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SIMPLIFYING IAS EXAM PREPARATION



POLITY

May 2018 - January 2019

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Constitutional / Non-Constitutional / Statutory / Regulatory / Various Quasi-Judicial Bodies

NOTES

1. Competition Commission of India (CCI)

- The Competition Commission of India (CCI) was established under the **Competition Act, 2002** for the administration, implementation and enforcement of the Act, and was duly constituted in March 2009.
- Chairman and members are appointed by the central government.
- The following are the **objectives of the Commission**:
 - To prevent practices having adverse effect on competition.
 - To promote and sustain competition in markets.
 - To protect the interests of consumers.
 - To ensure freedom of trade.
- **Functions of the commission**:
 - It is the duty of the Commission to **eliminate practices having adverse effect on competition**, promote and sustain competition, protect the interests of consumers and ensure freedom of trade in the markets of India.
 - The Commission is also required to give **opinion on competition issues** on a reference received from a statutory authority established under any law and to undertake **competition advocacy**, create public awareness and impart training on competition issues.
- **The Competition Act**:
 - The **Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007**, prohibits anti-competitive agreements, abuse of dominant position by enterprises and regulates combinations (acquisition, acquiring of control and Mergers and acquisitions), which causes or likely to cause an appreciable adverse effect on competition within India.

Committee to review the Act:

In pursuance of its objective of ensuring that Legislation is in sync with the needs of strong economic fundamentals, the Government recently constituted a **Competition Law Review Committee to review the Competition Act headed by Secretary, Ministry of Corporate**

2. Central Water Commission

- Central Water Commission is a **premier Technical Organization of India in the field of Water Resources** and is presently functioning as an **attached office of the Ministry of Water Resources, River Development and Ganga Rejuvenation**, Government of India.
- Central Water Commission is headed by a Chairman, with the status of Ex-Officio Secretary to the Government of India.
- **Functions**:
 - The Commission is entrusted with the general responsibilities of initiating, coordinating and furthering in consultation of the State Governments concerned, **schemes for control, conservation and utilization of water resources throughout the country**, for purpose

of Flood Control, Irrigation, Navigation, Drinking Water Supply and Water Power Development.

- It also undertakes the investigations, construction and execution of any such schemes as required.
- The work of the Commission is divided among 3 wings namely, **River Management Wing (RM), Designs and Research Wing (D&R) and Water Planning and Projects Wing (WP&P).**

3. Deputy Chairman of Rajya Sabha

- The Deputy Chairman is a **constitutional position** created under **Article 89 of the Constitution**, which specifies that **Rajya Sabha shall choose one of its MPs to be the Deputy Chairman** as often as the position becomes vacant.
- **The Deputy Chairman vacates his office in the following three cases:**
 - if he ceases to be a member of the Rajya Sabha;
 - if he resigns by writing to the Chairman; and
 - if he is removed by a resolution passed by a majority of all the members of the Rajya Sabha. Such a resolution can be moved only after giving 14 days' advance notice.
- The **Deputy Chairman performs the duties of the Chairman's office** when it is vacant or when the Vice-President acts as President or discharges the functions of the President. He also acts as the Chairman when the latter is absent from the sitting of the House. In both the cases, he has all the powers of the Chairman.
- The **Deputy Chairman is not subordinate to the Chair-man. He is directly responsible to the Rajya Sabha.**
- Like the Chairman, the Deputy Chairman, while presiding over the House, cannot vote in the first instance; he can only exercise a casting vote in the case of a tie.
- When a resolution for the removal of the Deputy Chairman is under consideration of the House, he cannot preside over a sitting of the House, though he may be present.
- When the Chairman presides over the House, the Deputy Chairman is like any other ordinary member of the House. He can speak in the House, participate in its proceedings and vote on any question before the House.
- Like the Chairman, the **Deputy Chairman is also entitled to a regular salary and allowance.** They are fixed by Parliament and are charged on the Consolidated Fund of India.
- **The Deputy Chair is the one position that is elected solely by members of Rajya Sabha.**

4. Governors of States

- By exercising his authority under **Article 156** of the constitution, President Ram Nath Kovind appointed Governors of various states.
- Governor is **the head of the Executive power of any state in India**, just like the President who is the head of the executive power in the Union.
- Governor is **the nominal head of a state**, unlike the Chief Minister who is the real head of a state in India.

- According to an amendment in the Constitution of India (**7th Constitutional Amendment Act**), brought about in 1956, ***the same person can be the Governor of two or more states.***
- **Appointment and removal:**
 - The governors and lieutenant-governors are **appointed by the president** for a term of 5 years.
 - The term of governor's office is normally 5 years but it can be terminated earlier by:
 - Dismissal by the president, at whose pleasure the governor holds office.
 - Resignation by the governor (addressing a resignation letter to the president).
 - There is **no provision of impeachment**, as it happens for the president.
 - Article 157 and Article 158 of the Constitution of India specify eligibility requirements for the post of governor.
- **Powers:**
 - Like the President of India, the Governor of any state in India is vested with certain **executive, legislative and judicial powers**.
 - He or she also possesses certain **discretionary or emergency powers**.
 - But one major difference in the powers enjoyed by the President and those enjoyed by the Governor is, ***the Governor does not have any diplomatic or military powers.***

5. Environment Pollution (Prevention and Control) Authority (EPCA)

- **Union Ministry of Environment, Forests and Climate Change (MoEFCC)** has reconstituted Supreme Court-empowered Environment Pollution (Prevention and Control) Authority (EPCA).
- **About Environment Pollution Control Authority (EPCA):**
 - EPCA was constituted with the objective of 'protecting and improving' the quality of the environment and '**controlling environmental pollution**' in the **National Capital Region**. The EPCA also assists the apex court in various environment-related matters in the region.
 - EPCA is **Supreme Court mandated body** tasked with taking various measures to tackle air pollution in the National Capital Region. It was notified in 1998 by Environment Ministry under Environment Protection Act, 1986.
- **Composition:**
 - Besides the chairman, the EPCA has other members, some of whom are the environment secretary of the National Capital Territory of Delhi (NCT), chairperson of the New Delhi Municipal Council, transport commissioner of the NCT, the commissioners of various municipal corporations of Delhi and professors at IIT Delhi and Jawaharlal Nehru University.
- **Functions:**
 - To **protect and improve quality of environment** and prevent and control environmental pollution in National Capital Region.

- To enforce **Graded Response Action Plan (GRAP)** in NCR as per the pollution levels.

6. Appellate Tribunal against Benami Transactions

- The Union Cabinet has approved setting up of **Appellate Tribunal and appointment of Adjudicating Authority** for speedy disposal of cases related to benami transactions.
- **Salient Features:**
 - Under the **Prohibition of Benami Property Transactions Act (PBPT), 1998**, the government will appoint Adjudicating Authority and establish Appellate Tribunal.
 - The officials will come from the existing posts at the same level from the Income Tax Department and the Central Board of Direct Taxes.
 - The Adjudicating Authority and Appellate Tribunal will be based in the National Capital Territory of Delhi (NCTD).
 - Benches of Adjudicating Authority may sit in Kolkata, Mumbai and Chennai, and the necessary notification in this regard will be issued after consultation with the Chairperson of the proposed Adjudicating Authority.
- **Benefits of the Tribunals:**
 - The approval will result in effective and better administration of cases referred to the Adjudicating Authority and **speedy disposal of appeals** filed against the order of the Adjudicating Authority before the Appellate Tribunal.
 - It would provide first stage review of administrative action under the PBPT Act. Establishment of the proposed Appellate Tribunal would provide an appellate mechanism for the order passed by the Adjudicating Authority under the PBPT Act.
- **Background:**
 - Earlier the cabinet had notified sessions courts in 34 states and Union Territories, which will act as special courts for trial of offences under the benami transaction law. The rules and all the provisions of the Benami Transactions (Prohibition) Act came into force on November 1, 2016.

7. Defence Acquisition Council (DAC)

- To **counter corruption and speed up decision-making in military procurement**, the government of India in 2001 decided to set up an integrated DAC. It is **headed by the Defence Minister**.
- **Objective:** The objective of the DAC is to ensure expeditious procurement of the approved requirements of the Armed Forces, in terms of capabilities sought, and time frame prescribed, by optimally utilizing the allocated budgetary resources.
- **Functions:** The DAC is responsible to **give policy guidelines to acquisitions**, based on long-term procurement plans. It also clears all acquisitions, which includes both imported and those produced indigenously or under a foreign license.

8. Central Vigilance Commission (CVC)

- The Central Vigilance Commission aims to promote integrity, transparency and accountability in public life.
- As part of its efforts to promote probity in public life and to achieve a corruption free society, CVC observes **Vigilance Awareness Week** every year.
- The observation of Vigilance Awareness Week creates greater awareness among public and encourages all the stakeholders to collectively participate in prevention of and fight against Corruption.
- **About CVC:**
 - It is the apex vigilance institution. It was **created via executive resolution (based on the recommendations of Santhanam committee)** in 1964 but was conferred with **statutory status in 2003**.
 - It submits its report to the President of India.
 - **Composition:** Presently, the body consists of central vigilance commissioner along with 2 vigilance commissioners.
 - **Appointment:** They are **appointed by the President** of India on the recommendations of a committee consisting of Prime Minister, Union Home Minister and Leader of the Opposition in Lok Sabha (if there is no LoP then the leader of the single largest Opposition party in the Lok Sabha).
 - **Term:** Their term is 4 years or 65 years, whichever is earlier.
 - **Removal:** The Central Vigilance Commissioner or any Vigilance Commissioner can be removed from his office **only by order of the President** on the ground of proved **misbehavior or incapacity** after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought to be removed.
 - **In addition to this, the President may, by order, remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be:**
 - is adjudged an insolvent; or
 - has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - engages during his term of office in any paid employment outside the duties of his office; or
 - is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
 - has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.

9. Finance Commission

- The Fifteenth Finance Commission has constituted an **Advisory Council** to advise and assist the Commission.
- **The role and functions of the Advisory Council will be:**
 - To advise the Commission on any issue or subject related to the Terms of Reference (ToR) of the Commission, which may be of relevance.

- To assist in the preparation of any paper or research study which would enhance the Commission's understanding on the issues containing in its ToR.
- To help in broadening the Commission's ambit and understanding to seek best national and international practices on matters pertaining to fiscal devolution and improving the quality and reach and enforcement of its recommendations.
- **About the Finance Commission:**
 - It is a body set up under **Article 280** of the Constitution. Its primary job is to **recommend** measures and methods on **how revenues need to be distributed between the Centre and states**.
- **Constitutional provisions:**
 - **Article 280(1)** of the Constitution lays down that a Finance Commission (FC) should be constituted "...within two years from the commencement of this Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President considers necessary..."
 - In keeping with this requirement, the practice has generally been to set up next Finance Commission within five years of the date of setting up of the previous Finance Commission.
- **Composition of Finance Commission:**
 - The Constitution provides that Finance Commission shall consist of a **Chairman** and **four other members** to be appointed by President.
 - The Chairman or members are eligible for reappointment.
 - The Constitution authorizes Parliament to make provisions related to qualifications, conditions of service of members or powers of Finance Commission. So Parliament enacted **Finance Commission Act in 1951** to determine provisions related to qualifications or disqualifications, conditions of service or miscellaneous powers to perform functions provided under constitution.
- **Qualifications:**
 - The Chairman shall have vast experience in Public affairs
 - Other four members shall be selected among persons who
 - have qualifications as par with a judge of HC,
 - has special knowledge of Finance and Accounts of govt,
 - have vast experience in financial matters and
 - have special knowledge of economics.

10.Narcotics Control Bureau (NCB)

- The **National Policy on Narcotic Drugs and Psychotropic Substances** is based on the **Directive Principles, contained in Article 47** of the Indian Constitution, which direct the State to endeavour to bring about **prohibition of the consumption**, except for medicinal purposes, of intoxicating drugs injurious to health.
- The government's policy on the subject which flows from this constitutional provision is also guided by the **international conventions** on the subject.
- The **Narcotics Control Bureau** is the apex coordinating agency. It is under the **Ministry of Home Affairs**. The **Narcotic Drugs and Psychotropic Substances Act, 1985** which came into effect from the 14th November, 1985 made an

express provision for constituting a **Central Authority** for the purpose of exercising the powers and functions of the Central Government under the Act.

- The Bureau, subject to the **supervision and control of the Central Government**, is to exercise the powers and functions of the Central Government for taking measures with respect to:
 - **Co-ordination of actions** by various offices, State Governments and other authorities under the N.D.P.S. Act, Customs Act, Drugs and Cosmetics Act and any other law for the time being in force in connection with the enforcement provisions of the NDPS Act, 1985.
 - **Implementation** of the obligation in respect of counter measures against illicit traffic under the various international conventions and protocols that are in force at present or which may be ratified or acceded to by India in future.
 - **Assistance** to concerned authorities in foreign countries and concerned international organisations to **facilitate coordination and universal action for prevention and suppression of illicit traffic in these drugs** and substances.
 - Coordination of actions taken by the other concerned Ministries, Departments and Organizations in respect of matters relating to drug abuse.

11. Department of Official Language

- With a view to ensuring compliance of the constitutional and legal provisions regarding official language and to promote the use of Hindi for the official purposes of the Union, ***the Department of Official Language was set up in June 1975 as an independent Department of the Ministry of Home Affairs***. Since then, this Department has been making efforts for accelerating the progressive use of Hindi for the official purposes of the Union.
- In accordance with the **Government of India (Allocation of Business) Rules, 1961**, this Department has been entrusted with the following items of work:
 - Implementing the provisions of the Constitution relating to the Official Language and the provisions of the **Official Languages Act, 1963**, except to the extent such implementation has been assigned to any other Department.
 - Prior approval of the President for authorising the limited use of a language, other than English, in the proceedings in the High Court of a State.
 - Nodal responsibility for all matters relating to the progressive use of Hindi as the Official Language of the Union including Hindi Teaching Scheme for Central Government Employees and publication of magazines, journals & other literature related thereto.
 - Co-ordination in all matters relating to the progressive use of Hindi as the Official Language of the Union, including administrative terminology, syllabi, textbooks, training courses and equipment (with standardised script) required therefor.
- **Constitutional provisions:**

- **Part 17 of the constitution of India (Articles 343 to Article 351)** makes elaborate provisions dealing with the official language of the Republic of India.
- The Official languages have been listed in the **8th schedule of Constitution** of India.
- **Official language of union:**
 - **Hindi written in Devanagari script is the Official Language of the Union.** The original constitution provided that for a period of 15 years from the commencement of the constitution, English will continue to be used for all official purposes of the Union.
 - **The constitution made it clear that President may, during the said period, by order authorize the use of the Hindi language** in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.
 - The constitution also makes it clear that even after 15 years, the Parliament by law may provide for the continued use of English for any specific purpose.
 - The constitution has put all authority in the hands of the central government both for formulating and implementing the language policy.
 - It is also special responsibility of the centre to develop and spread the official language (Hindi) of the union (art. 351).
- **Facts for Prelims:**
 - The department has developed a computer software called **"Kanthasth"** for translating the all kinds of official files from English to Hindi and vice versa to make the translation work simpler and quicker.
 - An E-learning platform called the **"Pravah"** also being developed by the department for use in 16 Indian languages including English. Anybody can learn Hindi through his mother tongue with the help of this E-learning platform.

12. Atomic Energy Commission (AEC)

- The Indian Atomic Energy Commission was first setup in August 1948 in the Department of Scientific Research.
- Later on, in accordance with a Government Resolution, the Atomic Energy Commission (AEC) was established in the **Department of Atomic Energy**.
- The Department of Atomic Energy (DAE) was setup on August 3, 1954 under the **direct charge of the Prime Minister** through a Presidential Order.
- According to the Resolution constituting the AEC, the **Secretary to the Government of India in the Department of Atomic Energy is ex-officio Chairman** of the Commission.
- The other Members of the AEC are appointed on the recommendation of the Chairman, AEC and after approval by the Prime Minister.
- **Important functions of the Atomic Energy Commission are:**
 - To organise research in atomic science in the country.
 - To train, atomic scientists in the country.

- To promote nuclear research in commission's own laboratories in India.
- To undertake prospecting of atomic minerals in India and to extract such minerals for use on industrial scale.
- It also gives financial assistance to autonomous national institutes doing research in the field and has various other organisations under it.

13. Indian Council of World Affairs (ICWA)

- It was established in 1943 by group of Indian intellectuals as think tank. It was established as **non-official, non-political and non-profit organisation** under **Registration of Societies Act 1860**.
- It was declared **institution of national importance** by Indian Council of World Affairs (ICWA), 2001 enacted by Parliament.
- ***The Vice President of India is the ex-officio President of ICWA, while the Minister of External Affairs is its Vice-President.***
- ICWA is devoted exclusively for the **study of international relations and foreign affairs**.
- It had conducted historic international conferences like Asian Relations Conference in 1947 under leadership Sarojini Naidu and United Nations and New World Order in 1994.

14. Commission for Denotified (DNT), Semi-Nomadic (SNT), and Nomadic Tribes (NT)

- The NITI Aayog has backed a proposal by a panel constituted by the Ministry of Social justice and Empowerment to set up **a permanent commission for Denotified (DNT), Semi-Nomadic (SNT), and Nomadic Tribes (NT)**.
- **Proposed by Idate Commission:**
 - Bhiku Ramji Idate Commission on DNT, SNT, and NT communities, in its report, had recommended to **set up a permanent commission for the communities** on the lines of similar commissions for Scheduled Castes, Scheduled Tribes, and Other Backward Classes.
 - **Composition:** In its report submitted to the social justice ministry in January 2018, the Idate Commission said such **a permanent commission should have a prominent community leader as its chairperson, and a senior Union government bureaucrat, an anthropologist, and a sociologist as members.**
 - **Other important recommendations** of the panel include granting Constitutional protection to these communities under a separate third schedule after Scheduled Castes and Scheduled Tribes, making them eligible for reservation, and extending the **protective cover of Prevention of Atrocities Act** to them.
- **What are denotified tribes?**
 - Denotified tribes are those that were **labelled as criminals through a legislation by British government** and were denotified post-independence, the Nomadic tribes maintain constant geographical mobility while semi-nomads are those who are on the move but return to fixed habitations once a year, mainly for occupational reasons.

15. Law Commission of India

- Law Commission of India is an **executive body** established by an order of the Government of India.
- The Law Commission shall, on a reference made to it by the Central Government or suo-motu, undertake **research in law and review of existing laws** in India for **making reforms** therein and enacting new legislations.
- It shall also **undertake studies and research** for bringing reforms in the **justice delivery systems** for elimination of delay in procedures, speedy disposal of cases, reduction in cost of litigation etc.
- Its membership primarily comprises **legal experts**, who are entrusted a mandate by the Government.
- The Commission is established for a **fixed tenure** and works as an **advisory body to the Ministry of Law and Justice**. The first Law Commission was established during the British Raj era **in 1834 by the Charter Act of 1833**.
- The first Law Commission of **independent India** was established in **1955** for a three-year term.

16. National Commission for Scheduled Tribes (NCST)

- Chairperson NCST Presents Special Report on **"Indira Sagar Polavaram Project"** Affected Tribal People to President of India.
- **The report and recommendations are under Article 338A(5)(e) of the Constitution** on the measures to be taken by the Government of Andhra Pradesh for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes who are affected on account of Polavaram Irrigation Project, Andhra Pradesh.
- **About NCST:**
- NCST was established by **amending Article 338** and inserting a **new Article 338A** in the Constitution through the **Constitution (89th Amendment) Act, 2003**.
- By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST).
- **Composition:**
 - The term of office of Chairperson, Vice-Chairperson and each member is **three years** from the date of assumption of charge.
 - The Chairperson has been given the rank of Union Cabinet Minister and the Vice-Chairperson that of a Minister of State and other Members have the ranks of a Secretary to the Government of India.
- **Powers:**
 - NCST is empowered to investigate and monitor matters relating to safeguards provided for STs under the Constitution or under other laws or under Govt. order.
 - The Commission is also authorized to inquire into specific complaints relating to rights and safeguards of STs and to participate and advise

in the Planning Process relating to socio-economic development of STs and to evaluate the progress of their development under the Union and States.

- **Report:**
 - The commission submits its report to the President annually on the working of safeguards and measures required for effective implementation of Programmes/ Schemes relating to welfare and socio-economic development of STs.

17. Central Information Commission (CIC)

- Under the provision of **Section-12 of RTI Act 2005** the Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission.
- **Composition:**
 - The Central Information Commission shall consist of the **Chief Information Commissioner** (CIC) and such number of Central Information Commissioners not exceeding 10 as may be deemed necessary.
- **What is the eligibility criteria and what is the process of appointment of CIC/IC?**
 - The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of
 - The Prime Minister, who shall be the Chairperson of the committee.
 - The Leader of Opposition in the Lok Sabha.
 - A Union Cabinet Minister to be nominated by the Prime Minister.
- **Who can be CIC and ICs?**
 - Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
 - Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- **What is the term of office and other service conditions of CIC?**
 - Chief Information Commissioner shall hold office for a **term of five years** from the date on which he enters upon his office and shall **not be eligible for reappointment**:
 - The salaries and allowances payable to and other terms and conditions of service of the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner.
- **What is the term of office and other service conditions of IC?**
 - Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be

eligible for reappointment as such Information Commissioners provided.

- Provided that every Information Commissioner shall on vacating his office be eligible for appointment as the Chief Information Commissioner.
- Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.
- The salaries and allowances payable to and other terms and conditions of service of an Information Commissioner shall be the same as that of an Election Commissioner.

18. Lokpal

- The name of former Supreme Court Judge Justice Pinaki Chandra Ghose has been cleared by the **Lokpal Selection Committee headed by the Prime Minister**.
- **Highlights of the Lokpal Act of 2013:**
 - The Act allows setting up of **anti-corruption ombudsman** called **Lokpal at the Centre and Lokayukta at the State-level**.
 - **Composition:** The Lokpal will consist of a chairperson and a maximum of eight members.
 - **Applicability:** The Lokpal will cover all categories of public servants, including the Prime Minister. But the armed forces do not come under the ambit of Lokpal.
 - **The Act also incorporates provisions for attachment and confiscation of property acquired by corrupt means**, even while the prosecution is pending.
 - **The States will have to institute Lokayukta** within one year of the commencement of the Act.
 - The Act also ensures that public servants who **act as whistleblowers are protected**.
- **Who can become the Chairperson?**
 - **The person who is to be appointed as the chairperson of the Lokpal should be either of the following:** Either the former Chief Justice of India Or the former Judge of Supreme Court Or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.
- **Who can become a member?**
 - Out of the maximum eight members, half will be judicial members.
 - Minimum fifty per cent of the Members will be from SC / ST / OBC / Minorities and women.
 - The judicial member of the Lokpal should be either a former Judge of the Supreme Court or a former Chief Justice of a High Court.
 - The non-judicial member should be an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters

relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

- **Who cannot become the chairperson?**

- The following persons cannot become chairperson of Lokpal: MPs and MLAs, Persons convicted of any offense involving moral turpitude, Less than 45 years of age, Members of Panchayats or Municipality, A person who was removed or dismissed from the public service, A person who holds any office of trust / profit; if so, he would need to resign from Lokpal. A person who is affiliated to a political party Carries on some business / profession; if so, he would need to quit some business.

<p>A long-drawn debate</p> <p>A short history of the Lokpal Bill from the 1960s to the present</p>		<p>2005: The second ARC recommended that a Lokpal be established without delay</p> <p>2013: Lokpal Act, 2013, passed in Parliament</p> <p>2016: Lok Sabha agreed to amend the 2013 Act</p>
<p>1963: The idea of an Ombudsman first came up in Parliament during a discussion on budget allocation for the Law Ministry</p>	<p>State level – to probe complaints against public functionaries, including MPs</p>	<p>2017: The SC on April 27 clarified that the Lokpal appointment process need not be stalled merely due to the absence of the Leader of the Opposition, who is a member of the Lokpal selection committee as per the 2013 Act</p>
<p>1966: The First Administrative Reforms Commission recommended two independent authorities – one at the Centre and one at the</p>	<p>1968: Lokpal Bill introduced in Parliament, but was not passed. Eight attempts were made till 2011 to pass the Bill, but all in vain</p> <p>2002: The Constitution review commission headed by M.N. Venkatachaliah recommended appointment of the Lokpal and the Lokayuktas. It also recommended that the Prime Minister be kept out of the Lokpal's ambit</p>	

- **Term of Office:**

- The term of office for Lokpal Chairman and Members is 5 years or till attaining age of 70 years.
- The salary, allowances and other conditions of service of chairperson are equivalent to Chief Justice of India and members is equivalent to Judge of Supreme Court. If the person is already getting the pension (for being a former judge), the equivalent pension amount will be deducted from the salary.
- The source of salary for Lokpal and Members is Consolidated Fund of India.
- If the chairperson dies in office or has resigned from the post, President can authorise the senior-most Member to act as the Chairperson until new chairperson is appointed. If chairperson is not available for certain functions due to leave, his job will be done by senior most member.

- **Powers:**

- The Lokpal will have the **power of superintendence and direction over any investigation agency** including CBI for cases referred to them by the ombudsman.
- As per the Act, **the Lokpal can summon or question any public servant** if there exists a prima facie case against the person, even before an investigation agency (such as vigilance or CBI) has begun the probe.

- Any officer of the CBI investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.
- An investigation must be completed within six months. However, the Lokpal or Lokayukta may allow extensions of six months at a time provided the reasons for the need of such extensions are given in writing.
- Special courts will be instituted to conduct trials on cases referred by Lokpal.
- **Ambit of the Lokpal:**
 - For a wide range of public servants from the PM, ministers and MPs, to groups A, B, C and D employees of the central government various rules are in place.
 - If a complaint is filed against the PM, the Act says, "Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint".
 - However, certain conditions will apply. **The Act does not allow a Lokpal inquiry if the allegation against the PM relates to international relations, external and internal security, public order, atomic energy and space.**
 - Also, complaints against the PM are not to be probed unless the full Lokpal bench considers the initiation of an inquiry and at least two-thirds of the members approve it.
 - Such an inquiry against the Prime Minister (if conducted) is to be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry are not to be published or made available to anyone.
- **Lokpal itself is also subjected to the Law:**
 - The Act also includes the Lokpal's own members under the definition of "public servant".
 - The Chairperson, Members, officers and other employees of the Lokpal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants.
 - It shall apply to public servants in and outside India.
 - It clarifies that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

19. Statutory Status to the Staff Selection Commission (SSC)

- A Parliamentary Standing Committee (PSC) has recommended that the Centre accord **statutory status to the Staff Selection Commission (SSC)**, one of the largest recruitment agencies in the country.
- **Background:**
 - The SSC was **created to ease the burden of the UPSC by taking over the recruitment for posts below the Group 'A' level.**
 - The Union Public Service Commission (UPSC) and all State Public Service Commissions either have constitutional or legal status.

- *The SSC is the only such organisation that performs similar functions on a much larger scale, but does not enjoy statutory status.*
- **Need for a statutory status:**
 - While the workload and responsibilities of the SSC have increased exponentially over the years, it has remained **an “attached body” under the Department of Personnel and Training (DoPT), and has to depend entirely on the government for all its needs, with no autonomy.**
 - **According statutory status to the SSC would contribute to greater functional autonomy, faster decision-making and efficiency in the overall performance and delivery of results by the SSC** in the recruitment process.

20. National Commission for Minorities (NCM)

- The Supreme Court recently asked the National Commission for Minorities (NCM) to take a decision on a plea seeking guidelines for defining the term ‘minority’ and for their identification State-wise.
- The Supreme Court also directed the National Commission for Minorities (NCM) to examine whether Hindus in states where they are numerical minorities, can be treated at par with other recognized minorities— Muslims, Christians, Sikhs, Buddhists, Parsis and Jains.
- **Background:**
 - Hindus are in a minority in Lakshadweep (2.5%), Mizoram (2.75), Nagaland (8.75), Meghalaya (11.53), J&K (28.44), Arunachal Pradesh (29), Manipur (31.39) and Punjab (38.4).
 - It is argued that in the absence of the “minority” tag, benefits meant for the minority communities were being given away to majority community in each state in an illegal and arbitrary manner.
- **NCM:**
 - The Union Government set up the National Commission for Minorities (NCM) under the **National Commission for Minorities Act, 1992.**
 - Six religious’ communities, viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified in Gazette of India as minority communities by the Union Government all over India.
 - Original notification of 1993 was for five religious communities Sikhs, Buddhists, Parsis, Christians and Muslims.
 - The NCM adheres to the **United Nations Declaration** of 18 December 1992 which states that “States shall protect the existence of the National or Ethnic, Cultural, Religious and Linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity.
- Although **Indian Constitution does not define word Minority** but it has provided constitutional safeguards and fundamental rights to minorities.

21. Governing Council of NITI Aayog

- The **fourth meeting of the Governing Council of NITI Aayog** was held under the chairmanship of the Prime Minister Shri Narendra Modi.

- **The Governing Council of NITI Aayog comprises**
 - Prime Minister of India,
 - Chief Ministers of all the States and Union Territories with Legislatures
 - Lt. Governor of Andaman and Nicobar Islands,
 - Four Union Ministers as ex-officio members and
 - Three Union Ministers as Special Invitees.
- It is the premier body tasked with evolving a shared vision of national development priorities, sectors and strategies with the active involvement of States in shaping the development narrative.
- The Governing Council, which embodies the **objectives of cooperative federalism**, presents a platform to discuss inter-sectoral, inter-departmental and federal issues in order to accelerate the implementation of the national development agenda, in the spirit of *Ek Bharat Shrestha Bharat*.

Executive

1. Role of Lt Governor of Delhi

- The Supreme Court recently held that the **Lt Governor of Delhi has no independent power to take decisions and is bound by the elected government's advice.**
- The ruling also lays down for the first-time clear guidelines for the LG's conduct, and delineates the powers of the two branches of the executive in Delhi, which does not have the status of a full state yet elects its own MLAs and government.
- **Background:**
 - The judgment came on appeals filed by the NCT government against an August 4, 2016, verdict of the Delhi High Court, which had declared that the L-G has "complete control of all matters regarding the National Capital Territory of Delhi, and nothing will happen without the concurrence of the L-G."
- **Supreme Court's observations: Role of LG:**
 - The **L-G is bound by the aid and advice of the Council of Ministers.** In case of difference of opinion, the L-G should straightaway refer the dispute to the **President for a final decision.**
 - The Lieutenant-Governor should act as a "facilitator" for good governance in the national capital and not as an "obstructionist".
 - The Lieutenant-Governor's authority, saying he cannot exercise his discretion in "each and every matter" of daily governance. His **discretionary powers are in fact limited to only matters in the State List** — public order, police and land — over which the legislative power of the Delhi Legislative Assembly stand excluded under Article 239AA.
 - The NCT government need only to inform the L-G of its "well-deliberated" decisions. The government need not obtain his "concurrence" on every issue of day-to-day governance.
 - The elected government could make policies on laws enacted by its own Assembly. The executive power of the NCT government was co-extensive with its legislative powers.
- **Why Delhi cannot be a full- fledged state?**
 - The Supreme Court followed the 1987 **Balakrishnan report to conclude that Delhi is not a State.** Balakrishnan report had envisaged that Delhi could not have a situation in which the national capital had "two governments run by different political parties. Such conflicts may, at times, prejudice the national interest."
 - Delhi as the national capital belongs to the nation as a whole. if Delhi becomes a full-fledged State, there would be a **constitutional division of sovereign, legislative and executive powers between the Union and the State of Delhi.**
 - Parliament would have limited legislative access and that too only in special and emergency situations.

- The Union would be unable to discharge its “special responsibilities in relation to the national capital as well as to the nation itself”.

2. Indian Petroleum & Explosives Safety Service (IPESS)

- The Union Cabinet has approved the Cadre review and formation of **Group ‘A’ service of the technical cadre of Petroleum & Safety Organization (PESO)** in the name of **Indian Petroleum & Explosives Safety Service (IPESS)**.

- **Significance of the move:**

- To remove acute stagnation in all grades and uplift the morale of the workforce and enhance its performance, it has been decided to form Group ‘A’ Service of the technical cadre of PESO in the name of IPESS and restructure the newly-formed service.
- The measure will enhance the capacity and efficiency of the organization and it will also enhance career progression of its Group ‘A’ officers.

About PESO:

PESO is a **subordinate office** under **Department for Promotion of Industry and Internal Trade (DPIIT)**.

The organization is serving the nation since 1898 as a nodal agency for **regulating safety of substances** such as explosives, compressed gases and petroleum.

The organization deals with wide range of subjects related to explosives, petroleum, compressed gases, pressure vessels, gas cylinders, cross-country pipelines, Liquefied Natural Gas (LNG), Compressed Natural Gas (CNG), Auto Liquefied Petroleum Gas (Auto LPG) etc.

3. Indian Forest and Tribal Service

- The Ministry of Personnel, Public Grievances and Pensions has initiated an inter-ministerial consultation note to rename the **Indian Forest Service as Indian Forest and Tribal Service**.
- **Background:**
 - The renaming is based on **the recommendation made by the** National Commission for Scheduled Tribes (NCST) which highlights the close ties between tribals, the forest and forest ecosystem.
 - Merging forest and tribal welfare administrations will further the participation of ‘tribals’ in forest management.
- **About the Indian Forest Service:**
 - During the year **1864 the then British India Government started the Imperial Forest Department and appointed Dr. Dietrich Brandis, a German Forest officer Inspector General of Forests in 1866**.
 - Having recognized the need to have a premier forest service to manage the varied natural resources of the vast country and to organize the affairs of the Imperial Forest Department, **Imperial Forest Service was constituted in 1867**.
 - The subject of **“Forestry” was transferred to the “Provincial List” by the Government of India Act, 1935** and subsequently recruitment to the Imperial Forest Service was discontinued.
 - **The Indian Forest Service, one of the three All India Services, was constituted in the year 1966 under the All India Services Act, 1951** by the Government of India.
 - **The main mandate of the service** is the implementation of the National Forest Policy which envisages scientific management of forests and to exploit them on a sustained basis for primary timber products, among other things.

Parliament and State Legislatures

1. Private Member's Bill

- **Who is a Private Member?** Any MP who is not a Minister is referred to as a private member.
- Introduction in the House:
 - The **admissibility of a private member's Bill is decided by the Rajya Sabha Chairman**. In the case of Lok Sabha, it is **the Speaker**; the procedure is roughly the same for both Houses.
 - The **Member must give at least a month's notice** before the Bill can be listed for introduction; the House secretariat examines it for compliance with constitutional provisions and rules on legislation before listing.
 - Up to 1997, private members could introduce up to three Bills in a week. This led to a piling up of Bills that were introduced but never discussed; The then Chairman K R Narayanan, therefore, capped the **number of private member's Bills to three per session**.
 - While government Bills can be introduced and discussed on any day, **private member's Bills can be introduced and discussed only on Fridays**.
 - Fourteen private member's Bills — five of which were introduced in Rajya Sabha — have become law so far.

What are Government Bills?

- **Bills introduced by Ministers** are referred to as government bills.
- They are backed by the government, and reflect its **legislative agenda**.
- Private member's bills purpose is to draw the government's attention to what individual MPs see as issues and gaps in the existing legal framework, which require legislative intervention.

2. Odisha Approved Proposal for Legislative Council

- The Odisha government has approved a proposal for setting up a legislative council in the state.
- **Creation of a legislative council:**
 - **Under Article 169 of the constitution**, Parliament may by law create or abolish the second chamber in a state if the Legislative Assembly of that state passes a resolution to that effect by a special majority.
- **Strength of the house:**
 - **As per article 171 clause (1)** of the Indian Constitution, the total number of members in the legislative council of a state shall **not exceed one third of the total number of the members in the legislative Assembly of that state** and the total number of members in the legislative council of a state shall in **no case be less than 40**. (The exception is J&K, where the Legislative Council has 36 members vide Section 50 of the constitution of the state.)
- **How are members of the Council elected?**
 - About 1/3rd of members are elected by members of the Assembly, another 1/3rd by electorates consisting of members of municipalities, district boards and other local authorities in the state,

1/12th by an electorate consisting of teachers, and 1/12th by registered graduates.

- The remaining members are nominated by the Governor from among those who have distinguished themselves in literature, science, art, the cooperative movement, and social service.
- **Legislative Councils are permanent Houses**, and like Rajya Sabha, one-third of their members retire every two years.

- **Do Rajya Sabha and Vidhan Parishads have similar powers?**

- The constitution gives Councils limited legislative powers.
- Unlike Rajya Sabha which has substantial powers to shape non-financial legislation, Legislative Councils lack the constitutional mandate to do so.
- Legislative Assemblies have the power to override suggestions/amendments made to a legislation by the Council.
- While Rajya Sabha MPs can vote in the election of the President and Vice-President, members of Legislative Councils can't.
- MLCs also can't vote in the elections of Rajya Sabha members.

3. Office of Profit

- If an MLA or an MP holds a government office and receives benefits from it, then that office is termed as an "office of profit".
- A person will be disqualified if he holds an office of profit under the central or state government, other than an office declared not to disqualify its holder by a law passed by Parliament or state legislature.
- It has **not been defined in Constitution or Representation of the People Act, 1951**.
- ***What are the basic criteria to disqualify an MP or MLA?***
 - Basic disqualification criteria for an MP are laid down in **Article 102** of the Constitution, and for an MLA in **Article 191**.
 - **They can be disqualified for:**
 - Holding an office of profit under government of India or state government;
 - Being of unsound mind;
 - Being an undischarged insolvent;
 - Not being an Indian citizen or for acquiring citizenship of another country.
- ***What is the underlying principle for including 'office of profit' as criterion for disqualification?***
 - Makers of the Constitution wanted that legislators should not feel obligated to the Executive in any way, which could influence them while discharging legislative functions.
 - In other words, **an MP or MLA should be free to carry out her duties without any kind of governmental pressure.**

4. Anti- Defection Law

- ***The 10th Schedule to the Constitution***, popularly referred to as the 'Anti-Defection Law,' was inserted by the **52nd Amendment** in 1985.

- The grounds for disqualification are mentioned under **Articles 102 (2) and 191 (2)**. A Member of Parliament or state legislature is deemed to have defected:
 - When the elected member **voluntarily gives up his membership** of a political party.
 - If he **votes or abstains from voting** in such House contrary to any direction issued by his political party or anyone authorised to do so, without obtaining prior permission.
 - **Independent members** would be disqualified **if they joined a political party**.
 - **Nominated members** who were not members of a party could choose to join a party within six months. However, **if they choose to join a political party after six months, they will be disqualified as members of the House**.
- **Exceptions under the Law:**
 - Any person elected as speaker or chairman could resign from his party, and rejoin the party if he demitted that post.
 - A party could be merged into another if at least two-thirds of its party legislators voted for the merger.
 - The law initially permitted splitting of parties, but that has now been outlawed.
- **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 1992**, thereby allowing appeals 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.

5. Ethics Committee of Lok Sabha

- Senior BJP leader L K Advani was renominated as Chairman of Ethics Committee of Lok Sabha by Lok Sabha Speaker Sumitra Mahajan.
- **About Ethics Committee:**
 - The Ethics Committee of the Lok Sabha was constituted on **16 May 2000** as an adhoc committee. However, **in August 2015 it was given permanent Standing Committee status**.
- **Functions of the Committee:**
 - The Ethics Committee **examines every complaint relating to unethical conduct** of a member referred to it.
 - It is also free to take up **suo motu investigation** into matters relating to ethics, including matters relating to unethical conduct by a member wherever felt necessary and make such recommendations as it may deem fit.

6. Nominated Members of the Rajya Sabha

- In exercise of the powers conferred by **Article 80 of the Constitution of India**, and on **the advice of the Prime Minister**, the **President of India makes nominations to the Rajya Sabha**.

- **Nominated member of the Rajya Sabha:**
 - **Under article 80 of the Constitution**, the Council of States (Rajya Sabha) is composed of not more than 250 members, of whom **12 are nominated** by the President of India from amongst persons who have special knowledge or practical experience in respect of such matters as **literature, science, art and social service**.
- **Powers and privileges:**
 - Nominated members enjoy all powers, privileges and immunities available to an elected member of Parliament.
 - They take part in the proceedings of the House as any other member.
 - They, however, are **not entitled to vote in the election of the President of India**.
 - But in the election of the Vice-President of India, they have a right to vote.
 - A nominated member is allowed six months, should he decide to join a political party after he has taken his seat in the House in terms of article 99 of the Constitution.
 - A nominated member has also been **exempted from filing his assets and liabilities under Section 75A of the Representation of the Peoples Act, 1951** which requires the elected member to do so within 90 days of his making or subscribing oath/affirmation.
 - Under **MPLADS**, the Nominated Members of the Rajya Sabha may select any Districts from any State in the Country for implementation of their choice of work under the scheme.

7. No-Confidence Motion

- The Speaker of Lok Sabha, had admitted a no-confidence motion moved by the opposition against the ruling government.
- **How it works?**
 - **At least 50 MPs would need to stand up and support the move.** If there are 50 MPs in favour, the motion is admitted and the speaker allots a date for discussion on the motion. The prime minister or ministers reply to the charges made.
 - The mover has the right to reply. After the debate, the speaker puts question to the house and ascertains the decision of the house by voice vote or a division.
- **Grounds:**
 - **A Motion of No-confidence need not set out any grounds on which it is based.** Even when grounds are mentioned in the notice and read out in the House, they do not form part of the no-confidence Motion.
- **Implications:**
 - **The government is expected to resign if it loses a trust**

What is a no-confidence motion?

- A no-confidence motion is a parliamentary motion which is **moved in the Lok Sabha against the entire council of ministers**, stating that they are no longer deemed fit to hold positions of responsibility due to their inadequacy in some respect or their failure to carry out their obligations.
- **No prior reason needs to be stated** for its adoption in the Lok Sabha.

vote. In case it refuses to do so, the President has the power to remove the prime minister. In the history of Indian Parliament, no Prime Minister has been forcibly removed so far.

- After a government loses a trust vote and resigns, it continues to function, but as a caretaker government with almost the same powers as it had before the voting.
- However, a caretaker government wouldn't have the power to take any major policy decisions since Parliament remains dissolved. A new government gets elected after the general elections.

- **Key facts for Prelims:**

- The **Rajya Sabha does not have a procedure** for moving of an adjournment motion, censure motion or no-confidence motion against the Government.
- **Rule 198 of the Rules of Procedure and Conduct of Business** in Lok Sabha lays down the procedure for moving a Motion of No-Confidence in the Council of Ministers.
- There is no mention of a no-confidence motion in the constitution.

8. Privilege Motion

- Parliamentary privileges are **certain rights and immunities enjoyed by members of Parliament, individually and collectively**, so that they can "effectively discharge their functions".
- When any of these rights and immunities are disregarded, the offence is called a **breach of privilege** and is **punishable under law of Parliament**.
- **Who can move it? How?**
 - A notice is moved in the form of a motion by **any member of either House** against those being held guilty of breach of privilege.
 - Each House also claims the right to punish as contempt actions which, while not breach of any specific privilege, are offences against its authority and dignity.
- **What are the rules governing privilege?**
 - Rule No 222 in Chapter 20 of the **Lok Sabha Rule Book** and correspondingly Rule 187 in Chapter 16 of the **Rajya Sabha rulebook** governs privilege.
 - It says that a member may, with the **consent of the Speaker or the Chairperson**, raise a question involving a breach of privilege either of a member or of the House or of a committee thereof.
 - The rules however mandate that any notice should be relating to an **incident of recent occurrence** and should need the intervention of the House. Notices have to be given before 10 am to the Speaker or the Chairperson.
- **What is the role of the Speaker/Rajya Sabha Chair?**
 - **The Speaker/RS chairperson is the first level of scrutiny of a privilege motion.**
 - The Speaker/Chair can decide on the privilege motion himself or herself or refer it to the privileges committee of Parliament.
 - If the Speaker/Chair gives consent under Rule 222, the member concerned is given an opportunity to make a short statement.
- **What is the privileges committee?**

- In the Lok Sabha, the Speaker nominates a **committee of privileges consisting of 15 members** as per respective party strengths. A report is then presented to the House for its consideration. The Speaker may permit a half-hour debate while considering the report. The Speaker may then pass final orders or direct that the report be tabled before the House.
- A resolution may then be moved relating to the breach of privilege that has to be unanimously passed. **In the Rajya Sabha, the deputy chairperson heads the committee of privileges**, that consists of 10 members.

9. Suspension of MPs

- Cracking the whip on unruly MPs, Speaker had suspended 45 Lok Sabha members after they created ruckus in the House and continuously disrupted proceedings for days.

- **Provisions in this regard:**

- Among the tools available to the Speaker for ensuring discipline is **the power to force a member to withdraw from the House (for the remaining part of the day), or to place him under suspension.**
- **Rule Number 373 of the Rules of Procedure and Conduct of Business** states that *in case the Speaker is of the opinion that the conduct of any member is "grossly disorderly", he or she may direct that member to "withdraw immediately from the House". The member is required to "do so forthwith", and stay away from the "remainder of the day's sitting".*
- **The Speaker may invoke Rule 374A** in case of *"grave disorder occasioned by a member coming into the well of the House or abusing the Rules of the House, persistently and wilfully obstructing its business by shouting slogans or otherwise..."*. The member concerned, "on being named by the Speaker, stands automatically suspended from the service of the House for five consecutive sittings or the remainder of the session, whichever is less".
- While the Speaker is empowered to place a member under suspension, **the authority for revocation of this order is not vested**

Similar powers to the Chairman of Rajya Sabha:

- **Chairman of the Rajya Sabha is empowered — under Rule Number 255 of its Rule Book** — to *"direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately" from the House. "...Any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting."*
- The Chairman may "name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing" business. In such a situation, the **House may adopt a motion suspending the member** from the service of the House for a period not exceeding the remainder of the session.
- **The House may, however, by another motion, terminate the suspension. Unlike the Speaker, the Rajya Sabha Chairman does not have the power to suspend a member.**

in her. It is for the House, if it so desires, to resolve on a motion to revoke the suspension.

NOTES

Judiciary

1. New High Court for Andhra Pradesh

- In pursuance of **article 214 of the Constitution** and the Order issued by the Supreme Court of India and in exercise of powers conferred under clause (a) of sub-section (1) of section 30, sub-section (1) of section 31 and sub-section (2) of section 31 of the Andhra Pradesh Reorganisation Act, 2014, the President has constituted a separate High Court for the State of Andhra Pradesh, namely, the **High Court of Andhra Pradesh**, from the 1st day of January, 2019 with the principal seat of such High Court at **Amaravati** in the State of Andhra Pradesh and the High Court of Judicature at Hyderabad shall become the High Court for the State of Telangana.
 - The new High Court for Andhra Pradesh will be the **25th High Court in the country**.
 - The new Andhra HC is expected to function from a temporary structure in Amaravati till a permanent building is set up at the 'Justice City' being planned in Amaravati.
- **Constitutional provisions related to High Court in India:**
 - **Article 214** provides that every State shall have a High Court, however, **Article 231** states that Article 214 shall not be a bar for constituting a common high court for two or more States.
 - **Only Parliament may by law establish a Common High Court for two or more States.** This means that, unless Parliament by law establishes a Common High Court for two or more States, every State has to have a High Court, i.e., upon formation of a new State a new High Court is also formed.
 - **Article 216** provides that every High Court shall consist of a Chief Justice and such other number of judges as the President may from time to time deem necessary to appoint.
 - **Article 217** relates to appointment of HC judges.

2. Legal Guardian of Cows

- The **Uttarakhand high court** would henceforth act as ***the legal guardian of cows in the state***.
- This is the first time in India that a court has had invoked the '**parens patriae**' doctrine for cow protection.
- Parens patriae in Latin means 'parent of the country' and is a doctrine that grants the court inherent power and authority to act as guardian for those who are unable to take care for themselves.
- The court can now act as the legal guardian of the cows in the state and keep a tab on all issues related to cows especially its directions with regard to their protection.
- If there are any violations in laws and rules regarding cows, the court can take suo moto cognisance and issue directions to the state.

3. Uttarakhand High Court Declares Animal Kingdom a Legal Entity

- The Uttarakhand high court has declared ***the entire animal kingdom, including birds and aquatic animals, as a legal entity*** having rights of a “living person”. The move aims to ensure “greater welfare” of animals.
- The entire animal kingdom, including avian and aquatic ones, are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person.
- **Legal entity?**
 - A legal entity means an entity which acts like a natural person but only through a designated person, whose acts are processed within the ambit of law. **This means the animal kingdom could be represented by a custodian.**
- **Constitutional status:**
 - Invoking **Article 21 of the Constitution**, the court said: “Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word ‘life’ means animal world”.
 - The court cited a 2014 Supreme Court judgment to say any disturbance from the “basic environment which includes all forms of life, including animals life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution”.
- **Facts for Prelims:**
 - Uttarakhand high court had earlier accorded the status of “living entity” to the Ganga and Yamuna rivers, a decision subsequently stayed by the Supreme Court.

4. Curative Petition

- It is ***the last judicial resort available for redressal of grievances in court*** which is normally decided by judges in-chamber. It is only ***in rare cases*** that such petitions are given an open-court hearing.
- The concept of curative petition was first evolved by the Supreme Court of India in the matter of ***Rupa Ashok Hurra vs. Ashok Hurra and Anr. (2002)*** where the question was whether an aggrieved person is entitled to any relief against the final judgement/order of the Supreme Court, after dismissal of a review petition.
- The Supreme Court in the said case held that ***in order to prevent abuse of its process and to cure gross miscarriage of justice, it may reconsider its judgements in exercise of its inherent powers***. For this purpose, the Court has devised what has been termed as a “curative” petition.

‘In-chamber’ decision refers to a process of decision making where the orders are issued from the Justice’s chambers without a formal court proceeding.

5. Contempt of Court

- The Supreme Court had issued ***contempt notices to the RBI*** for failing to reveal under the Right to Information Act intelligence received on loan defaulters and details of action taken against banks in connection with fraud.
- ***What is contempt under the Indian law?***

- In India, ***the Contempt of Courts Act, 1971***, divides contempt into civil contempt and criminal contempt.
- ***Civil contempt*** is a 'wilful disobedience to any judgment, decree, direction, order, writ or other processes of a Court or wilful breach of an undertaking given to the court'.
- ***'Criminal contempt'*** is 'the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which:
 - Scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court.
 - Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding.
 - Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.'
- ***Significance:***
 - Under ***articles 129 and 215 of the constitution***, which enables the courts to hold individuals in contempt if they attempt to demean or belittle their authority.
- ***Is criticism allowed?***
 - Yes. The Contempt of Courts Act, 1971, very clearly states that fair criticism of any case which has been heard and decided is not contempt.
- ***2006 Amendment:***
 - The statute of 1971 has recently been amended by the Contempt of Courts (Amendment) Act, 2006 to include ***the defence of truth under Section 13 of the original legislation***.
 - ***Section 13*** that already served to restrict the powers of the court in that they were not to hold anyone in contempt unless it would substantially interfere with the due process of justice, the amendment further states that the court must permit 'justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.'

Centre – State Relations

1. Renaming of States

- West Bengal government's move to rename WB as "Bangla" has hit a roadblock after concerns that the new name may sound like Bangladesh, and it would be difficult to differentiate the two at international forums.
- **Rationale behind renaming:**
 - The state government first proposed the renaming in 2016. It had then argued for the change saying bureaucrats and politicians from the state often complain that they are asked to speak at the end of every national-level meeting in Delhi.
 - ***This was because the speakers' lists at such meeting are prepared according to alphabetical order of the states they represent.***
 - If West Bengal gets the new name, it will leapfrog from bottom of the list to the top of the pecking order.
 - ***The renaming will help the state appear at the fourth spot*** after Arunachal Pradesh, Andhra Pradesh and Assam in the alphabetic order of the states.
- **The procedure of renaming of the state can be initiated by either the Parliament or the State Legislature and the procedure is as follows:**
 - The renaming of a state requires Parliamentary approval under Article 3 and 4 of the Constitution.
 - A bill for renaming a state may be introduced in the Parliament on the recommendation of the President.
 - Before the introduction of the bill, the President shall send the bill to the respective state assembly for expressing their views within a stipulated time. The views of the state assembly are not binding, neither on the President nor on the Parliament.
 - On the expiry of the period, the bill will be sent to the Parliament for deliberation. The bill in order to take the force of a law must be passed by a simple majority.
 - The bill is sent for approval to the President. After the approval of the said bill, the bill becomes a law and the name of the state stands modified.
- **Initiation by a State:**
 - If any fresh proposal comes from states to the Home Ministry, it will prepare a note for the Union Cabinet for an amendment to the Schedule 1 of the Constitution.
 - Thereafter, a Constitution Amendment Bill will be introduced in Parliament, which has to approve it with a simple majority, before the President gives his assent to it.

2. Zonal Council

- Zonal councils have been established by the Parliament to promote **interstate cooperation and coordination**. They are **statutory bodies** established under the **States Reorganisation Act 1956** and not constitutional bodies. They are only deliberative and advisory bodies.
- **There are five Zonal councils namely:**

- The **Northern Zonal Council**, comprising the States of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh.
- The **Central Zonal Council**, comprising the States of Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh.
- The **Eastern Zonal Council**, comprising the States of Bihar, Jharkhand, Orissa, and West Bengal.
- The **Western Zonal Council**, comprising the States of Goa, Gujarat, Maharashtra and the Union Territories of Daman & Diu and Dadra & Nagar Haveli.
- The **Southern Zonal Council**, comprising the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry.
- **The North Eastern States** i.e. (i) Assam (ii) Arunachal Pradesh (iii) Manipur (iv) Tripura (v) Mizoram (vi) Meghalaya (vii) Sikkim and (viii) Nagaland are not included in the Zonal Councils and their special problems are looked after by the **North Eastern Council**, set up under the North Eastern Council Act, 1971.
- **Composition:**
 - **Chairman** – The **Union Home Minister** is the Chairman of each of these Councils.
 - **Vice Chairman** – The Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.
 - **Members**- Chief Minister and two other Ministers as nominated by the Governor from each of the States and two members from Union Territories included in the zone.
 - **Advisers**- One person nominated by the Planning Commission (which has been replaced by NITI Ayog now) for each of the Zonal Councils, Chief Secretaries and another officer/Development Commissioner nominated by each of the States included in the Zone.
 - Union Ministers are also invited to participate in the meetings of Zonal Councils depending upon necessity.
- **The main objectives of setting up of Zonal Councils are:**
 - Bringing out national integration.
 - Arresting the growth of acute State consciousness, regionalism, linguism and particularistic tendencies.
 - Enabling the Centre and the States to co-operate and exchange ideas and experiences.
 - Establishing a climate of co-operation amongst the States for successful and speedy execution of development projects.

3. North Eastern Council

- NEC was established under the **North Eastern Council Act, 1971** as an apex level body for securing balanced and coordinated development and facilitating coordination with the eight States of Northeast India viz. Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim.

- The respective Chief Ministers and Governors represent the council.
- **Sikkim was added to the council in the year 2002.** The headquarters of the council is situated in Shillong and functions under the **ministry of home affairs** of the Government of India.
- Subsequent to the Amendment of 2002, NEC has been mandated to function as a regional planning body for the North Eastern Area and while formulating a regional plan for this area, shall give priority to the schemes and projects benefiting two or more states provided that in the case of Sikkim, the Council shall formulate specific projects and schemes for that State.
- **Recent amendments:**
 - The Union Cabinet, in June 2018, approved the proposal of Ministry of Development of North Eastern Region (DoNER) for the nomination of the Union Home Minister as ex-officio Chairman of North Eastern Council (NEC). The Cabinet has also approved that Minister of State (Independent Charge), Ministry of DoNER would serve as Vice Chairman of the Council.
 - Under the new arrangement, Home Minister shall be the Chairman and Minister of DoNER as Vice Chairman, NEC and all the Governors and Chief Ministers of North Eastern States will be Members.

4. Special Category Status

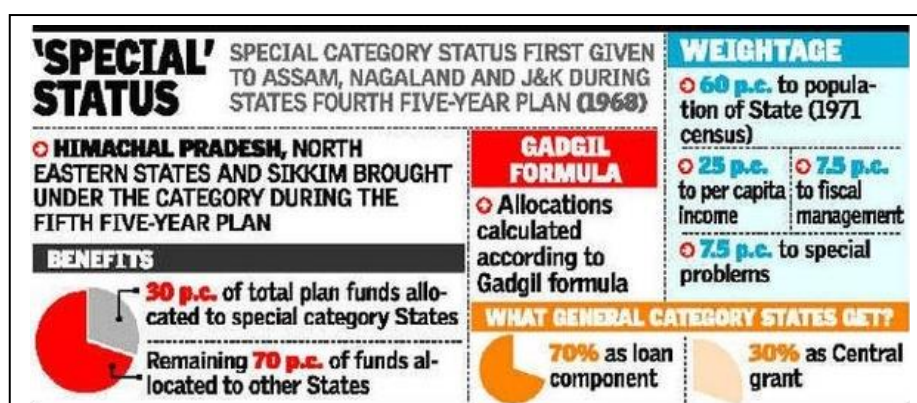
- Bihar CM Nitish Kumar had appealed for Special Category Status for Bihar. He highlighted various issues impeding Bihar's development and implored the central government for granting the Special Category Status (SCS) for the state.
- However, the Inter-Ministerial Group had rejected Bihar's plea to be considered a special category State.
- The Central government had filed a counter affidavit in the Supreme Court expressing its inability to give Special Category Status (SCS) to Andhra Pradesh and said all commitments under the A.P. Reorganisation Act (APRA), 2014 had been addressed.
- **What is Special Category Status?**
 - There is **no provision of SCS in the Constitution**; the Central government extends financial assistance to states that are at a comparative disadvantage against others. The concept of SCS emerged in 1969 when the Gadgil formula (that determined Central assistance to states) was approved.
- **Some prominent guidelines for getting SCS status:**
 - Must be economically backward with poor infrastructure.
 - The states must be located in hilly and challenging terrain.
 - They should have low population density and significant tribal population.
 - Should be strategically situated along the borders of neighboring countries.
- **What kind of assistance do SCS States receive?**
 - The SCS States used to receive **block grants** based on the Gadgil-Mukherjee formula, which effectively allowed for nearly 30 per cent

of the Total Central Assistance to be transferred to SCS States as late as 2009-10.

- Following the constitution of the NITI Aayog (after the dissolution of the Planning Commission) and the recommendations of the Fourteenth Finance Commission (FFC), Central plan assistance to SCS States has been subsumed in an increased devolution of the divisible pool to all States (from 32% in the 13th FC recommendations to 42%) and do not any longer appear in plan expenditure.
- The FFC also recommended variables such as “forest cover” to be included in devolution, with a weightage of 7.5 in the criteria and which could benefit north-eastern States that were previously given SCS assistance. Besides, assistance to Centrally Sponsored Schemes for SCS States was given with 90% Central share and 10% State share.

• **When was the first Special Category status bestowed?**

- The NDC first accorded SCS in 1969 to Jammu and Kashmir, Assam and Nagaland. Over the years, eight more states were added to the list — Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura and, finally, in 2010, Uttarakhand. Until 2014-15, SCS meant these 11 states received a variety of benefits and sops.



Inter-State Relations

1. Inter-State Council (ISC)

- Inter-State Council Standing Committee completes its deliberations on Punchhi Commission report.
- **Background:**
 - The recommendations in Volume VI of the Punchhi Commission report are related to Environment, Natural Resources and Infrastructure. The recommendations in Volume VII are related to Socio-economic Development, Public Policy and Good Governance.
- **About the inter-state council: What is it?**
 - The Council is a **recommendatory body** to investigate and discuss subjects, in which some or all of the states or the union government have a common interest.
- **Key facts:**
 - **Article 263** of the Constitution of India provides for the **establishment of an Inter-State Council**.
 - It considers recommendations for the better coordination of policy and action, and also matters of general interest to the states.
 - The inter-state council is **not a permanent constitutional body** for coordination between the states and union government. It can be established 'at any time' if it appears to the President that the public interests would be served by the establishment of such a council.
- **The Council shall consist of:**
 - Prime minister who is the chairman.
 - Chief ministers of all states who are members.
 - Chief ministers of union territories and administrators of UTs as members.
 - Six union ministers of cabinet rank in the union council of ministers nominated by the prime minister are also members.

Punchhi Commission

Punchhi Commission notified in 2005 submitted its report in 2010.

The recommendations of the Punchhi Commission, which are contained in seven Volumes pertain to History of Centre-State Relations in India; Constitutional Governance and Management of Centre-State Relations; Centre-State Financial Relations and Planning; Local Self-Governments and Decentralized Governance; Internal Security, Criminal Justice and Centre-State Cooperation; Environment, Natural Resources & Infrastructure; and Socio-Economic Development, Public Policy and Good Governance.

2. Cauvery Management Scheme

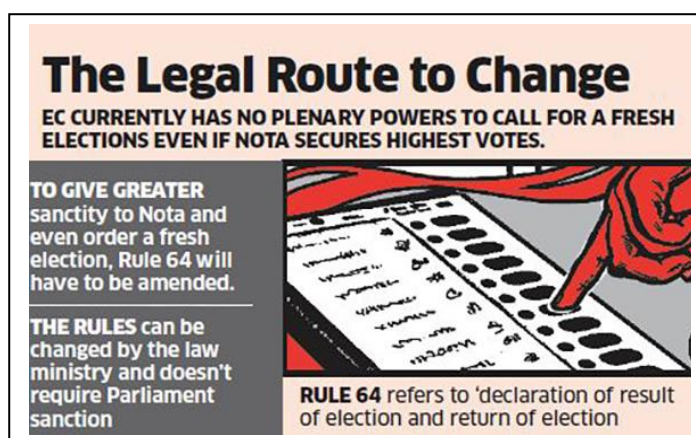
- The Supreme Court has approved the **Cauvery Water Management Scheme, 2018** framed under **Section 6A of the Inter-State River Water Disputes Act of 1956** by the Central government for the establishment of the Cauvery Management Board.

- **Background:**
 - The apex court, in its verdict delivered, had asked the Centre to frame the Cauvery management scheme, including creation of the Cauvery Management Board, for release of water from Karnataka to Tamil Nadu, Kerala and Puducherry.
- **Modifications made by the Court:**
 - The top court had modified the Cauvery Water Disputes Tribunal (CWDT) award of 2007 and made it clear that it will not be extending the time for this on any ground.
 - It had raised the 270 tmcft share of Cauvery water for Karnataka by 14.75 tmcft and reduced Tamil Nadu's share, while compensating it by allowing extraction of 10 tmcft groundwater from the river basin, saying the **issue of drinking water has to be placed on a "higher pedestal"**.
- **About the Cauvery Management Scheme:**
 - The Cauvery water management scheme will deal with the **release of water from Karnataka to Tamil Nadu, Kerala and Puducherry**.
 - It will be implemented by the **Cauvery Management Authority (CMA)**. CMA will be the sole body to implement the Cauvery Water Disputes Tribunal award as modified by the apex court. The Centre would have no say in it except for issuing administrative advisories to it.

Electoral Issues / Electoral Reforms

1. NOTA in Rajya Sabha

- The Supreme Court has overruled an Election Commission notification, saying that NOTA (None Of The Above) option cannot be allowed in Rajya Sabha elections.
- **Why SC scrapped the use of NOTA in Rajya Saba elections?**
 - As per the court, the NOTA option is meant only for universal adult suffrage and direct elections and not polls held by the system of proportional representation by means of the single transferable vote as done in the Rajya Sabha.
- **The use of NOTA in elections:**
 - NOTA was introduced in India following the 2013 Supreme Court directive in the People's Union for Civil Liberties v. Union of India judgment.
 - The option of NOTA in RS polls was introduced by the EC in 2014.
 - Thus, India became the 14th country to institute negative voting.
 - NOTA in India does not provide for a 'right to reject'. The candidate with the maximum votes wins the election irrespective of the number of NOTA votes polled.
 - Earlier, in order to cast a negative ballot, a voter had to inform the presiding officer at the polling booth. **A NOTA vote doesn't require the involvement of the presiding officer.**



2. Electoral Bonds

- The **Election Commission of India (ECI)** has told the Supreme Court that the electoral bonds, wreck transparency in political funding.
- Electoral bonds will allow donors to pay political parties using **banks as an intermediary.**
- **Key features:**
 - Although called a bond, the banking instrument **resembling promissory notes** will not carry any interest.
 - The electoral bond, which will be a **bearer instrument**, will not carry the name of the payee and can be bought for any value, in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh or Rs 1 crore and will be available at specified branches of State Bank of India.
 - Donors can donate the bonds to their party of choice which can then be cashed in via the party's verified account within 15 days.

- **Electoral bonds will not bear the name of the donor.** In essence, the donor and the party details will be available with the bank, but the political party might not be aware of who the donor is.
- The donations would be **tax deductible**.
- **Eligibility:**
 - As per provisions of the Scheme, electoral bonds may be **purchased by a citizen of India, or entities incorporated or established in India.**
 - A person being an individual can buy electoral bonds, either singly or jointly with other individuals.
 - Every party that is registered under **section 29A of the Representation of the Peoples Act, 1951** and has secured at least one per cent of the votes polled in the most recent Lok Sabha or State election will be allotted a verified account by the Election Commission of India. Electoral bond transactions can be made only via this account.

3. Section 151A of RPA

- It mandates the Election Commission to fill the casual vacancies in the Houses of Parliament and State Legislatures through **bye elections** within six months from the date of occurrence of the vacancy, provided that the remainder of the term of a member in relation to a vacancy is one year or more.
- Bye-elections are required to be held under Section 151A of RP Act within six months from the date of occurrence of the vacancy.

4. Model Code of Conduct

- These are the **guidelines issued by the Election Commission of India** for conduct of political parties and candidates during elections mainly with respect to speeches, polling day, polling booths, election manifestos, processions and general conduct.
- **Aim:** To ensure free and fair elections.
- **When it comes into force?** So far, the Model Code of Conduct came into force **immediately on announcement of the election schedule** by the commission. The Code remains in force till the end of the electoral process.
- **Status:** The need for such code is in the interest of free and fair elections. However, the code **does not have any specific statutory basis**. It has only a persuasive effect. It contains what is known as **“rules of electoral morality”**. But this lack of statutory backing does not prevent the Commission from enforcing it.
- **Evolution:** The Commission issued the code for the **first time in 1971** (5th Election) and revised it from time to time. This set of norms 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.
- **What it contains?** The salient features of the Model Code of Conduct lay down how political parties, contesting candidates and party(s) in power should conduct themselves during the process of elections i.e. on their general conduct during electioneering, holding meetings and processions, poll day activities and functioning of the party in power etc.

Events / Celebrations

1. Constitution Day of India

- Constitution day which is also known as the **Samvidhan Divas** is celebrated every year on **November 26 to mark the day on which the Constitution of India was adopted**. While the adoption of the Constitution took place on November 26, 1949, it came into effect on January 26, 1950.
- The draft of the constitution was prepared by the drafting committee under BR Ambedkar's aegis**. According to the government notification, the Constitution Day was also a tribute to Ambedkar.
- Earlier, this day was commemorated as National Law Day**, after a resolution by the Supreme Court Bar Association, a lawyers' body, in 1979.
- With the collective efforts of the Buddhist Association for the blind and the Saavi Foundation and Swagat Thorat, **for the first time the constitution was made available in Braille**.

2. Rashtriya Ekta Diwas

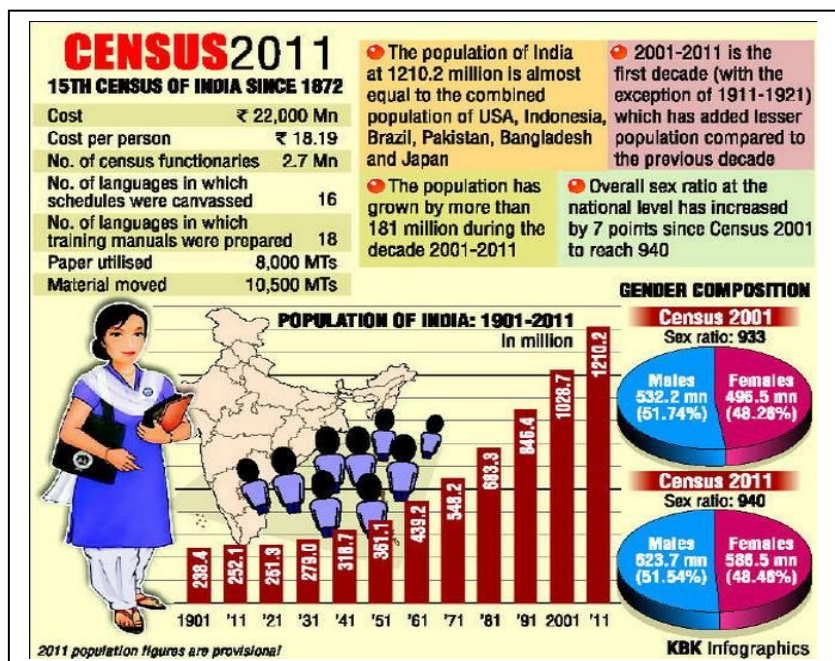
- Rashtriya Ekta Diwas was observed on **31st October** across the nation. It marks the occasion of the **birth anniversary of Sardar Vallabhbhai Patel**.
- The government, in 2015, decided to observe Sardar Patel Jayanti Day as Ekta Diwas. This occasion provides an opportunity to re-affirm the inherent strength and resilience of the nation to withstand the threats to its unity, integrity and security.

3. #Powerof18 Campaign

- It is a campaign launched by Twitter India aimed at **encouraging youth to contribute in public debates and participate in civic engagement** for the 2019 general elections.
- Significance:** The campaign will serve as resource for young Indians to find more information about elections, support social causes they are passionate about and join public conversation.

4. Census of India

- According to an amended rule notified by the Registrar-General of India (RGI), the data collected during the 2021 Census will be stored **electronically**, the **first time since the decennial exercise was conducted in 1951 in Independent India**.
- Census of India:
 - The decennial Census of India has been conducted 15 times, As of 2011.**
 - While it has been conducted every 10 years, beginning in 1872, the first complete census was taken in the year 1881.
 - Post 1949, **it has been conducted by the Registrar General and Census Commissioner of India under the Ministry of Home Affairs**, Government of India.
 - All the census since 1951 are conducted under 1948 **Census of India Act**.



- Facts for Prelims:
 - The celebrated '**Arthashastr**' by '**Kautilya**' written in the 3rd Century BC prescribed the collection of population statistics as a measure of state policy for taxation. It contained a detailed description of methods of conducting population, economic and agricultural censuses.
 - During the regime of the Mughal king Akbar, the administrative report '**Ain-e-Akbari**' included comprehensive data pertaining to population, industry, wealth and many other characteristics.
 - **The Delimitation/reservation of Constituencies**– Parliamentary/Assembly/Panchayats and other Local Bodies is also done on the basis of the demographic data thrown up by the Census.

Citizenship

1. National Register of Citizens

- The **National Register of Citizens (NRC)** is a register containing **names of all genuine Indian citizens residing in Assam**. The NRC is now being updated in Assam.
- The exercise is undertaken to distinguish between Indian citizens and illegal migrants in Assam.
- The NRC is being compiled following a **Supreme Court directive** to identify illegal immigrants in Assam. The Supreme Court is monitoring the entire process.
- Assam, which faced influx from Bangladesh since the early 20th century, is the only state having an NRC.
- **What's the issue?**
 - The NRC was last updated in Assam way back in 1951.
 - Then, it had recorded 80 lakh citizens in the State. Since then, the process of identification of illegal immigrants in Assam has been debated and become a contentious issue in the State's politics.
 - A six-year agitation demanding identification and deportation of illegal immigrants was launched by the **All Assam Students' Union (AASU)** in 1979. It culminated with the signing of the **Assam Accord** on August 15, 1985.
- **About NRC:**
 - The National Register of Citizens (NRC) contains **names of Indian citizens of Assam**.
 - The NRC was prepared in 1951, after the Census of 1951.
 - It was prepared by recording particulars of all the persons enumerated during that Census.
 - The NRC is being updated in Assam to detect Bangladeshi nationals, who may have illegally entered the State after the midnight of March 24, 1971, the cut-off date.
- **Who is a citizen in Assam?**
 - The **Citizenship Act of 1955** was amended after the Assam Accord for all Indian-origin people who came from Bangladesh before January 1, 1966 to be deemed as citizens.
 - Those who came between January 1, 1966 and March 25, 1971 were eligible for citizenship after registering and living in the State for 10 years while those entering after March 25, 1971, were to be deported.

2. Citizenship Amendment Bill 2016

- The Citizenship Amendment Bill 2016 seeks to allow illegal migrants from certain minority communities in Afghanistan, Bangladesh and Pakistan eligible for Indian citizenship. In other words, it **amends the Citizenship Act of 1955**.
- The Bill provides that the registration of Overseas Citizen of India (OCI) cardholders may be cancelled if they violate any law.

- WHAT DOES IT WANT?
 - The Citizenship Amendment Bill seeks to allow illegal migrants belonging to the Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities coming from Afghanistan, Bangladesh or Pakistan to not be imprisoned or deported.
 - It also appeals for the minimum years of residency in India to apply for citizenship to be lessened from at least 11 to six years for such migrants.
 - The Bill, however, does not extend to illegal Muslim migrants. It also does not talk about other minority communities in the three neighbouring countries, such as Jews, Bahais etc.
- WHY ARE PEOPLE IN ASSAM NOT HAPPY ABOUT IT?
 - The Citizenship Amendment Bill has not been sitting well with the Assamese as it contradicts the Assam Accord of 1985, which clearly states that illegal migrants heading in from Bangladesh after March 25, 1971, would be deported.
- **Assam Accord:**
 - The Assam Accord (1985) was a Memorandum of Settlement (MoS) signed between representatives of the Government of India and the leaders of the Assam Movement in New Delhi on 15 August 1985.
 - The accord brought an **end to the Assam Agitation** and paved the way for the leaders of the agitation to form a political party and form a government in the state of Assam soon after.
 - **As per the Accord,**
 - All those foreigners who had entered Assam between 1951 and 1961 were to be given full citizenship including the right to vote.
 - Those Bangladeshis who came between 1961 and 1971 were to be denied voting rights for ten years but would enjoy all other rights of citizenship.
 - The Accord also mentions that the international borders will be sealed and all persons who crossed over from Bangladesh after 1971 are to be deported.
 - Though the accord brought an end to the agitation, some of the key clauses are yet to be implemented, which has kept some of the issues festering.
- **What is the Citizenship Act 1955?**
 - Under **Article 9 of the Indian Constitution**, a person who voluntarily acquires citizenship of any other country is no longer an Indian citizen.
 - **Citizenship by descent:** Persons born outside India on or after January 26, 1950, but before December 10, 1992, are citizens of India by descent if their father was a citizen of India at the time of their birth.
 - From December 3, 2004, onwards, persons born outside of India shall not be considered citizens of India unless their birth is registered at an Indian consulate within one year of the date of birth.

- In Section 8 of the Citizenship Act 1955, if an adult makes a declaration of renunciation of Indian citizenship, he loses Indian citizenship.
- **Who is an illegal immigrant?**
 - According to the Citizenship Act (1955), an illegal immigrant is defined as a person who **enters India without a valid passport or stays in the country after the expiry of the visa permit**. Also, the immigrant who uses **false documents for the immigration process**.
- **What are the guidelines to become an Indian citizenship?**
 - Citizenship is granted to an individual by the government of the country when he/she complies with the legal formalities, so it's like a judicial concept.
- **In India, the Citizenship Act, 1995 prescribes five ways of acquiring citizenship:**
 - Birth
 - Descent
 - Registration
 - Naturalization
 - Incorporation of the territory.

3. Constitutional Provisions for Nagaland to reject the Citizenship Amendment Bill 2016

- Nagaland, along with other north-eastern States, has witnessed several protests following the passage of the Bill in the Lok Sabha.
- **Why the provisions of the Citizenship Bill may NOT be applicable to Nagaland?**
 - **Article 371(A) of the Constitution** begins with the words "notwithstanding anything in this Constitution, no Act of Parliament in respect of...". This means that despite what is in the Constitution, **no Act of Parliament shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides**.
 - Nagaland is also protected by the Bengal Eastern Frontier Regulation of 1873, whereby an Inner Line Permit is issued to outsiders for safeguarding the citizenship, rights and privileges of the Nagas.

Important Constitutional / Statutory Provisions

1. Double Jeopardy

- The Supreme Court of India has ruled that the bar of double jeopardy does not arise if an accused was discharged of a criminal offence, even before the commencement of trial, on the basis of an invalid sanction for prosecution.
- **What has the Court ruled?**
 - **Article 20(2)** of India's Constitution states: "No person shall be prosecuted and punished for the same offence more than once."
 - The court held that if an accused has not been tried at all and convicted or acquitted, the principles of double jeopardy cannot be invoked at all. If an earlier order of sanction was found to be invalid, there is no bar for the competent authority to issue a proper order of sanction for prosecution.
- **Key facts:**
 - Article 20 has taken care to safeguard the rights of persons accused of crimes.
 - Persons here means the citizens, non-citizens as well as corporations.
 - This article cannot be suspended even during an emergency in operation under article 359.
 - Article 20 also constitutes the limitation on the legislative powers of the Union and State legislatures.

Doctrine of Double Jeopardy:

- Article 20(2) says that no person shall be prosecuted and punished for the same offence more than once. This is called Doctrine of Double Jeopardy.
- The objective of this article is to avoid harassment, which must be caused for successive criminal proceedings, where the person has committed only one crime.
- There are two aspects of Doctrine of Jeopardy viz. *autrefois convict* and *autrefois acquit*. *Autrefois convict* means that the person has been previously convicted in respect of the same offence. The *autrefois acquit* means that the person has been acquitted on a same charge on which he is being prosecuted.
- Please note that ***Constitution bars double punishment for the same offence. The conviction for such offence does not bar for subsequent trial and conviction for another offence and it does not matter the some ingredients of these two offences are common.***

Self Incrimination Law:

- **Article 20(3)** of the constitution says that no person accused of any offence shall be compelled to be a witness against himself.
- This is based upon a legal maxim which means that No man is bound to accuse himself.
- The accused is presumed to be innocent till his guilt is proved. It is the duty of the prosecution to establish his guilt.

2. Article 370

- Article 370 of the Indian Constitution is a '**temporary provision**' which grants special autonomous status to Jammu & Kashmir.
- ***Under Part XXI of the Constitution of India***, which deals with "Temporary, Transitional and Special

provisions”, the state of Jammu & Kashmir has been accorded special status under Article 370.

- All the provisions of the Constitution which are applicable to other states are not applicable to J&K.
- According to this article, except for defence, foreign affairs, finance and communications, Parliament needs the state government’s concurrence for applying all other laws. Thus, ***the state’s residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians.***
 - Indian citizens from other states cannot purchase land or property in Jammu & Kashmir.
 - Under Article 370, the ***Centre has no power to declare financial emergency under Article 360 in the state.***
 - It can declare emergency in the state only in case of war or external aggression. The Union government can therefore not declare emergency on grounds of internal disturbance or imminent danger unless it is made at the request or with the concurrence of the state government.
 - Under Article 370, the ***Indian Parliament cannot increase or reduce the borders of the state.***
 - ***The Jurisdiction of the Parliament of India in relation to Jammu and Kashmir is confined to the matters enumerated in the Union List, and also the concurrent list.*** There is no State list for the State of Jammu and Kashmir.
 - At the same time, while in relation to the other States, the residuary power of legislation belongs to Parliament, in the case of Jammu and Kashmir, the residuary powers belong to the Legislature of the State, except certain matters to which Parliament has exclusive powers such as preventing the activities relating to cession or secession, or disrupting the sovereignty or integrity of India.
 - ***The power to make laws related to preventive detention in Jammu and Kashmir belong to the Legislature of J & K and not the Indian Parliament.*** Thus, no preventive detention law made in India extends to Jammu & Kashmir.
 - Part IV (Directive Principles of the State Policy) and Part IVA (Fundamental Duties) of the Constitution are not applicable to J&K.

3. Article 35A

- It is a provision incorporated in the Indian Constitution giving the **Jammu and Kashmir State Legislature to decide ‘permanent residents’ of the State.**
- Grant those permanent resident **special right and privileges** in State public sector jobs, acquisition of property within the State, scholarships and other public aid and welfare programmes.
- Article 35A protects certain provisions of the J&K Constitution which denies property rights to native women who marry from outside the State. The denial of these rights extends to her children also.
- Article 35A also empowers the State’s legislature to frame any law without attracting a challenge on grounds of violating the Right to Equality of people from other States or any other right under the Constitution.
- **What is the issue with Article 35A?**
 - Article 35A was incorporated into the Indian Constitution in **1954 by an order of President i.e., The Constitution (Application to Jammu and Kashmir) Order, 1954.**
 - The Presidential Order was issued under **Article 370 (1) (d)** of the Indian Constitution to add Article 35A.
 - **Parliament was not consulted** when the President incorporated Article 35A into the Indian Constitution through a Presidential Order issued under Article 370.
 - Whereas, Article 368 (i) of the Constitution mandates that only the Parliament can amend the Constitution by introducing a new Article.

4. Governor's Rule in Jammu and Kashmir

- Since J&K has a separate Constitution, **Governor's rule is imposed under Article 370 section 92** for six months after an approval by the President. If it is not possible to restore the Constitutional machinery before the expiry of six months, President's rule under Article 356 is extended to the State.
- **Governor's rule in J&K:**
 - The imposition of governor's rule in J&K is slightly different than that in other states. In other states, the president's rule is imposed under the Article 356 of Constitution of India.
 - In J&K, ***governor's rule is mentioned under Article 370 section 92 – 'Provisions in case of failure of constitutional machinery in the State.'***
- **Article 370 section 92: Provisions in case of failure of constitutional machinery in the State:**
 - If at any time, the Governor is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the Governor may by Proclamation:
 - Assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by anybody or authority in the State.
 - Make such incidental and consequential provisions as appear to the Governor to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution relating to anybody or authority in the State.
- **What is President's Rule in the Indian context?**
 - The imposition of **Article 356** of the Constitution on a State following the failure of constitutional machinery is called President's Rule in India.
 - Once the President's Rule has been imposed on a state, the elected state government will be temporarily dissolved, and the Governor, who is appointed by the government at the Centre, will replace the Chief Minister as the chief executive of the State.
 - The state will fall under the direct control of the Union government, and the Governor will continue to be head the proceedings, representing the President of India – who is the Head of the State.
 - ***The imposition of the President's rule requires the sanction of both the houses of Parliament.*** If approved, it can go on for a period of six months. However, the imposition cannot be extended for more than three years, and needs to be brought before the two houses every six months for approval.

5. Article 161 of the Constitution

- **Article 161** deals with Power of Governor to grant pardons, etc, and to suspend, remit or commute sentences in certain cases.

- It states, the Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.
- **DIFFERENCE BETWEEN PARDONING POWERS OF PRESIDENT AND GOVERNOR:**
 - The scope of the pardoning power of the President under Article 72 is wider than the pardoning power of the Governor under Article 161. The power differs in the following two ways:
 - The power of the President to grant pardon extends in cases where the punishment or sentence is by a Court Martial but Article 161 does not provide any such power to the Governor.
 - The President can grant pardon in all cases where the sentence given is sentence of death but pardoning power of Governor does not extend to death sentence cases.

6. Section 8 of the Representation of the People (RP) Act, 1951

- Currently, under the Representation of Peoples (RP) Act, lawmakers cannot contest elections only after their conviction in a criminal case.
- Section 8 of the Representation of the People (RP) Act, 1951 disqualifies a person convicted with a sentence of two years or more from contesting elections. But those under trial continued to be eligible to contest elections. The Lily Thomas case (2013), however, ended this unfair advantage.

7. Section 126 of RP Act, 1951

- A Committee constituted to review and suggest modifications and changes in the provisions of the **Section 126 and other sections of the RP Act 1951** and provisions of Model Code of Conduct has submitted its report. The panel was headed by senior deputy election commissioner **Umesh Sinha**.
- **What Section 126 of RP Act, 1951 states?**
 - Section 126 of the RP Act **prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency.**
 - **"Election matter"** has been defined in that Section as any matter intended or calculated to influence or affect the result of an election.
 - **The provision prohibits** conduct of Exit poll and dissemination of their results during the period mentioned therein, in the hour fixed for commencement of polls in the first phase and half hour after the time fixed for close of poll for the last phase in all the States.
 - **Violation of the provisions of Section 126** is punishable with imprisonment upto a period of two years, or with fine or both.

8. Section 33(7) of RPA

- Section 33(7) of the Representation of People's Act permits **a candidate to contest any election** (Parliamentary, State Assembly, Biennial Council, or byelections) **from up to two constituencies**.
- The provision was **introduced in 1996** prior to which there was no bar on the number of constituencies from which a candidate could contest.

9. Aadhaar Verdict

- **The Supreme Court has upheld the Aadhaar scheme as constitutionally valid.** The court also upheld the passage of the Aadhaar Act as a Money Bill.
- The court ruled that the Aadhaar programme served the “larger public interest” in ensuring that the poor have access to resources. It found that the programme eliminated any chance of duplication and that enrolment was foolproof.
- However, the apex court’s five-judge constitution bench also struck down several provisions in the Aadhaar Act.
- **Where Aadhaar is not needed?**
 - Children cannot be denied any benefit due to not having Aadhaar. Hence, Aadhaar is not needed for school admissions.
 - Compulsory linking of mobile phone numbers to Aadhaar.
 - Aadhaar is not needed for opening a bank account and banking services.
 - CBSE, NEET, UGC cannot make Aadhaar mandatory to appear in entrance examinations.
 - No private entity can avail Aadhaar data which includes telecom companies and mobile wallets.
- **Where Aadhaar is mandatory?**
 - Linking of PAN with Aadhaar.
 - Mandatory for filing of IT returns and allotment of Permanent Account Number.
 - Aadhaar must for availing facilities of welfare schemes and government subsidies.
- **Section 57 of the Aadhaar Act struck down:**
 - Section 57 was used by the government to compel private companies to demand Aadhaar verification for services.
 - The Court accepted the argument that no rationale exists for this power and declared it invalid.
 - Consequently, the Court has struck down linking of Aadhaar with mobiles and bank accounts. It has further directed that the data collected shall be deleted within six months.
- **The Supreme Court’s Right to Privacy verdict:**
 - On August 24, 2017, a nine-judge Bench ruled that the **right to privacy is a fundamental right**. However, the court had also ruled that “besides national security, the State may have justifiable reasons for the collection and storage of data.
 - In a social welfare state, the government embarks upon programmes which provide benefits to impoverished and marginalised sections of society. There is a vital State interest in ensuring that scarce public resources are not dissipated by the diversion of resources to persons who do not qualify as recipients.”
- **Justice B N Srikrishna report:**
 - The Justice B N Srikrishna panel was appointed to recommend a **data protection framework** to the government. It submitted its recommendations.

- The Srikrishna data protection report highlighted **individuals' constitutional rights over their data** and said efforts need to be made to protect data at any cost.
- It recommended steps for protection of personal information, defining obligations of data processors as also rights of individuals, and mooted penalties for violation.

10. Section 497 of the Indian Penal Code

- The Supreme Court has declared **Section 497 of the Indian Penal Code as unconstitutional** saying that the penal provision on adultery was manifestly arbitrary and dents the individuality of women.

- **What is Section 497?**

- Section 497 of the 158-year-old IPC says, "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual

intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor."

- **Past Supreme Court judgements on adultery:**

- The adultery law had come up in court thrice in the past — in 1954, in 1985, and in 1988.
- In 1954, the SC rejected that Section 497 violated the right to equality.
- In 1985, it said that women didn't need to be included in the law as a party which can make complaints.
- In 1988, the Supreme Court said that the adultery law was a "shield rather than a sword".

- Facts for Prelims:

- **Justice Malimath Committee** report on reforms in the criminal justice system had suggested making section 497 gender-neutral.

11. Section 498A of the Indian Penal Code

- Section 498A of the Indian Penal Code deals with husband or relatives of husbands subjecting a woman to cruelty.
- Punishment under the Section is a maximum

Differing viewpoints

Ahead of a Constitutional Bench hearing on Section 497, the Centre has objected to the dropping of adultery as an offence

WHAT IS SECTION 497?

It mandates that if a man has sexual intercourse with another's wife without the husband's consent or connivance, he is guilty of the offence of adultery and should be punished



CENTRE'S VIEW

Section 497 supports, safeguards and protects the institution of marriage

BENCH'S VIEW

The provision creates a dent in the individual, independent identity of a woman when the emphasis is laid on the connivance or consent of the husband

Supreme Court's July 27 directives on 'misuse' of 498A

POLICE OR magistrate to refer every complaint to district-level Family Welfare Committees

COMMITTEES TO have as members "paralegal volunteers, social workers, retired persons, wives of working officers"

NO ARREST to be made until this committee submits its take on the complaint

GRANT OF bail within a day irrespective of whether the dowry items are recovered

THE ONLY exemption to these directives are cases where there are "tangible physical injuries or death"

of three years and was so far a non-bailable offence.

NOTES

12. Concurrent List of the Indian Constitution

- Telangana Chief Minister has called for an economic and political overhaul in India. Emphasising the need to decentralise power, he said- The autonomy of states should increase. **The Concurrent List should be weakened.**
- **What is the Concurrent List?**
 - The Constitution of India has provided for a division of powers between the Central and state governments. ***Under the Seventh Schedule, there are three lists – the Union, State and Concurrent.***
 - The **Union List** has a range of subjects under which the **Parliament may make laws**. This includes defence, foreign affairs, railways, banking, among others.
 - The **State List** lists subjects under which the **legislature of a state may make laws**. Public order, police, public health and sanitation; hospitals and dispensaries, betting and gambling are some of the subjects that come under the state.
 - The **Concurrent List** includes subjects that give **powers to both the Centre and state governments**. Subjects like Education including technical education, medical education and universities, population control and family planning, criminal law, prevention of cruelty to animals, protection of wildlife and animals, forests etc. However, given that there can be conflict when it comes to **laws passed by Parliament and state legislatures on the same subject, the Constitution provides for a central law to override a state law.**
- **Debate over Centralisation of power:**
 - Since 1950, the Seventh Schedule of the Constitution has seen a number of amendments. The **Union List and Concurrent List have grown while subjects under the State List have gradually reduced.**
 - **The 42nd Amendment Act** was perhaps one of the most controversial. Effected in 1976 during the Emergency, the **amendment restructured the Seventh Schedule** ensuring that **State List subjects like education, forest, protection of wild animals and birds, administration of justice, and weights and measurements were transferred to the Concurrent List.**
 - Former Tamil Nadu Chief Minister CN Annadurai was one of the first **to advocate for state autonomy and federalism at the Centre**. “It will be sufficient if the Centre retains only such powers as are necessary for preserving the unity and integrity of the country, leaving adequate powers to the states,” he said in 1967.
 - Taking his idea forward, the Tamil Nadu government constituted **the PV Rajamannar Committee** to look into Centre-State relations. The Rajamannar Committee spurred other states to voice their opposition to the Centre’s encroachment on subjects that were historically under the state’s purview.
 - PM Indira Gandhi had constituted **the Sarkaria Commission** to look into Centre-State relations. However, the recommendations of the Sarkaria Commission were not implemented by successive central governments.

13. New Quota and Basic Structure

- President Ram Nath Kovind has given his assent to the bill providing **10% reservation in jobs and educational institutions to the economically weaker sections in the general category.**
- The legislation will be known as **the Constitution (103 Amendment) Act, 2019 (124th Constitution Amendment Bill)** and it shall come into force on such date as the Centre notifies.
- **The 10% reservation will be in addition to the existing cap of 50% reservation** for the Scheduled Castes, Scheduled Tribes and the Other Backward Classes, taking the total reservation to 60%.
- **103rd Constitutional Amendment- This amended two fundamental rights:**
 - **Article 15**, which prohibits discrimination on the grounds of race, religion, caste, sex or place of birth.
 - **Article 16** which prohibits discrimination in employment in government office.
 - **It also makes a note of the Article 46**, which asks the government to promote the educational and economic interests of the weaker sections of the society.
- **It provides reservation for:**
 - People who have an **annual income of less than Rs.8 lakhs.**
 - People who own **less than five acres of farm land.**
 - People who have a **house lesser than 1,000 sq feet in a town (or 100 sq yard in a notified municipal area).**
- **Debatable problems:**
 - The major hurdle for the implementation of the recent Act is the legal scrutiny.
 - The Supreme Court has ruled multiple times against exceeding its **1992 formula of a maximum of 50% reservation (Indira Sawhney v. Union of India).**
 - However, there are states like Tamil Nadu that go beyond this limit and the Supreme Court has upheld the state's policy many a time. Presently, the state has a '69 per cent quota system'.
- **What is the basic structure?**
 - The idea of basic structure was originally suggested by **Justice M Hidayatullah & Justice J R Mudholkar in Sajjan Singh (1965).** It has been borrowed from Germany.
 - In **Kesavananda Bharati (1973)**, the Supreme Court held that Parliament can amend the Constitution but does not have power to destroy it — no amendment can change its "**basic structure**".
 - **However, the court did not define what basic structure is, and only listed a few principles — federalism, secularism, democracy — as being part of basic structure.**
 - Since then, the court has been adding new features to the concept of basic structure. In subsequent years, courts extended the doctrine even to ordinary legislation and executive actions.
- **Does it violate fundamental rights?**

Article 46 and the upper caste:

- Article 46, which is a non-justiciable Directive Principle, says that ***the state shall promote educational and economic interests of "weaker sections", in particular SCs and STs, and protect them from "social injustices" and "all forms of exploitation"***.
- While the 124th Amendment mentions Article 46 in its statement and objects, it seems the government overlooked ***the fact that upper castes neither face social injustice nor are subjected to any form of exploitation.***
- Moreover, the ***Constitution makes provisions for commissions to look into matters relating to implementation of constitutional safeguards for Scheduled Castes (Article 338), Scheduled Tribes (338A) and Socially and Educationally Backward Classes (339), but has not created any commission for the economically backward classes.***

- From the Poona Pact (1932) between M K Gandhi and Dr B R Ambedkar to the Constituent Assembly debates, **reservation was talked about in the context of social backwardness of classes**. The new Amendment makes a departure by extending reservation to the economically disadvantaged.
- **Article 15(4)**, inserted by the First Amendment in 1951, enables the state to make special provisions for socially and educationally backward classes.
- **Article 16(4)** permits reservation for any backward class if it is not adequately represented in services under the state.
- Thus, reservation is not a right but, if granted, it will not be considered a violation of the right to equality.

14. Section 66A of the IT Act

- The Supreme Court has issued notice in an application filed by People's Union for Civil Liberties (PUCI), on the continued use of **Section 66A of the Information Technology Act**.
- **Background:**
 - **Section 66A** had been dubbed as "draconian" for it allowed the arrest of several innocent persons, igniting a public outcry for its scrapping.
 - This had led to the Supreme Court striking it down as unconstitutional in March, 2015 in **Shreya Singhal v. Union of India**.
- **Why SC struck down section 66A?**
 - The SC had noted that **Section 66A arbitrarily, excessively and disproportionately invades the right of free speech, under article 19(1) (a) of the Constitution, and upsets the balance between such right and the reasonable restrictions** that may be imposed on such right and the definition of offences under the provision was open-ended and undefined.
- **What is Section 66A all about?**
 - **Section 66A defines the punishment for sending "offensive" messages through a computer or any other communication device like a mobile phone or a tablet.**
 - A conviction can fetch a maximum of three years in jail and a fine.

Important Acts / Bills

1. Enemy properties Act

- The Centre has allowed State Governments to take some enemy properties for public use. ***The guidelines for disposal of the Enemy Property Order, 2018 have been amended*** to facilitate “usages of enemy property by the State Government exclusively for public use”.
- **What are enemy properties?**
 - When wars broke out between India and China in 1962, and India and Pakistan in 1965 and 1971, the central government took over properties of citizens of China and Pakistan in India under the Defence of India Acts.
 - These Acts defined an ‘**enemy**’ as a **country that committed an act of aggression against India, and its citizens.**
 - The properties of enemies in India were classified as enemy property.
 - The properties included land, buildings, shares held in companies, gold and jewellery of the citizens of enemy countries.
 - The responsibility of the administration of enemy properties was handed over to the **Custodian of Enemy Property**, an office under the central government.
- **Enemy properties Act:**
 - After the Indo-Pakistan War of 1965, the Enemy Property Act was enacted in 1968, which regulates such properties and lists the custodian’s powers.
 - The government amended the Act in the wake of a claim laid by the heirs of Raja Mohammad Amir Mohammad Khan, known as Raja of Mahmudabad, on his properties spread across Uttar Pradesh and Uttarakhand.
 - The government has vested these properties in the Custodian of Enemy Property for India, an office instituted under the Central government.

2. Right to Information Act 2005

- The government has brought most of the public authorities under the purview of the RTI act, which is in keeping with the commitment to ensure maximum transparency in the working of these Institutions.”
- **Department of Personnel and Training (DOP&T):**
 - It is the nodal department for the **Right to Information and Central Information Commission.**
 - So far it has successfully covered nearly 2000 public authorities under the RTI Act.
- **Background:**
 - **Right to Information Act 2005** mandates timely response to citizen requests for government information.
 - It is an initiative taken by **Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions** to provide

RTI Portal Gateway to the citizens for quick search of information on the details of first **Appellate Authorities, PIO**, etc.

- It replaces the erstwhile Freedom of information Act, 2002.
- Under the provisions of the Act, any citizen of India may request information from a “public authority” (a body of Government or “instrumentality of State”) which is required to reply expeditiously or within thirty days.
- The Act also requires every public authority to computerise their records for wide dissemination.
- The Act is applicable to whole of India except Jammu and Kashmir.

- **Objective of the RTI Act:**

- To empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense.
- It is a big step towards making the citizens informed about the activities of the Government.

3. Jammu and Kashmir Criminal Laws (Amendment) Bill, 2018

- The Jammu and Kashmir State Administrative Council (SAC) approved the '**Prevention of Corruption (Amendment) Bill, 2018**' and the '**Jammu and Kashmir Criminal Laws (Amendment) Bill, 2018**'.
- **Significance:**
 - With this, **Jammu and Kashmir has become the first state in the country to have a law banning sexual exploitation of women by those in positions of authority, having a fiduciary relationship or a public servant.**
- **Key features of the Bill:**
 - The Bill seeks **to amend the Ranbir Penal Code**, whereby specific offence under **section 354 E** is being inserted to provide for the offence of 'Sextortion'.
 - Amendments are being made in section 154, 161 and Schedule of **Criminal Procedure Code** and section 53 A of the **Evidence Act** so as to bring sextortion at par with similar offences prescribed under Ranbir Penal Code.
 - Amendment is also being made in **the Prevention of Corruption Act** to amend the definition of misconduct and provide that demand for sexual favours would also constitute misconduct within the meaning of section 5.
- **What necessitated this?**
 - The amendment came after an order was passed by Jammu and Kashmir High Court. The court had directed the state to examine the concept of 'Sextortion; in the context of applicable laws.
 - "So that illegal acts, unwarranted demands for sexual favours and inappropriate contacts by the person in authority are made punishable."
- **About Ranbir Penal Code:**
 - **Indian Penal code is not applicable to Jammu and Kashmir** and in place of IPC, a similar criminal law Ranbir Penal Code applies in the state.

- The code was introduced by Ranbir Singh during the Dogra Dynasty and it came in effect from 1932. The provision of code was prepared by Thomas Babington Macaulay.

NOTES

Miscellaneous

1. Castle doctrine in Law

- Also known as the **castle law** or the **defense of habitation law**, this refers to a doctrine in the common law tradition which states that a person who acts in self defence against an intruder into his personal property has the right to legal immunity for his actions.
- A person who is defending his home against an intruder can use deadly force to protect himself and still be exonerated for his actions under the law.
- The defendant employing the castle doctrine will have to justify his action with sufficient evidence and also explain the use of deadly force as an appropriate and reasonable response to the particular threat that was facing him.

2. Centre of Excellence for Data Analytics (CEDA)

- The Centre aims to support Government departments to unlock the hidden potential of the data that they are generating as part of the governance processes and use it to improve the overall governance.
- It seeks to kick-start and fast track the adoption of advanced analytics and machine learning capabilities.
- **Functions:**
 - It shall **provide quality data analytic services to government departments** at all levels by identifying appropriate tools and technologies and deploying people with right expertise.
 - As part of its service offerings, it will help the departments understand their business requirements and define their analytic needs, Identify the data sets that are required to meet the analytic needs, determine access to the relevant data sources (both within as well as outside the government) and build the required data analytic solutions.
 - It also seeks to integrate departmental data silos and deliver an integrated whole-of government analytics for an integrated policy formulation.

3. National e-Vidhan Application (NeVA)

- NeVA is a member-centric, decentralized digital application that makes **information available on digital platform about day to day functioning of Legislative Houses** covering various businesses of the Houses.
- The application would host a secure page for each Member of the House for submitting Questions & other Notices.
- The mNeVA (NeVA-mobile app) is a device neutral and user-friendly app that has made information on conduct of business in Legislatures accessible anytime, anywhere to everyone.
- It is a work-flow based app deployed in **Cloud (Meghraj)** which helps the Chair of the House to conduct the proceedings of the House smoothly and the members to carry out their duties in the House efficiently.
- **e-Vidhan Project:**

- e-Vidhan is **a Mission Mode Project** to digitize and make the functioning of State Legislatures paperless.
- This is **part of Digital India programme**. It is to be used by the Legislatures as well as all the Government Departments.

4. Social Media Hub

- The Supreme Court has taken a strong note of the Information and Broadcasting Ministry's decision to set up a **social media hub for monitoring online data** and said that it will be like creating **a surveillance state**. These observations were made by the court based on a petition filed.
- The petition contended that **"such intrusive action on the part of the government, is not only without the authority of law, but also infringes fundamental right to freedom of speech under Article 19(1)(a) of the Constitution."** The move is violative of **Articles 14, 19(1)(a) and 21**.
- **What is Social media communication hub?**
 - The hub proposes to monitor social media (Facebook, Twitter, Instagram and even email) handles at the very local level in multiple languages to carry out "sentiment analysis", track down the influence-making social media users and to categorise the conversations on social media into positive, negative and neutral sections.
 - It also aimed to track real time the way social media receives news on government's schemes and announcements and also political events.

5. Inner Line Permit (ILP)

- The Inner Line Permit (ILP) is **an official travel document** issued by the Government of India to grant inward travel of an Indian citizen into a protected area for a limited period.
- It is obligatory for Indians residing outside those states to obtain permission prior to entering the protected areas.
- Currently, the **Inner Line Permit is operational in Arunachal Pradesh, Mizoram and Nagaland**. The document has been issued under the **Bengal Eastern Frontier Regulation, 1873** and the conditions and restrictions vary from state to state.
- **It can be issued for travel purposes solely**. Visitors are not allowed to purchase property in these regions. However, there might be a different set of rules for long term visitors, though they are not valid for central government employees and security forces.
- An ILP was previously required for certain parts of the Leh district in Jammu and Kashmir. This requirement was later abolished.

6. Restricted Area Permit (RAP) System

- The Centre is planning to revisit its decision to lift the **Restricted Area Permit (RAP)** system from 29 islands of Andaman and Nicobar.
- **Need for review:**
 - To develop tourism, the RAP regime, in place since 1963, was lifted around August 2018 from 29 islands, including the North Sentinel.

- The lifting of the regime proved problematic and the decision had “many pros and cons that needed to be re-looked”. Recently, U.S. citizen John Allen Chau was killed in the North Sentinel Island.
- **What is Restricted Area Permit (RAP) regime?**
 - RAP regime was notified under the **Foreigners (Restricted Areas) Order, 1963**.
 - Under it, **foreign nationals are not normally allowed to visit protected or restricted area** unless Government is satisfied that there are extra-ordinary reasons to justify their visit.
 - Every foreigner, except citizen of Bhutan, who desires to enter and stay in protected or restricted area, is required to obtain **special permit from competent authority** having power to issue such permits to foreigner, seeking it.
 - Citizens of Afghanistan, China and Pakistan and foreign nationals of Pakistani origin are exception and are not allowed to enter such areas.