



POLITY AND GOVERNANCE

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Note to Students

Dear Students,

PT 365 document comprehensively covers the important current affairs of the last 1 year (365 days) in a consolidated manner to aid Prelims preparation.

In our endeavour to further enhance the document in the interest of the aspirants, the following additions have been incorporated:

Infographics: Relevant infographics have been provided in respective articles to make learning easy.

It includes:



Constitutional and Legal Provisions



Judicial Pronouncements



Important Constitutional/statutory bodies

Varied Colours: The use of different colours throughout the document aims to aid in the classification and recollection of diverse information, making your study experience more efficient.

Quiz: QR-based Smart Quiz will test your knowledge and ensure a more engaging and effective learning process.

1. ISSUES RELATED TO THE CONSTITUTION

1.1. BASIC STRUCTURE DOCTRINE

Why in the news?

The landmark Kesavananda Bharati judgement, 1973 which propounded the basic structure doctrine completed 50 years.

About the Kesavananda Bharati Case, 1973

- It dealt with a **petition against the compulsory acquisition of land** by the Kerala government under the Kerala Land Reforms Act 1963, as a **violation of Fundamental Rights (FRs) under Articles 25, 26 and 31** of the Constitution.
- The case was heard by the largest ever bench (i.e. 13 Judges' Bench) of the Supreme Court (SC).
- Key Outcomes**
 - Introduction of Basic Structure Doctrine:** Upholding the **validity of the 24th Constitutional amendment** the SC held that Parliament had the power to amend any or all provisions of the Constitution (including FRs).

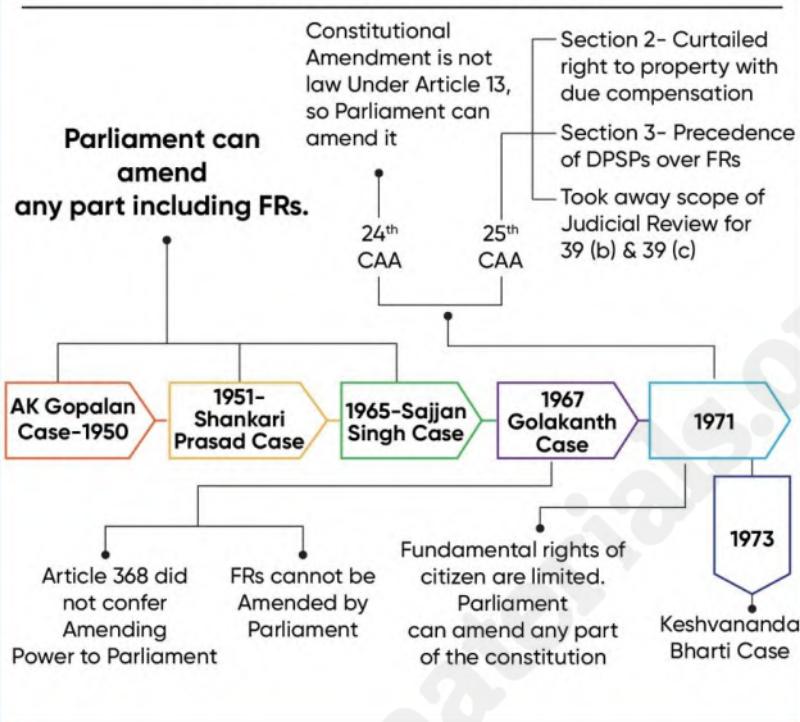
- ✓ However, such amendments should **not alter, damage or destroy the essential features** or the Basic Structure of the Constitution.
- ✓ Earlier in **Golak Nath case (1967)**, the Supreme Court held that the **power to amend the Constitution under Article 368** was not unlimited and that the FRs guaranteed under the Constitution could not be abrogated or abridged by a constitutional amendment.

- Power of Judicial review:** The court held that the power of judicial review is an integral part of the basic structure of the Constitution.
- Other judgments:** SC upheld the 25th and 29th Constitutional Amendments except for the parts that curtailed its power of judicial review and asserted that the Preamble is a part of the Constitution and hence amendable.

About Basic Structure Doctrine

- It holds that certain fundamental features of the Constitution, cannot be amended or abrogated by the Parliament.

EVOLUTION OF DOCTRINE OF BASIC STRUCTURE



Some Principles that are presently part of the 'Basic Structure.'

- Sovereignty of India**
- Essential features of the **individual freedoms secured to the Citizens**
- Mandate to build a **welfare State**
- Supremacy of the Constitution**
- Republican and democratic form of government**
- Secular and federal character of the Constitution**
- Separation of powers** between the legislature, executive and the judiciary
- Unity and integrity** of the nation
- Power of judicial review**
- Harmony and **balance between FRs and DPSPs**

- There is **no mention of the term “Basic Structure”** anywhere in the Constitution of India.
- **Significance of the doctrine**
 - **Check on the power of the Parliament** to amend the Constitution.
 - **Ensures that the Constitution remains a living document** that is responsive to changing times while preserving its fundamental values and principles.
 - **Laid down several principles that have become the bedrock of constitutional law** in India such as the rule of law, separation of powers, and the independence of the judiciary.
 - **Ensures that the federal structure** of the Constitution is not undermined.
 - **Shapes the judiciary's approach** to constitutional interpretation.

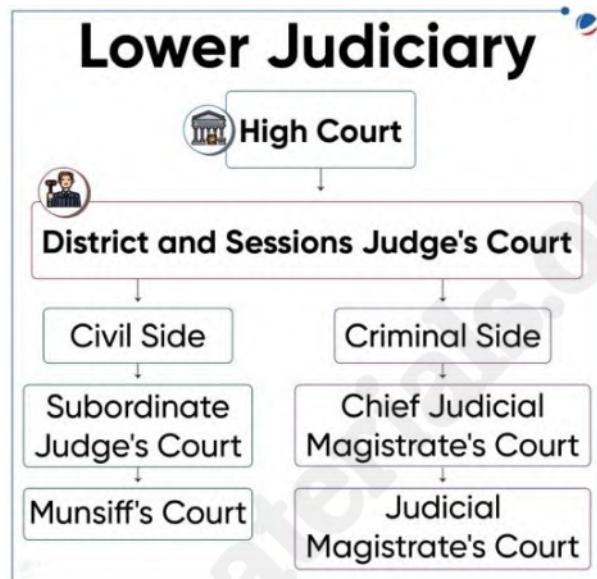
1.1.1. INDEPENDENCE OF DISTRICT JUDICIARY: BASIC STRUCTURE

Why in the News?

Supreme Court (SC) in the **All India Judges Association v. Union of India** case stated that the **District judiciary's independence is part of the basic structure**.

More in the news

- It also **highlighted other principles:**
 - **Integration in terms of pay, pension and other service conditions** between District Judiciary, High Courts and SC.
 - **Separation of Power:** Officers of the judiciary should be treated separately **from staff of legislative and executive wings.**
 - **Unified judiciary:** Service conditions of judges for similar posts are equivalent across states.



District Judiciary

- The district judge is the **highest judicial authority in the district**.
- **Organisational structure, jurisdiction and nomenclature** of subordinate judiciary **are laid down by states**. Hence, **they differ slightly** from state to state (**Broadly three tiers** below the high court)
- **Appointment, posting and promotion** of district judges are **made by the governor** of the state **in consultation with the High Court**.

1.2. ABROGATION OF ARTICLE 370

Why in the news?

A Constitution Bench of the Supreme Court recently upheld the validity of the Union Government's 2019 decision to repeal the special status of Jammu and Kashmir (J&K) under Article 370 of the Constitution.

More on the news

- On August 5th 2019, the President of India promulgated an order- '**Constitution (Application to Jammu and Kashmir) Order, 2019**', which stated that provisions of the Indian Constitution are applicable in the State.
 - Parliament also enacted the **Jammu and Kashmir Reorganization Act 2019** which bifurcated the State into two Union Territories (UTs).
- The petitioners had challenged the constitutionality of these actions of the Union.

The Judgment

- **Upholding the presidential proclamations of August 2019**, the SC held that **J&K did not retain any element of sovereignty** after it acceded to India in 1947.
- SC held that **Article 370 is a temporary, transitional provision**.

- The court held that a UT can be carved out of a State.
 - Parliament may by law "form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State".
 - According to Explanation 1 to Article 3, the word "State", as used in Article 3(a), includes a Union territory.
- Relying on the judgment in **S R Bommai's case**, SC held that 'actions of President during a State emergency were open to judicial scrutiny'.

Article 370: A Historical Context

- **Instrument of Accession (IoA):** In October 1947, Maharaja Hari Singh, the last ruler of J&K signed the IoA through which he agreed to accede his state to the Dominion of India.
- **Temporary provisions for J&K:** Under the Constitution, **Article 370 was placed in Part XXI, titled "Temporary and Transitional provisions".**
- **Article 370:** Except for defence, foreign affairs, finance and communications, Parliament needed the state government's concurrence for applying all other laws.
- **Article 35A of the Indian Constitution:** It stemmed out of Article 370 and gave powers to the J&K Assembly to define permanent residents of the state, their special rights, and privileges.

Article 3

- It provides that Parliament may by law form new states and alter of areas, boundaries or names of existing States.
- **First Proviso to the article** states that bill for above law,
 - Shall be introduced in either House of Parliament on the recommendation of the President.
 - If the bill affects the area, boundaries or name of any State, the President must refer the bill to that State Legislature for its views.

1.3. NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) ACT, 2023

Why in the news?

Recently, the Government of National Capital Territory of Delhi (NCTD) (Amendment) Act 2023 received the assent of the President.

Key highlights of the NCTD (Amendment) Act 2023

- **National Capital Civil Services Authority (NCCSA):** It creates a new statutory authority NCCSA – to make recommendations to Lieutenant Governor (LG) regarding transfer posting, vigilance and other incidental matters.
 - NCCSA shall be decided matters by the majority of votes of the members present and voting.
 - The central government will appoint both the Principal Secretary and Chief Secretary.
- **Powers of the LG:** Matters where the LG may act solely on his discretion are:
 - Matters outside the legislative competence of the Delhi Legislative Assembly but which have been delegated to the LG, or
 - Matters where he/she is required by law to act in his discretion or exercise any judicial or quasi-judicial functions.
- **Primacy to LG:** It expands the discretionary role of the LG by giving him powers to approve the recommendations of the NCCSA or return them for reconsideration.
 - The LG's decision will be final in the case of a difference of opinion between him and the Authority.

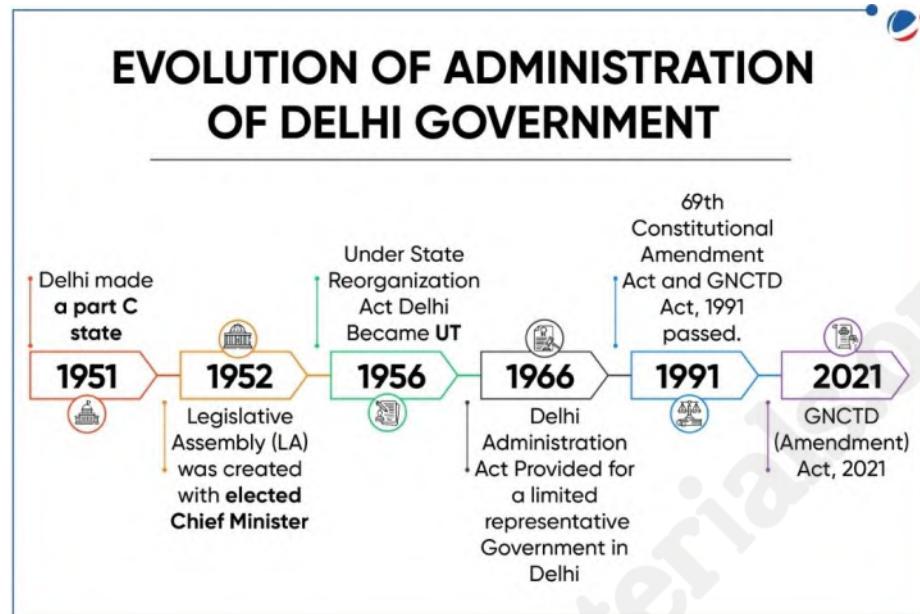
Composition of NCCSA



- Disposal of matters by Ministers:** Certain matters must be submitted to the LG by the ministers of the Delhi Government, through the Chief Minister and the Chief Secretary, for his/her opinion prior to the issue of any order. These include proposals affecting:
 - The peace and tranquillity of Delhi,
 - Relations between the Delhi government and the central government, Supreme Court, or other state governments,
 - Summoning, prorogation, and dissolution of the Legislative Assembly, and
 - Matters on which LG is to give an order in his sole discretion.

The governance model of Delhi NCT

- Classification as a Union Territory (UT):** Under the States' Reorganization Act of 1956, **Delhi was classified as a UT**, governed under Article 239 of the Constitution.
 - It states that UTs are directly governed by the President, or an administrator appointed by the President.
- Special Status:** Following the recommendations of the **S. Balakrishnan Committee**, the **69th Constitutional Amendment Act of 1991** conferred special status on Delhi and designated it as the National Capital Territory of Delhi (NCTD).



Committee, the **69th Constitutional Amendment Act of 1991** conferred special status on Delhi and designated it as the National Capital Territory of Delhi (NCTD).

- It added **Article 239AA** to the Constitution and made **Delhi a UT with a legislature** and a council of ministers.
- The **Lieutenant Governor (LG)** is designated as the administrator of Delhi, operating with the aid and advice of the council of ministers of Delhi.
- Powers of Delhi Legislature:** The Delhi Legislative Assembly has the power to **legislate over subjects in the State List and Concurrent List, except for police, public order, and land.**
 - Also, **Parliament can legislate over all matters** in the State and Concurrent Lists related to Delhi.
- GNCTD Act:** The **Government of National Capital Territory of Delhi (GNCTD) Act, 1991** lays down the framework for the functioning of the Delhi Assembly and the Delhi government.

1.4. PREVENTIVE DETENTION

Why in the news?

SC, while setting aside a detention order observed preventive detention laws are a colonial legacy and they must be used only in the rarest of rare cases.

About Preventive detention

- Preventive detention** means detention of a person **without trial and conviction by a court, on a mere reasonable apprehension of him doing an activity dangerous to public order.**
 - Its purpose is **to prevent the person from committing an offence** in the near future.
- Protection against arrest and detention** under Articles 22 (1) and 22 (2) is **not available** to a person arrested or detained under **preventive detention laws** (Article 22(3)).
- Parliament has exclusive authority** to make a law of preventive detention for reasons connected with the **defence, foreign affairs and security of India.**

- Both Parliament, as well as state legislatures, can concurrently make a law for reasons connected with the Security of a state, Maintenance of public order and Maintenance of supplies and services.
 - Multiple laws such as the Code of Criminal Procedure, Narcotic Drug and Psychotropic Substance Act (NDPS) 1985, Unlawful Activities (Prevention) Act etc. permit Preventive Detention.

<h2>Constitutional Provisions related to Preventive Detention</h2>	<h2>Judicial pronouncements related to Preventive detention</h2>
<p>Article 22 (1): No person can be detained in custody without being informed of grounds of arrest nor shall be denied right to consult or be defended by legal practitioner.</p> <p>Article 22 (2): Every person who is arrested/detained in custody shall be produced before magistrate within 24 hours of such an arrest.</p> <p>Article 22 (3): Above two clauses will not apply to a person who is detained in accordance to a law providing for preventive detention.</p> <p>Article 22 (4): No person can be detained for more than a period of 3 months unless an advisory board confirms that there is sufficient cause for continuation of such detention.</p> <p>Article 22 (7): A person can be preventively detained for more than 3 months without opinion of an advisory board if Parliament by law provides-</p> <ul style="list-style-type: none">Maximum period of such detention.Circumstances, classes of persons and classes of cases to which such a law may apply.	<p>AK Gopalan Vs State of Madras (1950): The Court gave a green flag to the Preventive Detention Act ,1950</p> <p>Shibban Lal v. State of Uttar Pradesh (1954): SC stated that a courtroom is not competent to enquire into reality or in any case of the facts which are referenced as grounds of detainment.</p> <p>Shambhu Nath Shankar Vs State of West Bengal: Court held sometimes state must take such extreme steps to maintain the security of the country.</p>

1.5. PERSONALITY RIGHTS

Why in the News?

Recently, Delhi High Court granted protection to a famous Bollywood actor's personality rights from misuse by third parties.

About Personality Rights

- **Personality rights** refer to the right of a person to protect his/her personality under the right to privacy or property.
 - It includes name, voice, signature, images or any other feature easily identified as markers of personality.

Personality Rights in India

- Personality rights or their protection are **not expressly mentioned in any statute in India** but are traced to fall under the **right to privacy** and the **right to property**.
- **Two Components of Personality Rights**
 - **Right to publicity:** Right to keep one's image and likeness from being commercially exploited without permission.
 - ✓ It is governed by statutes like **the Trade Marks Act, of 1999** and **the Copyright Act, of 1957**.
 - **Right to privacy:** Right to not have one's personality represented publicly without permission.
 - ✓ It is broadly governed under **Article 21 of the Constitution** and the Supreme Court judgment in **Justice K.S. Puttaswamy (Retd.) Case (2018)**.

Posthumous Personality Rights

- **Emblems and Names (Prevention of Improper Use) Act, 1950:** Protects unauthorized use of a few dignitaries' names and symbols listed in its schedule.
- **IPC:** If negative reference or derogatory representation is made to any deceased person's reputation or their family, a **defamation suit** can be filed under the **Indian Penal Code**.

Personality rights under international convention

- There is no explicit international convention or treaty on protection of the publicity rights to date.
- However, certain publicity rights can be derived from the following international conventions:
 - **Rome Convention (1961):** It protects performers' rights, phonogram producers' rights and broadcasting rights.
 - **TRIPS Agreement (1994):** It secures certain rights of the phonogram producers, live performers and broadcast rights.
 - **WIPO Performances and Phonograms Treaty (WPPT):** It protects the rights of performers and phonogram producers, particularly in digital environment.

Constitutional provisions related to Personality Rights

Article 21 states that, 'No person shall be deprived of his life or personal liberty except according to a procedure established by law.'

Article 300A titled as **Right to Property** was introduced by the **44th Amendment Act 1978** of the Constitution of India.

➤ It states that 'No person shall be deprived of his property save by the authority of law.'



Judicial Pronouncements related to Personality Rights

Deepa Jayakumar v. AL Vijay case (2019): Madras HC held that personality rights cease to exist after the death of the personality and cannot be inherited by legal heirs.

Sakshi Malik v. Venkateswara Creations Pvt. Ltd. & Ors case (2021): Bombay HC held that **using another's image**, and most especially a private image, **without consent is illegal**.



1.6. HATE SPEECH

Why in the news?

Recently, the Supreme Court stressed the need for stakeholders to find a long-term solution to the problem of hate speech.

About Hate Speech

- Hate speech has **not been defined in any law in India**.
 - However, hate speech generally refers to incitement to hatred primarily against a group of persons.
- Hate speech can be conveyed through any form of expression, including images, cartoons, memes, objects, gestures and symbols and it can be disseminated offline or online.

Regulation of Hate Speech in India

- **Constitutional provision:** Hate speech can be curtailed under Article 19(2) on the grounds of public order, incitement to offence and security of the State.
- **Bharatiya Nyaya Sanhita, 2023:**
 - **Section 196 (1)** penalises **promoting enmity between different groups** on grounds of religion, race, place of birth, residence, language, etc.
 - **Section 299** defines **punishment for deliberate and malicious acts** intended to outrage the religious feelings of any class.
 - **Section 353 (1) and (2)** penalise the publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes.

- **Representation of People Act, 1951:**
 - **Section 8 disqualifies a person from contesting an election** if he is convicted for indulging in acts amounting to **illegitimate use of freedom of speech and expression**.
 - **Section 123(3A) and section 125 prohibit the promotion of enmity** on the grounds of religion, race, caste, community or language in connection with election as a corrupt electoral practice.
- **Protection of Civil Rights Act, 1955:**
 - **Section 7 penalises incitement** to and encouragement of **untouchability** through words, either spoken or written or by signs, visible representations, or otherwise.
- **Religious Institutions (Prevention of Misuse) Act, 1988:**
 - **Section 3(g) prohibits religious institutions or their managers** from using religious premises to promote disharmony or hatred among various religious groups.

Judicial pronouncements related to Hate Speech



1.7. PLACES OF WORSHIP ACT, 1991

Why in the News?

The Supreme Court observed that it cannot order a blanket stay on worship act pleas.

About Places of Worship (Special Provisions) Act, 1991.

- The Act declares that **the religious character of a place of worship shall continue to be the same as it was on August 15, 1947**.
- It says **no person shall convert** any place of worship of any religious denomination into one of a different denomination or section.
- It also imposes a **positive obligation** on the State **to maintain the religious character of every place of worship** as it existed at the time of Independence.
- It declares that **all suits, appeals or any other proceedings** regarding converting the character of a place of worship, which are pending before any court or authority on August 15, 1947, will abate as soon as the law comes into force.
- **Exemptions provided:**
 - The disputed site at **Ayodhya is exempted** from the Act.
 - The Act also does not apply to
 - ✓ monuments and sites covered by the **Ancient Monuments and Archaeological Sites and Remains Act, of 1958**.
 - ✓ any dispute that has been finally settled or disposed of
 - ✓ any conversion of any such place effected before such commencement by acquiescence.
- **Penalty:** **Section 6 of the Act** prescribes a punishment of a **maximum of three years imprisonment along with a fine** for contravening the provisions of the Act.

1.8. OTHER IMPORTANT NEWS

8th Schedule of Constitution <ul style="list-style-type: none"> Odisha Cabinet has proposed for the inclusion of Kui language in the 8th Schedule. Schedule 8 of Indian Constitution: <ul style="list-style-type: none"> It enlists the Official language of the Country and consists of 22 languages currently. 14 languages were originally listed in the Constitution and the rest were added over time. Sindhi was introduced by the 21st Amendment Act of 1967, Konkani, Manipuri, and Nepali by the 71st Amendment Act of 1992, and Santali, Dogri, Maithili, and Bodo by the 92nd Amendment Act of 2003. 	<div style="border: 1px solid #ccc; padding: 10px; border-radius: 10px;"> <h3 style="text-align: center;">Schedule 8 benefits</h3> <ul style="list-style-type: none"> Support from Government to develop. Recognition from Sahitya Academy and wider translations of its books. Can be used in Assembly and Parliamentary debates. Can be used in All India Competitive Exams. RBI to include it in currency note denominations. </div>
9th schedule of the Constitution <ul style="list-style-type: none"> It was added to Constitution by 1st Constitutional Amendment (1951) under Article 31B. Central and state laws included in 9th schedule cannot be challenged in courts for violation of Fundamental Rights. However, Supreme Court in I R Coelho v State of Tamil Nadu (2007), ruled that any law added to 9th Schedule after April 24, 1973, violating fundamental rights can be challenged if: <ul style="list-style-type: none"> It undermines the basic structure, as outlined in Article 21 along with Articles 14 and 19. 	
Right to Silence <ul style="list-style-type: none"> Supreme Court said that all accused have a right to silence, and investigators cannot force them to speak up or admit guilt. Right to silence emanates from Article 20(3), which states that no one can be compelled to be a witness against himself. <ul style="list-style-type: none"> Protection is limited only to criminal proceedings. Right is not available to a person being interrogated under Customs Act, 1962, or Foreign Exchange Management Act, 1999, since the person is not “accused of an offence” and isn’t entitled to a lawyer. In Nandini Satpathy v. P.L. Dani case, SC stated that compelling a person to answer a question within the limits of the police station may result in a violation of Article 20(3). 	
Reservation for locals in private sector <ul style="list-style-type: none"> Punjab and Haryana High Court quashed Haryana State Employment of Local Candidates Act, 2020. <ul style="list-style-type: none"> Act provided 75% reservation to locals in private sector jobs (having monthly salary of less than Rs. 30,000). HC declared it unconstitutional and violative of Part III (Fundamental rights) of the Constitution of India. <ul style="list-style-type: none"> It also said that Act violates Constitutional Morality. <ul style="list-style-type: none"> ✓ Constitutional Morality refers to adherence to the fundamental principles of the constitution. It said State cannot discriminate against the individuals on account of the fact that they do not belong to a certain State (negative discrimination). Other States like Andhra Pradesh (2019) have also enacted similar acts. 	

Affirmative Action	<ul style="list-style-type: none">• Affirmative Action means positive action/discrimination which was introduced in US to counter historical patterns of prejudice against individuals with certain identities e.g. Black, Hispanic and other minority students.• Reservation is a system of affirmative action in India that provides historically disadvantaged groups representation in education, employment, government schemes, scholarships, and politics.<ul style="list-style-type: none">○ Article 15(4) and 16(4) allows the government to provide for reservation.○ Reservation Quota fixed at 50% (Indra Swahney judgement) for OBC, SC & ST in both employment and education.
Ranganath Mishra Commission	<ul style="list-style-type: none">• About Ranganath Mishra Commission<ul style="list-style-type: none">○ It is officially known as National Commission for Religious and Linguistic Minorities.○ It was constituted to look into various issues related to linguistic and religious minorities in the country.○ Report by Commission (2007) recommended that Scheduled caste status be completely delinked from religion and be made religion neutral like STs.○ It had recommended permitting Dalits who converted to Islam and Christianity to avail Scheduled Caste status.
Article 355	<ul style="list-style-type: none">• Article 355 is a part of emergency provisions contained in Part XVIII of the Constitution (from Article 352 to 360).<ul style="list-style-type: none">○ Article 355 says that 'It shall be the duty of Union to protect every State against external aggression and internal disturbance and to ensure that Government of every State is carried on in accordance with provisions of this Constitution.
Right To Walk	<ul style="list-style-type: none">• Punjab has become the first state to implement the 'right to walk'.• Right to walk make it mandatory for all road-owning agencies, including the NHAI, to provide footpaths and cycle tracks on the road.

2. FUNCTIONING OF PARLIAMENT, STATE LEGISLATURE/LOCAL GOVERNMENT

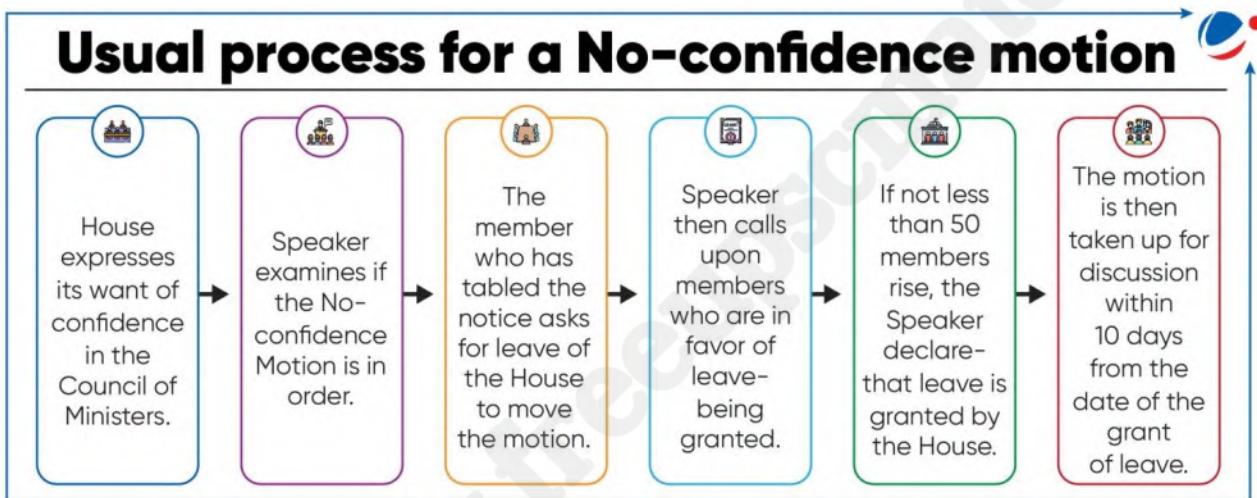
2.1. NO-CONFIDENCE MOTION

Why in the news?

Union government faced a **no-confidence motion** in the Monsoon session of the parliament.

About No Confidence motion

- No-confidence motion:** A legislative resolution introduced in the Lok Sabha that **allows the Opposition to challenge the government's majority**.
 - If a No-confidence motion is passed, the Government of the day will have to resign.
 - The motion of No-Confidence can **only be moved in Lok Sabha**.
- Constitutional articles/rules of business in Lok Sabha**
 - Article 75(3):** The Council of Ministers are collectively responsible to the Lok Sabha.
 - Similarly, **at state level Article 164 (2)** provides that Council of Ministers shall be collectively responsible to the State Legislative Assembly.
 - Rule 198 of Rules of Procedure and Conduct of Business in Lok Sabha** provides a provision regarding the motion of No Confidence.
- Grounds:** A Motion of No-confidence **need not set out any grounds** on which it is based.
- Speeches:** Unless leave is granted by the House to move the motion, **no speech is permitted in support of the motion**.
- Repeat Motion:** After a No-confidence Motion has been discussed and negated by the House, another No-confidence Motion cannot be moved in the same Session.



2.2. PARLIAMENTARY PRIVILEGES OF LAWMAKERS

Why in the news?

Recently, the Supreme Court **set up a seven-judge bench** headed by the Chief Justice of India for reconsideration of its **1998 judgement in the P V Narasimha Rao case**.

More on the news

- P V Narasimha Rao case Judgement** came in the backdrop of the **1993 Jharkhand Mukti Morcha bribery case**.

- It upheld **legal immunity granted to legislators against criminal prosecution on bribery charges** for any speech or vote in Parliament as per **Articles 105(2) and 194(2)** of the Constitution.

About Parliamentary Privileges

- It refers to **legal immunity**, wherein **legislators are granted protection against civil or criminal liability** for certain actions or statements made in the course of their legislative duties.
 - If an individual or authority **undermines a parliamentary privilege of a member or the House**, it is called a '**Breach of privilege**'.
- **Parliament, till now, has not made any special law to exhaustively codify all the privileges.**
- **Parliament is the sole authority to ascertain if there has been a breach or contempt** of the House— no court is entrusted with this power.
 - A member of the House can raise a question involving a breach of privilege with the consent of the Chairman or Speaker.

Privileges are based on five sources.

- **Constitutional provisions**
 - **Article 105:** Powers and privileges of **both Houses of Parliament and its members** and committees.
 - **Article 194:** Powers, privileges and immunities of State legislatures and their members and committees.
 - **Article 105(2):** No person shall be liable in respect of the publication of any report, paper, votes or proceedings by or under the authority of either House of Parliament.
 - ✓ A similar provision exists for **Members of the Legislature of a State** under Article 194(2).
 - **Freedom of Speech in Parliament:** Article 105(2) states that "No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees".
 - ✓ This freedom is subject to the provisions of the Constitution (E.g. Article 121 restricts members from discussing judges' conduct) and to the rules and procedures of the parliament, under Article 118.
 - **Article 122:** Restricts the courts from inquiring into the validity of any proceeding of Parliament on the grounds of alleged irregularity of procedure.
- **Laws made by Parliament.**
 - **Freedom from Arrest:** Code of Civil Procedure, 1908 provides legislators freedom from arrest in **any civil case 40 days before and after the adjournment of the house** and also **during the session of the house**.
 - ✓ However, an MP doesn't enjoy any such immunity in a criminal case.
- **Rules of both the Houses**
 - **Privileges based on Rules of Procedure and precedents:** Parliament reserves the right to

Rationale Behind Parliamentary Privileges



Privilege Committee

- It is a **parliamentary standing committee present in both Houses** of Parliament.
 - Consists of 15 members in Lok Sabha (10 in case of Rajya Sabha) nominated by the Speaker (Chairman in case of Rajya Sabha).
- **Key Function:** Investigate questions involving the breach of privileges of House or members, as referred to it by presiding officer of Houses.

- receive immediate information of the arrest, detention, conviction, imprisonment, and release of a member on a criminal charge or for a criminal offence.
- **Right to Exclude Strangers:** House has the **power and right to exclude strangers** from the proceedings. This right is essential for securing free and fair discussion in the house.
 - **Other Sources:** Parliamentary conventions and judicial interpretations.

Contempt of the House

- **Contempt of the House** is different from Breach of privilege.
- It is an **act or omission which obstructs or has the tendency to obstruct either House of Parliament or its members/officials, in the performance of their functions.**
- **Parliament** is the **sole authority to ascertain** if there has been a **breach or contempt of the House**—no court is entrusted with this power.
 - **House can commit an offender to custody** or prison for contempt for the period limited **to the duration of the House session.**
 - In case if an MP is found guilty, **he can be suspended from the House or face expulsion.**

2.2.1. EXPULSION OF LAWMAKERS

Why in the news?

Recently, **Lok Sabha has expelled** one of its **members accused of accepting gifts and illegal gratification**, based on the Ethics Committee report.

Expulsion of Lawmakers in India

It can be done on a constitutional as well as legal (Rules of the house) basis.

- **The constitutional basis of expulsion:** An MP found guilty of **breach of privileges** or **contempt of the house** can be suspended from the house or face expulsion.
 - **A simple majority** is needed to pass a motion for expulsion in each house.
 - **Further involvement of the Ethics committee is not always necessary for expulsion.**
- **Legal basis of suspension and expulsions of MPs:**
 - To ensure smooth proceedings and maintain order, the **Presiding Officer of the House** has the **power to force a Member to withdraw** from the House.
 - **In cases of extreme misconduct**, the House may expel a member “to rid the House of persons who are unfit for membership.”

Ethics committee of Lok sabha

- It consists of not more than **15 Members nominated by the Speaker** and shall hold office for a term not exceeding one year.
- **Functions:**
 - To examine a complaint relating to **the unethical conduct of a member** referred to it by the Speaker.
 - Make **recommendations and formulate a code of conduct** for Members.
 - Suggest amendments to the **code of conduct**.
- **The First Ethics Committee** of Lok Sabha was set up in 2000 and of Rajya sabha in 1997.

Rules of Procedure and Conduct of Business related to Suspension in LS and RS

Rules in LS	Rules in RS
Rule 373: It empowers a presiding officer to order an MP to withdraw during the remainder of the day's sitting.	Rule 255: It allows the Chairman to direct any Member to withdraw immediately from the House for disorderly conduct.
Rule 374: Allows to suspend the MP for a period not exceeding the remainder of the session.	Rule 256: House may adopt a motion suspending the Member , disregarding chair's authority or abusing the rules, for a period not exceeding the remainder of the session.
Rule 374A: brought in 2001 allows the Speaker to name an MP, who will then automatically stand suspended for five days or the remaining part of the session, whichever is less.	Unlike the Lok Sabha (under rule 374A), the Rajya Sabha cannot suspend its members without passing a motion.

- Article 122 of the Indian Constitution says parliamentary proceedings (including those related to expulsion) can't be questioned by the judiciary, although the courts have intervened in some cases.
 - In the Raja Rampal case (2007), the Court upheld the expulsion of Raja Ram Pal but noted that **proceedings tainted by substantial illegality are open to judicial scrutiny.**
- **Expulsion and disqualification are not the same.** The Constitution provides for both expulsion and disqualification. Under disqualification member of the parliament cannot contest the elections further while under expulsion he/she can.
- **Disqualification of a lawmaker**
 - **RPA, 1951:** Under Section 8(4), a lawmaker is disqualified for the period of imprisonment and a further six years if sentenced for two years or more in prison.
 - **Tenth Schedule of the Constitution:** Provides for the disqualification on grounds of defection.
 - **Articles 102 (1) and 191 (1):** For disqualification of a MP and a MLA respectively, on grounds of holding an office of profit, being of unsound mind or insolvent or not having valid citizenship.

2.3. ANTI-DEFECTION LAW

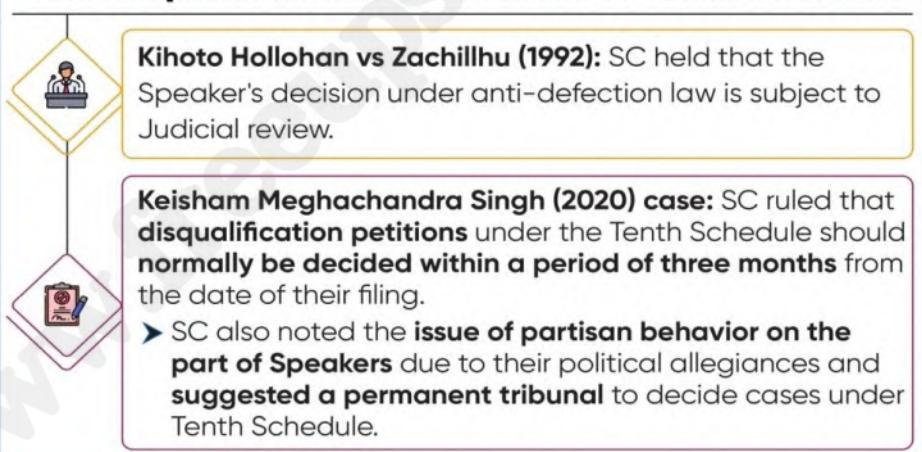
Why in the news?

Maharashtra Speaker dismissed all petitions seeking the disqualification of MLAs under Anti-defection law.

About Anti-defection Law

- Anti-defection law was included under the 10th schedule via the 52nd Amendment Act, of 1985.
 - Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House.
- **Disqualification happens if:**
 - **A member:**
 - ✓ **voluntarily gives up his party membership, or**
 - ✓ **votes/abstain** to vote in the House contrary to the direction issued by his political party and such act has **not been condoned** by the party **within 15 days.**
 - **An independent member** becomes disqualified if s/he joins any political party after such an election.
 - **A nominated member** becomes disqualified if s/he joins any political party after the expiry of 6 months from the date on which he takes a seat.
- **Exception:** Law allows a political party to merge with or into another party provided that 2/3rd of its legislators are in favour.
 - If a person is elected as speaker of Lok Sabha, Deputy speaker and Deputy chairman of Rajya Sabha, then he could resign from his party and rejoin the party once he/she demits the posts.
- Presently, the Law does not provide a **time limit** within which the **Presiding officers have to decide on the anti-defection case.**

Judicial pronouncements related to Tenth Schedule



About Whip

- Rule 2, of the anti-defection law puts the party members into a bracket of obedience to the party whip and policies.
- In Parliament parlance, a whip may refer to:
 - a written order for party members to follow a certain direction, and
 - a designated official of the party who is authorised to issue such a direction.
- The term originates from the British practice of "whipping in" lawmakers to follow the party line.

2.4. ORDINANCE MAKING POWER OF PRESIDENT AND GOVERNOR

Why in the news?

A recent analysis showed that the number of ordinances issued by the president has dropped since 2019. In 2022, for the first time in 59 years, no ordinances were promulgated.

Ordinance-making power of the President and Governor

- Ordinances are temporary laws which can be issued by the President when Parliament is not in session.
 - Power to promulgate the Ordinance can be traced from the Indian Councils Act, of 1861, the Government of India (Gol) Act, 1909, and the Gol Act, of 1935.
- The ordinance is listed under Article 123 (Power of President to promulgate Ordinances during recess of Parliament) and Article 213 (Power of Governor to promulgate Ordinances during recess of Legislature).
 - These promulgated ordinances have the same force and effect as an Act of the Legislature, but these acts are likely in temporary nature.
 - Any ordinance ceases to operate at the expiration of 6 weeks from the date when the next session starts.
 - If the two Houses start their sessions on different dates, the latter of the dates will be considered.
 - The ordinance may lapse earlier if the President/Governor withdraws it or if both Houses pass resolutions disapproving it.
 - In case of state legislature, resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any.
 - Ordinances can only be issued on matters on which Parliament or Legislature can make laws and are subject to the same limitation as Parliament/Legislature to make laws.
- However, the Governor of a State cannot make an ordinance without the reference of the President in the following cases:
 - If bills containing similar provisions would have required, the prior sanction of the President for introduction in the Assembly.
 - If the Governor would have deemed it necessary to reserve a bill containing similar provisions for consideration of the President.
 - If an act of state legislature containing the same provisions would have been invalid without receiving the President's assent.

Judicial pronouncements related to Ordinance



RC Cooper v. Union of India (1970): Apex court held that President's decision could be challenged on the grounds that 'immediate action' was not required; and the Ordinance had been passed primarily to bypass debate and discussion in the legislature.

DC Wadhwa vs. State of Bihar (1987): Court held that legislative power of executive to promulgate Ordinances is to be used in exceptional circumstances and not as a substitute for law making power of the legislature.

Krishna Kumar Singh v. State of Bihar (1994): Court held that the satisfaction of the President under Article 123 and Governor under Article 213 while issuing an Ordinance is not immune from judicial review.

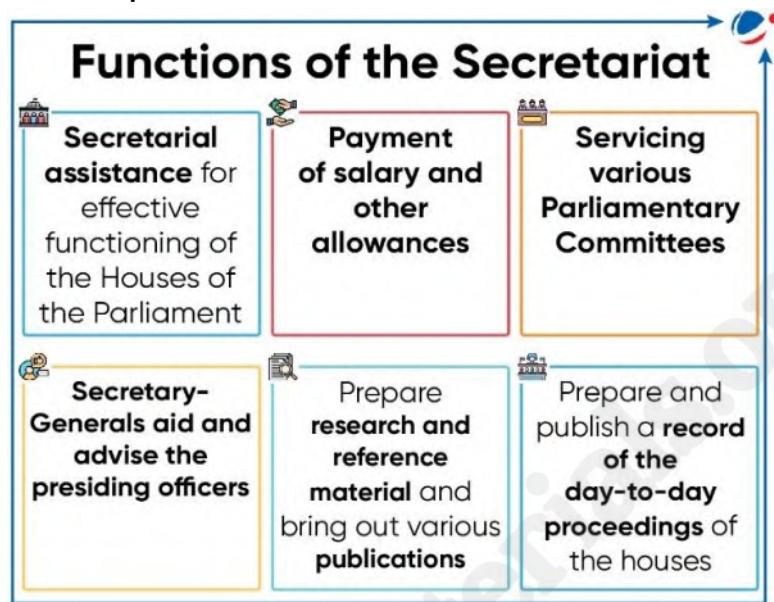
2.5. SECRETARIAT OF THE PARLIAMENT

Why in the News?

As the Parliament completes 75 years, the Parliament secretariat has been the custodian of procedure, precedent and legislative knowledge of the two Houses.

Constitutional provisions

- **Article 98:** Each House of Parliament shall have a **separate secretarial staff**.
 - **Parliament may by law** regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House.
 - ✓ However, so far, no such law has been passed.
 - It also allows the creation of **posts common to both** the Houses of Parliament.
- **Article 187** makes similar provisions for the Secretariat of State Legislatures.
- '**Council of States Secretariat'** and '**Parliament Secretariat**' (for House of the People) were set up when both houses came into existence in 1952.
 - Their names **were changed in 1954** to **Rajya Sabha Secretariat** and **Lok Sabha Secretariat** respectively.
- The Secretariat of both houses has been **divided into 10 services on a functional basis** like Legislative, Executive, Administrative, verbatim reporting services, etc.
- **Speaker and Chairman can create new posts** in respective secretariats. However, for posts in Class I or Class II, prior consultation with the Union Ministry of Finance is mandatory.
- **Secretary-Generals of both houses hold ranks equivalent to that of the Cabinet Secretary.**
 - However, in the **table of precedence**, the Cabinet Secretary is placed at the 11th position, whereas the Secretary, Lok Sabha/ Rajya Sabha are placed at the 23rd position.



Structure of the Secretariats

Lok Sabha Secretariat	Rajya Sabha Secretariat
<ul style="list-style-type: none">• Speaker (Lok Sabha): Vested with ultimate guidance and control over the secretariat.• Administrative Head: Secretary General.• Recruitment and Conditions of Service: Governed by the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955 promulgated by the President in consultation with Speaker.	<ul style="list-style-type: none">• Chairman (Rajya Sabha): Vested with administrative control over the secretariat.• Administrative Head: Secretary General.• Recruitment and Conditions of Service: Governed by the Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1957 promulgated by the President in consultation with Chairman (similar to Lok Sabha).

2.6. DEMOCRATIC DECENTRALISATION IN INDIA

Why in the news?

The year 2023 marks the **30th anniversary of the 73rd and 74th Amendment to the Indian Constitution**.

Democratic Decentralisation in India

- It refers to the devolution of power, resources and decision-making authority from the central government to local governments, such as panchayats and municipalities.
- The 73rd and 74th Constitutional Amendment Acts of 1992 that came into force in 1993 introduced democratic decentralization in India.

73rd Constitutional Amendment Act, 1992	74th Constitutional Amendment Act, 1992
<ul style="list-style-type: none">Panchayati Raj Institution was constitutionalized through the Act.This act has added a new Part-IX to the Constitution of India and consists of provisions from Articles 243 to 243O.It added a new 11th Schedule to the Constitution that contains 29 functional items of the panchayats	<ul style="list-style-type: none">Urban local governments were constitutionalized.It added Part IX -A and consists of provisions from Articles 243-P to 243-ZG.It also added the 12th Schedule to the Constitution that contains 18 functional items of Municipalities.

Steps taken to strengthen PRIs in India

- Rashtriya Gram Swaraj Abhiyan (RGSA): For developing and strengthening the capacities of PRIs.
- e-GramSwaraj: A user-friendly web-based portal that unifies the planning, accounting, and monitoring functions of Gram Panchayats.
- People's Plan Campaign (PPC)-Sabki Yojana Sabka Vikas: To draw up Gram Panchayat Development Plans (GPDPs).
- Backward Regions Grants Fund (BRGF): Untied funds are given for meeting critical gaps in local infrastructure and development, in some identified backward districts.
- National Institute of Rural Development and Panchayati Raj: An autonomous organisation under the Ministry of Rural Development for capacity building of rural development functionaries, local elected representatives, bankers, NGOs etc.
- National Panchayat Awards: Under this, best performing Panchayats are awarded based on various criteria and indicators.
- SWAMITVA Scheme: Provides the 'record of rights' to village household owners and issuance of property cards to the property owners.

Important Panchayati Raj Committees

	Balwant Rai Mehta Committee (1957)
	Ashok Mehta Committee (1977-1978)
	C.H. Hanumantha Rao working Group (1983)
	G V K Rao Committee (1985)
	L M Singhvi Committee (1986)
	Thungan Committee (1988)

2.6.1. FINANCES OF PANCHAYATI RAJ INSTITUTIONS (PRIS)

Why in the news?

Recently, the Reserve Bank of India (RBI) released its report titled "Finances of Panchayati Raj Institutions". The report discusses the fiscal position of PRIs for the years 2020-21 to 2022-23.

Constitutional Provisions for Financial Empowerment of Panchayats

- Article 243H: Provides for finance for the Panchayats by securing authorization from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State.
 - It empowers panchayats to impose, collect, and allocate taxes, duties, tolls, and fees.
- Article 243-I: Setting up a State Finance Commission (FC) every 5 years to review the financial position of Panchayats and make recommendations to improve their financial position.
- Article 280(3)(bb): Mandates Central FC to recommend measures needed to augment the Consolidated fund of the state and supplement panchayat resources.

Sources of Finance for PRIs	
Internal/Own sources of revenue	<ul style="list-style-type: none"> Tax Revenue from Property tax on lands (other than Agriculture Land) or buildings or both; Taxes on Duties and Commodities; Service tax; Taxes on Profession Trades etc. Non tax revenue from market fees on persons exporting goods for sale in Panchayat area; Fees on Registration of Cattle sold within the Panchayat area etc.
Transfer of Funds from Central Finance Commission (CFC) and State Finance Commission (SFC)	<ul style="list-style-type: none"> Tied Grants: Earmarked for specific purposes or sectors, like sanitation, education etc. Untied Grants (General purpose grants): These are provided without specific conditions or restrictions and can be utilised for local needs and priorities. Performance-based Grants: Additional funds granted to PRIs based on recommendations of CFCs and specific performance criteria. Special Category Grants: These grants are additional financial support designed to address unique challenges or particular needs of PRIs in specific regions or contexts.
Other Sources	<ul style="list-style-type: none"> Transfer from Central Government and State Government under different schemes like MGNREGA, PMAY (Rural), Sansad Adarsh Gram Yojana etc. Grants from international bodies like World Bank, etc.

2.6.2. CAPACITY BUILDING OF URBAN LOCAL BODIES (ULB)

Why in the news?

Recently, the Capacity Building Commission (CBC) in collaboration with MoHUA organized a National Workshop on Capacity Building of ULBs to **foster a unified approach to capacity building ULBs** across India.

More on news

- The Workshop marked the **launch of three key initiatives**, i.e.,
 - Annual Capacity Building Plan (ACBP) to enhance the capabilities of MoHUA.**
 - ACBP for 6 pilot ULBs** i.e. Ahmedabad, Bhubaneswar, Mysuru, Rajkot, Nagpur, and Pune.
 - Comprehensive Toolkit for preparing Capacity Building Plans for ULBs** for providing valuable resources to facilitate the growth and development of ULBs.

About Urban Local Bodies

- ULBs are **small local bodies that administer or govern a city or a town** of a specified population.
 - Urban governance (Local Government)** is part of the **state list (Entry number 5)** under the Constitution. Thus, the **administrative framework and regulation of ULBs** varies across states.
- Constitution (74th Amendment) Act, 1992**, formally recognised **urban local governments as the third tier of government**.

Capacity Building Commission (CBC)



Genesis: Constituted through Gazette of India in 2021.



About: Established as an **independent body with complete executive and financial autonomy**.

► It is key component of National Programme for Civil Services Capacity Building (NPCSCB) - Mission Karmayogi.

► Serviced by **Department of Personnel and Training**.



Purpose: To build credibility and shape a uniform approach to capacity building on a collaborative and co-sharing basis.



Composition: A **Chairperson** and **two Members**, supported by an internal secretariat headed by a Secretary (in the grade of Joint Secretary).



Functions:

► Coordinate with Departments of Government for evolving a harmonious de-siloed approach to improve capacity and build shared resources.

► Prepare Annual HR Report on health of Civil Services along with target achievement.

► Undertake Audit of Human Resources available in Government and assess outcomes of Capacity Building efforts.

- The Act provided for the **establishment of three types of ULBs:**
 - ✓ **Nagar panchayats** for a ‘transitional area’
 - ✓ **Municipal councils** for a ‘smaller urban area’ and
 - ✓ **Municipal corporations** for a ‘larger urban area’.

Measures taken for capacity building of ULBs.

- **National Urban Digital Mission:** Launched in 2021 by MoHUA, it focuses on citizen-centric **digital revolution** in ULBs in India. It aims to create a **shared digital infrastructure** working across **three pillars of ‘People, Processes and Platform’** to provide a framework for digital governance in the country.
 - **National Institute of Urban Affairs (NIUA)** has been appointed to anchor this mission.
 - Established in 1976, NIUA is a premier institute for **research, training and information dissemination** in urban development and management.
- **Municipal Bonds:** These are **financial instruments** that **municipal corporations and other associated bodies in India issue to raise funds.**

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

Why in the news?

Recently, Jharkhand issued the **Panchayats (Extension to Scheduled Areas) Act (PESA Act)** draft rules for public consultations

About PESA Act, 1996

- Based on recommendations of the **Dileep Singh Bhuria Committee**, the PESA Act was enacted in 1996 for tribal empowerment and to bring them into the mainstream.
- It provides for the **extension of provisions of Part IX of the Constitution** relating to Panchayats to Scheduled Areas of 10 States **under Article 244(1) read with Schedule 5**, with certain modifications and exceptions.
 - PESA empowers the state legislatures to frame laws in this regard.
- **Presently, 10 States** viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana, have Fifth Schedule Areas in their respective States.
 - Eight States (except Jharkhand and Odisha) have framed and notified their State PESA Rules under their respective State Panchayati Raj Acts.
- **The Ministry of Panchayati Raj** is the nodal Ministry for the implementation of provisions of PESA in the States.
- PESA Act is called a ‘**Constitution within the Constitution**’.

Other features of PESA Act, 1996

Major Powers of Gram Sabhas under PESA

- Power of mandatory consultation** in matters of land acquisition, prevent alienation of land and restore alienated land
- To control institutions and functionaries** in all social sectors and local plans
- To manage** minor water bodies, ownership of minor forest produce
- Regulate and restrict** sale/consumption of liquor, manage village markets, control money lending to scheduled tribes
- Resettlement and rehabilitation** and prospecting licenses/mining leases for minor minerals

Conformity with customary law	<ul style="list-style-type: none">● State Legislation on Panchayats shall be in conformity with customary law, social and religious practices and traditional management practices of community resources.
Gram Sabha	<ul style="list-style-type: none">● Every village shall have a Gram Sabha (GS) consisting of persons whose names are included in electoral rolls for Panchayat at village level.

Role and responsibility of Gram sabha	<ul style="list-style-type: none"> GS has roles and responsibilities in approving all development works in village, identify beneficiaries, issue certificates of utilization of funds; powers to control institutions and functionaries in all social sectors and local plans. Every GS to safeguard and preserve traditions and customs of people, their cultural identity, community resources and the customary mode of dispute resolution.
Reservation	<ul style="list-style-type: none"> Every panchayat to have reservation of seats in proportion to community population (minimum of 50 percent) with Chairperson of Panchayats at all levels to be reserved for STs.

5th and 6th Schedule

Basis	5 th Schedule	6 th Schedule
Constitutional Provisions	<p> Article 244(1): Provisions of the Fifth Schedule apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State except States of Assam, Meghalaya, Tripura and Mizoram.</p>	<p> Articles 244(2) and 275(1) provide for administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram</p>
Council Creation	<p> By Act of State Legislature</p>	<p> Autonomous District Council (ADC) provided by Constitution</p>
Autonomy	<p></p> <ul style="list-style-type: none"> ➤ Panchayats (Extension to Schedule Areas) Act 1996: Self-governance through Gram sabha for people living in 5th Schedule areas. ➤ 5th schedule's Tribal Advisory council has only advisory powers. 	<p></p> <ul style="list-style-type: none"> ➤ Greater autonomy compared to 5th schedule. ➤ ADCs have much wider powers than Tribal Advisory council.

2.8. OTHER IMPORTANT NEWS

Panel of Vice-Chairpersons (VCs)	<ul style="list-style-type: none"> Rajya Sabha Chairman constituted an all-women panel of VCs in Rajya Sabha. Under the Rules of Rajya Sabha, the Chairman nominates from among the members a panel of VCs. Any one of them can preside over the House in the absence of the Chairman/ Deputy Chairman. <ul style="list-style-type: none"> However, they cannot preside over the house when the seat of Chairman/ Deputy Chairman is vacant. In this case, President appoints a member of the House to perform the Chairman's duties. He/she has the same powers as the Chairman when presiding and holds office until a new panel of VCs is nominated.
Parliament Sessions	<ul style="list-style-type: none"> The Constitution of India does not mention the term "Special Session". <ul style="list-style-type: none"> Term sometimes refers to session's government has convened for specific occasions. Article 85 mandates that Parliament should meet at least twice a year (the gap between two sessions should not exceed six months). <ul style="list-style-type: none"> By convention, Parliament meets for three sessions in a year.

	<ul style="list-style-type: none"> ○ However, the provision does not prevent the summoning of Parliament more often and these extra sessions are referred to as special sessions. ● The Cabinet Committee on Parliamentary Affairs determines the date and duration of parliamentary sessions. ○ The president then summons MPs for the session.
Immunity for President	<ul style="list-style-type: none"> ● Supreme Court (SC) held that government cannot claim immunity from application of law to a contract merely because one of the parties to it is the President. ● SC said Article 299 (contracts made by Union or State in name of President or Governor) does not give the government power to break the statutory law. ● Article 361 of the Indian Constitution grants immunity or protection to the President and the governor of the country. <ul style="list-style-type: none"> ○ President and the governor are immune from court scrutiny for their actions and duties in office. ○ Conduct of the President can be reviewed only if either House of Parliament designates court or tribunal or any other body to investigate the charges under Article 61.
Rule 176 and Rule 267	<ul style="list-style-type: none"> ● According to the Rules of Procedure and Conduct of Business in the Council of States <ul style="list-style-type: none"> ○ Rule 176 allows for a short-duration discussion, not exceeding two-and-a-half hours, on a particular issue. ○ Under Rule 267, a Rajya Sabha MP has the special power to suspend the pre-decided agenda of the House, with the approval of the Chairman.
Adjournment motion	<ul style="list-style-type: none"> ● Moved in the Lok Sabha for discussing a definite matter of urgent public importance, with the Speaker's consent. ● It needs the support of 50 members to be admitted. ● It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device. ● Discussion on an adjournment motion should last for not less than two hours and thirty minutes.
Subordinate legislation or Delegated Legislation	<ul style="list-style-type: none"> ● Committee on Subordinate legislations of Rajya Sabha released 'Delay in framing of rules under various acts by the ministries' report. ● Subordinate legislation is the legislation made by an authority subordinate to legislature. <ul style="list-style-type: none"> ○ Most enactments delegate the powers for making rules, regulations, byelaws etc. to subordinate authorities like the executive. ● Need for Subordinate legislation. <ul style="list-style-type: none"> ○ Legislatures have limitations of time; thus subordinate legislation is practical necessity. ○ Enables experts and technocrats to provide details within the framework of law. ● Committee on Subordinate Legislation, Rajya Sabha <ul style="list-style-type: none"> ○ Constituted under Rule 204 of Rules of Procedure and Conduct of Business in Council of States. ○ Mandate: Scrutinize and report to the House whether the powers of subordinate legislation delegated by Parliament have been properly exercised.
Parliament's security breach	<ul style="list-style-type: none"> ● Recently Parliament's security was breached where accused entered Lok Sabha on visitors' pass and released colour gas canisters emitting yellow smoke. ● Restricted Access to Parliament: <ul style="list-style-type: none"> ○ Rules of Procedure and Conduct of Business in Lok Sabha deals with "admission, withdrawal and removal of strangers." <ul style="list-style-type: none"> ✓ It specifies that Speaker, whenever thinks fit, may order the withdrawal of strangers from any part of the House.

	<ul style="list-style-type: none">○ Visitors to Parliament need security clearance from parliamentarians.
Sarpanch Pati	<ul style="list-style-type: none">● Standing Committee on Rural Development and Panchayati Raj recommended Training and capacity building to curb prevalent concepts like Sarpanch Pati or Pradhan Pati.<ul style="list-style-type: none">○ It refers to practice of husbands act as proxy for elected women, and wield the actual political decision-making powers.● Women reservation in Panchayati Raj Institutions (PRIs)<ul style="list-style-type: none">○ 73rd Constitutional Amendment act of 1992: 1/3rd of seats of PRIs and 1/3rd offices of Chairperson at all levels of PRIs (covered by Part IX) are reserved for women. (Article 243 D)○ Many states like Bihar, Kerala, Maharashtra, Orissa, Rajasthan etc. have made legal provision for 50% reservation for women among members and Sarpanches.○ As per Women and Men in India 2022 report, of the over 31. 8 lakh ERs, nearly 46% (over 14. 5 lakh) were women.
Quota to Backward Classes (A) in Urban Local Bodies (ULBs)	<ul style="list-style-type: none">● Haryana Cabinet has accepted the State Backward Classes Commission's report on proportion of reservation for Backward Classes Block-A category in ULB.● Article 243 T (6): There will be no bar on State Legislatures from making provisions for reservation of seats in any municipality or office of Chairperson in municipalities in favor of a backward class of citizens.● Triple test/conditions for reservation to OBCs in local bodies (K. Krishnamurthy v. Union of India, 2010),<ul style="list-style-type: none">○ Set up a dedicated commission to conduct a rigorous empirical inquiry into nature and implications of backwardness in local bodies.○ Specify the proportion of reservation required in local bodies in light of commission's proposals.○ Ensure reservation for SCs/STs/OBCs taken together does not exceed an aggregate of 50 percent of total seats

3. CENTRE-STATE RELATIONS

3.1. ROLE OF GOVERNOR

Why in the News?

Recently, Kerala, Tamil Nadu and Punjab moved the Supreme Court against their respective Governors over the pending bills.

Constitutional Provisions regarding bills before Governor

- Article 200:** Assent of the Governor is necessary for a bill to become a law. In this regard, the Governor has been given some options (refer table).

Governor's Options	Status of Bill
Give assent to the bill	<ul style="list-style-type: none"> Bill becomes a law
Withhold the assent	<ul style="list-style-type: none"> Bill fails to become a law
Return the bill for reconsideration of the legislature	<ul style="list-style-type: none"> If the State Legislature passes the bill in its original shape or in a modified form, the Governor has to give the assent to re-enacted bill. The Constitution does not lay down any time limit within which the Governor is required to return the bill for reconsideration. It only insist on 'as soon as possible'.
Reserve the bill for the consideration of the President	<ul style="list-style-type: none"> Any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.

- Reserving bill for President (Article 201):** President can either give his/her assent or withhold the assent.
 - President may direct the Governor to return the bill to state legislature with his/her message. Such bill, if re-enacted by the state legislature with or without amendment, is presented again to the President.

Constitutional Provisions related to governor	Judicial Pronouncements related to Governor
<p>Articles 153: There shall be a Governor for each state.</p> <p>Article 154: The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officer's subordinate to him as per the Constitution.</p> <p>Article 155: Governor of a State shall be appointed by the President by warrant under his hand and seal.</p> <p>Article 161: Governor shall have the power to grant pardons, reprieves, etc.</p> <p>Article 163: There shall be Council of Ministers (CoM) with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion.</p> <p>Article 164: The Governor appoints Chief Minister and other Ministers.</p> <p>Article 213: Governor may promulgate the Ordinances under certain circumstances.</p> <p>Article 217: Governor is consulted for appointment of Judges of High Court.</p>	<p>Shamsher Singh Case (1974): SC held that the Governor does not exercise discretionary powers while withholding assent or returning a Bill to the State Legislature.</p> <p>Nabam Rebia case (2016): If a governor exercised his discretion beyond his jurisdiction or power, it would fall under the subject matter of judicial review.</p> <p>Nabam Rebia case (2016): If a governor exercised his discretion beyond his jurisdiction or power, it would fall under the subject matter of judicial review.</p> <p>Recent Judgments:</p> <ul style="list-style-type: none"> State of Punjab Case (2023): If a Governor decides to withhold assent to a Bill, then he/she has to return the bill to the legislature for reconsideration. <ul style="list-style-type: none"> Such a bill cannot be kept with the Governor indefinitely. Vice Chancellor Case (2023): Governors acting as University Chancellor are not bound by the aid and advice of the CoM Tamil Nadu Governor case (2023): The Governor cannot refer the bills to the President after the Assembly has re-enacted the Bills following the Governor's withholding of assent.

3.2. COOPERATIVE FEDERALISM

Why in the news?

Prime Minister recently underlined the importance of cooperative federalism in India.

About Cooperative Federalism

- Cooperative federalism is the **horizontal relationship between union and states** and shows neither is above the other.
- It envisages that national and state agencies undertake government functions jointly rather than exclusively.

Constitutional Provisions to Promote Cooperative Federalism in India

- **7th schedule** which demarcates central, state, and concurrent lists based on the principle of subsidiarity.
- **All India Services under Article 312**
- **Integrated judicial system** to enforce both states as well as central laws.
- **Inter-State Council under Article 263** to discuss and investigate the subject of common interest between the centre and the states.
- **Article 261** provides that **full faith and credit** shall be given throughout the territory of India to all the public acts, records, and judicial proceedings of the Union and every State.
- **Zonal councils** were established as statutory bodies under the **State Reorganization Act of 1956** to ensure coordination.
- **Article 280: Finance Commission** for recommending the distribution of financial resources between the Union and the States.
- **Article 279A: GST Council** (involving members from Union and states), responsible for deciding the rates of the GST and the modalities of its implementation.

Steps Taken to foster Cooperative federalism in India

- The share of states in central tax revenue has been increased from 32% to 42% after the recommendation of the 14th Finance Commission.
- Restructuring of centrally sponsored schemes.
- Financial sector bailout programme under Ujwal DISCOM Assurance Yojana (UDAY) scheme.
- National Institution for Transforming India Aayog (NITI) Aayog acts as a platform to promote cooperative federalism. Various steps taken by NITI Aayog are:
 - Subgroups of Chief Ministers on subjects of national importance.
 - Launching of the Aspirational Districts Programme for the development of backward districts.
 - Framing model laws for land leasing and agriculture marketing reforms
 - Area-specific interventions for the North-Eastern and Himalayan States and island development.
 - Sustainable Action for Transforming Human Capital (SATH) programme to initiate transformation in the education and health sectors in states.

3.3. INTER-STATE BORDER DISPUTES

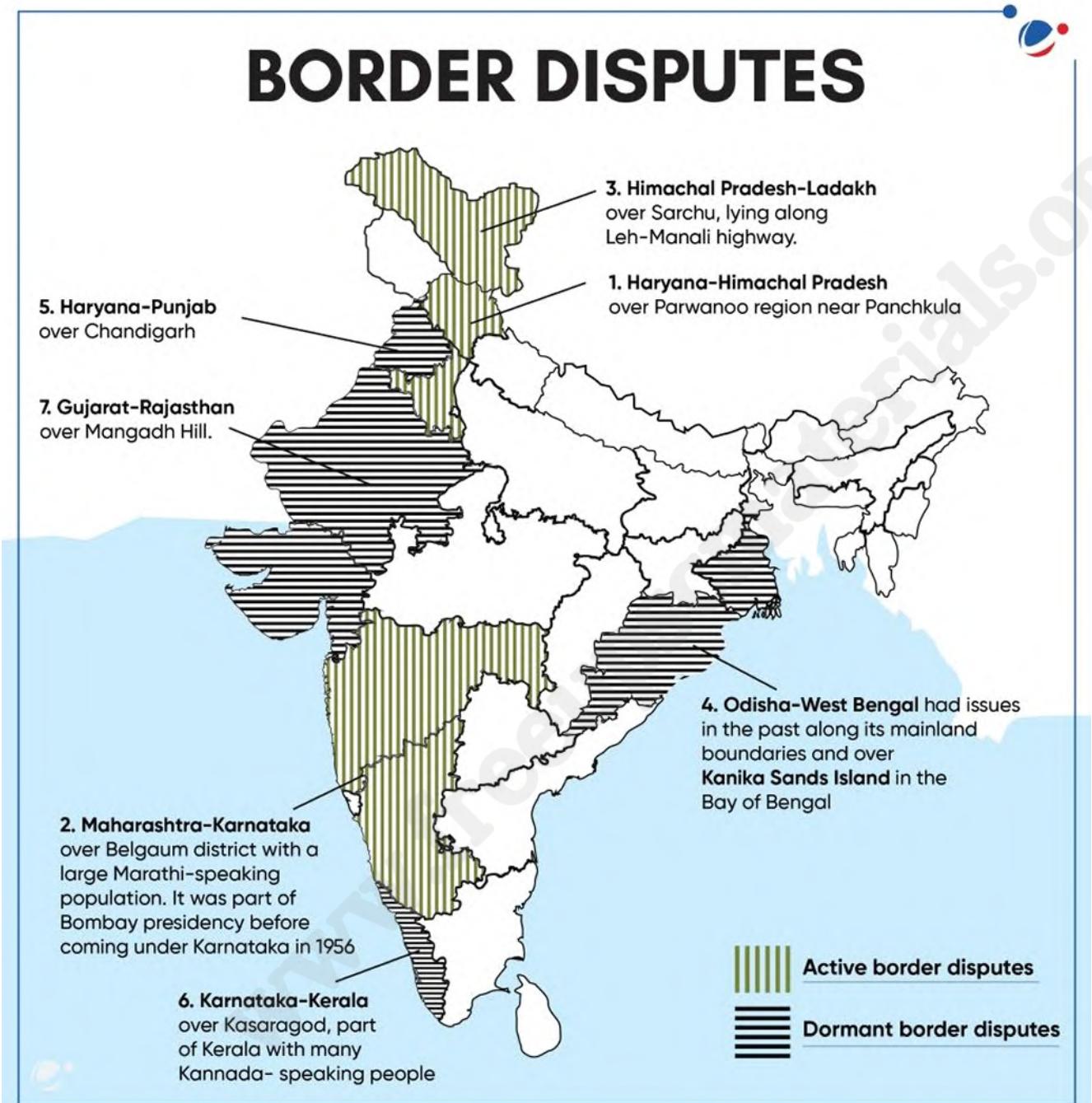
Why in the news?

Assam and Arunachal Pradesh signed a memorandum of understanding (MoU) to end a decades-long inter-state border dispute.

Methods to resolve disputes among states

- **Judicial redressal:** Article 131 provides that the **Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute.**
 - Between the Government of India and **one or more States**; or
 - Between the Government of India and **any State or States on one side and one or more other States** on the other; or

- Between two or more States.
- **Inter-state Council:** Article 263 gives powers to the **President to set up an Inter-state Council** for the resolution of disputes between states. It has the duty of:
 - **Inquiring into and advising upon disputes** which may have arisen between States;
 - **Investigating and discussing subjects** in which some or all the States, or the Union have a common interest; or
 - **Making recommendations on such subjects** along with recommendations for the better coordination of policy and action to that subject.
- **Zonal Councils:** They are established by the **States Reorganisation Act of 1956** and have an advisory role to promoting cooperation and coordination between states, union territories and the Centre.



Zonal Councils

- **Chairperson:** Union Home Minister.
- **5 Zonal councils viz:**
 - **Northern:** Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Delhi, Chandigarh, Ladakh
 - **Central:** Chhattisgarh, Uttarakhand, Uttar Pradesh, Madhya Pradesh
 - **Eastern:** Bihar, Jharkhand, Orissa, West Bengal
 - **Western:** Goa, Gujarat, Maharashtra, Dadra & Nagar Haveli and Daman & Diu.
 - **Southern:** Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Telangana A&N, Lakshadweep and Puducherry.

3.4. INTER-STATE WATER DISPUTES

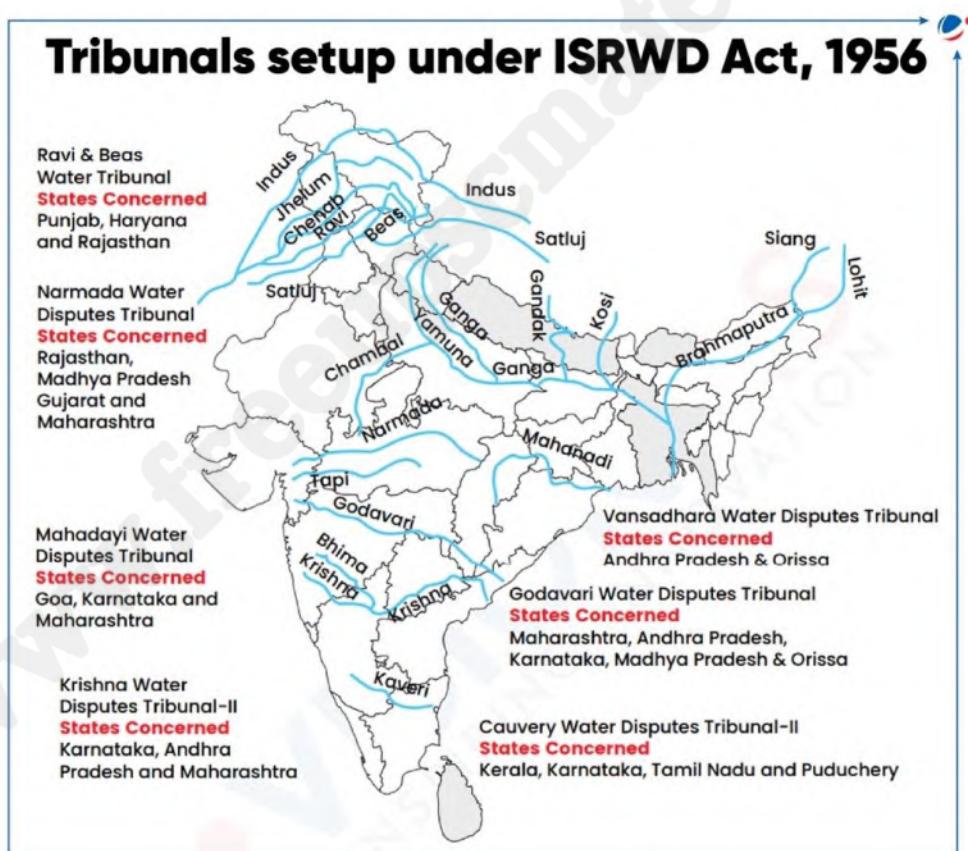
Why in the news?

Recently, the Union Cabinet approved the terms of reference to **Krishna Water Disputes Tribunal-II (KWDT-II)** under the **Inter-State River Water Disputes (ISRWD) Act, 1956**.

Also, the Supreme Court criticised the Punjab government for its **slow progress in constructing the Sutlej-Yamuna Link (SYL) canal**,

Mechanism to deal with Inter-State Water Dispute

- **Under Seventh Schedule of Constitution,**
 - **State List: Entry 17** (Water i.e. water supplies, irrigation and canals, drainage and embankments, water storage etc.) subject to the provisions of entry 56 of List I.
- **Article 262:** Parliament by law may provide for the **adjudication of any dispute with respect to the use, distribution or control over** inter-state river waters or river valley. Accordingly, **Parliament has enacted two laws:**
 - **Inter-State Water Disputes (ISWD) Act, 1956:** State Government may request the Central Government to refer the dispute to a tribunal for adjudication.
 - **River Boards Act, 1956:** Setting up of River Boards by the central government for the regulation and development of inter-state rivers and river valleys.
- **Article 262 deters the Supreme Court from adjudicating** interstate river water disputes.
 - However, Article 136 empowers the SC to hear appeals against the tribunal's orders.



- **National Water Policy 2012:** Addresses issues of **water scarcity, inequities in its distribution and lack of a unified perspective in water use** and management.
 - **Union List: Entry 56** (Regulation and development of inter-State rivers and river valleys)
- In the context of inter-state rivers water sharing, SC had earlier referred to **international rules like**,
 - **Helsinki Rules of 1966** recognise equitable use of water by each basin State taking into consideration the socio-economic needs and availability of resources.
 - **Campione Consolidation of ILA Rules** (1966-99) advocates the inclusion of water of an aquifer, that is underground water or 'fossil water' intercepted by the boundary between two or more states, while determining the shares of basin states over an inter-state river.

About SYL canal

- SYL, planned in 1966, is a **214-km long canal for sharing waters of the Ravi and Beas rivers** between Haryana and Punjab, of which 122 km was to be in Punjab and 92 km in Haryana.
- Haryana completed its stretch of the SYL Canal in 1980, while **Punjab kept citing Riparian Principles** and the **non-availability of its water**.
 - Riparian Principles state that the owner of land adjacent to a water body has the right to use water.

About Krishna Water Dispute

- In 1969, **Krishna Water Disputes Tribunal-I (KWDT)** was set up under the ISRWD Act, 1956 and **KWDT-II was instituted in 2004**.
- KWDT-II will distribute the Krishna water, allocated to 'undivided' Andhra Pradesh, between Telangana and Andhra Pradesh.
 - Krishna is an **east-flowing river that originates at Mahabaleshwar in Maharashtra** and merges with the Bay of Bengal, **flowing through Maharashtra, Karnataka, Telangana and Andhra Pradesh**.
- In 2014 after the creation of Telangana, **Andhra Pradesh asked to include Telangana as a separate party at KWDT**.
 - However, **Maharashtra and Karnataka argue** that Telangana should be allocated waters from Andhra Pradesh's share as it was created following latter's bifurcation.

4. JUDICIARY

4.1. JUDICIAL APPOINTMENT

Why in the News?

Supreme Court while hearing a **contempt case against inordinate delay by the Centre** in judges' appointment, said that appointment proposals can't remain in limbo and the government must **either notify those appointments or send them back citing specific objections.**

Appointment of judges in higher judiciary

- Judges are appointed through a **Collegium** (**Articles 124 (2) and 217** governs the appointment of Judges in SC and HC respectively)
- It has **evolved through judgments of the Supreme Court** (referred to as 3 Judges Cases and pronounced in 1981, 1993, and 1998).
 - Supreme Court Collegium** includes **CJI** and **four other senior-most judges** of the court at that time.
 - Collegium for the appointment of Judges to the High Court is led by the CJI and two other senior-most judges of the Supreme Court.
 - Initiation of a proposal for appointment of Judges of the concerned High Court vests with the High Court Collegium (HCC) who sent the views to the Supreme Court Collegium.
 - HCC consists of the chief justice of the high court and two senior-most judges.

Role of government in appointment of judges

- Under **Memorandum of Procedure**, Government can get **an inquiry conducted** by Intelligence Bureau for candidates recommended.
- Government can also **raise objections and seek clarifications** regarding collegium's choice.
 - However, if the collegium reiterates same names, government is bound, to appoint them as judges.

Constitutional Provisions related to Appointments in Higher Judiciary	Judicial Pronouncements related to Appointments in Higher Judiciary
<p>Article 124(2): Supreme Court judge shall be appointed by the President after consultation with such of the Judges of the Supreme Court and of the High Courts as the President may deem necessary.</p> <p>► In the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted.</p> 	<p>First Judges Case(1981): The SC ruled that the recommendation made by the CJI to the President can be refused for "cogent reasons", thereby giving greater say to executive.</p> 
<p>Article 217: High Court Judge shall be appointed by the President after consultation with the Chief Justice of India, the Governor of the State and,</p> <p>► in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court.</p>  	<p>Second Judges Case, 1993 (SC Advocates-on Record Association vs UoI): It led to the creation of the collegium system. The SC said that the CJI should be given the "primal" role in appointments.</p> <p>Third Judges Case, 1998: related to the meaning of the term "consultation" under article 124 and 217. The question was whether the sole opinion of CJI could by itself constitute a "consultation".</p> <p>► In response, the SC laid down guidelines for the functioning collegium system.</p>

4.1.1. ALL INDIA JUDICIAL SERVICES (AIJS)

Why in the news?

Recently during the **Constitution Day (26th November) celebration**, the President of India called for an **All India Judicial Services (AIJS)** to recruit judges.

About All India Judicial Service (AIJS)

AIJS is a reform that seeks to **centralize the recruitment** of judges at the **level of additional district judges and district judges** for all states.

- **Genesis of AIJS:** The idea for AIJS was first proposed by the **14th Report of the Law Commission of India** on judicial reforms in 1958.
- **Constitutionality:** The provision of AIJS was included in **Article 312** of the Constitution through the **42nd Amendment in 1976**. But it still requires a bill to decide on its broad contours.

Present status of recruitment of judges in lower judiciary

- **Articles 233 and 234 of the Constitution** of India deal with the **appointment of district judges** (along with lower judiciary) and place it in the domain of the states.
- **All judges of the lower judiciary** up to the level of district judges are **selected through the Provincial Civil Services (Judicial) exam** in most of the states.
- The selection process is **conducted by the State Public Service Commissions and the concerned High Court**, as High Courts exercise jurisdiction over the subordinate judiciary in the state.

4.2. LEGAL AID

Why in the news?

Recently, **Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice** presented a report on “**Review of the working of Legal aid under the Legal Services Authorities Act, 1987**”.

Legal Aid

- **Legal Aid** refers to **free legal services to the poor and needy people** who cannot afford the service of a lawyer for the conduct of the case in any court.

Initiatives for Legal Aid in India

- **Legal Services Authorities (LSA) Act, 1987:** Provides a statutory framework of legal aid in India.
 - Under the act, **the National Legal Services Authority (NALSA), State Legal Services Authorities (SALSAs) and District Legal Services Authorities (DLAs)** are established at the national, state, and district levels, respectively.
 - **Lok Adalat** is an alternative dispute redressal (ADR) mechanism under the act, where disputes pending in the court of law or at the pre-litigation stage are settled amicably.

National Legal Services Authority

Statutory body

**Genesis:** Constituted under the Legal Services Authorities Act, 1987.

**Composition:** Chief Justice of India acts as the Patron-in-Chief and a serving or retired Judge of the Supreme Court as the executive chairman.

**Functions:** It provides free Legal Services to the weaker sections of society and Organizes Lok Adalats for amicable settlement of disputes.

**Eligible litigants (as per Section 12 of LSA act 1987):**

- Women and Children, Members of Scheduled castes or Tribes, Industrial Workmen, Persons with Disability or in Custody, etc.
- Persons who have annual income of **less than the amount prescribed by the respective State Government** (for cases in any court other than the Supreme Court) and **less than Rs. 5 Lakhs** (if the case is before the Supreme Court).

- **Para-legal volunteers (PLVs):** Trained persons who assist the LSAs and the Lok Adalats in providing free legal aid to the needy people.
- **Supreme Court Legal Services Committee (SCLSC):** Constituted under section 3A of LSA Act, 1987 to provide free legal services to poor, under-privileged and marginalized.
 - ✓ **Patron-in-Chief of SCLSC:** Chief Justice of India
 - ✓ **Members:** Chairman (sitting Judge of SC) and 9 members (nominated by the Chief Justice of India).
- **Designing Innovative Solutions for Holistic Access to Justice (DISHA) Scheme:** Introduced by the Department of Justice to create awareness through the use of technology and developing simplified Information, Education and Communication (IEC) material for the masses. Its components include,
 - **Nyaya Bandhu:** To create a pan India framework for dispensation of pro bono legal services.
 - **Tele Law:** For mainstreaming legal aid to marginalized communities through the Common Service Centers (CSCs).
 - **Legal Literacy and Legal Awareness Programme (LLLAP):** To enable the vulnerable sections of society to have information about their legal rights and entitlements.
- **Nyaya Mitra scheme:** Launched in 2017 to facilitate the District Judiciary in getting more than ten-year-old pending court cases disposed of by providing legal aid to the litigants.
- **Supreme Court Middle Income Group Legal Aid Scheme:** Provides legal services to middle-income group citizens, whose gross income does not exceed Rs.60,000/- p.m. or Rs. 7,50,000/-.

Constitutional provisions related to legal aid in India	Judicial Pronouncements related to Legal Aid
<p>Article 39A: provides that State shall provide for free legal aid, by suitable legislation or schemes.</p> <p>Article 22(1): Every individual who is detained or imprisoned is guaranteed the right to legal representation by a lawyer of their choosing.</p> <p>► It implicitly recognizes the right to legal assistance.</p>	<p>M.H. Hoskot v. State of Maharashtra (1978): SC said the right to free legal aid is the duty of the government and is an implicit aspect of Article 21.</p> <p>Hussainara Khatoon vs. State of Bihar (1979): SC held that legal services are an essential ingredient of just, fair, and reasonable procedure under Article 21.</p>

4.3. MEDIATION ACT, 2023

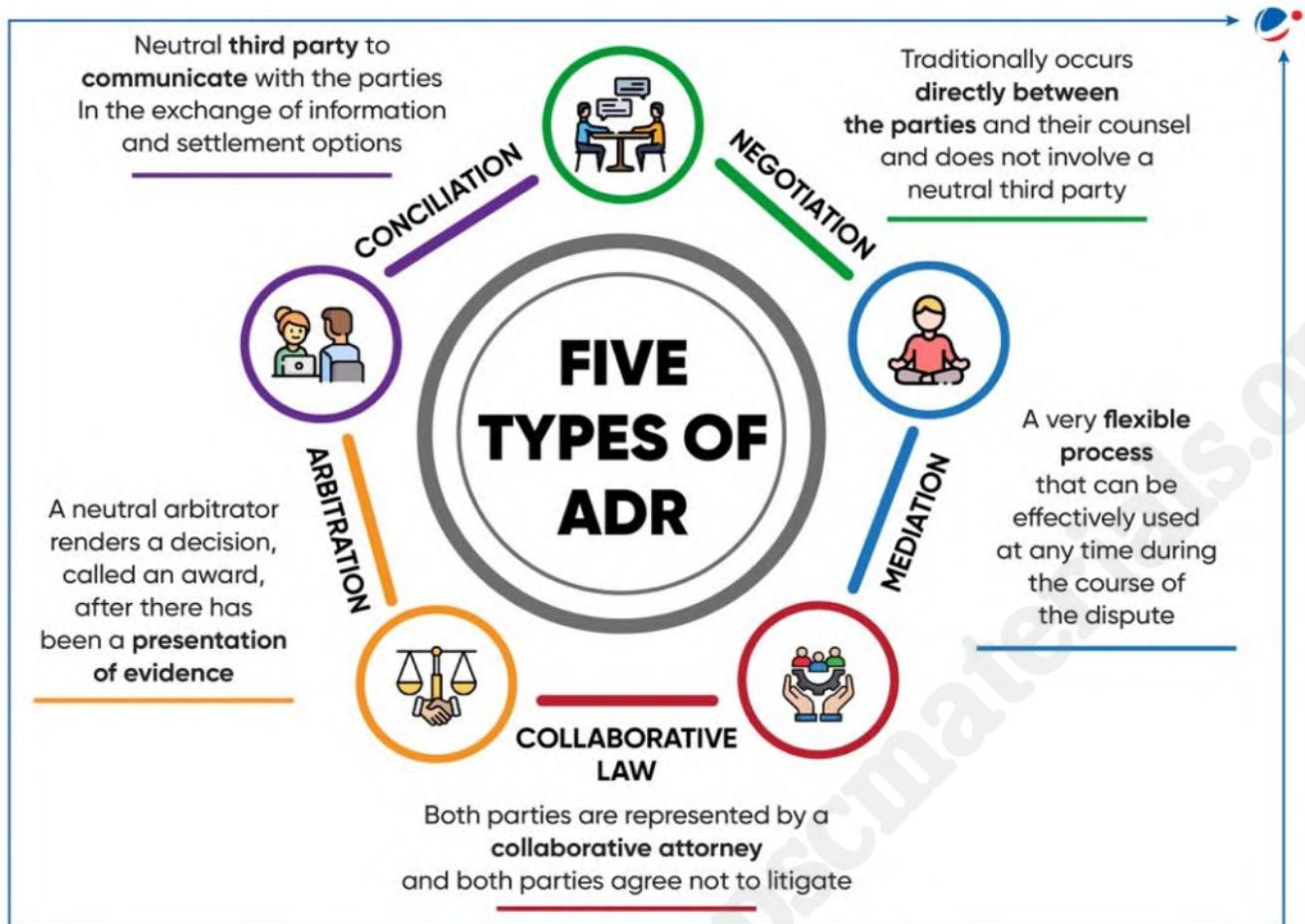
Why in the news?

The President of India recently granted assent to the passed **Mediation Act 2023** seeking to promote mediation as a preferred mode of Alternative dispute resolution (ADR) in India.

About Alternative dispute resolution (ADR)

- It refers to the different ways people can resolve disputes without a trial (refer infographics).
- **Other steps to promote ADR in India**
 - **Arbitration and Conciliation Act, 1996** and **Arbitration and Conciliation (Amendment) Act, 2019** for the establishment of the **Arbitration Council of India**.

- Legal Services Authorities Act, 1987
- **New Delhi International Arbitration Centre (NDIAC) Act, 2019** for the establishment of NDIAC for facilitating institutional arbitration.
- **Commercial Courts Act, 2015** provides for such Commercial Courts to adjudicate **commercial disputes**.
- **Singapore Convention on Mediation** is a **uniform and efficient framework** for international settlement agreements resulting from mediation.



Key Highlights of Mediation Act 2023

Defines Mediation	<ul style="list-style-type: none"> It includes expression mediation, pre-litigation mediation, online mediation, and community mediation. <ul style="list-style-type: none"> ○ Parties attempt to reach an amicable settlement of their dispute with the assistance of a third person referred to as a mediator.
Voluntary Pre-litigation Mediation	<ul style="list-style-type: none"> Parties can attempt to settle civil or commercial disputes by mediation before approaching any court or certain tribunals.
Disputes not fit for mediation	<ul style="list-style-type: none"> List includes: <ul style="list-style-type: none"> ○ relating to claims against minors or persons of unsound mind, ○ involving criminal prosecution, ○ affecting the rights of third parties.
Territorial Jurisdiction	<ul style="list-style-type: none"> Mediation to take place within the territorial jurisdiction of the court or tribunal of competent jurisdiction, unless parties agree otherwise or undertake mediation in online mode.
Timeline for conducting Mediation	<ul style="list-style-type: none"> Must be completed within 120 days, which may be extended by another 60 days with the consent of the parties. <ul style="list-style-type: none"> ○ A party may withdraw from mediation after two sessions.

	<ul style="list-style-type: none">○ Court-annexed mediation must be conducted as per the rules framed by the Supreme Court or High Courts.
Establishment of Mediation Council of India (MCI)	<ul style="list-style-type: none">• Consists of 1 chairperson, 2 full-time members (with experience in mediation or ADR), 1 part-time member (including the Law Secretary, and the Expenditure Secretary) and 3 ex officio members.
Defines Mediation Service Providers	<ul style="list-style-type: none">• As a body or organization recognized by the MCI for conducting mediation.<ul style="list-style-type: none">○ Mediation can be done by the Authority, constituted under the Legal Services Authorities Act, 1987 also.
Conduct of community mediation	<ul style="list-style-type: none">• To resolve disputes likely to affect the peace and harmony amongst residents of a locality by a panel of 3 mediators.
Enforceability	<ul style="list-style-type: none">• Agreements resulting from mediation will be binding and enforceable in the same manner as court judgments.<ul style="list-style-type: none">○ Verdict can be challenged before a competent court within 90 days.○ Mediated settlement can be challenged on grounds of fraud, corruption, impersonation, and disputes not fit for mediation only.

4.3.1. LOK ADALATS

- Lok Adalat is an **Alternative Dispute Redressal Mechanisms (ADRMs)**.
 - **ADRMs** involves various methods of resolving conflicts **outside** of the **traditional court system**.
 - They provide a **speedy, cheaper, and more amicable approach** to resolving conflict.
- **Key Aspects of Lok Adalat:**
 - **Establishment:** Under **Legal Services Authorities Act, 1987**.
 - **Tiers:** Constituted at different levels namely, National Lok Adalat, State Authority level, High Court level, District Court level and Taluk level.
 - ✓ **National Level Lok Adalats** are held at regular intervals whereas on a single day, Lok Adalats are held throughout the country.
 - ✓ **Mobile Lok Adalats** are also organised.
 - **Jurisdiction:** **Disputes/cases pending** in the court of law or at the **pre-litigation stage**.
 - **Nature of cases:** Civil Cases, Matrimonial Disputes, Land Disputes, Partition/Property Disputes, Labour Disputes etc., and non-compoundable criminal Cases.
 - **Powers:** Have the same powers as are vested in a **Civil Court** under the **Code of Civil Procedure (1908)**.
 - ✓ **Decisions/Awards** are **final and binding** on all parties. **No Appeal** shall lie to any Court against its Award.

4.4. MODEL PRISONS ACT 2023

Why in the news?

The Ministry of Home Affairs (MHA) has prepared the ‘Model Prisons Act 2023’ that will replace the Prisons Act of 1894.

What proposals are included under the Model Prisons Act 2023?

- **To encourage good conduct**
 - Provisions for the grant of **parole, furlough, and remission** to prisoners.
 - ✓ **Parole** is a system of **conditional release** of a prisoner with **suspension of the sentence for a specific period**.
 - ✓ **Furlough** is given in cases of long-term imprisonment. The **period of furlough granted to a prisoner is treated as remission (reduction)** of his sentence.
 - ✓ Bail means **procurement of release from prison** of a person awaiting trial or an appeal.
- **For reformation and rehabilitation**
 - Bring about “**attitudinal change towards prisoners.**”

- Vocational training and skill development.
- For better safety and security
 - Separate accommodation for women and transgender inmates.
 - Use of technology in prison administration; Establishing high-security jails.
- Other measures
 - Provisions for and open, semi-open jails have also been inserted.
 - Measures for prisoners to video conference with courts have also been introduced.
- Along with the Prisons Act, 1894, the Prisoners Act, 1900, and the Transfer of Prisoners Act, 1950' have also been reviewed, and their relevant provisions have been assimilated into the Model Act.

Committee on Prison reforms

Sir Alexander Cardew committee (1919-20)

Mulla Committee (1980-83)

About Prisons Act 1894

- It was the first legislation that governed the management and administration of prisons in India.
- It is based on recommendations of the "Prison Discipline Committee" appointed by Lord Macaulay (1936).
- It defined a "prison" as "any jail or place used permanently or temporarily for the detention of prisoners", excluding police custody and subsidiary jails.
- It also laid down provisions for the prisoners' employment, health, and visits.

Constitutional and legal Safeguards related to Prison	Judicial pronouncements related to Prisoners Rights
<p> 7th Schedule: 'Prisons'/'persons detained therein' is a "State-List" subject under Entry 4 of List II.</p> <p>➤ Administration and management of prisons and prisoners is the responsibility of respective State Governments.</p>	<p> Mohammad Giasuddin vs State of A.P. AIR 1977 SC 1926: the court strongly endorsed the importance of the hospital setting and the therapeutic goal of imprisonment.</p>
<p> Articles 39-A: Enumerate the constitutional rights of the accused to be provided free legal-aid services.</p>	<p> Prem Shankar vs Delhi Administration (1980): SC held there is no compulsive need to fetter (Chained) a person's limbs.</p>
<p> Other important Acts: Repatriation of Prisoners Act (2003), Criminal Procedure (Identification) Act, 2022 etc.</p>	<p> Sheela Barse v. State of Maharashtra: related to custodial violence to women prisoners in jails</p>

4.5. OTHER IMPORTANT NEWS

Article 142	<ul style="list-style-type: none"> SC held that it could, under Article 142, directly grant divorce, in cases where marriage has irretrievably broken down, dispensing with period prescribed under Hindu Marriage Act (HMA), 1955. Article 142 provides SC power, to do “complete justice” between parties, where, at times, law or statute may not provide a remedy. While powers under Article 142 are sweeping in nature, SC has defined its scope and extent through various judgments.
	<p style="text-align: center;">Judicial pronouncements related to Article 142</p> <div style="border: 1px solid #ccc; padding: 10px; background-color: #f9f9f9; margin-bottom: 10px;"> Prem Chand Garg case (1962): Demarcated contours for powers under Article 142. </div> <div style="border: 1px solid #ccc; padding: 10px; background-color: #f9f9f9; margin-bottom: 10px;"> Union Carbide Corporation vs Union of India: SC in 1991, while highlighting wide scope of Article 142, ordered compensation for the victims. </div> <div style="border: 1px solid #ccc; padding: 10px; background-color: #f9f9f9;"> Supreme Court Bar Association vs Union of India (1998): Powers under Article 142 are supplementary and could not be used to supplant or override a substantive law. </div>
Doctrine of Promissory Estoppel	<ul style="list-style-type: none"> In a hearing related to Agnipath scheme, plaintiff (party moving court in a civil action) cited doctrine of promissory estoppel. Promissory estoppel is a concept developed in contractual laws. <ul style="list-style-type: none"> It essentially prevents a “promisor” from backing out of an agreement on the grounds that there is no “consideration.” It is invoked by a plaintiff to ensure execution of a contract or seek compensation for failure to perform the contract.
Narco Analysis Test	<ul style="list-style-type: none"> Recently, wrestler protestors in Delhi have asked to undergo Narco tests provided it is monitored by the Supreme Court. As part of a narco test, sodium pentothal, also called ‘truth serum’, is injected into a person which lowers a person’s self-consciousness, allowing them to speak without inhibition. The Supreme Court in Selvi & Ors vs State of Karnataka & Anr (2010) ruled that narco analysis, brain mapping and polygraph tests cannot be conducted on any person without his or her consent. <ul style="list-style-type: none"> The judgement was based in view of <ul style="list-style-type: none"> ✓ Article 20(3) (Right against self-incrimination) ✓ Article 21 (Right to life and personal liberty). Narco analysis report is not admissible as primary evidence in the court. However, any information that is subsequently discovered with the help of voluntarily administered test results can be admitted.
Recusal by Judges	<ul style="list-style-type: none"> Supreme Court (SC) judge refused to recuse himself from hearing a plea by a former Indian Police Service (IPS) officer. Whenever there is a potential conflict of interest, a judge can recuse or withdraw from a case to prevent the perception of being biased.

Kinds of Recusals

- Automatic** where a judge himself withdraws from the case.
- When a party raises a plea for recusal** highlighting the possibility of bias or personal interest of the judge in the case.

	<ul style="list-style-type: none">India has no codified rules governing recusals and the decision to recuse rests solely on the conscience and discretion of the judge.<ul style="list-style-type: none">If a judge recuses himself, the case is listed before the Chief Justice for allotment to an alternate Bench.
Advocate-on-Record (AoR) system in Supreme Court	<ul style="list-style-type: none">AoR is a lawyer in the Indian legal system who is registered and authorized by SC to represent clients in that court.The Advocates Act provides two kinds of advocates i.e., Senior Advocates and advocates.However, the SC in the exercise of its rule-making power under Article 145, made a provision for AoR system.Supreme Court Rules, 2013 prescribe eligibility criteria for an AoR.<ul style="list-style-type: none">Only AoR is entitled to file any matter or document before the SC.Senior Advocate is not entitled to appear without AoR in SC.
Fast Track Special Courts (FTSCs) Scheme	<ul style="list-style-type: none">Union Cabinet approved continuation of Fast Track Special Courts (FTSCs) Scheme until March 31, 2026.Launched in 2019, FSTCs is a Centrally Sponsored Scheme and implemented by Department of Justice, Ministry of Law & Justice.<ul style="list-style-type: none">Central Share is to be funded from Nirbhaya Fund, aimed at enhancing the safety and security for women.FTSCs, designed as dedicated courts, were established for hearing rape and Protection of Children from Sexual Offences Act (POCSO Act) cases.<ul style="list-style-type: none">Enactment of Criminal Law (Amendment) Act 2018, which included stringent punishment, including death penalty for rape offenders, led to the creation of FTSCs.FTSCs are linked to National Judicial Data Grid.
Nari Adalats	<ul style="list-style-type: none">Nari Adalat is a part of Sambal sub-scheme under Mission Shakti, which operates under Ministry of Women and Child Development.<ul style="list-style-type: none">Mission Shakti aims to strengthen women's safety, security, and empowerment.Nari Adalat provides women with an Alternate Grievance Redressal Mechanism for resolving cases of petty nature (harassment, curtailment of rights etc.) faced by women at Gram Panchayat level.This platform will be utilized for engaging with public for awareness generation, getting feedback for improvement in schemes and for effective public delivery of service.
Nyaya Vikas Portal	<ul style="list-style-type: none">Nyaya Vikas Portal has been created by Ministry of Law and Justice for monitoring the implementation of Centrally Sponsored Schemes (CSS) for development of Infrastructure for Judiciary.About Nyaya Vikas<ul style="list-style-type: none">Department of Justice has been implementing CSS for Development of Infrastructure Facilities for Districts and Subordinate Judiciary since 1993-94.Central assistance is provided to the State Government / UT Administrations for construction of court halls and residential units for Judicial Officers / Judges of District, etc.Funding: Northeastern and Himalayan States (90:10); Union Territories (100%), remaining states (60:40).
Justice Clocks	<ul style="list-style-type: none">It is an electronic signage system which have been installed across the court complexes of High Courts.The initiative will inform stakeholders about court-related key parameters and bring awareness among public by providing bird eye view of court-related data.
Technology in Judiciary	<ul style="list-style-type: none">Supreme Court (SC) issued directions to all the High Courts for ensuring digitalisation of lower court records.

	<ul style="list-style-type: none">• Other initiatives taken<ul style="list-style-type: none">○ e-Court mission: a mission mode project for digitisation of judiciary.○ Inter-operable Criminal Justice System (ICJS) to enable seamless transfer of data and information among stakeholders like courts, police, jails.○ Fast and Secure Transmission of Electronic Records (FASTER) by SC, a software to transmit Court Orders swiftly, and securely through electronic mode.○ SUVAS (Supreme Court Vidhik Anuvaad Software) to translate English judgments into regional language.○ e-SCR portal: It provides the digital version of the apex court's judgments in the same manner they are reported in the official law report.
India Justice Report	<ul style="list-style-type: none">• The third edition of the report was released by Tata Trusts in collaboration with representatives from several civil society organizations including the Centre for Social Justice, DAKSH, Vidhi Centre for Legal Policy, etc.• The report assesses and ranks each state's progress in capacitating its major justice delivery mechanisms—the judiciary, police, prisons, and legal aid.

5. ELECTIONS

5.1. CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS ACT, 2023

Why in the news?

The President gave her assent to the **Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023.**

Key provisions of the Act

Appointment	<ul style="list-style-type: none">The CEC and other ECs shall be appointed by the President on the recommendation of a Selection Committee.
Selection committee	<ul style="list-style-type: none">A selection committee consisting of:<ul style="list-style-type: none">Prime Minister as Chairperson.Leader of Opposition/leader of the largest opposition party in the Lok Sabha.Union Cabinet Minister to be nominated by the Prime Minister.Search Committee: Headed by the Minister of Law and Justice shall prepare a panel of five persons for consideration of the Selection Committee.
Eligibility criteria	<ul style="list-style-type: none">Persons who are holding or have held a post equivalent to the rank of Secretary to the Government of India andShould be persons of integrity, who have knowledge of and experience in management and conduct of elections.
Salary	<ul style="list-style-type: none">Equal to the salary of a Judge of the Supreme Court
Term of office	<ul style="list-style-type: none">CEC and other ECs shall hold office for a term of six years from the date on which he assumes his office or till he attains the age of sixty-five years, whichever is earlier.CEC and other ECs shall not be eligible for re-appointment.Where an EC is appointed as CEC, his term of office shall not be more than six years in aggregate as the EC and the CEC.
Conduct of business	<ul style="list-style-type: none">All business of the Election Commission is to be conducted unanimously. In case of a difference of opinion between the CEC and the other ECs on any matter, it shall be decided through the majority.
Removal and resignation	<ul style="list-style-type: none">CEC can only be removed from his office in a manner and on grounds similar to that of a Supreme Court judge.<ul style="list-style-type: none">An EC can be removed from office upon the recommendation of the CEC.The CEC or any EC may resign at any time by writing to the President.

Constitutional and legal safeguards for EC	Judicial Pronouncements related to CEC and ECs Appointment
<p> Article 324: The Election Commission of India is an autonomous constitutional authority.</p> <p>➤ Administers Union and State elections and the offices of the President and Vice President in India.</p> <p> Article 324(2): the President of India is empowered to appoint the CEC and the ECs.</p> <p>➤ It empowers the President of India to fix from time to time the number of Election Commissioners other than the CEC.</p>	<p> Anoop Baranwal vs. Union of India case (2023): SC ruled that the CEC and ECs will be chosen by a committee comprising the Prime Minister, the Leader of the Opposition in Parliament, and the Chief Justice of India.</p> <p>➤ Till this SC ruling, Election Commissioners and CECs had been appointed by the President after recommendations from the government.</p>

5.2. ASPECTS OF ELECTION PROCESS AND REFORM

Why in the news?

Recently, the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice tabled a report on “**Specific aspects of the election process and their reform**”.

Key-aspects of the report

Common Electoral Roll (CER)	<ul style="list-style-type: none"> India has two types of electoral rolls, i.e. General electoral rolls (overseen by ECI) and Separate electoral rolls (prepared by SEC). Constitutional and legal safeguards <ul style="list-style-type: none"> Article 324(1): It empowered the Election Commission of India to supervise, direct, and control the preparation and revision of Electoral Rolls for all elections to Parliament and State Legislatures. Articles 243K and 243ZA: Entrust the State Election Commissioners with the task of overseeing the preparation and revision of electoral rolls for Local Body elections. Representation of the People Act, 1950: The preparation and revision of electoral rolls for Parliamentary and Assembly Constituencies are governed under the provisions contained in PART IIB Section 13D.
False Declarations During Filing of Nomination for Elections	<p>Legal safeguards</p> <ul style="list-style-type: none"> Candidates contesting elections must file an Affidavit in Form 26 under the Conduct of Elections Rules, 1961. Section 33A under RPA, 1951: Requires candidates to disclose information about charges framed by a court against them for offences punishable by more than two years imprisonment and any convictions resulting in imprisonment of one year or more. Section 125A of the Representation of People Act of 1951: Deals with the penalties for providing false information.
Minimum Age of Voting and	<p>Constitutional Safeguards for Minimum Age for Contesting Elections</p> <ul style="list-style-type: none"> Article 84: Minimum 25 years in Lok Sabha and 30 years in Rajya Sabha.

Contesting Elections	• Article 173: Minimum 25 years in State Legislative Assemblies and 30 years in legislative Council.
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5.3. SIMULTANEOUS ELECTIONS

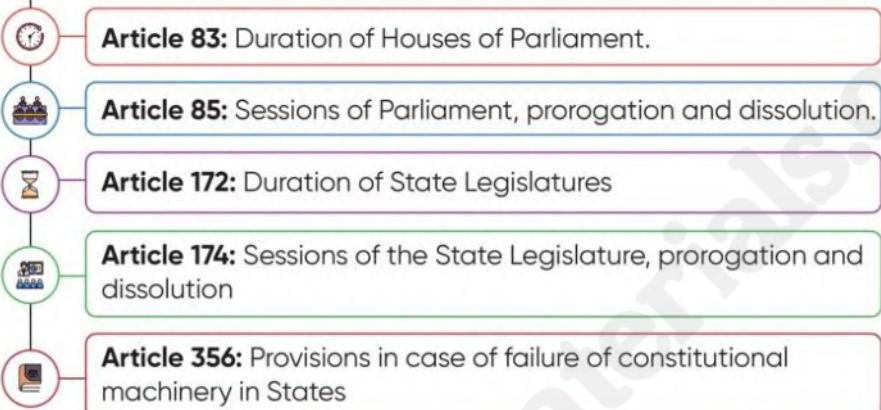
Why in the News?

The government has set up a committee under former President Ram Nath Kovind to examine the feasibility of simultaneous elections or one nation-one election.

About Simultaneous elections

- Aimed to synchronize the elections to Lok Sabha, State Assemblies, Municipalities and Panchayats such that voters in a particular constituency vote on the same day.
- It does not mean that voting across the country for all elections needs to happen on a single day.
 - It can be conducted in a phase-wise manner as per the existing practice, provided voters in a particular constituency vote for both the State Assembly and Lok Sabha on the same day.
- Simultaneous elections were the norm until 1967. Following the dissolution of some Legislative Assemblies in 1968 and 1969 and that of Lok Sabha in 1970, elections to State Assemblies and Parliament have been held separately.
- Later, the Simultaneous elections idea was proposed by the Election Commission in 1983.
- It was also recommended by the Dinesh Goswami Committee.

Constitutional provisions related to simultaneous elections



5.4. CRIMINALIZATION OF POLITICS

Why in the News?

Recently a report titled 'Analysis of Sitting MPs from Lok Sabha and Rajya Sabha of India 2023' was released.

More about News

- The report was released by the Association for Democratic Reforms (ADR) and National Election Watch.
 - ADR was established in 1999 by a group of professors from the Indian Institute of Management (IIM) Ahmedabad.
- Kerala has the highest number of MPs with criminal cases followed by Bihar, and Maharashtra.
- Criminalization of Politics (CoP) refers to the infiltration of criminals, lawbreakers, and corrupt individuals into the political system.

Various Commission/committees on Criminalization of politics

- N.N. Vohra Committee Report (1993) state that the nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country.
- Other Commissions: National Commission to Review the Working of the Constitution (2001), Second Administrative Reforms Commission (2005), etc.

Legal Safeguards in context convicted candidate	Judicial Pronouncements related to criminalization of politics
<p> Section 8(3) of the Representation of People Act, 1951: says any lawmaker sentenced to at least two years in jail remains disqualified for six years upon their release.</p>	<p> Union of India v Association for Democratic Reforms (2002): SC stated that electors have a fundamental right to be informed the antecedents of candidates.</p>
<p> Section 8(4) of the RP Act, 1951: allowed convicted MPs, MLAs and MLCs to continue in their posts, provided they appealed against their conviction/sentence in higher courts within 3 months of the date of judgment by the trial court.</p> <p>➤ In Lily Thomas Vs Union of India case(2013), SC ruled this section as unconstitutional.</p>	<p> PUCL v Union of India (2004): SC declared Section 33B of Representation of Peoples Act 1951 as unconstitutional and void.</p> <p>➤ The section allowed candidates to furnish information only under the Act.</p> <p> Public Interest Foundation v. Union of India (2018): SC ordered political parties to publish the criminal records of their candidates on their websites, social media handles, and newspapers.</p> <p> Rambabu Singh Thakur v Sunil Arora (2020): SC directed the Election Commission to report to the Supreme Court any non-compliance by political parties.</p>

5.5. ELECTORAL FUNDING

Why in the news?

Recently, the Supreme Court directed the Election Commission to **submit data on the electoral bonds received by political parties** till September 30, 2023.

More on news

- In 2019, while hearing the **Association for Democratic Reforms' (ADR) petition against the Electoral Bond Scheme**, the SC asked the ECI to submit data on electoral bonds received by political parties.
 - State Bank of India has revealed that **only 25 political parties have opened the bank accounts necessary to receive electoral bonds.**

Electoral Bonds (EBs)

- EBs are **interest-free bearer bonds or money instruments** that can be **purchased by companies and individuals** in India from **authorised branches of the State Bank of India (SBI)**.
- Announced in **Union Budget 2017-2018**.
- **Sold in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh, and Rs 1 crore.**
- **Purchased through a KYC-compliant account** to make donations to a political party.
- **No cap on the number of EBs** that a person or company can purchase.
- Available for purchase for **10 days** each in **January, April, July and October**.
- All **transactions** of EBs are **carried out via cheques or digitally**.
- The identity of donors remains confidential, reducing the risk of retaliation or intimidation for their political affiliations.

5.6. OTHER IMPORTANT NEWS

National Party Status	<ul style="list-style-type: none">• Citing the Election Symbols (Reservation and Allotment) Order, 1968, which stipulates criteria for recognition as a national or state party, the Election Commission of India (ECI) now recognises six national parties.<ul style="list-style-type: none">◦ Bharatiya Janata Party (BJP), Indian National Congress, Bahujan Samaj Party (BSP), Communist Party of India (CPI) (Marxist), National People's Party (NPP) and Aam Aadmi Party (AAP).• How is a Party's National status decided?<ul style="list-style-type: none">◦ Votes in Lok Sabha (LS), state polls: A party should secure at least 6% of votes polled in four or more states in LS or assembly elections, and, in addition, have at least four members in LS.◦ Seats in LS: It should have at least 2% of total Lok Sabha seats and have candidates from not less than three states.◦ Must be a state party: in at least four states.• Benefits of National Party Status<ul style="list-style-type: none">◦ Exclusive allotment of its reserved symbol to its candidates throughout India.◦ Need only one person to propose a candidate's name to file nominations.◦ Get broadcast facilities over Akashvani/Doordarshan during general elections.◦ Can have up to 40-star campaigners while others can have up to 20-star campaigners.
Star Campaigners	<ul style="list-style-type: none">• Election Commission of India issues advisory to all Star to remain within the confines of the Model Code of Conduct• About Star Campaigners<ul style="list-style-type: none">◦ They are nominated by political parties to campaign in each set of constituencies for a specified duration.◦ There is no law governing who can or cannot be made a star campaigner.◦ List of star campaigners must be communicated to Chief Electoral Officer and ECI within a week from election notification date under section 77(1) of Representation of People Act (RPA), 1951.◦ Recognised political party can have 40 Star campaigners and an unrecognised (but registered) political party can have 20.◦ Poll Expenditure: As per section 77(1) RPA, 1951, their travel by air or any other means of transport for propagating programme of a political party shall not be counted as expenditure by candidate.
Freebies	<ul style="list-style-type: none">• Central Board of Indirect Taxes and Customs (CBIC) issues Standard Operating Procedure (SoP) to limit the usage of freebies, and liquor to attract voters.

	<ul style="list-style-type: none"> ○ Freebies can be defined as offerings/distribution of irrational offerings from political parties as part of electoral promises such as pressure cookers, washing machines, television sets etc. free of charge. ● SoP aims to prevent suspicious cash, illicit liquor, drugs/narcotics, freebies and smuggled goods during assembly and general elections. ● Key highlights of SoP <ul style="list-style-type: none"> ○ GST and Customs officials to monitor the distribution of coupon-based or free fuel or cash for alluring prospective voters. ○ Setting up flying squads and static surveillance teams for vehicle checks and verification of warehouses. ○ Movement of items like saris, party flags etc., associated with candidates or political parties without an e-way bill may be confiscated.
Poll Expenditure	<ul style="list-style-type: none"> ● Declaring Candidates for assembly election weeks before polls announcement has exposed gaps in Election Commission (EC) poll expenditure monitoring rules. <ul style="list-style-type: none"> ○ Rules stipulate accounting of candidates' spending from date of their nomination and not from the announcement of polls. ● According to Section 77 (1) of the Representation of the People Act (RPA), 1951, candidates are expected to keep an account of expenditure from date on which he/she has been nominated till date of declaration of result. <ul style="list-style-type: none"> ○ Spending more than maximum limit of election expenses is regarded as a corrupt practice under section 123(6) of RPA, 1951.
Electoral Literacy	<ul style="list-style-type: none"> ● Recently, ECI signed an MoU with the Ministry of Education to bring Electoral Literacy to Classrooms across the country. ● Salient features of MoU <ul style="list-style-type: none"> ○ Systematically integrating voter education and electoral literacy into the curriculum, starting from classes 6 to 12 in all schools. ● Initiatives taken to promote Electoral Literacy <ul style="list-style-type: none"> ○ Systematic Voter Education and Electoral Participation (SVEEP) program: Flagship program of ECI for voter education, spreading voter awareness and promoting voter literacy in India. ○ Electoral Literacy Clubs (ELCs): set up in institute campuses across the country by ECI under SVEEP campaign. <ul style="list-style-type: none"> ✓ It is a platform to engage school students through interesting activities and sensitise them on their electoral rights and familiarise them with electoral process of registration and voting.
Enabling Communications on Real-time Environment (ENCORE)	<ul style="list-style-type: none"> ● Election Commission has designed in-house software for complete Candidate and election management through 'ENCORE'. <ul style="list-style-type: none"> ○ It is an end-to-end application for returning officers to digitize the votes polled, tabulate the round-wise data, and then take out various statutory reports of counting. ● Another application called the ENCORE Scrutiny Application <ul style="list-style-type: none"> ○ It allows Returning Officers to scrutinize the nominations filed by the candidates online.

	<ul style="list-style-type: none">Through the ENCORE Nodal App, various departments like fire, education, police, environment, etc. give 'no objection' certificates for holding rallies, road shows, etc. to political parties or candidates.
Voter-Verifiable Paper Audit Trail (VVPAT)	<ul style="list-style-type: none">The Election Commission of India (EC) has defended the EVM-VVPAT system and termed a new petition seeking 100% data cross verification as regressive.Rule 56D and Rule 49MA of Conduct of Elections Rules, 1961, provide for redressal of any EVM-VVPAT process verification-related concerns expressed by a voter.VVPAT allows voters to see a printed slip for 7 seconds showing the serial number, name & symbol of chosen candidate.

6. IMPORTANT LEGISLATIONS/BILLS

6.1. NARI SHAKTI VANDAN [CONSTITUTION (106TH AMENDMENT)] ACT, 2023

Why in the News?

Recently, Parliament passed the Constitution (106th Amendment) Act, 2023, to provide for one-third reservation to women in the Lok Sabha, State Assemblies and the assembly of NCT of Delhi.

Key provisions of the Act

- **Articles amended**
 - Article 239AA: Reservation of 1/3rd seats for women in the Legislative Assembly of Delhi.
- **Articles inserted**
 - Article 330A and Article 332A: Reservation of 1/3rd seats for women in the Lok Sabha and State legislative assembly respectively.
 - ✓ It also includes **reservation of 1/3rd seats for women under seats reserved for SCs/STs** under Article 330 and Article 332.
- Article 334A: The Act's provisions shall come into effect after delimitation following the first census after the commencement of this act.
 - ✓ **Sunset clause:** Reservation of seats for women shall cease to have effect after the expiration of **15 years**. However, it **can be extended by the Parliament by law**.
 - ✓ **Periodic rotation of seats** reserved for women after subsequent delimitation.
 - ✓ The act **won't affect any representation in existing legislative assemblies and Lok Sabha until their dissolution**.
- Recently, the Jammu and Kashmir Reorganisation (Second Amendment) Act, 2023 and the Government of Union Territories (Amendment) Act, 2023 were enacted by the parliament.
 - They seek **to reserve 33% of seats** for women in the **Jammu and Kashmir and Puducherry Assembly** respectively.

Earlier attempts at the Political empowerment of women

1992: Reservation for women in Panchayats and Municipalities through the 73rd and 74th Amendments, respectively.

1996: 81st amendment bill was introduced to reserve 1/3rd of seats for women in Lok Sabha and State assemblies.

1998 & 1999: Similar attempts were made.

2008: The last such attempt was made in 2008 when a Bill for the reservation of women was introduced and passed in the Rajya Sabha. Later, this bill lapsed.

6.2. MULTI-STATE CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2023

Why in the news?

The President of India granted assent to the multi-state Co-operative Societies (Amendment) Bill, 2022, to **amend the Multi-State Co-operative Societies (MSCS) Act, 2002**.

Key features of the Act

- **Establishment of Co-operative Election Authority**
 - Consists of a chairperson, vice-chairperson, and up to three members appointed by the central government.
- **Amalgamation and division of co-operative societies:** Allows co-operative societies (registered under state laws) to merge into an existing MSCS.

Multi-State Cooperative Societies Act, 2002

- **Objective:** Consolidate law relating to cooperative societies serving the interests of members in more than one State.
 - To facilitate the **voluntary formation** and democratic functioning of co-operatives as people's institutions based on **self-help and mutual aid**.
- **Other developments:** The Cabinet has approved **three national-level MSCS** under the MSCS Act, 2002 namely
 - National Multi-State Cooperative Export Society,
 - National Multi-State Cooperative Organic Society
 - National Multi-State Cooperative Seed Society.

- **Co-operative Rehabilitation, Reconstruction and Development Fund:** To revive sick multi-state co-operative societies.
- **Restriction on redemption of government shareholding:** Any shares held by the central and state governments cannot be redeemed without the shareholder's approval.
- **Redressal of complaints:** the central government will appoint one or more Co-operative Ombudsman with territorial jurisdiction.
 - Appeals against the directions of the Ombudsman may be filed with the **Central Registrar**.
- **Composition of board of directors:** the board of a multi-state co-operative society will have a maximum of 21 directors.
 - Inclusion of:
 - ✓ one Scheduled Caste or Scheduled Tribe member, and
 - ✓ 2 women members.

About Co-operatives Societies

- It is a **voluntary association** of individuals having common needs who join hands for achievement of common economic interest.
- Cooperatives are a **state subject**.
- The subject of cooperatives is mainly dealt with by the State Governments and Union Territory Administrations, with the support and guidance of the Central Government.
- **Maharashtra has the highest number at 663**, followed by Uttar Pradesh (168).

Constitutional and legal provisions related to Co-operatives

7th Schedule	Cooperatives falls in the state list of 7 th schedule
Article 19(1)(c)	State Shall endeavor to promote Voluntary formation, autonomous functioning, democratic Control and professional management of Co-operative societies.
Article 43B (DPSP)	To make Right to form cooperative societies a fundamental right. Forming a cooperative is a fundamental right under 97 th constitutional amendment Act 2011.
Part IX-B	It deals with incorporation, terms of members of board and its office bearers and effective management of cooperative societies. Part IX-B extended from Article 243ZH to Article 243ZT.
Multi State Cooperative Societies Act 2002	It provides for registration of societies with operation in more than one state.

6.3. CINEMATOGRAPH (AMENDMENT) ACT, 2023

Why in the news?

The President of India recently granted assent to the Cinematography (Amendment) Act, 2023.

More about news

- **It amends the Cinematograph Act 1952**, enacted to make provisions for certifying cinematograph films for exhibition and regulating exhibitions using cinematographs.
 - The act provides for establishing the **Central Board of Film Certification (CBFC)** for certifying films for exhibition.
 - Such certifications may be subject to modifications/deletions.
 - The board may also refuse the exhibition of films.

Central Board of Film Certification (CBFC)



- About:** It regulates public exhibition of films under provisions of **Cinematograph Act 1952**.
- Ministry:** Ministry of Information and Broadcasting.
- Vision:** To ensure the good and healthy entertainment in accordance with provisions of **Cinematograph Act 1952** and **Cinematograph (Certification) Rules 1983**.
- Composition:** Consists of **non-official members and a chairman** (all of whom are appointed by Central Government).
- Nine Regional offices:** At Mumbai, Kolkata, Chennai, Bangalore, Thiruvananthapuram, Hyderabad, New Delhi, Cuttack and Guwahati.

Key provisions of the Act

Specifications	Details
Age-Based Certification	<ul style="list-style-type: none"> Act introduces three age-based certifications under 'UA' category—'UA 7+', 'UA 13+' and 'UA 16+'. These age-based markers are meant for parents or guardians to consider whether their children should view such a film. These are only recommendatory.
Separate certificate for television/other media	<ul style="list-style-type: none"> Films with an 'A' or 'S' certificate will require a separate certificate for exhibition on television, or any other media prescribed by the central government.
Certificates validity	<ul style="list-style-type: none"> Certificates will be perpetually valid as opposed to the present validity of 10 years.
Revisional powers of central government	<ul style="list-style-type: none"> The Act omits section 6(1) of the Act as directed by Supreme Court in Union of India vs KM Shankarappa Case, 2000 which states that Centre cannot exercise revisional powers on films already certified by the CBFC.
Makes film piracy a punishable offence	<ul style="list-style-type: none"> The Act prohibits the unauthorised recording and unauthorised exhibition of films and makes it a punishable offence under the provisions of Copyright Act, 1957.
Penalty	<ul style="list-style-type: none"> Categorises piracy as a criminal offence, imposing penalties of up to three years in prison, a fine amounting to five per cent of the film's production cost, or both.

6.3.1. OTT REGULATION IN INDIA

Why in the news?

Recently, Digital Publisher Content Grievances Council has recommended punitive action on an OTT (**over the Top**) platform invoking the Information Technology Rules (2021).

What is OTT?

- It offers viewers access** to movies, TV shows and other media **directly through the Internet, bypassing cable or satellite systems**.
- In India's regulatory parlance, OTT platforms are called '**publishers of online curated content**'.

Current mechanism for OTT regulation in India

- Existing Laws:** Certain laws such as Information Technology Act 2000, Indian Penal Code 1860, and Indecent Representation of Women (Prohibition) Act 1986 have been made applicable to the content generated on OTT Platforms.
- Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021** under section 87 (2) of the Information Technology Act, 2000. Its key provisions include:

Digital Publisher Content Grievances Council (DPCGC)



Genesis: Set up under the **aegis of Internet and Mobile Association of India (IAMAI)**, in 2021.



Ministry: Registered by the Ministry of Information & Broadcasting



Mandate:

- It is an officially recognized, independent self-regulatory body **for online curated content providers (OCCPs)**.
- Aims** to usher in a **redressal mechanism** which ensures a balance between addressing viewer complaints fairly and showcasing content without ad-hoc interventions.
- Adheres to IT Rules 2021** and such other existing or new statutes, and rules relating to publishing of online curated content

- Rules gave the **Ministry of Information and Broadcasting (I&B)** the task of regulating content on OTT and online platforms.
- **Code of Ethics for online news, OTT platforms and digital media:** This Code of Ethics prescribe the guidelines to be followed by OTT platforms and online news and digital media entities.
- **Self-Classification of Content:** OTT platforms would self-classify the content into five age-based categories.

U (Universal)	U/A 7+	U/A 13+	U/A 16+	A (Adult)
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- **Parental locks:** Platforms would be required to implement **parental locks** for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as “A”.
- **Co-Regulation Approach:** India’s approach to OTT regulation can be termed as a **light-touch ‘co-regulation’ model** where there is ‘self-regulation’ at the industry level and final ‘oversight mechanism’ at the Ministry level.

COTP (Cigarettes and Other Tobacco Products) film rules

Under these rules, now all OTT platforms have to **display static messages and audio-visual disclaimers** on the ill effects of tobacco use

6.4. DIGITAL PERSONAL DATA PROTECTION ACT 2023

Why in the news?

The President of India recently granted assent to the Digital Personal Data Protection Bill (DPDP), 2023.

Background

- In 2018, the Supreme Court recognized **privacy as a fundamental right** in the **K.S. Puttaswamy vs. Union of India case**.
- Following this, the **Justice Srikrishna Committee** proposed the initial draft of the Personal Data Protection (PDP) Bill in 2018.

About Digital Personal Data Protection (DPDP) Act 2023

- It aims to **regulate the processing of digital personal data** while **ensuring individuals' right to protect their data**.
- It **protects digital personal data by providing:**
 - **The obligations of Data Fiduciaries** (that is, persons, companies and government entities who process data) for data processing (that is, collection, storage or any other operation on personal data);
 - **The rights and duties of Data Principals** (that is, the person to whom the data relates);
 - **Financial penalties for breach** of rights, duties, and obligations.

Key Provisions of the Act

Specifications	Details
Applicability	<ul style="list-style-type: none">● Processing of digital personal data within India:<ul style="list-style-type: none">○ in digital form or○ in non-digital form and digitised subsequently.● Processing of personal data outside India if it is for offering goods or services in India.● Does not apply to:<ul style="list-style-type: none">○ Personal data processed for any personal purpose.○ Personal data that is made or caused to be made publicly available by-<ul style="list-style-type: none">✓ Data Principal to whom such personal data relates; or✓ any other person who is under legal obligation to make such personal data publicly available.
Consent	<ul style="list-style-type: none">● Personal data may be processed only for a lawful purpose after obtaining the consent of the Data Principal (who shall have the right to withdraw consent at any time).<ul style="list-style-type: none">○ Consent will not be required for ‘legitimate uses’ including the provision of benefits or services by the government, medical emergency etc.

	<ul style="list-style-type: none"> For a child or a person with a disability, consent will be provided by the parent or legal guardian.
Data Protection Board of India (DPBI)	<ul style="list-style-type: none"> Provides for the establishment of DPBI by the Central government. Key functions of the Board: <ul style="list-style-type: none"> Monitoring compliance and imposing penalties. Directing data fiduciaries to take necessary measures in event of a data breach. Hearing grievances made by affected persons. Board members will be appointed for two years and will be eligible for re-appointment. Appeals against its decisions will lie with the Telecom Disputes Settlement and Appellate Tribunal (TDSAT)
Rights and Duties of Data Principal	<ul style="list-style-type: none"> Data principal will have the right to- <ul style="list-style-type: none"> Obtain information about processing. Seek correction and erasure of personal data. Grievance redressal. Right to nominate a person to exercise rights in case of death or incapacity. Data principals must not register a false or frivolous complaint and furnish any false particulars. Violation of duties will be punishable with a penalty of up to Rs 10,000.
Obligations of Data Fiduciaries	<ul style="list-style-type: none"> Data Fiduciary (Entity determining the purpose and means of processing) must- <ul style="list-style-type: none"> Ensure the accuracy and completeness of data. Build reasonable security safeguards to prevent a data breach. Inform DPBI and affected persons in the event of a breach. Erase personal data as soon as the purpose has been met and retention is not necessary for legal purposes.
Significant Data Fiduciaries (SDF)	<ul style="list-style-type: none"> Central Government may notify any Data Fiduciary as SDF, based on factors such as: <ul style="list-style-type: none"> Volume and sensitivity of personal data processed. Risk to the rights of data principal Potential impact on the sovereignty and integrity of India Security of the State Risk to electoral democracy Public order SDF will have certain additional obligations including appointing a data protection officer and an independent data auditor and undertaking impact assessment.
Exemptions	<ul style="list-style-type: none"> Rights of the data principal and obligations of data fiduciaries (except data security) will not apply in specified cases, including: <ul style="list-style-type: none"> For notified agencies, in the interest of security, sovereignty, public order, etc.; For research, archiving or statistical purposes; For start-ups or other notified categories of Data Fiduciaries; To enforce legal rights and claims; Prevention and investigation of offences; To perform judicial or regulatory functions; To process in India personal data of non-residents under foreign contract. The central government may exempt certain activities in the interest of the security and public order.
Processing of personal data of children	<ul style="list-style-type: none"> While processing the personal data of a child, data fiduciary must not undertake: <ul style="list-style-type: none"> processing that is likely to cause any detrimental effect on well-being of child, and tracking, behavioural monitoring, or targeted advertising.
Cross-border transfer	<ul style="list-style-type: none"> Bill allows the transfer of personal data outside India, except to countries restricted by the government.

Penalties	<ul style="list-style-type: none">Act specifies penalties for various offences such as up to Rs 200 crore for non-fulfilment of obligations for children, and Rs 250 crore for failure to take security measures to prevent data breaches.
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6.4.1. DIGITAL SERVICES ACT

Why in the news?

The European Union (EU) has confirmed the names of 19 platforms that will be subject to its online content rules under the Digital Services Act (DSA).

About Digital Services Act (DSA)

- DSA is a **first-of-a-kind regulatory toolbox** globally and sets a benchmark for a regulatory approach to online intermediaries.
- In 2020, DSA together with Digital Markets Act (DMA) proposed a **comprehensive framework to ensure a safer, fairer digital space** (will be applicable from 2024).
 - DSA affects gatekeeper platforms like Google, Amazon and Meta, and **covers the need for user consent before processing personal data** for targeted advertising.

Difference between the EU's DSA and India's IT Rules, 2021

Key Provisions	India's IT Rules (Information Technology Rules, 2021)	EU's DSA
Scope	Apply to social media intermediaries, digital news publishers, and OTT platforms operating in India, irrespective of their country.	DSA applies to a wider range of online platforms , including social media, online marketplaces, and cloud computing services operating in EU, irrespective of their country.
Content Moderation	Rules require social media intermediaries to appoint a grievance officer, a nodal officer, and a chief compliance officer , and establish a mechanism for receiving and resolving complaints from users.	DSA proposes a range of compliance requirements for online platforms, including content moderation measures, transparency obligations, and data protection requirements.

- Both are similar in **terms of Due Diligence Requirements on social media platforms, Content Regulation, and a Co-Regulatory approach** for monitoring compliance and grievance redressal.

6.5. CRIMINAL LAW REFORM ACTS

Why in the news?

The President of India granted assent to three significant bills to overhaul the country's criminal justice system.

6.5.1. BHARATIYA NYAYA SANHITA 2023

- It replaces the Indian Penal Code (IPC), 1860, the principal law on criminal offences in India.

Background	Key-provisions
<ul style="list-style-type: none">Prior to IPC 1860: Parliamentary Charters and Acts, East India Company Regulations, Hindu law, Muslim law, customary law etc.Draft of Penal Code (1837) under Thomas Babington Macaulay	<ul style="list-style-type: none">For the first time, community service as one of the punishments for petty offences.Increased threshold for gang rape victim to be classified as a major, from 16 to 18 years of age.<ul style="list-style-type: none">Also criminalizes sexual intercourse with a woman by deceitful means or making false promises.It removes the offence of sedition, and instead penalizes the following:

<ul style="list-style-type: none"> Effect of 1857 Rebellion: IPC was finally enacted in 1860. Post enactment of IPC 1860: <ul style="list-style-type: none"> Several Law Commission reports have recommended amendments to the IPC on subjects including offences against women, food adulteration, death penalty etc. 	<ul style="list-style-type: none"> Exciting or attempting to excite secession, armed rebellion, or subversive activities. Encouraging feelings of separatist activities, or Endangering the sovereignty or unity and integrity of India. It defines organized crime as any continuing unlawful activity including kidnapping, extortion, contract killing, land grabbing, cybercrime etc. Murder or grievous hurt by a group: on the grounds of race, caste or community, sex, place of birth, language, or personal belief each member of such group shall be punished with, <ul style="list-style-type: none"> Death or life imprisonment, and a fine, in case of murder. Imprisonment for a term of up to seven years, and a fine, in case of grievous hurt.
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6.5.2. BHARATIYA NAGARIK SURAKSHA SANHITA 2023

- It Replaces** the Criminal Procedure Code, 1973 (CrPC), which provided for the procedure for arrest, prosecution, and bail under various Acts.

Background	Key Provisions
<ul style="list-style-type: none"> CrPC was first enacted in 1861 under British rule and later substituted by fresh Codes successively enacted in 1872 and 1882. <ul style="list-style-type: none"> It had undergone several amendments, most importantly in 1898, 1923 and 1955. CrPC 1973: The Law Commission of India, in its 41st report, recommended a significant revision of the code, which led to the creation of CrPC 1973. 	<ul style="list-style-type: none"> Detention of undertrials: First-time offender who have completed one-third of the maximum period of imprisonment shall be released on bond. <ul style="list-style-type: none"> If an accused has spent half of maximum period of imprisonment specified for an offence, he shall be released by the Court on bail. ✓ This does not apply to offences punishable by death, life imprisonment, and persons against whom proceedings are pending in more than one offence. Medical examination: Any police officer can request medical examination of the accused in certain cases, including rape cases. Forensic investigation: Mandatory for offences punishable with at least seven years of imprisonment. Specimen: It empowers a Magistrate to order any person, to provide specimen signatures, handwriting, finger impressions and voice samples. Timelines for procedures: For instance, submission of medical reports to investigating officer, giving judgment, informing the victim of progress of the investigation and framing of charges.

6.5.3. BHARATIYA SAKSHYA ADHINIYAM 2023

- It replaces the **Indian Evidence Act, 1872 (IEA)**, which governed the admissibility of evidence in Indian Courts in all civil and criminal proceedings.

Background	Key Provisions
<ul style="list-style-type: none"> The Evidence Act was enacted in 1872 to consolidate the laws relating to evidence on which the court could conclude and pronounce the judgment. 	<ul style="list-style-type: none"> Admissibility of electronic or digital records as evidence: will have the same legal effect as paper records. Allowed Oral evidence: It includes statements made before Courts by witnesses in relation to a fact under inquiry. It allows oral evidence to be given electronically. Joint trials: A joint trial refers to the trial of more than one person for the same offence.

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| | <ul style="list-style-type: none">○ The Act adds that a trial of multiple persons, where an accused has absconded or has not responded to an arrest warrant, will be treated as a joint trial. |
|--|--|

Special and Local Laws (SLL)

- Recent tabling of Bills on criminal laws has kept Special and Local Laws (SLL) away from the ongoing reform process.
- Cognizable crimes are broadly categorized as those falling either under the ` Indian Penal Code (IPC)' or under the Special and Local Laws (SLL)
 - Cognizable offence is defined as the one which an officer in charge of a police station may investigate without the order of a magistrate and effect arrest without warrant.
- **About Special and Local Laws (SLL)**
 - A “special law” is a law applicable to a particular subject covering specific issues.
 - ✓ Example: **Unlawful Activities (Prevention) Act, 1967 (UAPA)**.
 - A “local law” is a law applicable only to a particular part of India.
 - ✓ Example: **Maharashtra Control of Organised Crime Act (MCOCA), 1999**

6.6. REGISTRATION OF BIRTH AND DEATH (AMENDMENT) ACT, 2023

Why in the news?

Recently, the Act to amend the **Registration of Birth and Death Act 1969** was passed.

Background

- **Key features of the Registration of Births and Deaths Act of 1969**
 - Provides for the appointment of a **Registrar General of India** by the Central government.
 - **Chief Registrar, District Registrar & Registrar** to be appointed in every State by the state government for the implementation of the Act in the state, district & local area, respectively.
 - Provides to obtain an **extract from the register related to any birth or death**.
 - In respect of birth or death occurring in a house, it is the duty of the **Head of the house, and in a hospital, the medical officer** in charge is responsible for reporting.
 - A birth certificate can be obtained **without the name of the child**.
- The registration of births and deaths **falls under the Concurrent List**.
- This Act **had not been amended since its inception**.

Key features of the Birth and Death (Amendment) Act, 2023

- **Database of births and deaths:** It adds that the Registrar General of India will maintain a national database of registered births and deaths.
 - **Chief Registrars and Registrars** will be obligated to share data of registered births and deaths to the national database.
 - The Chief Registrar shall maintain a **similar database at the state level**.
- **Electronic certificates:** Provide digital registration and electronic delivery of certificates of births and deaths.
- **Linking with Aadhaar:** To collect Aadhaar numbers of parents and informants in case of birth registration.
- **Connecting database:** It states that the national database may be made available to other authorities preparing or maintaining other databases like **population registers, electoral rolls, ration cards, etc.**
- **Appeal process:** Any person aggrieved by any action or order of the Registrar or District Registrar may appeal to the District Registrar or Chief Registrar, respectively, within **30 days**.

6.7. PRESS AND REGISTRATION OF PERIODICALS ACT, 2023

Why in the news?

The President has granted assent to the Press and Registration of Periodicals Bill, 2023 repealing the colonial era law of the Press and Registration of Books Act, 1867.

Background of The Press and Registration of Books Act 1867

- Censorship of Press Act of 1799 (under Lord Wellesley):** To silence the press before a potential French invasion of India. However, it was retracted in 1818 by Lord Hastings.
- Licensing Regulations (ordinance), 1823 (under John Adams):** The Ordinance had a draconian provision that no one could start or continue to use a press without registration.
 - Rammohan Roy's, Mirat- ul-Akbar had to cease publication due to this act.
- Press Act of 1835 (under Metcalfe):** This Act was seen as a ray of liberation and thus earned Metcalfe the respectable title of "Liberator of the Indian Press".
 - As a consequence, the Indian vernacular press saw rapid growth across India between 1835 and 1857.
- The Licensing Act of 1857:** Due to the "Revolt of 1857", this Act emerged, which imposed "licensing restrictions" in addition to the pre-existing "registration procedure".
- Press and Registration of Books (PRB) Act 1867 (under John Lawrence):** The Act made it mandatory for every article of print to have the names of the printers, publishers, and the places of publication, printed.
- Further Amendments:** The Act was amended many times between 1870 and 1983 but it remained procedurally cumbersome and complex, especially for small and medium publishers.

Key provisions of PRP Act, 2023

Key provisions	Press and Registration of Periodicals Act, 2023
Registration of periodicals	<ul style="list-style-type: none">Periodicals do not include books or scientific and academic journals. Books are outside the purview of the act.
Foreign periodicals	<ul style="list-style-type: none">A facsimile* of a foreign periodical may be printed in India only with the prior approval of the central government.<ul style="list-style-type: none">"facsimile" means an exact reproduction of the original.
Declaration for printing presses	<ul style="list-style-type: none">It allows the publisher of a periodical to obtain a registration certificate by filing an online application with the Press Registrar General (PRG) and specified local authority.
Registration of a printing press	<ul style="list-style-type: none">The PRP act, 2023 allows for information regarding printing presses to be submitted through an online portal.
Penalties	<ul style="list-style-type: none">The 2023 Act seeks to decriminalize the colonial-era statute by replacing jail terms with fines.
Cancelling Registration	<ul style="list-style-type: none">The PRP Act 2023 empowers the Press Registrar General to suspend/cancel the Certificate of Registration.Also, a person who has been convicted of a terrorist act or unlawful activity or has acted against the security of the State will not be allowed to publish a periodical.

6.8. TELECOMMUNICATIONS ACT 2023

Why in the news?

The President gave his assent to Telecom Bill 2023, to replace the 138-year-old Indian Telegraph Act.

More about the news:

- The act replaces the Indian Telegraph Act, of 1885, the Indian Wireless Telegraphy Act, 1933 and Telegraph Wires (Unlawful Possession) Act, 1950.
 - It also amends the Telecom Regulatory Authority of India (TRAI) Act, 1997.

Key Provisions of the Act

Key provisions	Telecommunications Act 2023
Assignment of spectrum	<ul style="list-style-type: none">Spectrum allocation will be through auction and for specified uses on an administrative basis.Specified purposes include:<ul style="list-style-type: none">National Security and defenseDisaster ManagementWeather ForecastingTransportSatellite ServicesFor the first time, administrative allocation will be done of spectrum for the satellite broadband services, in line with global norms.
Appointments to TRAI	<ul style="list-style-type: none">TRAI Act has been amended to allow individuals with:<ul style="list-style-type: none">at least 30 years of professional experience to serve as the Chairperson, andat least 25 years of professional experience to serve as members.
Adjudication process	<ul style="list-style-type: none">Appointment of an adjudicating officer to conduct inquiries against civil offences.Appeals against the orders of the Committee, in connection to breach of terms and conditions, may be filed with (Telecom dispute settlement and appellate tribunal) TDSAT within 30 days.
Protection of users	<ul style="list-style-type: none">Central government may provide for measures to protect users e.g. prior consent to receive specified messages, creation of Do Not Disturb registers, and allowing users to report malware or specified messages.
Right of way	<ul style="list-style-type: none">Entities building infrastructure can seek right of way (facilitating the use of property) over public or private property.
Powers of interception and search	<ul style="list-style-type: none">Messages can be intercepted, monitored, or blocked on certain grounds including Security of the state, public order and prevention of incitement of offences.
Authorization for telecom-related activities	<ul style="list-style-type: none">Prior authorization of central government needed to provide, operate, maintain or expand new telecommunication services and to possess radio equipment.
Regulation of OTTs	<ul style="list-style-type: none">OTT platform will not be regulated under the Telecommunications Act 2023.
Other Provisions	<ul style="list-style-type: none">Digital Bharat Nidhi: The Bill renames the Universal Service Obligation fund as Digital Bharat Nidhi and allows its use for research and development in telecom sector.Trusted sources regime: Which came into being after the 2020 Indo-Chinese border skirmishes, to stop imports of telecom equipment from hostile nations is now part of the law.

6.8.1. INTERNET SHUTDOWNS

Why in the news?

As per a recent report, released by the **Internet Freedom Foundation (IFF)** and **Human Rights Watch (HRW)**, most **internet shutdowns in last 3 years** were to curb protests.

Internet shutdowns in India

- Internet shutdowns include **actions that restrict access to the internet completely or slow down speed, or restrict certain content**.
- Currently, the suspension of telecom services (including internet shutdowns) is **governed by Temporary Suspension of Telecom Services (Public Emergency & Public Safety) Rules, 2017**, notified under the **Indian Telegraph Act, 1885**.

- 2017 Rules provide for a **temporary shutdown of telecom services in a region on grounds of public emergency** (up to 15 days at once).
- The law empowers **senior bureaucrats from the home ministry and Centre and state levels to order shutdowns.**
- **Key Guidelines proposed by SC in Anuradha Bhasin v. Union of India case (2010)**
 - An order **suspending internet services indefinitely is impermissible** under the **Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules, 2017.**
 - Suspension can be utilised for a **temporary duration** only.
 - Any order **suspending the internet issued under the Suspension Rules**, must adhere to the principle of **proportionality** and must not **extend beyond necessary duration.**
 - Any order suspending the internet **under the Suspension Rules** is subject to **judicial review.**
- The court had also declared that **freedom of speech and expression** as well as **freedom of trade and commerce through Internet** are constitutionally **protected rights under Article 19(1)(a) and Article 19(1)(g).**

6.9. OTHER IMPORTANT NEWS

Cable Television Networks (Regulation) Act, 1995	<ul style="list-style-type: none">● The Ministry of Information and Broadcasting has notified amendments in the Cable Television Networks Rules, 1994<ul style="list-style-type: none">○ It provides the operational mechanism for implementation of the decriminalized provisions of the Cable Television Networks (Regulation) Act, 1995.● Aim: to make the Cable Television Networks (Regulation) Act, of 1995 more business-friendly and to boost investor confidence and ease of doing business.● Sections of the act were re-examined and were decriminalized through the Jan Vishwas (Amendment of Provision) Act, 2023.● The imprisonment provisions have been now replaced with monetary penalties and other non-monetary measures like Advisory, Warning, etc.
Advocates (Amendment) Act, 2023	<ul style="list-style-type: none">● The Act, passed by parliament, seeks to make the act of 'Tout' punishable and repeal certain provisions of Legal Practitioners Act, 1879 which have become obsolete.● Provisions<ul style="list-style-type: none">○ It provides that every high court and district judge can frame and publish lists of touts.○ Such persons named in the list of touts will be excluded from entering the court premises.● Tout refers to a person who either proposes to procure or procures the employment of a legal practitioner in return of any payment.
Commissions of Inquiry Act, 1952	<ul style="list-style-type: none">● Government has notified a Commission of Inquiry under Commissions of Inquiry Act, 1952, to inquire into incidents of violence in Manipur.● It authorizes central and state governments to appoint inquiry commissions to make inquiries in definite matters of public importance.<ul style="list-style-type: none">○ Central government can appoint a commission to make inquiry into any matter relatable to any of the entries enumerated in List I and III of schedule 7.○ State governments can appoint commissions for entries enumerated in List II or III of Schedule VII.● A commission of inquiry has powers of a civil court.
Foreign Contribution Regulation Act (FCRA)	<ul style="list-style-type: none">● Ministry of Home Affairs has suspended foreign funding license of CARE India over alleged violations of FCRA.

	<ul style="list-style-type: none">• FCRA was enacted during Emergency in 1976 to regulate foreign donations to individuals and associations so that they functioned “in a manner consistent with values of a sovereign democratic republic”.<ul style="list-style-type: none">◦ It was amended in 2010 to “consolidate the law” on utilization of foreign funds, and “to prohibit” their use for “any activities detrimental to national interest”.• Law was amended again in 2020, giving the government tighter control and scrutiny over receipt and utilisation of foreign funds by NGOs.
Enemy properties	<ul style="list-style-type: none">• Enemy property refers to property or assets held or managed on behalf of an enemy, enemy subject or an enemy company.<ul style="list-style-type: none">◦ “Enemy” or “enemy subject” or “enemy firm” means a person or country who or which was an enemy under the Defence of India Act (DoI), 1962 and DoI Rules, 1962 or the DoI Act, 1971 and DoI Rules, 1971.◦ To administer these properties, the Enemy Property Act was enacted in 1968.◦ The law empowered the Custodian of Enemy Properties in India (CEPI), Under Ministry of Home Affairs, to manage and preserve the enemy properties.• In 2017, The Enemy Property (Amendment and Validation) Act was enacted which allows transfer of enemy property from the enemy to other persons.

7. IMPORTANT CONSTITUTIONAL/STATUTORY/EXECUTIVE BODIES IN NEWS

7.1. LOKPAL

Why in the News?

A high-level search committee has extended the date for receiving applications for the posts of chairperson and members of the anti-corruption ombudsman Lokpal.

About Lokpal

- In 1966, the term 'Lokpal-Lokayukta', coined by **L. M. Singhvi**, was first used in a report of the Administrative Reforms Commission.
- Lokpal is a national **anti-corruption ombudsman** to look into complaints against public servants which are defined under the **Lokpal and Lokayuktas Act, 2013**.
- According to the Act, there shall be a director of inquiry, not below the rank of joint secretary, who shall be appointed by the government
 - to conduct **preliminary inquiries referred to the Central Vigilance Commission (CVC) by the Lokpal**.
 - Though Lokpal came into being in 2019, director of inquiry has not yet been appointed.

Lokayuktas

- Lokayuktas are **state equivalents** of central Lokpal.
 - Some States already have established Lokayuktas. For example, **Maharashtra in 1971, and Kerala in 1999**.
- They shall have **jurisdiction over CM, Ministers, MLAs, all state government employees and certain private entities** (including religious institutions).

Lokpal and Lokayuktas Act, 2013

Specifications	Details
Composition	<ul style="list-style-type: none">Lokpal consists of a chairperson and a maximum of eight members, of which 50% shall be judicial members and 50% shall be from SC/ST/OBCs, minorities and women.
Tenure of office	<ul style="list-style-type: none">Chairperson and members of Lokpal are appointed for term of five years or until attaining age of 70 years, whichever is earlier.
Selection Committee (SC)	<ul style="list-style-type: none">Chairperson and Lokpal Members shall be appointed by President on recommendations of a SC.<ul style="list-style-type: none">Selection Committee constitute Prime Minister (Chairperson), LS Speaker, Leader of Opposition, CJI (or his nominee) and eminent jurist (nominated by President based on recommendation of other members of panel).As per Lokpal Act of 2013, Department of Personnel and Training needs to create a list of candidates who are interested to become the chairperson or members of Lokpal.
Confiscation of property	<ul style="list-style-type: none">Acquired by corrupt means, even while prosecution is pending
Timelines for enquiry, investigation	<ul style="list-style-type: none">60 days for completion of inquiry and 6 months for completion of investigation by CBI.This period of 6 months can be extended by Lokpal on a written request from CBI.
Power with respect to CBI	<ul style="list-style-type: none">Power of superintendence and direction over any investigation agency including CBI for cases referred to them by Lokpal.Transfer of officers of CBI investigating cases referred by Lokpal would need approval of Lokpal.
Removal	<ul style="list-style-type: none">Lokpal Members and Chairperson shall be removed by President after an inquiry by SC. For that, a petition has to be signed by at least 100 Members of Parliament (MP).
Lokpal Jurisdiction	<ul style="list-style-type: none">It extends to Prime Minister, Ministers, MP, Group A, B, C and D officers and officials of central government.<ul style="list-style-type: none">Any society or trust or body that receives foreign contribution above ₹10 lakh.

7.2. DELIMITATION COMMISSION

Why in the News?

Supreme Court (SC) asks the Centre to set up a fresh Delimitation Commission to ensure a proportional representation of the communities specified as Scheduled Castes (SCs) and Scheduled Tribes (STs), as mandated under the Constitution.

Delimitation Commission

- Article 82:** Parliament enacts a Delimitation Act.
- It is responsible for the **readjustment of the constituencies** (number and boundaries) of Lok Sabha and State Assemblies **after every Census**.
- Its decisions are considered final** and are unchallengeable in any court.
- The copies of its orders are laid before the House of the People and the State Legislative Assembly concerned, but **no modifications are permissible therein by them**.
- Composition:**
 - A SC judge (Current or retired) **acts as Chairman**.
 - The **Chief Election Commissioner of India** or an Election Commissioner nominated by him/her.
 - Respective **State's Election Commissioner**.

Delimitations in India

- The Delimitation Commission has been set up **four times since independence i.e. in 1952, 1963, 1973, and 2002**.
- In 1976, the 42nd Constitutional Amendment** froze this delimitation exercise until the first Census after 2000 was published.
- In 2002, the 84th Constitutional Amendment** further extended the freeze for 25 years **till 2026**.

7.3. DIRECTORATE OF ENFORCEMENT

Why in the news?

Recently, Supreme Court declared the **third extension given to the Directorate of Enforcement (ED) chief invalid**.

Powers of the Directorate of Enforcement

- Power to seize assets**
- Power to summon:** Same power as a civil court regarding discovery, inspection, production of evidence, summons, examining, issuing commissions, etc.
- Power to arrest:** Can **investigate and make arrests for violation of the PMLA 2002 and FEMA 1999** without waiting for registration of a formal FIR by police.
- Record Admissibility:** In 2022, the Supreme Court ruled that **statements recorded by ED officials can be admitted as evidence in court**
- Recovery of Fines, Penalties and Arrears of Penalties:** Under the FEMA act.

Enforcement directorate (ED)



- Establishment:** In 1952 Under Department of Revenue, Ministry of Finance.
- Composition:** Headed by ED Director, who is appointed as per provisions of the Section 25 of the **CVC Act 2003**.
- Tenure:** Two-year tenure but can be given three annual extensions.
- Function:** Responsible for enforcement of
 - Foreign Exchange Management Act, 1999 (FEMA)
 - Prevention of Money Laundering Act (PMLA), 2002
 - Fugitive Economic Offenders Act (FEOA) 2018.
 - Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA)

7.4. CENTRAL BUREAU OF INVESTIGATION (CBI)

Why in the news?

Tamil Nadu withdraws general consent accorded to CBI to probe cases in state.

In case of Specific consent, CBI would have to apply to the state government in every case.

- If specific consent is not granted**, the CBI officials will not have the power of police personnel when they enter that state.
 - Withdrawal is **not applicable to cases in which the investigation is already in progress**.

CBI Investigations

- Anti-corruption:** These are usually registered against public officials, and employees of union government.
 - The **superintendence of CBI** related to the investigation of offences under the **Prevention of Corruption Act, 1988** lies with CVC.
- Special crimes:** Investigation of **serious and organized crime** under IPC on requests of State Governments or on orders of Supreme Court and High Courts.
- Economic offences:** Crimes of financial malfeasance, bank frauds, money laundering, black money operations etc. However, CBI usually **transfers cases of money laundering to ED**.
- Suo-moto:** CBI can suo-moto take up investigation of offences only in the UTs.
 - The Centre holds the power to authorize the CBI to investigate a crime in the state **only after the consent of concerned state**.
 - However, SC and High Courts can order CBI to investigate a crime anywhere in country without consent of the state.

About General Consent

- It is required under **section 6 of Delhi Special Police Establishment Act, 1946**.
 - The consent of the state government to CBI can be either **general or case specific**.
- General consent is consent by default.**
 - Recently multiple States have withdrawn **General Consent** like West Bengal, Mizoram, Punjab etc.
- Exception to general consent**
 - The Supreme Court and High Courts can order CBI to investigate a crime anywhere in the country without consent of the state.
 - Consent does not apply in cases where someone has been caught red-handed taking a bribe.**

7.5. NATIONAL CADET CORPS (NCC)

Why in the News?

National Cadet Corps (NCC), the largest uniformed youth organization in the world, celebrated its **75th Anniversary in 2023**.

About NCC

- It came into existence under the '**The National Cadet Corps Act 1948**'.
 - Pandit H.N. Kunzru committee recommended a cadet organization to be established in schools and colleges at a national level.
- Aim:** To create **organized, trained and motivated youth** to provide leadership in all walks of life and always available for the service of the nation.
- It's a **Tri-Services Organization** comprising the Army, the Navy, and the Air Wing.
- Headquarter:** New Delhi

Central Bureau of Investigation (CBI) | Investigating Agency



Establishment: In 1963 under Ministry of Personnel, Pension & Public Grievances.

➢ Governed by **Delhi Special Police Establishment (DSPE) Act, 1946**.

➢ Recommended by **Santhanam Committee** on Prevention of Corruption (1962-64).



Composition: Headed by director of **CBI** (appointed by 3-member committee - Prime minister, leader of opposition party in LS, and CJI).



Tenure: Two-year tenure but can be given three annual extensions.



Function: Focuses on **combating corruption** in public life, curb **economic and violent crimes** through meticulous investigation and prosecution.

➢ Fight cyber and high technology crime.

➢ Provides assistance to Central Vigilance Commission (CVC) and Lokpal.

➢ It is the nodal police agency in India, which coordinates investigation on behalf of **Interpol Member countries**.

- NCC Directorate:** NCC at the state level is divided into 17 Directorates, in which each state or group of states or UTs forms a Directorate.
- Nature of the NCC Programme:** Voluntary
 - The students have no liability for active military service.
- NCC offers **three types of certificates based on duration.**

NCC vs National Service Scheme (NSS)

- While **both** are voluntary in nature, there are certain differences.

Difference between NCC and NSS

Parameters	 NCC	 NSS
Ministry	Ministry of Defence	Ministry of Youth Affairs & Sports
Year of establishment	1948	1969
Aim	To foster disciplined, selfless youth leadership for national service and military careers.	Development of Student's personality through community service.
Established through	National Cadet Corps Act XXXI of 1948	A Central Sector Scheme
Uniform	Compulsory uniform for NCC cadets	No uniform prescribed for NSS volunteers
Who can join?	<ul style="list-style-type: none">Junior Division/Wing: Students from schools (of 13 Years or more of age)Senior Division/Wing: Students from Colleges and XI and XII classes	<ul style="list-style-type: none">11th & 12th Class studentsStudents of Technical Institution, Graduate & Postgraduate at colleges and University level of India

7.6. OTHER IMPORTANT NEWS

Competition Commission of India (CCI)	<p>Ravneet Kaur has become the first woman chairperson of CCI.</p> <div style="border: 1px solid #ccc; padding: 10px; background-color: #f9f9f9;"> <p>Competition Commission of India  Statutory body</p> <ul style="list-style-type: none"> Genesis: It was established by Central Government in 2003 under Competition Act, 2002. Ministry: Affiliated office with Ministry of Corporate Affairs. Composition: CCI consists of a chairperson and 6 members appointed by Central Government. Function: <ul style="list-style-type: none"> ➤ Eliminate practices having adverse effects on competition. ➤ Promote and sustain competition. ➤ Protect interests of consumers and ensure freedom of trade in markets of India. </div>
Global Alliance of National Human Rights Institutions (GANHRI)	<ul style="list-style-type: none"> • It was established in 1993 as International Coordinating Committee of National Institutions for promotion and protection of human rights (ICC). • General Assembly is GANHRI's supreme deliberative body. • Bureau is the GANHRI executive committee. It is comprised of 16 members, 4 from each of GANHRI regional networks of Africa, Americas, Asia-Pacific, and Europe. • HQ: Geneva, Switzerland.
Appointments Committee of the Cabinet (ACC)	<ul style="list-style-type: none"> • ACC has approved appointment for the post of Director of the Special Protection Group (SPG), the force that handles the security of the PM. • About ACC: <ul style="list-style-type: none"> ○ It decides all higher-level appointments in Central Secretariat, Public Enterprises, Banks and Financial Institutions. ○ It is chaired by the PM. ○ Minister of Home Affairs is also a member.
Press Information Bureau (PIB)	<p>Press Information Bureau (PIB) marked its centennial anniversary.</p> <div style="border: 1px solid #ccc; padding: 10px; background-color: #f9f9f9;"> <p>Press Information Bureau (PIB)  Non-statutory body</p> <ul style="list-style-type: none"> About: Nodal agency of the Government of India to disseminate information to the print and electronic media on government policies, programmes Genesis: <ul style="list-style-type: none"> ➤ Set up as a temporary cell (under then British government) in 1919. In 1923, the bureau was made permanent as the Bureau of Public Information. ➤ It acquired its present name in 1946, and became a department of the Ministry of Information and Broadcasting after 1947. Composition: Principal Director General (Media & Communication) who is assisted by a Director General and 8 Additional Director Generals Function: <ul style="list-style-type: none"> ➤ as an interface between the Government and the media and ➤ also serves to provide feedback to the Government on people's reaction as reflected in the media. </div>

National Centre for Good Governance (NCGG)	<ul style="list-style-type: none">• NCGG has completed the training of 24th batch of Maldivian Civil Servants.• About NCGG<ul style="list-style-type: none">○ Genesis: Set up in 2014 under Ministry of Personnel, Public Grievances and Pensions.○ Governing Body: Headed by Cabinet Secretary.○ Objectives: Improve governance, policy reforms, capacity building and training of civil servants and technocrats of India and other developing countries.<ul style="list-style-type: none">✓ Function as a national repository of information on best practices, initiatives and methodologies that promote good governance.
National Investigation Agency (NIA)	<ul style="list-style-type: none">• NIA conducted searches at various locations to locate those involved in attack on High Commission of India in London.• NIA was formed under NIA Act 2008, in the aftermath of 26/11 attacks.<ul style="list-style-type: none">○ It is a federal counter-terror agency that can take suo-motu cognizance of terrorist activity in any part of India.○ NIA (Amendment) Act, 2019 empowered NIA to investigate scheduled offenses committed outside India, subject to international treaties and domestic laws of other countries.<ul style="list-style-type: none">✓ Act 2019 also empowered the centre to designate sessions court as special court for NIA trials.
Cabinet Secretary (CS)	<ul style="list-style-type: none">• Cabinet Secretary was granted extension for another year.• About CS<ul style="list-style-type: none">○ Appointed by the Appointments Committee of the Cabinet (ACC) on seniority-cum-merit basis○ CS is responsible for administration of the GoI (Allocation of Business) Rules, 1961 and GoI (Transaction of Business) Rules, 1961○ CS is also the head of Civil Services Board (CSB)

8. IMPORTANT ASPECTS OF GOVERNANCE

8.1. MISSION KARMAYOGI

Why in the News?

On Good Governance Day, Ministry of Personnel, Public Grievances & Pensions launched Extended Version of Mission Karmayogi

About Mission Karmayogi

- **Mission Karmayogi (National Programme for Civil Services Capacity Building)** aims at building a **future-ready civil service with right attitude** (innovative, professional, etc.), **skills** (technology enabled) and **knowledge** aligned to the vision of New India.
- **New features launched on Mission Karmayogi platform**
 - **My iGOT:** Delivers **targeted training courses** of individual officer.
 - **Blended Programs:** Facilitate **equitable access** to training methodologies across all levels and **integrates offline classroom courses with online learning components.**
 - **VIKAS (Variable & Immersive Karmayogi Advanced Support):** New blended learning programme for management of civil servants in Central Secretariat.
 - **Curated Programs:** Cater diverse learning needs of Ministries/Departments and Training Institutions.
 - **12 domain specific capacity building e-learning courses** have been developed.
- Instructions have been issued regarding acceptance of awards by **Government servants from Private Bodies and Institutes**, in accordance with **Rule 14 of Central civil Services (Conduct) Rules, 1964.**
 - **Central Civil Services (Conduct) Rules, 1964** govern the conduct of government employees in India.

Good Governance Day

Since 2014, it is celebrated on **25th December** in honour of former Prime Minister Shri Atal Bihari Vajpayee to promote **citizen-centric, efficient and transparent governance and improve service delivery.**

Six pillars of Mission Karmayogi

 Policy Framework.

 Institutional Framework.

 Competency Framework.

 Digital Learning Framework (Integrated Government Online Training Karmayogi Platform (iGOT-Karmayogi)).

 Electronic Human Resource Management System (e-HRMS).

 Monitoring and Evaluation Framework.

Karmayogi Prarambh

- It is an **online orientation programme** under the Ministry of Personnel, Public Grievances and Pensions.
- The programme **aims to provide all the necessary details related to government policies** for newly appointees recruited through Rozgar Melas.
 - It includes a set of **eight courses** curated to help all Rozgar Mela appointees.
- It falls **under the ambit of Mission Karmayogi.**

8.2. RIGHT TO INFORMATION (RTI)

Why in the news?

Recently, the Supreme Court directed the Centre and State governments to fill the vacancies in the Central Information Commission (CIC) and State Information Commission (SIC)

About the Right to Information (RTI)

- RTI means that **any Indian citizen can request any information** (which is supposed to be public knowledge) **from offices and departments** of state or central governments.
- **Nodal agency:** Department of Personnel and Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions.

- Key Provisions of RTI Act, 2005:**

- **Section 2(h): Public authority** means any authority constituted-
 - ✓ by or under the **Constitution**.
 - ✓ by any other law made by Parliament/State Legislature.
 - ✓ by **notification issued or order made by the appropriate Government**, and includes any
 - body owned, controlled or substantially financed.
 - non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.
- **Section 6 (1):** A person, who desires to **obtain any information**, shall make a request in writing or through electronic means to the Central Public Information Officer (PIO) or State PIO.
- **Section 7:** Fixes the **time limit** for providing information(s) by PIOs.
- **Section 8: Exemption** from disclosure of information.

- Exemptions under RTI Act 2005**

- **Section 24 of the RTI Act** says that this law is **not applicable to the intelligence and security organizations** specified in the Second Schedule.
 - ✓ However, information pertaining to **allegations of corruption and human rights violations shall not be excluded.**
- **The second Schedule** includes, under its ambit institutions like **RAW, IB, CERT-in etc.**

- Other exemptions under RTI Act 2005 includes.**

- **Section 8(1):** Lists all of the exemptions of the information (refer table),



Whose disclosure would prejudicially affect sovereignty and integrity of India, security, strategic, scientific, or economic interests of State, relation with foreign State or lead to incitement of offence;	Including commercial confidence, trade secrets or intellectual property , disclosure of which would harm competitive position of a third party, unless competent authority is satisfied that larger public interest warrants disclosure of such information
Which may constitute contempt of court .	The disclosure of which would endanger life or physical safety of any person;
That would cause a breach of legislative privilege.	Which would impede the process of investigation or apprehension or prosecution of offenders
Received in confidence from foreign government	Cabinet papers , which come under specified exemptions
Available to a person in his fiduciary relationship , unless competent authority is satisfied that larger public interest warrants disclosure of such information	Which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy.

- **Section 8(2):** Information exempted under sub-section (1) and **Official Secrets Act, 1923** can be disclosed if the public interest in disclosure outweighs the harm to the protected interest.

8.3. AADHAAR

Why in the news?

The Ministry of Electronics and Information Technology has proposed rules to enable Aadhaar authentication by entities **other than Government Ministries** and Departments for better delivery of services to citizens.

More in news

- At present, Ministries and Departments are allowed to **undertake Aadhaar Authentication under 2020 rules**.
 - It is allowed for purposes like in the **interest of good governance, preventing leakage of public funds and enablement of innovation and spread of knowledge**.
- Entities such as **banks and telecom companies** were allowed to perform authentication if UIDAI was satisfied with **standards of privacy and security**.
- Now, it is proposed that **any entity other than a ministry or department** that desires to use Aadhaar authentication needs to **submit its proposal to the concerned ministry/department** at the Centre or state level.

Key Features of Aadhar

- Uniqueness:** It is a 12-digit unique number, and no resident can have a duplicate number since it is linked to their individual biometrics.
- Random Number:** Does not capture details like caste, religion, income, health, geography, etc.
- Scalable technology Architecture.** Resident's data is stored centrally, and authentication can be done online from anywhere in the country.
- Targeted Delivery** Aadhaar is mandatory for receiving subsidy or benefits **under section 7 and filing income tax return**.
- Proof of address and Identity:** It serves as proof of identity and proof of address for residents of India. **Aadhaar is not a proof of citizenship**.
- Electronics Benefit Transfers:** The UID-enabled-Bank-Account network will **offer a secure and low-cost platform to directly remit benefits to residents**.

Key-technology features

- Biometrics based de-duplication:** Biometric Service Providers (BSPs) presently operational use **Facial image as additional biometric attribute** for de-duplication along with **10 fingerprints and two IRIS**.
- Biometric fraud detection:** Biometric Service Providers (BSPs) can currently detect mixed biometrics, wrong fingers, non-human fingers, gummy fingers, inverted IRIS images, and closed eyes during enrolment.

Constitutionality of Aadhaar Act (Justice K.S. Puttaswamy v UoI)

- Aadhaar Targeted Delivery of Financial and other Subsidies, Benefits and Services Act, 2016 (Aadhaar Act)** was challenged before the apex court on the grounds that it was **passed as a money bill**, thereby **circumventing the upper house** of Parliament.
- In its **K.S. Puttaswamy v UoI** judgment (2018), top court affirmed the **constitutionality of the Aadhaar act**.
- Key Observations:**
 - Act was **competently passed** by Parliament, even though it was passed as a Money Bill.
 - Act **does not violate the fundamental rights** guaranteed under Articles 14, 15, 19 and 21.
 - Aadhaar would be **mandatory for accessing social welfare schemes**, but it cannot be forced on people for **opening bank accounts or for mobile and internet connection**.

Unique Identification Authority of India (UIDAI)



Genesis: Established under the provisions of the **Aadhaar Act, 2016** under the **Ministry of Electronics and Information Technology (MeitY)**.

Function:

- To issue Unique Identification numbers (UID).
- It is responsible for Aadhaar enrolment and authentication, including **operation and management** of all stages of Aadhaar life cycle.
- Developing **the policy, procedure, and system** for issuing Aadhaar numbers to individuals.
- Perform authentication and the security of identity of information and authentication records of individuals.

8.4. REGULATION OF ONLINE GAMING

Why in the News?

The **Ministry of Electronics and Information Technology (MeitY)** has amended the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules (IT Rules) 2021**.

More on News

- The aim is to enforce greater due diligence by **online gaming and social media intermediaries** in respect of online games & fake or false misleading information related to Government business.
- The rules and amendments to IT Rules 2021 have been brought out under **Section 87 of the Information Technology Act, 2000**.
 - IT Rules 2021 were brought out for regulating **social media intermediaries**.

Key Features of the Rules on Online Gaming

- **Clear definitions:**
 - “**Online games**” mean a game that is **offered on the Internet** and is accessible by a user through a computer resource or an intermediary.
 - “**Online gaming intermediary (OGI)**” means any intermediary that enables the users of its computer resource to access one or more online games.
- **Role of Intermediaries:** To make a reasonable effort to **not host, publish or share any online game** that can **cause the user harm**, or that has **not been verified as a permissible online game** by an **online gaming Self-Regulatory Body/Bodies (SRBs)** designated by the Central Government.
 - The intermediary will also have to ensure that **no advertisement or surrogate advertisement** or promotion of an online game that is not a permissible online game, **is hosted** on its platform.
- **Additional Obligations on OGI:** The amended rules cast additional obligations on OGI in relation to **online games involving real money**. These include:
 - The displaying of a **mark of verification** by the self-regulatory body on such games;
 - **Informing their users of the policy** for withdrawal or refund of the deposit;
 - Obtaining the **KYC details** of the users; and
 - **Not giving credit or enabling financing** by third parties to the users.

- **Multiple SRBs:** The MeITY may notify **multiple SRBs**, for the purposes of verifying an Online game as a permissible one. An SRB should fulfil the following criteria:
 - **Company registered** under Section 8 (Not-for-Profit entity) of the Companies Act 2013.
 - **Representative of the online gaming industry**, promoting online games in a responsible manner.
 - Incorporates provisions related to **grievance redressal, arm's length principle, disclosure and reporting** and clear criteria for membership.
- **Authority of SRBs:** The SRB may categorise any Game as a permissible game if it is satisfied that:
 - the online game **does not involve wagering** on any outcome,
 - the OGI and the game **comply with the rules** and the requirements under law for being competent to enter into a contract (currently at 18 years), and
 - the OGI and the game **complies with the framework made by the SRB** regarding safeguards.
- **Prohibition:** Online games that involve any kind of gambling (including ads) will be prohibited.

8.5. CONSUMER PROTECTION IN INDIA

Why in the news?

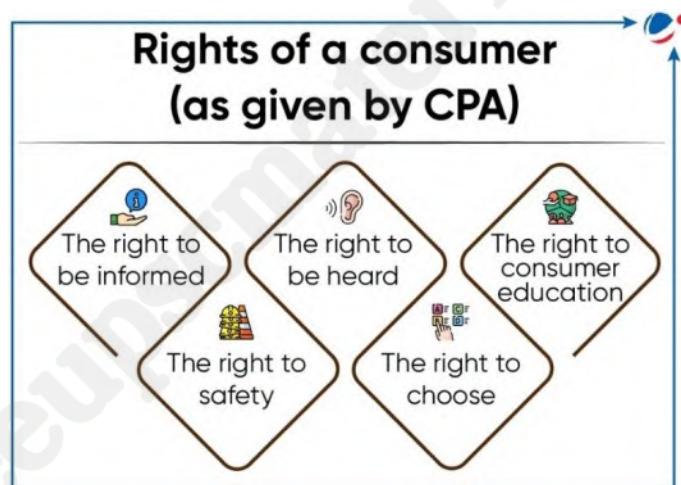
Recent finding suggests that the **pendency** in the consumer commissions has **shown a declining trend** (from 5.55 lakhs in December 2022 to 5.45 lakhs in September 2023).

Who is a Consumer?

- Under the Consumer Protection Act (CPA) 2019, a **consumer is a person who buys any goods or avails services** for a consideration, which has been **paid or promised, or partly paid and partly promised, or under any scheme of deferred payment**.
 - It applies to **both offline and online transactions** through electronic means or by teleshopping or direct selling or multilevel marketing.
- However, any person who **obtains goods or avails services for resale or commercial purposes** is **not treated as a consumer** and is outside the scope of CPA 2019.

Measures Taken for Consumer Protection in India

- **Consumer Protection Act (CPA) 2019:** It provides for the **Central Consumer Protection Authority (CCPA)**
- **Consumer Protection (Jurisdiction of District Commission, State Commission and National Commission) Rules, 2021:** To provide simple, speedy, and inexpensive redressal of consumer disputes, CPA 2019 envisages **3-tier quasi-judicial machinery at National, State and District levels**.
- **ConfoNet Project:** It stands for Computerization and Computer Networking of Consumer Fora in the country. It was implemented in the backdrop of CPA, 1986.
 - It aims to improve operational efficiency, coordination, accessibility, and speed in judicial administration and to set **Information Communication Technology (ICT) infrastructure at Consumer Redressal commissions** all over India.
- **Integrated Grievance Redress Mechanism (INGRAM) portal:** It was developed under the aegis of the **Department of Consumer Affairs** to create **awareness, advise, and redress consumer grievances** and act as a **central registry** for lodging consumer grievances.
- **E-Daakhil Portal:** It provides a **hassle-free, speedy and inexpensive facility to consumers** around the country to conveniently approach the relevant consumer forum, dispensing the need to travel and be physically present.
- **Certification markers:** To protect and sensitize consumers regarding quality standards.



8.6. GUIDELINES FOR CELEBRITIES, INFLUENCERS, AND VIRTUAL INFLUENCER

Why in the news?

The Advertising Standards Council of India (ASCI) has released the comprehensive Guidelines for Influencer Advertising in Digital Media.

More on the news

- These guidelines are an extension to the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.
- Department of Consumer Affairs, Consumer Affairs Ministry will actively monitor and enforce these guidelines.
- Influencers found to be in violation of the new guidelines could face penalties under the Consumer Protection Act (2019)

Key Provisions for celebrities, influencers, and virtual influencers

- Guidelines for All:**
 - Disclosure:** All material connection (such as monetary or other compensation, free products) between the advertiser and the influencer.
 - It must be upfront and prominent so that it is not missed by an average consumer.
 - Terms including advertisement, sponsored, collaboration, and paid promotion can be used, which must be indicated as a hashtag or headline text.
 - Due Diligence:** Endorsers are encouraged to conduct a thorough review and ensure they are in a position to substantiate the claims made in the advertisement.
 - They must use or experience a product or service before endorsement.
 - Influencers must refrain from making false, misleading, or exaggerated claims.
- For Health Influencer:**
 - Disclose Certification:** Endorsers must disclose that they are certified health/fitness experts and medical practitioners.
 - Disclaimer:** Endorsers must ensure that the audience understands that their endorsements should not be seen as a substitute for professional medical advice.
- For influencers:**
 - Registration:** Can offer investment-related advice {with subjects like banking, financial services, and insurance (BFSI)} only after registering with the Securities and Exchange Board of India (SEBI).
 - Other financial influencers must also possess appropriate credentials, such as a licence from the Insurance Regulatory and Development Authority of India (IRDAI).

Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements 2022

• Key Provisions of Guidelines:

- Prohibit Surrogate Advertisements:** No surrogate advertisement (like Alcohol brands advertising for sodas/music) shall be made for goods or services whose advertising is prohibited or restricted.
- Prohibit Targeting Children:** Advertisements that take advantage of children's inexperience have been prohibited.
- Penalties:** Violations may lead to penalties under the Consumer Protection Act 2019 and other relevant provisions of the law.
 - CCPA can impose a penalty of up to Rs 10 lakh on manufacturers, advertisers, and endorsers. For subsequent offences, a penalty can go up to Rs 50 lakh.

8.7. SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

Why in the News?

Recently it was reported that the states have rejected nearly 40% of the land claims under the Forest Right Act.

About Forest Rights Act (FRA), 2006

- It recognizes the rights of the forest-dwelling tribal communities (FDST) and other traditional forest dwellers (OTFD) to forest resources.

- **Types of Rights under Section 3 of the FRA Act**
 - **Individual Forest Rights (IFR):** Right to hold and live in the forest land under the individual or common occupation for habitation or self-cultivation for livelihood.
 - **Community Forest Rights (CFR):** Seeks to restore all customary and traditional rights of forest-dwelling communities.
 - ✓ It will be within the **traditional or customary boundaries** of the village, irrespective of the ownership, classification, and size of forests.
 - **Community forest resource management rights:** Right of ownership, access to collect, use, and dispose **minor forest produce** which has been traditionally collected within or outside village boundaries.
- **Nodal Agency for Implementation:** State Governments/UT Administrations.
- **Role of Gram Sabha:** It is the authority to initiate the process for determining the nature and extent of individual or community forest rights or both.
- **Land titles:** The act recognises the rights of an individual or family or community on the land however claim should not exceed more than **four hectares**.
 - The land title given under the FRA is a **legal title**.
 - Land Rights conferred by the Act were heritable (**Section 4(4) of FRA**), but **not transferable or alienable**.
- **Diversion of forest land for local development rights:** Establishment of schools, dispensaries, or hospitals, Anganwadi centres, etc.
- **Protected Areas:** FRA is applicable in **National Parks, Wildlife Sanctuaries, and Tiger Reserves**.
- Act is important to protect **the right to intellectual property and traditional knowledge** related to biodiversity and cultural diversity.

Three-tier approval process:

- **Gram Sabha** is the primary authority for initiating the whole process by receiving and verifying the claims.
- Aggrieved person from the resolution of the Gram Sabha may file a petition to the **Sub-division-level committee (SDLC)**
- Any person aggrieved by the decision of the SDLC may file a petition to the **district-level committee (DLC)**.
 - Decision of the DLC on the record of forest rights shall be **final and binding**.

Legal and constitutional safeguards related to tribe	Important Judicial pronouncements related to tribe
<p>Section 3(1)(a) of the FRA: recognizes the right of the forest dwelling tribal communities (FDSTs) and other traditional forest dwellers (OTFDs) to hold and live in the forest land for habitation or for self-cultivation for livelihood.</p> <p>Article 244: Related to schedule areas.</p>	<p>Orissa Mining Corporation vs Union of India (2013): SC directed that Gram Sabha of region will decide about the project.</p>

8.8. OTHER IMPORTANT NEWS

e-governed State	<ul style="list-style-type: none"> • Kerala has become the first full 'e-governed state' in India. • It has digitized a range of government services, ensuring prompt and transparent delivery to its citizens. • E-governance, meaning 'electronic governance' is using ICTs such as Wide Area Networks, the Internet, and mobile computing for the purpose of enhancing governance. • Initiatives of Kerala: <ul style="list-style-type: none"> ○ Kerala Fibre Optic Network (KFON) project, which has made internet access a citizen's right. ○ e-Sevanam, a single portal for 900 public services to taluk-level offices.
Demarcation of Roles of	<ul style="list-style-type: none"> • Centre has demarcated the role of both ministries to remove the possibility of duplicity of regulations on digital markets.

MCA And Meity	<ul style="list-style-type: none"> India's digital market is expected to touch \$ 1 trillion by 2025-26. The Ministry of Corporate Affairs (MCA) would be the nodal Ministry to look into all the competition issues in the digital market. Ministry of Information Technology (MeitY) will look into sector-specific issues. The government is working towards introducing legislation, including Digital India Act and Digital Competition Law, for regulating various facets of the digital market in India.
Panchayat Development Index (PDI)	<ul style="list-style-type: none"> Recently, it is released by the Union Ministry of Panchayati Raj. <ul style="list-style-type: none"> It provides a matrix to monitor and evaluate the progress of panchayats through the scores achieved by them. It ranks panchayats on the basis of scores and categorize them into four grades. Grades include A (75 to 90%), B (60-75), C (40-60%) and D (under 40%).
AAINA Dashboard for Cities	<p>Ministry of Housing & Urban Affairs launched 'AAINA Dashboard for Cities' portal.</p> <ul style="list-style-type: none"> It will provide information on status and progress of cities on five broad thematic areas Digital India Corporation (DIC) will provide handholding to ULBs / States in the data submission process. <ul style="list-style-type: none"> DIC provides strategic support to Ministries/Departments for carrying forward Digital India Mission <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Five Broad Pillars of AAINA Dashboard For Cities</p> <ul style="list-style-type: none"> Political and Administrative Finance Planning Citizen Centric Governance Delivery of Basic Services </div>
Guidelines on Acceptance of Awards by Government Servants	<p>It is issued by Department of Personnel and Training</p> <ul style="list-style-type: none"> Key Provisions of Guidelines <ul style="list-style-type: none"> Awards given by Private Bodies or Organizations may be accepted only with prior approval of Competent Authority. Competent Authority would be Secretary of the concerned Ministry/ Department. Competent Authority may grant approval subject to the following conditions: <ul style="list-style-type: none"> Award should not have any monetary component. Credentials of Private Bodies should be trustworthy.
Article 311(2)(c)	<ul style="list-style-type: none"> Recently, Jammu & Kashmir government terminated four government employees under Article 311 (2)(c), for being a "threat to the security of the state". Article 311 (1): It provides that no civil servant under Union or State shall be dismissed or removed by an authority subordinate to that by which he was appointed. Article 311 (2): It provides that no civil servant shall be dismissed or removed or reduced in rank except <ul style="list-style-type: none"> after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard. Article 311 (2) (c): It allows the government to terminate employees without ordering an inquiry or giving them an opportunity to explain their position if the <ul style="list-style-type: none"> President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.

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