Affairs and Sports</p> <ul style="list-style-type: none"> ● Highlights of bill: <ul style="list-style-type: none"> ○ Statutory framework for the operation of the National Anti-Doping Agency (NADA), the National Dope Testing Laboratory (NDTL) and other dope testing laboratories. <ul style="list-style-type: none"> ✓ NADA and NDTL, established as societies under Societies Registration Act, will be dissolved and reconstituted. ○ It gives NADA powers of investigation, levying sanctions for Anti-Doping Rule Violations and the powers of inspection, sample collection and sharing and free flow of information. <ul style="list-style-type: none"> ✓ NADA earlier had no authority to conduct raids. ○ Establish a National Board for Anti-Doping in Sport to be made up of a chairperson and two other members to be appointed by the central government. ○ The accounts and audit of the Board, the Agency and the NDTL will be done by the Comptroller and Auditor General of India. <p>About Doping</p> <ul style="list-style-type: none"> ● Doping represents the use of substances or physiological mediators, which are not normally present in the human body, introduced as an external aid to increase the athletes' performance during a competition". ● India has established the NDTL in 2008 and the NADA in 2009. <ul style="list-style-type: none"> ○ The NDTL is currently suspended by the World Anti-Doping Agency (WADA) for failing to meet technical requirements.
Khasi Hills Autonomous District Khasi Inheritance of Property Bill, 2021	<ul style="list-style-type: none"> ● Bill is scheduled to be introduced by the Khasi Hills Autonomous District Council, an autonomous body under the Sixth Schedule of the Constitution. ● It provides for equal distribution of parental property among siblings, both male and female. <ul style="list-style-type: none"> ○ Khasis are a matrilineal society and trace inheritance and descent through the mother's clan. ○ In Khasis, the youngest daughter inherits all the property of the parents.. ● However, according to Sixth Schedule, right of passing a district council law ultimately rests with the state legislature.
Central Universities (Amendment) Act, 2021	<p>Parliament has passed Central Universities (Amendment) Act, 2021</p> <ul style="list-style-type: none"> ● The Act seeks to amend the Central Universities Act, 2009 to provide for the establishment of a University in the name of "Sindhu Central University" in the Union territory of Ladakh.

	<ul style="list-style-type: none"> ○ The Central Universities Act, 2009 was enacted to establish and incorporate universities for teaching and research in various States and for matters connected therewith or incidental thereto. ○ At present, there is no Central University in the UT of Ladakh.
Women's Right in the Inherited Property	<ul style="list-style-type: none"> ● In two cases, one in the women rights in the inheritance of property under The Hindu Succession Act, 1956 and other in Dowry Prohibition Act 1961, SC stressed for reform in these laws, for women empowerment. ● The Hindu Succession Act, 1956 <ul style="list-style-type: none"> ○ It governs the right of inheritances of Hindu joint family. ○ It was amended in 2005, for the first time allowed a Hindu female to become an absolute owner of property. ● Dowry, also known as Dahej (North India) or Sthreedhanam (South India), is defined by the Dowry Prohibition Act of 1961 as- <ul style="list-style-type: none"> ○ any property or valuable security given or agreed to be given either directly or indirectly by one party/parents to other party in connection with marriage.

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7. IMPORTANT CONSTITUTIONAL/ STATUTORY/ EXECUTIVE BODIES IN NEWS

7.1. CBI AND ED

Why in news?

Centre brings Ordinances to extend tenure of ED, CBI directors from 2 years to up to 5 years.

About CBI

- It derives its powers from the **Delhi Special Police Establishment (DSPE) Act 1946**.
- CBI comes **under the Ministry of Personnel, Public Grievances and Pensions**.
- The establishment of the CBI was recommended by the **Santhanam Committee** on Prevention of Corruption (1962–1964).
- It also provides assistance to the Central Vigilance Commission and Lokpal.
- It is also the nodal police agency in India which coordinates investigations on behalf of Interpol Member countries.



About CBI

FEATURES

- ✚ It is the **main investigation agency of the central government** for cases relating to corruption and major criminal probes.
- ✚ It is **not a statutory body**.

CBI DIRECTOR

- ✚ The Lokpal Act 2013 prescribed that the CBI director shall be appointed on the recommendation of a committee comprising the **Prime Minister, Leader of the Opposition in the Lok Sabha and Chief Justice of India or a judge of the Supreme Court** nominated by him.

INVESTIGATION PROCEDURE

- ✚ The Central Government can authorize CBI to investigate such crime in a **State only with the consent of the concerned State Government**.
- ✚ The **Supreme Court and High Courts, however, can order CBI to investigate** such a crime anywhere in the country without the consent of the State.

About Enforcement Directorate (ED)

- ED is a **law enforcement and economic intelligence agency** responsible for enforcing economic laws and fighting economic crime in India.
- It was formed with the purpose of handling Exchange Control Law violations under the **Foreign Exchange Regulation Act, 1947**.
- Initially established under the Department of Economic Affairs in 1956 as an 'Enforcement Unit', it was renamed as the Enforcement Directorate (ED) in 1957.
- Now, the Enforcement Directorate (ED) is **administered by the Department of Revenue under the Ministry of Finance**.
- ED enforces the following laws:
 - Foreign Exchange Management Act, 1999 (FEMA)
 - Prevention of Money Laundering Act, 2002 (PMLA)

7.2. OTHER IMPORTANT NEWS

Press Council of India (PCI)	<ul style="list-style-type: none"> • The Press Association has raised concern over the PCI as the government has not yet appointed its new chairman despite a vacancy. • The PCI was constituted in 1966 as an autonomous, statutory, quasi-judicial body, under The Press Council Act, 1965. <ul style="list-style-type: none"> ○ The council acts as a moral watchdog for the Indian press. • Composition: A Chairperson (to be nominated by the Chief Justice of India) and 25 other members. • Tenure: 3 years provided that no member could hold office for a period exceeding six years in the aggregate.
National Commission for	Cabinet Approves Extension of Tenure of the National Commission for Safai Karamcharis (NCSK) for Three Years Beyond 2022

<p>Safai Karamcharis (NCSK)</p>	<ul style="list-style-type: none"> NCSK was established in the year 1993 as per the provisions of the NCSK Act 1993 initially for the period upto 31.3.1997. <ul style="list-style-type: none"> Later validity of the Act was extended upto 2004. However, after 2004, the tenure of NCSK has been extended as a non-statutory body from time to time through resolutions. The tenure of present Commission is upto 31.3.2022. Role of NCSK <ul style="list-style-type: none"> Giving recommendations to 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.
<p>National Backward Classes Finance & Development Corporation (NBCFDC) and National Scheduled Castes Finance and Development Corporation (NSFDC)</p>	<ul style="list-style-type: none"> NBCFDC and NSFDC are conducting the initiatives like Food distribution Programme for providing relief to Covid patients. NBCFDC and NSFDC are incorporated as company not for profit operated under Ministry of Social Justice and Empowerment. <ul style="list-style-type: none"> NBCFDC is a Government of India Undertaking under Companies Act 1956 with an objective to promote economic and developmental activities for the benefit of Backward Classes. NSFDC is incorporated as a fully owned Government of India Company under the Companies Act, 2013. NSFDC facilitate, finance and mobilize funds for the economic empowerment of people belonging to the SC category and living below double the poverty line.

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8. IMPORTANT ASPECTS OF GOVERNANCE

8.1. CITIZEN'S CHARTER

Why in news?

Recently, the **Ministry of Panchayati Raj (MoPR)** in collaboration with **National Institute of Rural Development and Panchayati Raj (NIRDPR)** has released a **Model Panchayat Citizens Charter framework**.

Model Panchayat Citizens Charter

Panchayats in India constitute the **third tier of government in the rural areas**. They are **responsible for delivery of basic services as enshrined under article 243G** of the Constitution of India, specifically in the areas of Health & Sanitation, Education, Nutrition, and Drinking Water.

- The **basic objective** of the Gram Panchayat Citizen Charter is to empower the citizens in relation to public services and to **improve the quality of services without any prejudice**, and in accordance with the **expectations of the citizens**.

- It **brings professionalism in Panchayat functioning** and helps to reach out to all sections of community without any discrimination.
- The standards committed by the Panchayats are **useful yardsticks for monitoring and evaluation of service delivery**.
- It will help in making the citizens

National Institute of Rural Development and Panchayati Raj (NIRDPR)

- It is an **autonomous organization** under the Ministry of Rural Development and a premier **national centre of excellence in rural development** and Panchayati Raj.
- It is recognized internationally as one of the **UN-ESCAP (Economic and Social Commission for Asia and the Pacific) Centres of Excellence**.
- It **studies the functioning of the Panchayati Raj Institutions (PRIs)** and rural development programmes across the States.
- Its vision is to
 - focus on the policies and programmes that benefit the rural poor,**
 - strive to energise the **democratic decentralization processes,**
 - improve the operation and efficiency of rural development personnel,
 - promote transfer of technology** through its social laboratories, **technology parks** and
 - create environmental awareness.



aware of their rights on the one hand, and to **make the Panchayats and their elected representatives directly accountable to the people**, on the other hand.

How did the concept of Citizen charter evolve?

- The concept was **first articulated and implemented in the United Kingdom in 1991** with an aim to improve the quality of public services for the people of the country.
- **India adopted citizen's charter in 1997** at Conference of Chief Ministers of various States and Union Territories held in New Delhi.
 - The **Department of Administrative Reforms and Public Grievances (DARPG)** initiated the task of coordinating, formulating and operationalising Citizen's Charters.
 - The **Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 (Citizens Charter)** seeks to create a mechanism to ensure timely delivery of goods and services to citizens. However, it lapsed due to the dissolution of the Lok Sabha in 2014.

Related News

Ministry of Panchayat Raj, issue the **Mysuru Declaration on Service Delivery by Panchayats** declaration, that aim at recognising Citizen Centric Services as the core of governance.

- 16 States signed the Mysuru Declaration and resolved to roll out the Common Minimum Service delivery by Panchayats across the country from April 1, 2022.

Major Initiatives taken by the government to enhance capacities of PRIs

- **Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA)** to enhance the capacities and effectiveness of GPs and Gram Sabhas, promote people's participation in panchayats, strengthen the institutional structure for capacity building of panchayats etc.
- **Model Citizen's Charter:** It details different categories of services rendered to the citizen by the Panchayat, the conditions for such service and the time limit for such service and aligning actions with localised Sustainable Development Goals (SDGs).
- **Sabki Yojna Sabka Vikas:** An intensive and structured exercise for planning at Gram Sabha through convergence between Panchayati Raj Institutions (PRIs) and concerned departments of the State.
- **Mission Antyodaya:** It seeks to converge government interventions with Gram Panchayats by pooling human and financial resources.
- **eGramSwaraj:** A web-based portal which unifies the planning, accounting and monitoring functions of Gram Panchayats.

8.2. GRAM PANCHAYAT DEVELOPMENT PLAN

Why in news?

Union government launched **People's Plan Campaign (PPC) 2021- Sabki Yojana Sabka Vikas** and Vibrant Gram Sabha Dashboard for ensuring the **preparation of GPDP**.

Gram Panchayat Development Plan (GPDP) and its importance

- **Article 243G** of the Constitution of India mandates the **Gram Panchayats (GPs) to prepare and implement GPDP** for economic development and social justice. The GPDP does three essential things:
 - It provides a **VISION** of what the people would like their village to look like;
 - It sets out clear **GOALS** to achieve that vision, and
 - Gives an **ACTION PLAN** to reach those goals.
- The GPDP should be **comprehensive and based on participatory process** involving the community particularly Gram Sabha, and in convergence with schemes of all related Central Ministries / Line Departments **related to 29 subjects listed in the Eleventh Schedule** of the Constitution.
 - During the PPC campaign, structured Gram Sabha meetings will be held for **preparing the GPDP for the next financial year i.e. 2022-23 respectively**.
- The convergence assumes greater significance in view of the fact that Panchayats can play an important role for **effective implementation of flagship schemes on subjects of National Importance** for transformation of rural India.
- **Ministry of Panchayati Raj has prepared model guidelines** for GPDP and circulated the same to all the States where part IX of constitution is applicable.

Gram Sabha dashboard

Dashboard will help in **increasing maximum participation** through the meeting of Gram Sabha, Standing Committee meeting of Gram Panchayat, meeting of elected Panchayat public representatives **throughout the year**.

8.3. GOOD GOVERNANCE INDEX

Why in news?

Good Governance Index (GGI), 2021 was launched on Good Governance Day (25th December).

About GGI

- GGI assesses the State of Governance across States and UTs which enables ranking of States/Districts and provides a comparative picture while developing competitive spirit for improvement.
 - It is a bi-annual exercise by Department of Administrative Reforms and Public Grievances.
- Objective is 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.
 - Ten sectors were identified (refer infographic) for the GGI 2020- 21.
 - States have been categorised into four groups: North-East and Hill States, UTs, Other States – Group A and Group B.
- Key Highlights of the Index
 - Twenty states have improved their composite GGI scores over the 2019 index scores.
 - In Group A states, Gujarat has topped the composite ranking while Madhya Pradesh topped in Group B states.
 - Delhi topped the UT category ranking.
 - In North-East and Hill States category, Himachal Pradesh topped the ranking.



DO YOU REMEMBER?

Transformation of Aspirational District Programme (TADP)

Transformation of Aspirational Districts Programme (TADP) is a major policy initiative to expeditiously improve the socio-economic status of 115 districts from across the country.

- Focuses on the strength of each district, identify low-hanging fruits for immediate improvement, measure progress rank districts.
 - ✓ It is driven primarily by the State govt.
- Tracked by 49 indicators across 5 core thematic areas that include Health & Nutrition (30%), Education (30%), Agriculture & Water Resources (20%), Financial Inclusion & Skill Development (10%), and Basic Infrastructure (10%).

The three core principles of the programme are

- Convergence of Central & State Schemes.
- Collaboration among citizens and functionaries of Central & State Governments including district teams.
- Competition among districts.

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Related News

District Good Governance Index (DGGI)

Department of Administrative Reforms and Public Grievances (DARPG) in partnership with J&K administration launched District Good Governance Index (DGGI) for 20 districts of Jammu and Kashmir (J&K).

- Jammu district topped the list followed by Doda, Samba, Pulwama and Srinagar.
- DGGI has helped identify the impact of various governance interventions at district level and provide a futuristic roadmap for improving district level governance with targeted interventions.
- It provides a roadmap for similar benchmarking of Governance at District level for all States and UTs.

8.4. MISSION KARMAYOGI

Why in news?

As a part of the mission, Centre will hire private consultant to revamp competency of bureaucracy.

More on news

- Hired consultant will **design and develop a FRAC (Framework of Roles, Activities & Competencies) for the central government** with a focus on molding a “fit-for-future civil service” that can deliver to larger social and economic mandates.
 - FRAC will map the **roles and activities corresponding to every government position** with their desired competencies across **behavioral attributes, functional skills, and domain knowledge.**

Mission Karmayogi

- Mission Karmayogi’ - the National Programme for Civil Services Capacity Building (NPCSCB) aims to transform capacity-building in the bureaucracy through institutional and process reforms.
- The capacity building programme will be delivered through an **Integrated Government Online Training or iGOT-Karmayogi digital platform**, with content drawn from global best practices rooted in Indian national ethos.
 - It is a portal on the Ministry of Education’s DIKSHA platform for the purpose of capacity building.

DO YOU REMEMBER?

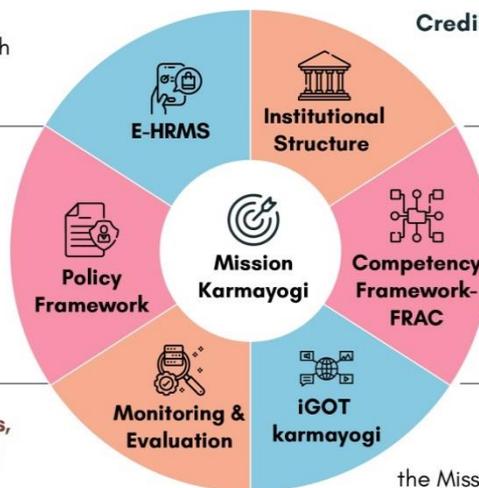
A number of Committees and Commissions were set up to make recommendations on various aspects of civil services.

- Santhanam Committee, 1962:** recommendations to fight the menace of corruption and increase accountability.
- Civil Services Examination Review Committee, 2001 (chaired by Professor Yoginder K. Alagh):** Favored testing the candidates in a common subject rather than on optional subjects.
- Surinder Nath Committee, 2003:** Suggested domain expertise in 3 out of 11 domains.
- Yugandhar Committee, 2003:** Recommended the need for three mid-career training programmes.
- Hota Committee, 2004:** Recommended the introduction of aptitude and leadership tests for selection, use of information and communication technologies (ICT) to transform Government.
- Basawan Committee, 2016 :** Recommended a meaningful assessment to be done about requirement of IAS officers every year.

Strategic HR Management through future integration with e-HRMS.

Policy Interventions to create positive momentum around the Programme-formulate new and evolve existing policies

Continuous performance analysis, data driven goal-setting and real time monitoring-clear line of sight between goal setting, planning and achievements



Credible and Autonomous Institutional Framework to create shared understanding - two functional structures and two Institutions

Shift from Rule to Role with the indigenous **competency framework-FRAC**, linked to personnel processes

Large scale comprehensive learning platform, underpinning the Mission and enabling online, offline and blended learning

8.5. DIGITAL RIGHTS

Why in News?

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

More on News

- It is an **extension of the Berlin declaration on Digital Society and Value-Based Digital Government** of EU council.

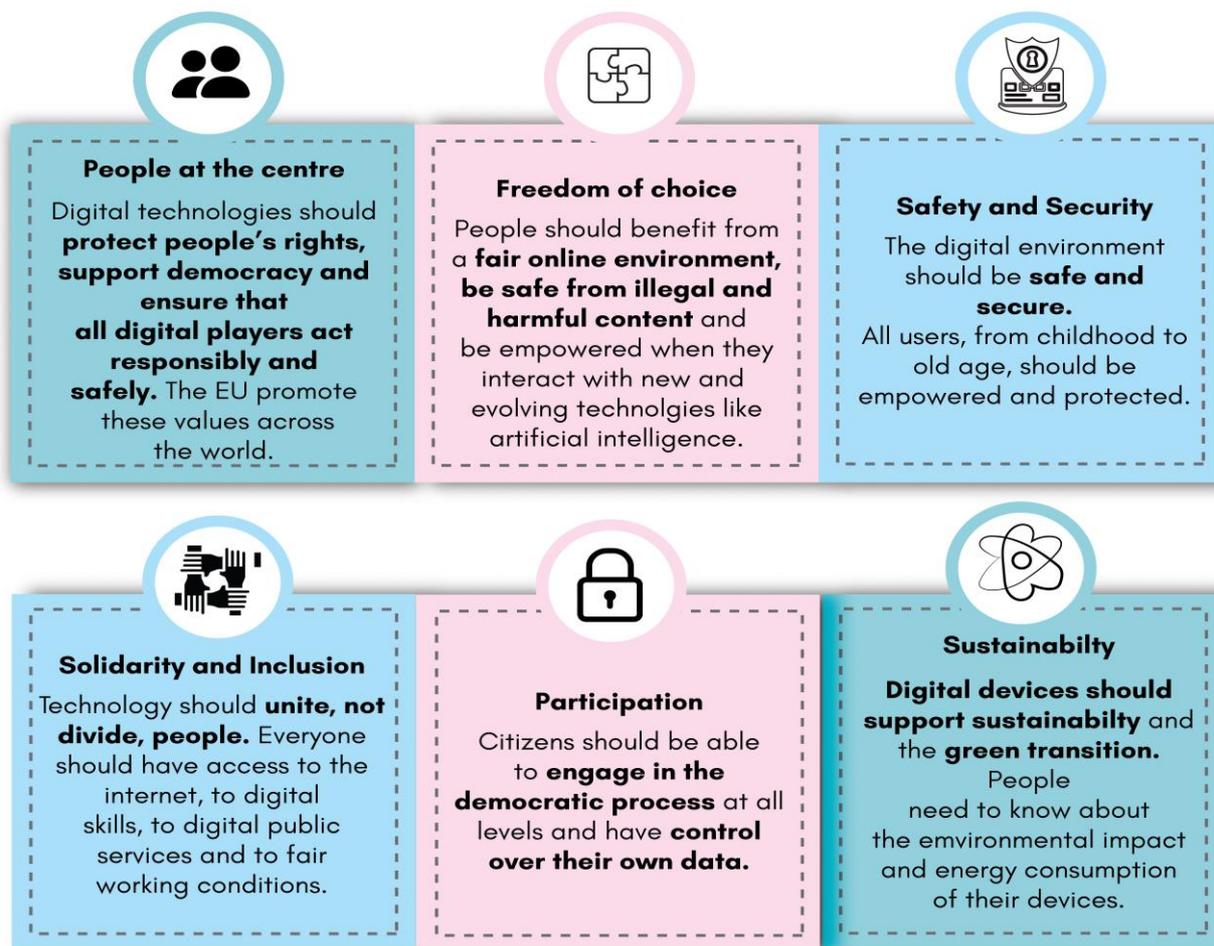
- 6 rights and principles are outlined (refer infographic).

About 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.

Digital Citizenship: Rights and Principles for Europeans

On 26 January 2022, the Commission proposed an inter-institutional solemn declaration on digital rights and principles for the digital decade.



8.6. PUBLIC PROCUREMENT AND PROJECT MANAGEMENT

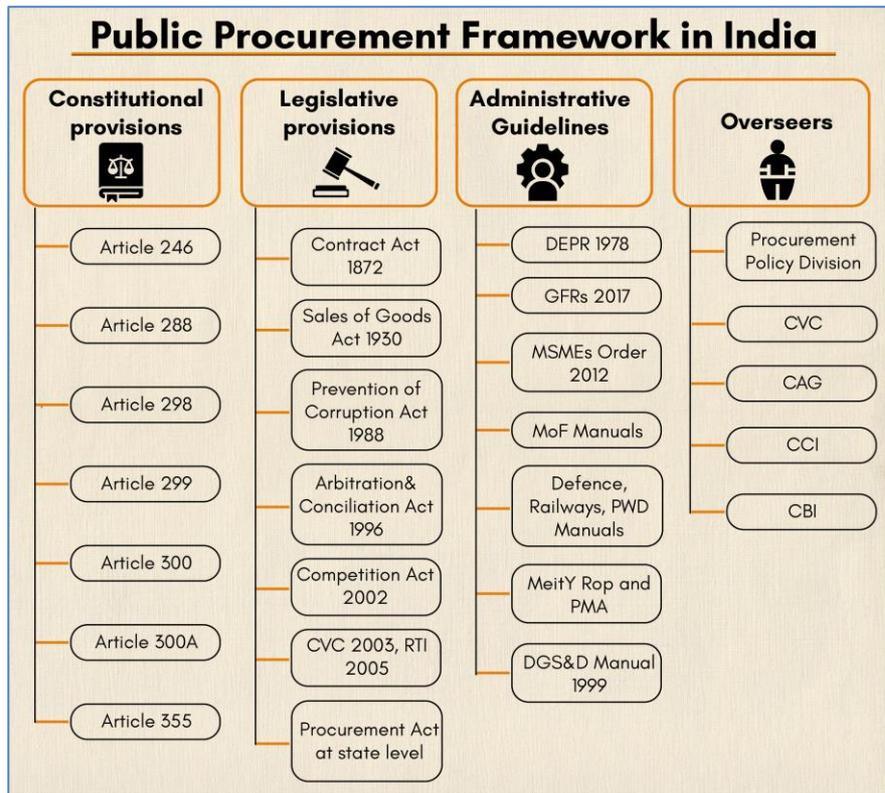
Why in News?

Recently, the Department of Expenditure under the Ministry of Finance released guidelines for reforms in Public Procurement and Project Management.

Public Procurement and Project Management Framework in India

- **Public Procurement and Project Management** includes the procurement of goods and services by public entities and execution of different projects. E.g., the **goods or services purchased by government entities for public service delivery**.

- Presently, the **General Financial Rules (2017)** and the **Ministry of Finance Procurement Manuals** act as general guidelines to be followed by all agencies with freedom for agencies to have its own procurement rules complying with general rules.
 - **E.g.,** the Ministry of **Defence, Railways** etc. with almost **50%** of their respective **budget** spent on **public procurement** have their own procurement guidelines such as **Defence Acquisition Procedure 2020**.



DO YOU REMEMBER?

WTO Agreement on Government Procurement (GPA)

It is a **plurilateral agreement** (i.e., applying to a number of WTO Members but not all) to ensure **open, fair and transparent** conditions of competition in the government procurement markets.

It guarantees **national treatment** and **non-discrimination** for the suppliers of parties to the Agreement with respect to procurement of covered goods, services, and construction services as set out in each party's schedules.

India is not a party to it but an **observer government** from 2010.

8.7. OTHER IMPORTANT NEWS

Lokpal	<p>The Centre is yet to appoint a director of inquiry as prescribed by the Lokpal and Lokayuktas Act, 2013.</p> <ul style="list-style-type: none"> • Lokpal is a national anti-corruption ombudsman to look into complaints against public servants which are defined under the Lokpal and Lokayuktas Act, 2013. • According to the Act, there shall be a director of inquiry, not below the rank of joint secretary, who shall be appointed by the government for conducting preliminary inquiries referred to the Central Vigilance Commission (CVC) by the Lokpal. <ul style="list-style-type: none"> ◦ Though Lokpal came into being in 2019, director of inquiry has not yet been appointed. • Salient Features of the Act: <ul style="list-style-type: none"> ◦ Jurisdiction of Lokpal: Prime Minister, Ministers, Members of Parliament and Groups A, B, C and D officers.
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	<ul style="list-style-type: none"> Lokpal consist of a Chairperson with a maximum of 8 members (50% shall be judicial members). 50% of the members shall come from amongst the SCs, the STs, the OBCs, minorities and women. 8 members are appointed by the president on the recommendation of a selection committee composed of - PM, the Speaker of the Lok Sabha, the Leader of the Opposition in the Lok Sabha, the CJI or a sitting Supreme Court Judge nominated by CJI and an eminent jurist to be nominated by the President.
<p>e-Governance</p>	<p>24th National e-Governance conference unanimously adopted the Hyderabad declaration.</p> <ul style="list-style-type: none"> Key highlights of Hyderabad Declaration <ul style="list-style-type: none"> 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. National e-Governance Service Delivery Assessment (NeSDA) to be adopted in collaboration with MeITY. Some e-governance initiatives: <ul style="list-style-type: none"> 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.
<p>Digital Media Content Regulatory Council (DMCRC)</p>	<p>Digital Media Content Regulatory Council has been created by the Indian Broadcasting and Digital Foundation (IBDF) as an industry-led Self-Regulatory Body (SRB) for digital OTT platforms (over-the-top).</p> <ul style="list-style-type: none"> It is formed as per the mandate of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. IBDF (earlier known as Indian Broadcasting Foundation was set up in 1999), the apex body of broadcasters and OTT operators. It is the second-tier mechanism at the appellate level and is similar to Broadcast Content Complaint Council (BCCC). The BCCC, is the independent self-regulatory body for non-news general entertainment channels set up by the Indian Broadcasting Foundation (IBF) in June 2011. <p>About Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021</p> <ul style="list-style-type: none"> Rules 2021 has been framed by the Central Government in exercise of powers under section 87 (2) of the Information Technology Act, 2000 and in supersession of the earlier Information Technology (Intermediary Guidelines) Rules 2011. In November 2020 the Union government brought OTT platforms and news and current affairs content on online platforms under the ambit of the Ministry of Information and Broadcasting(I&B ministry). <div data-bbox="810 965 1430 1552" data-label="Diagram"> <p>3 PARTS OF RULES</p> <ul style="list-style-type: none"> Part I <ul style="list-style-type: none"> Deals with important definitions in the rules. Part II <ul style="list-style-type: none"> Deals with regulation of Social Media Intermediaries Will be administered by Ministry of Electronics and Information Technology (MeitY). Part III <ul style="list-style-type: none"> Provides Code of Ethics and procedure and safeguards in relation to digital media and Over the Top (OTT) platforms/Online Content Curated Platforms (OCCPs), Will be administered by the Ministry of Information and Broadcasting (I&B ministry). </div>
<p>Meghalaya Enterprise Architecture Project (MeghEA)</p>	<ul style="list-style-type: none"> Meghalaya Enterprise Architecture Project (MeghEA) was launched recently that aims to transform traditional service delivery process into a digital service system. <ul style="list-style-type: none"> MeghEA is spread across 6 pillars i.e. Governance, Human Resources, Entrepreneurship, Primary Sector, Infrastructure and Environment. Meghalaya is the first state to implement India Enterprise Architecture (IndEA) as MeghEA.

	<ul style="list-style-type: none"> IndEA (by Ministry of Electronics and Information Technology) is a framework that enables the development and implementation of Enterprise Architectures independently and in parallel by all governments and their agencies across India, conforming to the same models and standards. <ul style="list-style-type: none"> It is a way to establish Unity in Diversity in the domain of e-Governance. The framework consists of eight reference models such as Business, Application, Data, Technology, Performance, Security, Integration and Architecture Governance. <div data-bbox="742 190 1420 806" style="border: 1px solid black; padding: 10px; text-align: center;"> <h3 style="margin: 0;">The IndEA Vision</h3> </div>
<p>MyGov Platform</p>	<p>MyGov platform for participatory governance, launched in 2014, completed 7 years.</p> <ul style="list-style-type: none"> It is the innovative Citizen Engagement Platform where the Government encourages Citizen Participation towards Good Governance by engaging them for policy formulation and seeking opinions on issues of public interest and welfare. <ul style="list-style-type: none"> MyGov is part of Digital India Corporation, a Section 8 company under the Ministry of Electronics and IT.
<p>India Internet Governance Forum (IIGF)</p>	<p>First Internet Governance Forum was held recently.</p> <ul style="list-style-type: none"> IIGF has been constituted in conformance to the Tunis Agenda of UN Internet Governance Forum (IGF). <ul style="list-style-type: none"> IGF is a multi-stakeholder platform bringing representatives together from various groups to discuss public policy issues related to the Internet. <p>IIGF facilitates discussion between intergovernmental organisations, private companies, civil society organisations etc. who all deal with or are involved in Internet governance related public policy issues.</p>
<p>Corruption Perception Index</p>	<p>It was released by Transparency International.</p> <ul style="list-style-type: none"> India ranked at 85th among 180 countries with a score of 40. (Ranked 86th last year). Report said while India's score has remained stagnant over past decade, some mechanisms that could help reign in corruption are weakening. Denmark, New Zealand and Finland have topped index jointly. Index ranks countries by their perceived levels of public sector corruption according to experts and business people. <ul style="list-style-type: none"> It uses a scale of 0 (highly corrupt) to 100 (very clean.)
<p>All India Mayors' Conference</p>	<p>120 mayors from various states are participated in the conference themed 'New Urban India'.</p> <ul style="list-style-type: none"> Mayors/Chairpersons of Urban Local Bodies (ULBs) are the political and executive head of the municipal body. <p>At present, mayors are elected by city councillors who themselves are directly elected by urban voters.</p>

9. MISCELLANEOUS

9.1. GAMBLING

Why in news?

Recently, a plea in Delhi High Court sought steps to prohibit online gambling websites.

Betting vs Fixing
 The Lodha Committee was constituted by the Supreme Court under RM Lodha to examine and make suitable recommendations for reforms in the Board of Cricket Control in India (BCCI).

- The committee a sharp distinction between **betting and fixing**, favouring the legalising of the former and criminalising the latter.

GAMBLING	LOTTERY
It is a State subject under Entry 34 of List II of the Seventh Schedule.	Lottery is enumerated under Entry 40 of List I of the Seventh Schedule of the Constitution of India and has been generally excluded from the ambit of "gambling".
According to the Finance Act, 1994 act "Betting or Gambling" means putting on stake something of value, particularly money, with consciousness of risk and hope of gain on the outcome of a game or a contest, whose result may be determined by chance or accident, or on the likelihood of anything occurring or not occurring.	It is governed by the Lotteries (Regulation) Act .

Legal position of gambling in India

- Horse racing is legal in India.** Horse racing involves some prior skills so it isn't all about gambling.
- Several Indian states have legalized lotteries.** These are Goa, Kerala, Arunachal Pradesh, Assam, Maharashtra, Madhya Pradesh, Mizoram, Manipur, Meghalaya, Punjab, Nagaland, West Bengal, and Sikkim.
- Online gambling and land-based casinos are legalized in Goa, Sikkim, Nagaland, and Daman** under the Public Gambling Act, 1976.
- Maharashtra has prohibited gambling** and considers gambling as illegal under the Bombay Prevention of Gambling Act, 1887.
- E-gambling (games of chance) has been legalized in Sikkim and Nagaland.**
- Telangana and Arunachal Pradesh consider the game of skill as illegal** as per the Telangana State Gaming Act, 1974 and Arunachal Pradesh Public Gambling (Prohibition) Act, 2012 respectively.
- All India Gaming Federation, The Rummy Federation, and Federation of Indian Fantasy Sports have adopted a self-regulation code** for all their advertisements.

9.2. OTHER IMPORTANT NEWS

Internet shutdown	Parliamentary Standing Committee (PSC) on Information Technology pulls up Centre over internet shutdown <ul style="list-style-type: none"> Internet shutdown is defined as an intentional disruption of internet or electronic communications for a specific population or location, to exert control over the flow of information. <ul style="list-style-type: none"> It can be caused by Internet blackouts, Social media shutdowns or Throttling (access to the internet is reduced to 2G speeds). Legal provisions related to Internet shutdowns in India <ul style="list-style-type: none"> Until 2017, mostly governed under section 144 of Code of Criminal Procedure (CrPC) and Indian Telegraph Act 1885. In 2017, Temporary Suspension of Telecom Services (Public Emergency and Public Safety) Rules, were notified. Despite the rules, government has also used broad powers under section 144. Section 69(A) of the IT (Amendment) Act, 2008 gives power to block particular websites. 					
Police Commissionerate System	Madhya Pradesh (MP) Announced the Implementation of a Police Commissionerate System (PCS) in Bhopal and Indore. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 50%; padding: 2px;">Dual Command System</th> <th style="width: 50%; padding: 2px;">Commissionerate System</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;"> <ul style="list-style-type: none"> District Magistrate (DM) and Superintendent of Police (SP) share powers and responsibilities in a district. A 'dual system' of control exists, in which SP has to work with DM for supervising police administration. </td> <td style="padding: 2px;"> <ul style="list-style-type: none"> Commissioner of Police (CP) is the head of a unified police command structure, 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. <ul style="list-style-type: none"> CP is drawn from the Deputy Inspector General rank or above, and is assisted by </td> </tr> </tbody> </table>		Dual Command System	Commissionerate System	<ul style="list-style-type: none"> District Magistrate (DM) and Superintendent of Police (SP) share powers and responsibilities in a district. A 'dual system' of control exists, in which SP has to work with DM for supervising police administration. 	<ul style="list-style-type: none"> Commissioner of Police (CP) is the head of a unified police command structure, 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. <ul style="list-style-type: none"> CP is drawn from the Deputy Inspector General rank or above, and is assisted by
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	<ul style="list-style-type: none"> 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 and making the police more accountable to DM at district level. 	<p>Special/Joint/Additional/Deputy Commissioners.</p> <ul style="list-style-type: none"> Such officers are provided with powers of preventive arrest, imposing Section 144 and also initiating chapter proceedings. <ul style="list-style-type: none"> Police also have power to prevent people from entering and removing a person from their jurisdiction for a maximum of two years. It is supposed to allow for faster decision-making to solve complex urban-centric issues. 															
Default Bail	<p>National Investigation Agency has approached Supreme Court against a Bombay High Court order granting bail to activist Sudha Bharadwaj.</p> <ul style="list-style-type: none"> Default or statutory bail 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. <ul style="list-style-type: none"> It is enshrined in Code of Criminal Procedure. For most offences, police have 60 days to complete the investigation and file a final report before the court. <ul style="list-style-type: none"> However, for some offences there is a 90 days or 180 days limit also. SC also issued guidelines for different categories of offences. <table border="1"> <thead> <tr> <th>Category</th> <th>Offence</th> <th>Criteria for bail</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Punishable with imprisonment of seven years or less</td> <td> <ul style="list-style-type: none"> Ordinary summons be issued to accused to appear through the lawyer at the time of filing charge sheet. If there is no appearance then first bailable warrant be issued and later a non-bailable warrant. </td> </tr> <tr> <td>B</td> <td>Punishable with death, imprisonment for life, or imprisonment for more than seven years</td> <td> <ul style="list-style-type: none"> Bail application be decided on merit on appearance of the accused in court. </td> </tr> <tr> <td>C</td> <td>Punishable under Special Acts containing stringent provisions for bail like NDPS, PMLA, UAPA etc</td> <td> <ul style="list-style-type: none"> Same as Category B & D with the additional condition of compliance of the provisions of bail under the specific laws. </td> </tr> <tr> <td>D</td> <td>Economic offences not covered by the special Acts</td> <td> <ul style="list-style-type: none"> Bail application be decided on merit on appearance of the accused in court. </td> </tr> </tbody> </table>		Category	Offence	Criteria for bail	A	Punishable with imprisonment of seven years or less	<ul style="list-style-type: none"> Ordinary summons be issued to accused to appear through the lawyer at the time of filing charge sheet. If there is no appearance then first bailable warrant be issued and later a non-bailable warrant. 	B	Punishable with death, imprisonment for life, or imprisonment for more than seven years	<ul style="list-style-type: none"> Bail application be decided on merit on appearance of the accused in court. 	C	Punishable under Special Acts containing stringent provisions for bail like NDPS, PMLA, UAPA etc	<ul style="list-style-type: none"> Same as Category B & D with the additional condition of compliance of the provisions of bail under the specific laws. 	D	Economic offences not covered by the special Acts	<ul style="list-style-type: none"> Bail application be decided on merit on appearance of the accused in court.
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Parole vs Furlough	<p>Furlough and parole (covered under The Prisons Act of 1894) envisage a short-term temporary release from custody.</p> <ul style="list-style-type: none"> Both were introduced with a view to humanising the prison system. Prison is a State Subject. <table border="1"> <thead> <tr> <th>Parole</th> <th>Furlough</th> </tr> </thead> <tbody> <tr> <td>Parole is granted to the prisoner to meet a specific exigency.</td> <td>Furlough may be granted (after a stipulated number of years have been served) without any reason.</td> </tr> <tr> <td>Parole is a system of releasing a prisoner with suspension of the sentence.</td> <td>Period of furlough granted to a prisoner is treated as remission of the sentence.</td> </tr> <tr> <td>Prisoner does not have an absolute legal right to claim parole. <ul style="list-style-type: none"> Prisoners convicted of multiple murders or under the anti-terror Unlawful Activities Prevention Act (UAPA) are not eligible for parole. </td> <td>Prisoner does not have an absolute legal right to claim furlough also. <ul style="list-style-type: none"> Grant of furlough must be balanced against the public interest and can be refused to certain categories of prisoners. </td> </tr> </tbody> </table>		Parole	Furlough	Parole is 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.	Parole is a system of releasing a prisoner with suspension of the sentence.	Period of furlough granted to a prisoner is treated as remission of the sentence.	Prisoner does not have an absolute legal right to claim parole. <ul style="list-style-type: none"> Prisoners convicted of multiple murders or under the anti-terror Unlawful Activities Prevention Act (UAPA) are not eligible for parole. 	Prisoner does not have an absolute legal right to claim furlough also. <ul style="list-style-type: none"> Grant of furlough must be balanced against the public interest and can be refused to certain categories of prisoners. 							
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PM CARES Fund	<p>Centre has informed Delhi High Court that PM-CARES Fund, is not a government fund as the amount collected by it does not go to the Consolidated Fund of India.</p> <ul style="list-style-type: none"> It is a public charitable trust under the name of 'Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund' (PM CARES Fund). It is a dedicated national fund with the primary objective of dealing with any kind of emergency or distress situation, like posed by the COVID-19 pandemic, and to provide relief to the affected. 																

	<ul style="list-style-type: none"> • Prime Minister is the ex-officio Chairman and Minister of Defence, Minister of Home Affairs and Minister of Finance are ex-officio Trustees of the Fund. • Any contribution made to the PM CARES Fund by any Company or a PSU shall qualify as Corporate Social Responsibility (CSR) expenditure as provided under the Companies Act, 2013 and are 100% exempted from Income Tax. • PM CARES Fund has received exemption from operation of all provisions of the Foreign Contribution (Regulation) Act, 2010 • PM CARES Fund is audited by an independent auditor.
Revised Rural Area Development Plan Formulation and Implementation (RADPFI) Guidelines	<p>Guidelines have been recently released.</p> <ul style="list-style-type: none"> • RADPFI guidelines aim is to have planned spatial development for overall integrated development of villages. • New Guideline (2021) is Focused on <ul style="list-style-type: none"> ○ To prepare the spatial development plan, focus on Typology of villages i.e population, agro-climatic zones, Hill areas, disaster occurrence etc; ○ Village Town Planning Scheme (VPS) – Through community based on Collaborative Planning. ○ Linking 15th Finance Commission with State Finance commission with respect to village level planning. ○ Integrating/Consolidation of GP Development with RURBAN CLUSTERS/Block/ District Plan, as per the 73rd and 74th Constitutional Development Act (CAA) and Gram Panchayat Development Plan (GPDP). ○ Improving the E-Governance through Spatial Data Infrastructure. ○ Use of SVAMITVA (and other digital tools) for the Abadi area (linking to land records). ○ Planning for environmental benefit and disaster preparedness.
Rules for post-retirement hiring of officials by government organisations	<ul style="list-style-type: none"> • Central Vigilance Commission (CVC) has laid down a defined procedure to be followed by government organisations for getting vigilance clearance before employing a retired official on contractual or consultancy basis. <ul style="list-style-type: none"> ○ In case a retired officer had served in more than one organisation, clearance has to be obtained from all of them where the person was posted during the 10 years prior to retirement. • CVC also directed all the government organisations to formulate appropriate rules for its employees to ensure the cooling off period was observed before accepting any offer in Private sector

9.3. LANDMARK COURT CASES

LANDMARK COURT CASES

Anti-conversion laws	<ul style="list-style-type: none"> • Rev. Stainislaus vs State of Madhya Pradesh & Ors (1977) • Sarla Mudgal case (1995): • Lata Singh Vs State of UP (2006) • M Chandra Vs M Thangamuthu & Another, 2010
Uniform Civil Code	<ul style="list-style-type: none"> • Shah Bano case (1985) • Sarla Mudgal Case (1995) • Daniel Latifi Case (2001)
Sedition	<ul style="list-style-type: none"> • RomeshThappar case(1950) • KedarNath Singh case(1962) • Kanahiya Kumar case(2017)
Reservation in Promotions for Persons with Disabilities (PWDs)	<ul style="list-style-type: none"> • Siddaraju v. State of Karnataka, January 2020 judgment • National Federation of the Blind case (2013) • Rajeev Kumar Gupta Case 2016
Office of profit	<ul style="list-style-type: none"> • Pradyut Bordoloi vs Swapam Roy (2001) • Jaya Bachchan vs Union of India (2006)
Appointment of Director General of Police (DGP)	<ul style="list-style-type: none"> • Prakash Singh and Ors v Union of India case 2006
Collegium System of Appointment of Judges in Higher Judiciary	<ul style="list-style-type: none"> • Three Judges cases (in 1981, 1993 and 1998)

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DELHI MUKHERJEE NAGAR | DELHI RAJENDRA NAGAR | DHANBAD | DHARWAR | DIBRUGARH | FARIDABAD | GANGTOK | GAYA | GHAZIABAD | GORAKHPUR |
GREATER NOIDA | GUNTUR | GURGAON | GUWAHATI | GWALIOR | HALDWANI | HARIDWAR | HAZARIBAGH | HISAR | HYDERABAD | IMPHAL | INDORE | ITANAGAR |
JABALPUR | JAIPUR | JAMMU | JAMSHEDPUR | JHANSI | JODHPUR | JORHAT | KANPUR | KOCHI | KOHIMA | KOLKATA | KOTA | KOZHIKODE (CALICUT) | KURNOOL |
KURUKSHETRA | LUCKNOW | LUDHIANA | MADURAI | MANGALURU | MATHURA | MEERUT | MORADABAD | MUMBAI | MUZAFFARPUR | MYSURU | NAGPUR | NASIK |
NAVI MUMBAI | NOIDA | ORAI | PANAJI (GOA) | PANIPAT | PATIALA | PATNA | PRAYAGRAJ (ALLAHABAD) | PUNE | RAIPUR | RAJKOT | RANCHI | ROHTAK | ROORKEE |
SAMBALPUR | SHILLONG | SHIMLA | SILIGURI | SONIPAT | SRINAGAR | SURAT | THANE | THIRUVANANTHAPURAM | TIRUCHIRAPALLI | UDAIPUR | VADODARA |
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