



POLITY

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POLITY AND GOVERNANCE

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NOTE:

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PT 365 documents comprehensively covers the important current affairs of 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, following additions have been incorporated:



Summarised Infographics: Topics such as:

- ◆ Important constitutional/statutory bodies,
- ◆ Constitutional and legal provisions,
- ◆ Important Judicial Pronouncements

have been summarised and added in form of interactive infographics to improve ease of understanding, provide for smoother learning experience and ensure enhanced retention of the content.



Different colours: have been used in the document for easy classification and recollection of a variety of information.



Quiz: QR based Smart quiz has been added to test the aspirant's learnings and understanding.



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1. ISSUES RELATED TO CONSTITUTION

1.1. ECONOMICALLY WEAKER SECTIONS (EWS) QUOTA

Why in news?

SC Constitutional Bench upheld validity of **103rd Constitutional Amendment** which introduced **10% quota** for EWS in education and public employment.

About EWS quota

- EWS reservation was granted based on recommendations of **Sinho commission**.
- **103rd Amendment Act 2019**
 - Provides **reservation to EWS among non-OBC and non-SC/STs.**
 - **Inserted Articles 15(6) and 16(6)**
 - ✓ Enables **both central and state governments** to provide reservations to EWS.
 - ✓ Allows state government to decide whether to provide reservations to EWS for appointment in state government jobs and admission to state government educational institutions.
 - **Amended Article 15** to additionally permit government to provide for advancement of EWS.
 - ✓ Up to 10% of seats may be reserved for such sections for admission in educational institutions. (**Not applicable to minority educational institutions.**)
 - **Amended Article 16** to permit government to reserve up to 10% of all posts for EWS of citizens.
- EWS reservation is in **addition to existing reservation.**
 - A person **not covered under reservation for SCs, STs, and OBCs**, and whose family had a **gross annual income below Rs 8 lakh**, was to be identified as EWS for **reservation.**
 - Also excluded were those who had **five acres of agricultural land**, or
 - **A residential flat of 1,000 square feet**, or
 - A residential plot of 100 square yards and above in notified municipalities, or 200 square yards in other areas.

ARTICLES AMENDED BY 103RD CAA

Article 15 (6)

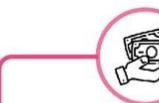


- It enables the government to make special provisions for the advancement of any economically weaker sections other than those already mentioned in 15 (4) and 15 (5). This relates to their admission to the educational institutions.
- 15 (4) and 15 (5) relate to the socially and educationally backward classes or SCs/STs.

Article 16 (6)



- It enables the government to make special provisions for the advancement of any economically weaker sections other than those mentioned in 16 (4). This relates to promotions in appointments or post.
- Article 16 (4) relates to reservation for those backward classes, which in the opinion of the state are not adequately represented in services.



A household with an **annual income of Rs 8 lakh or above** is not eligible for reservations.

- The term 'creamy layer' was introduced by **Sattanathan Commission** in 1971.



Other conditions for reservation laid down in Indra Sawhney case.

- Reservation to Socially and educationally backward class
- 50% cap on vertical reservation
- There should be no reservation in the promotions.

Key points of SC verdict (Janhit Abhiyan v Union of India case, 2022)

- Reservation on economic criteria alone did not violate Basic Structure of Constitution.
 - EWS is deemed a **separate and distinct category**.
- **Exclusion of SC/ST, SEBC** was a part of **reasonable classification** and necessary to **avoid double benefits**.
 - Also, Reservations as a concept **cannot be ruled out** in private institutions where education is imparted.
- 50% rule formed in **Indira Sawhney judgment in 1992** has not been held to be inflexible and inviolable for all times to come. Further, it had applied **only to SC/ST/SEBC/OBC communities** and not the general category.

1.2. SUB-CATEGORISATION OF OTHER BACKWARD CLASSES (OBC)

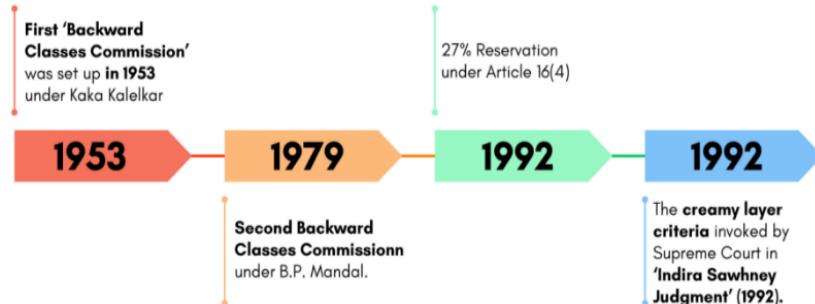
Why in news?

Union Cabinet gave the 14th extension to the **Justice Rohini Commission**, set up to examine issues related to sub-categorisation of OBCs, to submit its report by July 31, 2023.

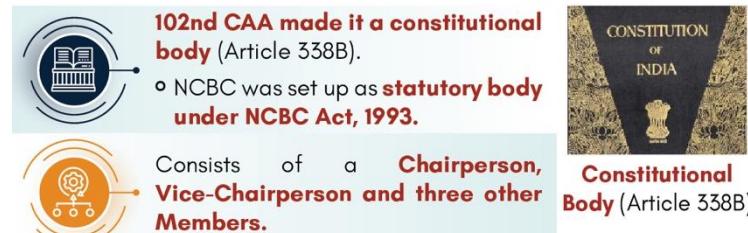
More on news

- Commission was **formed in 2017 under Article 340**.
 - Article 340 empowers President appoints Commission to investigate conditions of SEBCs.
- In 2015, NCBC had proposed that OBCs be divided into following three categories:
 - **Extremely Backward Classes (EBC- Group A)** facing social, educational and economic backwardness even within the OBCs, consisting of aboriginal tribes, nomadic and semi-nomadic tribes who have been carrying on with their traditional occupations.
 - **More Backward Classes (MBC- Group B)** consisting of vocational groups carrying on with their traditional occupations.
 - **Backward Classes (BC-Group C)** comprising of those comparatively more forward.
- According to NCBC, 11 states/UTs (Andhra Pradesh, Telangana, Puducherry, Karnataka, Haryana etc.) have **subcategorized OBC for reservations** in state-government owned institutions.

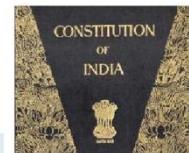
OBC Reservation Background



National Commission for Backward Classes (NCBC)



Consists of a **Chairperson, Vice-Chairperson and three other Members**.



Constitutional Body (Article 338B)



Appointment: By the President by warrant under his hand and seal.



Tenure: Their condition of service and tenure of office has been notified by **Ministry of Social Justice and Empowerment**.

Mandate of Justice Rohini Commission

- **Examine extent of inequitable distribution of reservation benefits** (i.e. 27% reservation in jobs and education) among castes or communities with reference to central OBC list

Work out the mechanism, criteria, norms and parameters in a scientific approach for sub categorization of OBCs.

Reservation for OBCs in Local Bodies

- HC directed the UP government to **notify elections immediately without reservation for OBCs**.
 - This direction is guided by provisions of **Article 243-U of Constitution** which mandates that **election to constitute a municipality shall be completed before expiry of its duration**.
- HC held that until "triple test conditions" as mandated by SC in *K. Krishnamurthy v. Union of India (2010)* is fulfill, no reservation for Backward Class shall be provided in ULBs polls.
- **Triple test criteria are**,
 - **Set up of a dedicated commission** by State government to gather data on backwardness of OBCs in every local body,
 - **Specify proportion of reservation in each local body** in light of commission's recommendations, and
 - **Ensure that such reservation does not exceed 50%** of total seats reserved for SC/ST/OBC together
- In case, State/UT is **not in a position to fulfil triple test requirement**, **election to any of its local bodies cannot be postponed beyond statutory period**.
- **Constitution provides for reservation for SCs and STs in local bodies as per their population**, **State governments are allowed to make decisions on reservation for OBCs**.

1.3. UNIFORM CIVIL CODE (UCC)

Why in news?

Recently a Private Member Bill titled **UCC in India Bill, 2020** was introduced in Rajya Sabha.

About UCC

- UCC refers to same set of civil laws applicable to all citizens of India in their personal matters such as marriage, divorce, custody, adoption and inheritance.
- Provisions for UCC come under Article 44 (Directive Principles of State Policy) of Constitution.
 - Thus, UCC comes under non justiciable part of constitution.
 - Also, “Personal laws” comes under Concurrent List.

Historical background of UCC

Pre-independence

 In 1840, on the basis of Lex Loci report, the British Government established uniform laws for crimes, evidence and contracts. But personal laws of Hindus and Muslims were intentionally left to them.

 In 1941, Government formed B N Rau Committee to codify Hindu law and give women equal rights.

Post-independence

 In Constituent assembly, Sub-committee on fundamental rights headed by Sardar Vallabhbhai Patel decided that securing a UCC was not within scope of fundamental rights.

 Special Marriage Act, 1954, provides a form of civil marriage to any citizen irrespective of religion.

 In 1955-56, four hindu code bills passed.

 Various Supreme court judgements advocated UCC.

Important judicial pronouncements in context of UCC

 Shah Bano case (1985): Parliament should outline the contours of a common civil code as it is an instrument that facilitates national harmony and equality before law.

 Ms. Jordan Diengdeh v. S.S. Chopra (1985): Need for framing Uniform Code for marriage and divorce was raised by the Court

 Sarla Mudgal Case (1995): Reiterated the need for Parliament to frame a UCC, which would help cause of national integration by removing ideological contradictions.

Current Status of Personal Laws in India

- Different religious communities are currently governed by a system of personal laws, which have been codified over years through various pieces of legislation.
 - For example, Hindu personal law is codified in four bills: Hindu Marriage Act, Hindu Succession Act, Hindu Minority and Guardianship Act, and Hindu Adoptions and Maintenance Act.
 - ✓ Term ‘Hindu’ also includes Sikhs, Jains and Buddhists for purpose of these laws.
 - Certain aspects of Muslim personal law are expressly recognised in India in acts such as Shariat Application Act and Dissolution of Muslim Marriages Act.
- There are some secular laws as well, for e.g.
 - Special Marriage Act: under which Inter-religion marriages take place, and
 - Guardians and Wards Act: which establishes the rights and duties of guardians.
- Goa is, at present, only state in India with a UCC.
 - Portuguese Civil Code, 1867 continues to be implemented after India annexed the territory in 1961, irrespective of religion or ethnicity of community.
 - However, Portuguese Code is not completely a UCC.

1.4. HATE SPEECH

Why in news?

NCRB reported about 500% rise in cases under hate speech law in seven years.

About hate speech

- Hate speech has not been defined in any law in India.

- However, hate speech, generally incitement to hatred primarily against a group of persons, dealt with IPC section like 153A, 295A etc.
- 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.

Legislations around Hate speech

Constitutional Provisions	• Article 19(2) gives all citizens the right to freedom of speech and expression but subject to 'reasonable restrictions' for preserving inter alia 'public order, decency or morality'.
Indian Penal Code (IPC), 1860	• Sections like 153A, 153B, 298 etc. of IPC 1860 deal with speech or words that could create mischief, outrage religious beliefs or cause imputations to national integration.
Representation of People Act, 1951	• Section 8 disqualifies a person from contesting 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 prohibits promotion of enmity on grounds of religion, race, caste, community, or language in connection with election as a corrupt electoral practice and prohibits it.
Protection of Civil Rights Act, 1955	• Section 7 penalises incitement to, and encouragement of untouchability through words, either spoken or written, or by signs or by visible representations or otherwise.

1.5. SEDITION

Why in news?

Recently, SC has ordered that 152-year-old sedition law under Section 124A of IPC should be effectively kept in abeyance till Union Government reconsiders the provision.

About Sedition

- Indian Penal Code (IPC) defines **sedition (Section 124A)** as an offence committed when **any person by words or otherwise brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India by**
 - words, either spoken or written
 - signs
 - visible representation, or otherwise
- Sedition is a **cognisable, non-bailable and non-compoundable offence** under the law.
- A person charged under sedition law is **barred from a government job**.
- They have to live **without their passport** and must produce themselves in court at all times as and when required.
- In 2018, **Law Commission of India (LCI)** recommended to repeal section 124A of IPC.

Background of Sedition law



1837	British historian-politician Thomas Macaulay drafted sedition law as an offence punishable with life imprisonment.
1860	Sedition was omitted when IPC enacted.
1870	Section 124A (Sedition) inserted in IPC by an amendment introduced by Sir James Stephen when it felt the need for a specific section to deal with the offence.
1891	First case registered, when Jogendra Chandra Bose, editor of newspaper "Bangobasi" was booked for publishing an article criticizing "Age of consent Bill".
1921	Bal Gangadhar Tilak, Annie Besant, Ali Brothers, Maulana Azad, MK Gandhi and many others suffered imprisonment.
1948	Indian leaders agree to drop sedition from Indian constitution.
1949	Sedition is no longer part of Indian constitution. However, Section 124(A) remains in IPC.
1951	Nehru Government brings in first amendment under Article 19(1)(a) and puts in reasonable restrictions on right to free speech.
1962	In Kedar Nath Verdict, Constitution bench upheld the validity of sedition law.
1974	Indira Gandhi government made Section 124A cognisable offence that authorises police to make arrests without a warrant.

Important judicial pronouncements in context of Sedition law

	Kedar Nath Vs State of Bihar, 1962: SC held that citizen have right to criticize or comment on government, or its actions, as long as he does not provoke violence.
	P. Alavi vs State of Kerala, 1982: SC held that sloganeering, criticising of Parliament or Judicial setup did not amount to sedition.

1.6. PREVENTIVE DETENTION

Why in news?

Recently, SC has ruled that preventive detention is to be used only in exceptional circumstances.

More on news

- SC observed that preventive detention is an exceptional power of State which affects personal liberty of individual and has to be employed sparingly.
 - Court distinguished between law-and-order situations and public disorder. Preventive detention may apply in the latter but never for the former situation.

About Preventive Detention

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

1.6.1. UNLAWFUL ACTIVITIES (PREVENTION) ACT

Why in news?

Centre has declared the Popular Front of India (PFI) an "unlawful association" under Unlawful Activities Prevention Act (UAPA), 1967.

About UAPA

- UAPA, 1967 (the Act) was enacted for effective prevention of certain unlawful activities of individuals and associations, and for dealing with terrorist activities, and for matters connected therewith.
- Act defines "Unlawful activity"** as "any action taken by such individual or association that leads to cession of a part of territory of India, questions sovereignty of India or disrupt integrity of India".

CONSTITUTIONAL SAFEGUARDS AGAINST PREVENTIVE DETENTION

Article 22 (1)

- No person can be detained in custody without being informed of grounds of arrest or shall be denied right to consult or be defended by legal practitioner.

Article 22 (2)

- Every person who is arrested/ detained in custody shall be produced before magistrate within 24 hours of such an arrest.
- No person can be detained beyond 24 hours without authority of magistrate.

Article 22 (3)

- Above two clauses will not apply to a person who is detained in accordance to a law providing for preventive detention.

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.
- Exception to Article 22(4) has been provided in Article 22(7) (b) itself.

Article 22 (7) (b)

- A person can be preventively detained for more than 3 months without opinion of an advisory board if Parliament by law provides-
 - Maximum period of such detention.
 - Circumstances, classes of persons and classes of cases to which such a law may apply.

Grounds for Preventive Detention



Important judicial pronouncements in context of Preventive detention

AK Gopalan Vs State of Madras (1950): Court gave a green flag to Preventive Detention Act because of presence of explicit provisions of Article 22(5).

Shibban Lal v. State of Uttar Pradesh: SC stated that a courtroom isn't even competent to enquire into reality or in any case of the facts which are referenced as grounds of detainment.

Shambhu Nath Shankar Vs State of West Bengal: Although concept of Preventive detention in itself is draconian and infringes fundamental rights, sometimes it is necessary for state to take such extreme steps to maintain security of country.

- Cases under UAPA are investigated by both State police and National Investigation Agency (NIA).
 - UAPA gave powers to central government to impose all-India bans on associations.
 - Act had provisions for a tribunal to review or to hear an appeal against the ban.
 - Both Indian nationals and foreign nationals can be charged under act. Also, act holds offenders accountable in same manner if crime is committed on foreign land outside India.
- UAPA was amended in 2004, 2008, 2012 and most recently in 2019 to enhance the scope of the Act.

Laws Providing for Preventive Detention in India

	First Preventive Detention Act, 1950
	<ul style="list-style-type: none"> To prevent anti-national elements from carrying out acts that are hostile to Nation's security and defence.
	Maintenance of Internal Security Act (MISA), 1971-77
	<ul style="list-style-type: none"> Infamous for excessive use during emergency against political opponents, trade unions and civil society groups challenging government. 44th Amendment Act of 1978 removed MISA.
	Foreign Exchange and Prevention of Smuggling Activities Act, 1974
	<ul style="list-style-type: none"> Provided for preventive detention to maintain and improve foreign exchange and to deter illegal trade.
	Terrorist and Disruptive Activities (Prevention) Act (TADA), 1985
	<ul style="list-style-type: none"> Powerful and restrictive laws drawn up under the system of preventive detention.
	Prevention of Terrorism Act (POTA), 2002
	<ul style="list-style-type: none"> Presented as an act similar to TADA.

Details of UAPA Act, 2019

Specifications	Detail
Power to designate terrorist	<ul style="list-style-type: none"> Central government may designate an organisation as terrorist organisation if it: (i) commits or participates in acts of terrorism, (ii) prepares for terrorism, (iii) promotes terrorism, or (iv) is otherwise involved in terrorism. Act empowers government to designate individuals as terrorists on same grounds.
Approval for seizure of property by NIA	<ul style="list-style-type: none"> Investigating officer is required to obtain prior approval of Director General of Police to seize properties that may be connected with terrorism.
Investigation by NIA	<ul style="list-style-type: none"> Investigation may be conducted by officers of rank of Deputy Superintendent or Assistant Commissioner of Police or above. Act empowers officers of NIA, of rank of Inspector or above, to investigate cases.
Convention	<ul style="list-style-type: none"> Schedule under original act lists nine treaties including Convention for Suppression of Terrorist Bombings (1997), and Convention against Taking of Hostages (1979). <ul style="list-style-type: none"> UAPA Act, 2019 added International Convention for Suppression of Acts of Nuclear Terrorism (2005) to list.

1.7. PHONE TAPPING

Why in news?

Recently, an IPS officer was under probe for tapping the phones of political leaders in 2019.

About phone tapping

- Definition:** Phone tapping refers to monitoring of internet-based communications and phones by a third party by secret means.
 - Word 'phone tapping' also means wiretapping or line bugging or interception of the phone.
 - It was first commenced in USA in 1890s.

Grounds for Phone tapping



Exception for Press: Press messages accredited to Central or State Government shall not be intercepted unless their transmission has been prohibited.

Indian Telegraphic Act, 1885

- Both, **Central and State Governments** have a right to tap phones.
 - In states, police have powers to tap phones.
 - At Centre, **10 agencies are authorised to do so:** Intelligence Bureau, CBI, Enforcement Directorate, Narcotics Control Bureau, Central Board of Direct Taxes, Directorate of Revenue Intelligence, National Investigation Agency, R&W, Directorate of Signal Intelligence, and Delhi Police Commissioner.
- Tapping by any other agency would be considered illegal.**
- Orders could be issued **only by Secretary, Union Ministry of Home Affairs or his State Counterpart in writing;** only then can the tapping begin.
 - However, in **exceptional cases the order may be issued by lower authorities** also.
 - Such order has to be communicated to competent authority within a specified time period.

Constitutional and Legal safeguards on phone tapping

7th Schedule		Telephones along with other communication devices mention under Entry 31 of Union List.
Article 19 (Freedom of speech)		If, a person is talking on telephone, She/ he is exercising his or her right to freedom of speech and expression. Thus, telephone tapping would infringe Article 19(1)(a) unless it came within the restrictions on this right set out in Art 19(2).
Article 21 (Right to privacy)		Telephone-tapping would infract Article 21 unless it is permitted under procedure established by law.
Indian Telegraphic Act, 1885		It regulates phone tapping.

1.8. RIGHT TO BE FORGOTTEN

Why in news?

Recently, SC directed its registry to **remove details of a couple** from search engines and Internet.

About Right to be Forgotten

- RTBF is the **right to have publicly available personal information removed from the internet**, search, databases, websites, or any other public platforms, once the personal information in question is no longer necessary.
 - RTBF traces its origin to '**right to oblivion**' in French jurisprudence.
 - However, **RTBF is not an absolute right.**
- It has been recognised as a **statutory right in European Union** under General Data Protection Regulation (GDPR).
 - It was **implicitly recognized as a right for the first time** by EU Directive on Data Protection in 1995.
 - Article 17 of GDPR, 2016 provides Right to Erasure (or RTBF), which permits a data subject to request a controller to delete personal data concerning him or her without undue delay.
- In India, **there is no law that specifically provides for RTBF.**

DO YOU KNOW?



SUPREME COURT ON RIGHT TO BE FORGOTTEN (RTBF)



In landmark case of K.S. Puttaswamy v. Union of India, **SC recognised RTBF as part of right to life under Article 21.**

SC had stated that RTBF was **subject to certain restrictions**, and that it could not be used if material in question was required for the:

- exercise of right to freedom of expression and information.
- fulfilment of legal responsibilities.
- execution of a duty in the public interest or public health.
- protection of information in public interest.
- for purpose of scientific or historical study, or for statistical purposes;
- establishment, executing, or defending of legal claims.

1.9. OTHER IMPORTANT NEWS

Minority status in India	<ul style="list-style-type: none"> Constitution does not define the word Minority. Rights of the minorities under Article 29 and 30. <ul style="list-style-type: none"> Article 350B mentions about special officer for linguistic minorities. However, Centre, using National Commission for Minorities Act, 1992, has declared Muslims, Christians, Sikhs, Buddhists, Jains and Zoroastrians as 'minority'. National Commission for Minority Educational Institutions (NCMEI) Act, 2004 has been enacted to safeguard educational rights of minorities.
Sarna religion demand	<ul style="list-style-type: none"> Various tribal communities of five states, including Jharkhand, Odisha and Assam, demanded that Centre recognise their religion as 'Sarna'. Sarna, a "religion" based on concept of nature worship, is followed by tribals in several Indian states.
Article abrogation Article 370 and Article 35 A	<ul style="list-style-type: none"> August 5 marks three years of abrogation of Article 370 and 35 A that gave J&K its special status and mandate to define its domicile rules. <ul style="list-style-type: none"> In 2019, President of India promulgated Constitution (Application to J&K) Order, 2019 which stated that provisions of Indian Constitution were applicable in State. <ul style="list-style-type: none"> This effectively meant that all provisions that formed the basis of a separate Constitution for J&K stand abrogated. With this, Article 35A was scrapped automatically. Article 35A provided J&K legislature full discretionary powers to decide 'permanent residents' of state and give them special privileges in employment, property acquisition, and education etc. Parliament passed J&K Reorganisation Act, 2019 provides for reorganization of J&K into two Union Territory (UTs) namely J&K (with legislature) and Ladakh (without legislature).
Article 142	<ul style="list-style-type: none"> Exercising its powers under Article 142 of Constitution, SC set free the remaining six convicts in Rajiv Gandhi assassination case. About Article 142 (Enforcement of decrees and orders of Supreme Court): <ul style="list-style-type: none"> SC in exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it. Any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed.
Article 145 (5)	<ul style="list-style-type: none"> Constitutional bench of SC ruled that majority view of a larger bench will always prevail over a bench of lesser strength even if latter saw a greater number of judges agreeing with each other. <ul style="list-style-type: none"> In view of Article 145(5), concurrence of a majority of judges at the hearing will be considered as a judgment or opinion of court. Article 145(5) states that no judgment shall be delivered by SC without concurrence of a majority of judges present at hearing of case, but nothing in this clause shall prevent a judge from delivering a dissenting judgment.

Important judicial pronouncements in context of Minority status in India

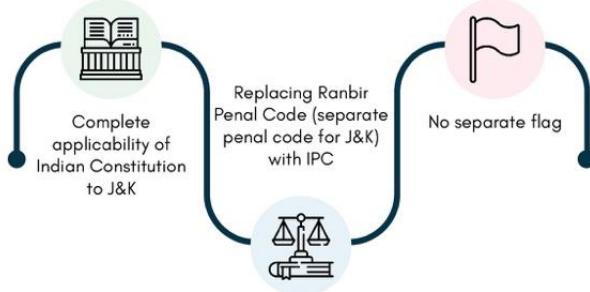


In TMA Pai Case, 2002, SC held that **linguistic and religious minority are determined** by taking **state as a unit** and not by taking into consideration the population of country.



In Re: Kerala Education Bill case, 1958, SC had rejected the argument that minorities should be identified at block or district level.

KEY EFFECTS OF ABROGATION OF ARTICLE 370



2. FUNCTIONING OF PARLIAMENT, STATE LEGISLATURE/LOCAL GOVERNMENT

2.1. ELECTION OF PRESIDENT

Why in news?

Recently 15th President of India was elected.

President Election

- Under Article 62(1) of Constitution, an election to fill a vacancy caused by expiration of term of office of President shall be completed before expiration of term (5 years).
- Election Process**
 - Electoral College:** MPs of both Houses of Parliament and MLAs of states and Delhi and Puducherry.
 - Not included: Nominated members of Rajya Sabha, Lok Sabha and Assemblies, and members of state Legislative Councils.
 - Election is held as per system of proportional representation by means of a single transferable vote.
 - Winning candidate has to secure the required quota of votes to be declared elected, i.e., 50% of valid votes polled +1.
- Anti-defection law is not applicable in presidential election; thus, electors are not bound to vote along party lines.
- Under Article 324 of constitution, **Election Commission of India** has authority to conduct presidential elections.

Value of vote of Members of Parliament (MP)

- In a presidential election, it is based on number of elected members in legislative assemblies of states and UTs, including Delhi, Puducherry and Jammu and Kashmir.
 - Value of vote of has been fixed at 708 since 1997 presidential election.
 - In 2022 presidential poll, value of vote of MP reduced to 700 from 708 due to absence of a legislative assembly in Jammu and Kashmir.

Constitutional provisions related to election of President of India

Article 52		There shall be a President of India.
Article 54		Election of President by the members of an electoral college.
Article 55		There shall be uniformity in the scale of representation of the different States.
Article 56		Term is five years.
Article 57		Eligible for re-election.
Article 58		Qualifications for election as President. <ul style="list-style-type: none">is a citizen of India,completed the age of thirty-five years, andqualified for election as a member of the House of the People.
Article 62		An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.

Related information

Vice President of India

- Jagdeep Dhankhar has been elected as India's 14th VP.
- VP is second-highest constitutional post, provided under Article 63 of Constitution.
- Elected by, method of indirect election, members of an electoral college consisting of members of both Houses of Parliament
 - Election in accordance with the system of proportional representation by means of the single transferable vote
 - The voting at such election shall be by secret ballot.
- He acts as ex-officio Chairman of Rajya Sabha.
- Chairman of Rajya Sabha is empowered under Rules of Procedure and Conduct of Business to "direct any Member whose conduct is in his opinion grossly disorderly to withdraw immediately" from the House.

Constitutional provisions related to election of Vice-President of India

Article 63		There shall be a Vice-President of India.
Article 64		The Vice-President to be ex officio Chairman of the Council of States.
Article 66		Indirect election by members of an electoral college consisting of members of both Houses of Parliament
Article 67		Vice-President shall hold office for a term of five years.
Article 68		An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.

2.2. PARDONING POWER OF PRESIDENT AND GOVERNOR

Why in news?

SC made observation on Centre's claim that the President, and not Tamil Nadu Governor, has exclusive power to decide Rajiv Gandhi assassination convict A.G. Perarivalan's plea for pardon.

About Governor's appointment and removal

- Under Article 155 and 156, Governor is appointed by President and holds office during pleasure of President.
 - If this pleasure is withdrawn before completion of five-year term, Governor has to step down.
- There are no provisions laid down in Constitution for the manner in which Governor and state must engage publicly when there is a difference of opinion.

Comparison between Pardoning Power of President and Governor

President	Governor
<ul style="list-style-type: none">Article 72 empowers the President to grant pardons in all cases where,<ul style="list-style-type: none">Punishment or sentence is for an offence against a Union Law;Punishment or sentence is by a court martial (military court); andSentence is a sentence of death.	<ul style="list-style-type: none">Under Article 161, governor of a state also possesses the pardoning power.But it differs from that of the President in following two respects:<ul style="list-style-type: none">President can pardon sentences inflicted by court martial (military courts) while governor cannot.President can pardon death sentence while governor cannot.However, the governor can suspend, remit or commute a death sentence.
<ul style="list-style-type: none">Pardoning power of the President includes:<ul style="list-style-type: none">Pardon: It removes both the sentence and conviction and completely absolves convict.Commutation: Substitution of one form of punishment for a lighter form.Remission: Reducing the period of sentence without changing its character.Respite: Awarding a lesser sentence in place of one originally awarded due to some special fact.Rerieve: Stay of execution of a sentence (especially that of death) for a temporary period.	<ul style="list-style-type: none">Governor can also grant pardons, reprieves, respite and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against a state law.

2.3. LOKPAL AND LOKAYUKTA

Why in news?

Recently, Kerala Legislative Assembly passed the **Kerala Lokayukta (Amendment) Bill, 2022**.

Background of Lokpal and Lokayukta

- In 1966, term 'Lokpal-Lokayukta', coined by L. M. Singhvi, was first used in a report of Administrative Reforms Commission.
- In 2014, central **Lokpal and Lokayuktas Act, 2013** was notified.
 - It provides for establishment of a statutory body of Lokpal for Union and Lokayukta for States.
 - It aims to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.
 - Lokayuktas are state equivalents of central Lokpal.
 - Some States already have established Lokayuktas. For example, Maharashtra in 1971, and Kerala in 1999.
 - It extends to the whole of India and apply to public servants in and outside India.

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.
Lokayuktas	<ul style="list-style-type: none"> They shall have jurisdiction over CM, Ministers, MLAs, all state government employees and certain private entities (including religious institutions).
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

2.4. PARLIAMENTARY COMMITTEES

Why in news?

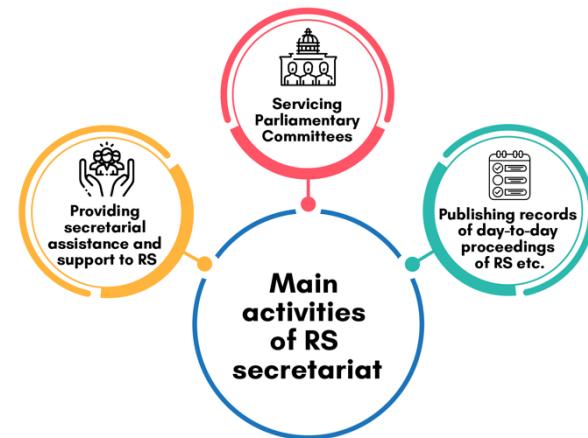
In a first ever comprehensive study of Rajya Sabha Secretariat, a panel has presented its recommendations to Chairman regarding increasing Tenure of House Committees.

More on news

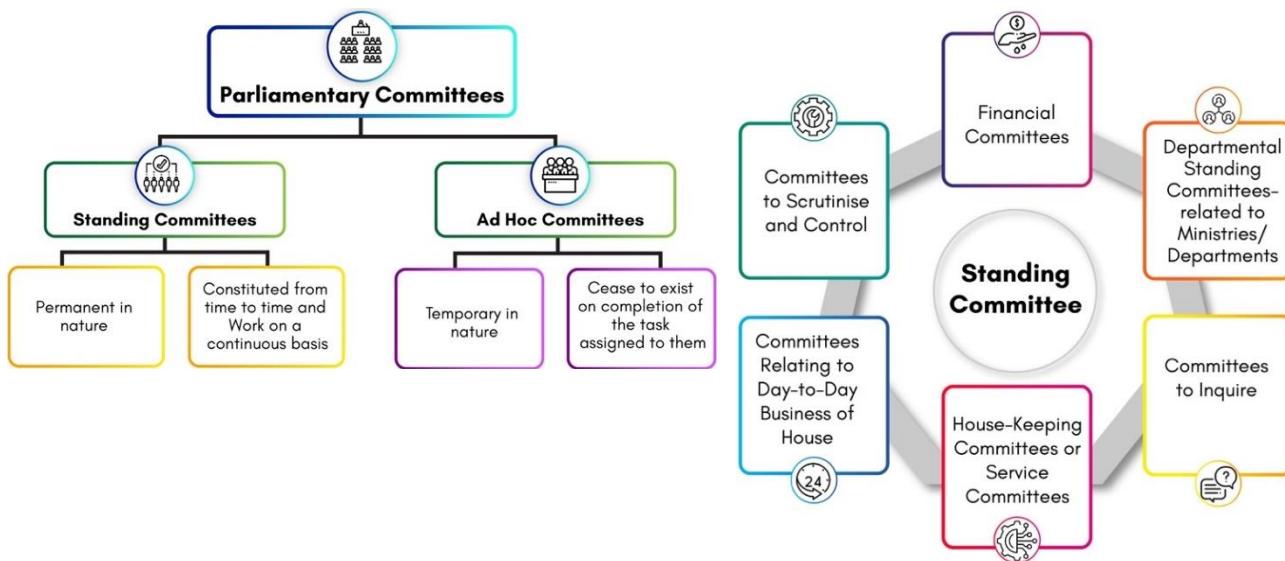
- RS secretariat was set up pursuant to provisions contained in Article 98, which provide for separate secretarial staff for each House of Parliament.
 - It functions under guidance and control of RS Chairman.

About Parliamentary Committees (PC)

- It is a **panel of MPs that is appointed or elected by House or nominated by Speaker**, and which works under direction of Speaker. It presents its report to House or to Speaker.
- PCs have their **origins in British Parliament**.
 - They draw their **authority from Article 105** which deals with **privileges of MPs**, and **Article 118** which gives Parliament authority to make **rules to regulate its procedure and conduct of business**.
 - Parliament is not bound by recommendations of committees.



- Constitution makes a mention of these committees at different places but without making any specific provisions regarding their composition, tenure etc.
 - All these matters are **dealt by the rules of two houses.**



2.5. NATIONAL REGISTER OF CITIZENS (NRC)

Why in news?

CAG report on compliance audit of 'logistical arrangements for NRC updation project in Assam' has flagged **data tampering risk** in updating of NRC in Assam.

About NRC

- NRC is an **official record of those who are legal Indian citizens** and identify migrants from erstwhile East Pakistan, now Bangladesh.
 - At present, **Assam is the only state to have an NRC**. It was **first prepared in 1951** and finally updated in **2019**.
 - NRC was updated as per provisions of **Citizenship Act, 1955** and **Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003**.
 - Section 6A of Citizenship Act:** Under it, foreigners who had entered Assam before **January 1, 1966**, would have **all rights and obligations of Indian citizens**.
 - It **includes persons whose names appear in any of the electoral rolls up to the midnight of 24th March 1971** or **NRC, 1951**, and their descendants.
 - Its origin can be traced back to **Assam Accord 1985**.
- Non-inclusion of a person's name in NRC does not by itself amount to him/her being declared a foreigner.
 - Such individuals will have option **to present their case before foreigners' tribunals**.

Related information

Citizenship Norms notified

- Ministry of Home Affairs has issued **guidelines for those whose parents had renounced Indian citizenship when they were minors** but now want to reclaim their nationality.
- Under Citizenship Act, 1955, **every minor child of a person who renounces their citizenship shall, thereupon, cease to be a citizen of India**.
 - Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship.
- Citizenship Act, 1955 prescribes five ways of acquiring citizenship**, viz, birth, descent, registration, naturalization and incorporation of territory.
 - Act has been **amended in 1986, 1992, 2005 and 2019**.
- Renounce of Indian citizenship: Any citizen of full age and capacity**, who is also a citizen or national of another country, can renounce Indian citizenship.
- Other ways of Loss of Indian Citizenship**
 - Deprivation of Citizenship by government if citizenship obtained by means of fraud, etc.
 - Termination of Citizenship if a Citizen voluntarily acquires citizenship of another country.

2.6. DELEGATED LEGISLATION

Why in News?

Recently, SC observed that a **delegated legislation** which is **ultra vires** the parent Act cannot be given any effect.

More about News

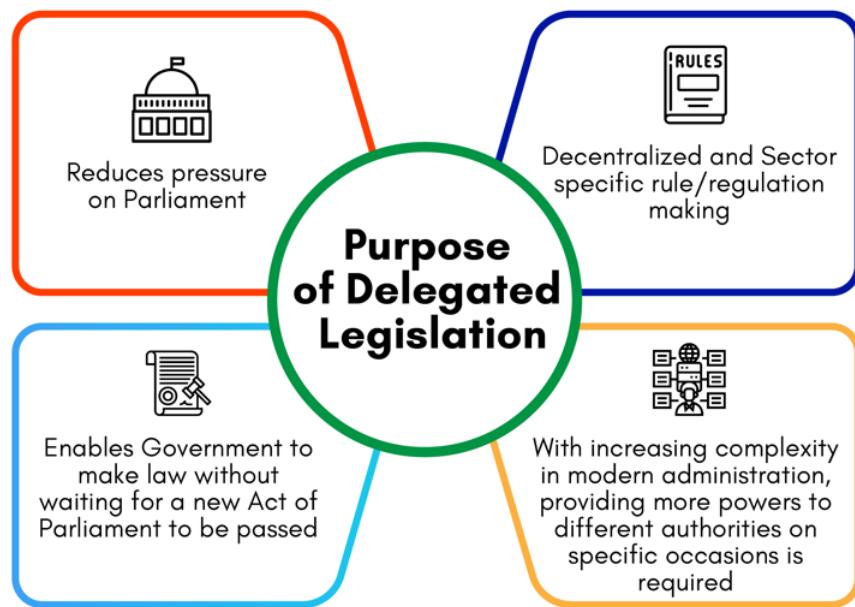
- As per ruling, Delegated legislation should not travel beyond the purview of the parent Act.
 - If it does, it is **ultra vires** and cannot be given any effect.
- SC held that **Delegated legislation**, including rules and regulations formed by State and Central authorities, **should not supplant but supplement parliamentary statute from which it draws power from.**

About Delegated Legislation

- It is a process by which **executive authority is given powers by primary legislation** to make laws to implement and administer requirements of that primary legislation.
- Parliament thereby, through primary legislation, enables others to make law and rules through a process of delegated legislation.
- Under **Constitution of India**, legislative power is given to legislature while Executive has power to execute laws.
 - Due to **paucity of time**, legislature **limits itself to policy matters**, delegating task of rule and regulations to executive or any subordinate to supplement **parliamentary statute**.

CIRCUMSTANCES WHERE A DELEGATED LEGISLATION WOULD BE INVALID:

- Fundamental Rights or any Indian Constitutional provisions violated.**
- The Rules / Regulations are ultra vires the provisions of the parent Act and fail to conform to the substantive provisions of the statute**
- The Executive did not have the legislative competence to frame the said rule or regulation.**
- A delegated legislation can also be struck down on the ground of manifest arbitrariness, and unreasonableness.**
- The delegated legislation cannot provide for a retrospective operation unless express authorised by the parent statute.**
- The SC has held that the Legislature cannot delegate its 'essential legislative functions' to the executive branch.**



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

Why in news?

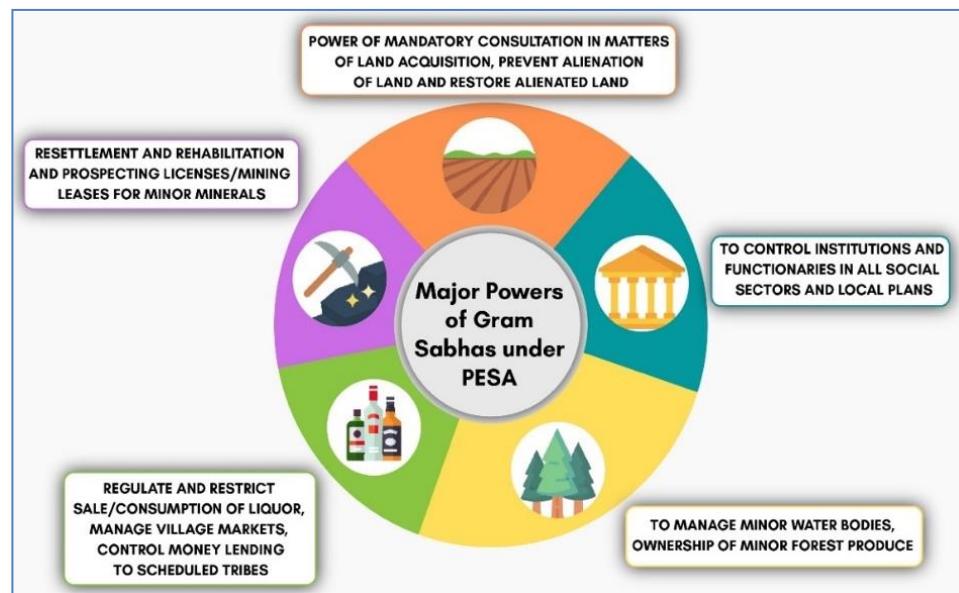
Recently, Chhattisgarh notified the **rules for implementation of Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996** on the occasion of World Tribal Day.

More on news

- With PESA rules being notified, **Chhattisgarh became seventh state in country to frame rules and implement PESA** after Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Rajasthan and Telangana.

About PESA Act, 1996

- Based on recommendations of **Dileep Singh Bhuria Committee**, PESA Act was **enacted in 1996** for tribal empowerment and to bring them into mainstream.
- Ministry of Panchayati Raj** is nodal Ministry for implementation of provisions of PESA in States.
- PESA Act is called a '**Constitution within the Constitution**'.
- It provides for extension of provisions of Part IX of Constitution relating to Panchayats to Scheduled Areas of **10 States** under Article 244(1) read with Schedule 5, with certain modifications and exceptions.
 - Ten states are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana.



Other features of PESA Act, 1996

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.

2.8. OTHER IMPORTANT NEWS

Office of Profit	<ul style="list-style-type: none"> Jharkhand Governor had sent the matter of Chief Minister's disqualification as an MLA for holding office of profit to Election Commission of India. <ul style="list-style-type: none"> Office of profit is interpreted as a position that brings to officeholder some financial gain, remuneration, or benefit. It is not defined in Constitution or Representation of People Act of 1951. Under Article 102 (1) and Article 191 (1) of Constitution, an MP or an MLA (or an MLC) is barred from holding any office of profit under central or state government. <ul style="list-style-type: none"> Provisions also protect a legislator if the office in question has been made immune to disqualification by law. Questions of disqualifications in respect of office of profit shall be referred to President and Governor. <ul style="list-style-type: none"> However, they shall obtain the opinion of Election Commission and shall act accordingly.
Members of Parliament Local Area Development Scheme (MPLADS) rules	<ul style="list-style-type: none"> Ministry of Finance has revised the rules, under which interest accumulated on MPLADS fund will be deposited in Consolidated Fund of India. <ul style="list-style-type: none"> Earlier, interest accrued on fund used to be added to MPLADS account and could be used for development projects. The proposed changes are aimed at timely and efficient utilisation of funds.

	<ul style="list-style-type: none"> MPLADS, launched in 1993, enables MP to suggest and get executed developmental works of a capital nature based on locally felt needs with an emphasis on creation of durable assets. <ul style="list-style-type: none"> Under it, MPs receive Rs.5 crore each year in two instalments of Rs. 2.5 crore each. Every year, MP shall recommend atleast 15% of MPLADS funds for areas inhabited by SC population and 7.5 percent for areas inhabited by ST population. Funds under MPLADS are non-lapsable. District Authority is responsible for overall coordination and supervision of works under scheme at district level and inspect at least 10% of works under implementation every year. Ministry of Statistics and Programme Implementation (MoSPI) is responsible for policy formulation, release of funds and prescribing monitoring mechanism for implementation of Scheme.
National e-Vidhan Application (NeVA)	<ul style="list-style-type: none"> NeVA system has been developed to make all work and data related to legislative bodies available online for use of both citizens and members of Assemblies. <ul style="list-style-type: none"> e-Vidhan is re-designated as NeVA. Ministry of Parliamentary Affairs is Nodal Ministry for rolling out NeVA. NeVA aims to bring all legislatures of country together, in one platform thereby creating a massive data depository. <ul style="list-style-type: none"> It will also help in streamlining information related to various state assemblies, and to eliminate use of paper in day-to-day functioning.
Creation/Abolition of District	<ul style="list-style-type: none"> Recently, 7 new districts were created in West Bengal. How are districts created/abolished? <ul style="list-style-type: none"> This power lies with state governments, who can pass a law in Assembly or simply issue an order and notify it in gazette. Centre does not have a say in the matter. The permission of centre is required when a change of name of a district or railway station is contemplated.
Power of Speaker of Legislative Assembly (LA)	<ul style="list-style-type: none"> SC ruled that Speaker of LA does not have power to take away the status of former MLA's while deciding a disqualification plea against a lawmaker under 10th schedule of Constitution (Anti-defection). <ul style="list-style-type: none"> In 2014, Bihar LA Speaker not only disqualified some of speakers under 10th schedule but also took away their status of being treated as former lawmakers, depriving them of pension and other benefits. In Kihoto Hollohan v Zachillhu and Others (1992), SC ruled that power of speaker under 10th Schedule is subject to judicial review.
Committee of Parliament on Official Language	<ul style="list-style-type: none"> This Committee has recently submitted its report. This Committee was set up in 1976 under Official Languages Act, 1963. <ul style="list-style-type: none"> It is constituted by Ministry of Home Affairs and chaired by Union Home minister. It submits the report to the President. Mandate: To review the progress made in use of Hindi for official purposes, and to make recommendations to increase use of Hindi in official communications.
Northeastern Council (NEC)	<ul style="list-style-type: none"> To mark 50 years of NEC, Prime Minister stated that government should work on 8 pillars for Northeast development, viz. Peace, Power, Tourism, 5G connectivity, Culture, Natural farming, Sports, Potential. Also, PM inaugurated 'Grih Pravesh' programme in Tripura for more than two lakh beneficiaries under Pradhan Mantri Awas Yojana (Urban and Rural) schemes. <div style="background-color: #e0e0ff; padding: 10px;"> <p style="text-align: center;">North-Eastern Council (NEC)</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>Establishment: By Parliament (NEC Act, 1971).</p> </div> <div style="text-align: center;">  <p>Statutory advisory body</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>Service Conditions: Works under administrative control of Ministry of Development of NER.</p> </div> <div style="width: 45%;"> <p>Compositions: Union Home Minister is ex-officio Chairman of NEC.</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>Function</p> </div> <div style="width: 45%;"> <ul style="list-style-type: none"> To promote cooperation and coordination among the North Eastern states. To provide a forum for the resolution of inter-state disputes among the North Eastern states. </div> </div> </div>

Zonal Council <ul style="list-style-type: none"> Eastern Zonal Council, comprising states of Bihar, Odisha, West Bengal and Jharkhand, held a meeting in Kolkata. Other zonal councils are <ul style="list-style-type: none"> Northern Zonal Council: Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh. Central Zonal Council: Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh. The Western Zonal Council: Goa, Gujarat, Maharashtra and the Union Territories of Daman & Diu and Dadra & Nagar Haveli. The Southern Zonal Council: Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry. 	<h3 style="color: #800000;">Zonal Councils</h3> <div style="display: flex; align-items: center;"> <p>Establishment: By Parliament (States Re-organisation Act (SRA), 1956).</p> </div> <div style="display: flex; align-items: center;"> <p>Composition:</p> <ul style="list-style-type: none"> Chairman - Union Home Minister. Members - Chief Minister and two other Ministers as nominated by Governor from each of the States and two members from Union Territories included in zone. </div> <div style="display: flex; align-items: center;"> <p>Functions: Discuss, and make recommendations with regard to:</p> <ul style="list-style-type: none"> any matter of common interest in field of economic and social planning. any matter concerning border disputes, linguistic minorities or inter-State transport. any matter connected with or arising out of, re-organization of States under SRA. </div> <div style="text-align: right; margin-top: 20px;"> <p>Statutory and non-constitutional bodies</p> </div>
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फाउंडेशन कोर्स

सामान्य अध्ययन

प्रारंभिक एवं मुख्य परीक्षा **2024**

इनोवेटिव क्लासरूम प्रोग्राम

- प्रारंभिक परीक्षा, मुख्य परीक्षा और निबंध के लिए महत्वपूर्ण सभी टॉपिक का विस्तृत कवरेज
- सौलिक अवधारणाओं की समझ के विकास एवं विश्लेषणात्मक क्षमता निर्माण पर विशेष ध्यान
- एनीमेशन, पॉवर पाइट, लीडिंग जैसी तकनीकी सुविधाओं का प्रयोग
- अंतर - विषयक समझ विकसित करने का प्रयास
- योजनाबद्द तैयारी हेतु करेंट अरिएटेड अप्रोच
- नियमित क्लास टेस्ट एवं व्यक्तिगत मूल्यांकन

- सीसैट कक्षाएं
- PT 365 कक्षाएं
- MAINS 365 कक्षाएं
- PT टेस्ट सीरीज
- मुख्य परीक्षा टेस्ट सीरीज
- निबंध टेस्ट सीरीज
- सीसैट टेस्ट सीरीज
- निबंध लेखन - शैली की कक्षाएं
- करेंट अफेयर्स मैगजीन

DELHI: 15 MAR, 1 PM | 10 JAN, 9 AM

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19

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3. CENTRE- STATE RELATIONS

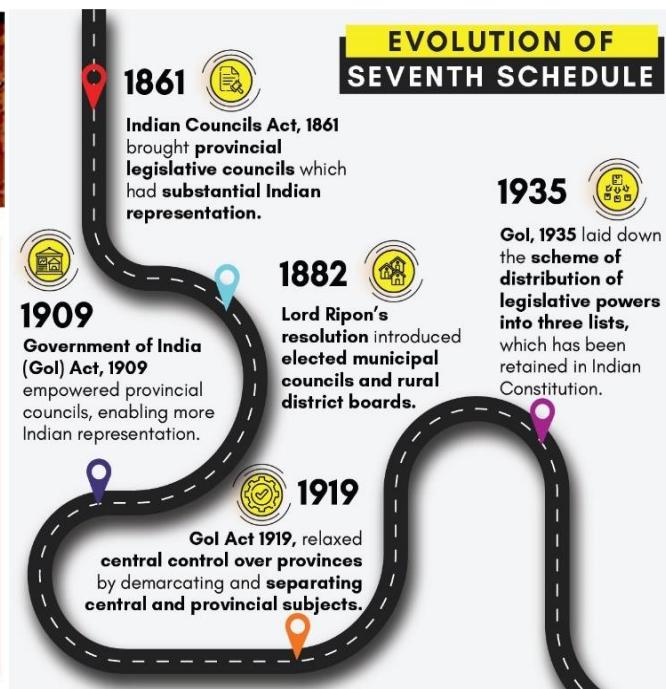
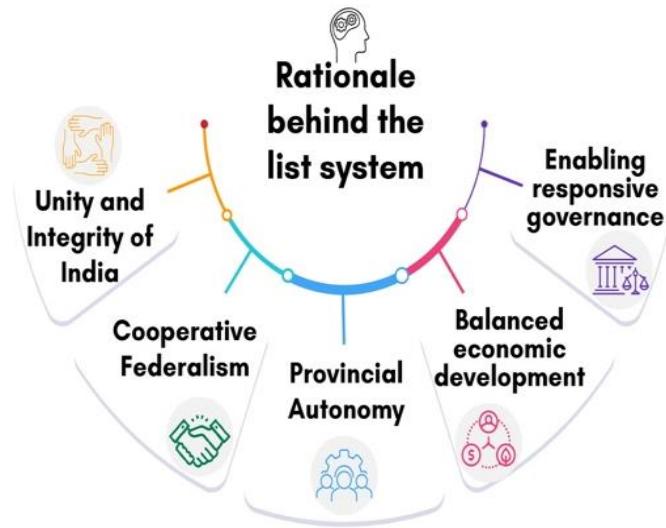
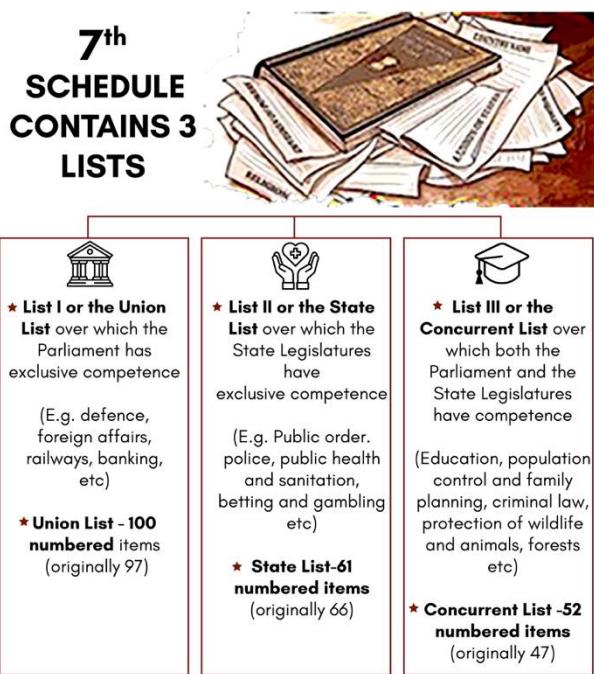
3.1. REFORM IN SEVENTH SCHEDULE

Why in news?

Recently, many experts advocated revisiting the seventh schedule of the Indian constitution.

About Seventh Schedule

- Seventh Schedule under Article 246 provides distribution of powers and responsibilities between state and central governments.
 - It specifies role and responsibilities into three lists namely, Union List, State List and Concurrent List.
- Article 248 confers residuary powers on Parliament.
 - Residuary powers refer to power of jurisdiction upon subjects that are not mentioned in state or concurrent list.



Amending Seventh schedule

- **Procedure for amending Seventh schedule**
 - It can be amended as provided under Article 368 in Part XX of Constitution.
 - It requires special majority of Parliament (majority of total membership of House and by a majority of not less than two-thirds of members of House present and voting) and also consent of half of state legislatures by a simple majority.
- **Other provisions that can be amended in such manner are**
 - Election of President and its manner.
 - Extent of the executive power of Union and states.
 - Supreme Court and high courts.
 - Representation of states in Parliament.
 - Power of Parliament to amend Constitution and its procedure (Article 368 itself).

3.2. SUTLEJ YAMUNA LINK CANAL

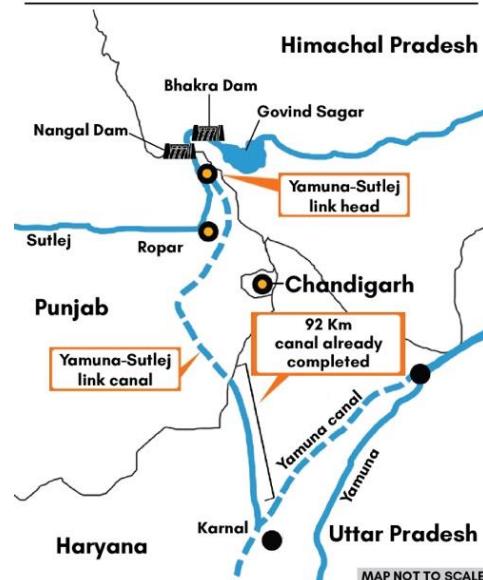
Why in news?

Sutlej Yamuna Link (SYL) canal issue continues to remain unresolved as Haryana and Punjab have failed to reach any settlement over water-sharing of Ravi and Beas rivers.

About SYL canal

- It is a proposed 214-kilometer-long canal connecting Sutlej and Yamuna rivers which was planned in 1966 after state of Haryana was formed out of Punjab.
- It seeks to provide Haryana its average annual share of surplus Ravi-Beas water.
- Haryana completed its stretch of SYL Canal in 1980, while Punjab kept citing Riparian Principles and non-availability of its water.
 - Riparian Principles states that owner of land adjacent to a water body has the right to use water.
- Haryana argues that its southern parts of state are facing water problem due to depleted groundwater.
 - Haryana has been denied its rightful share in water as assessed by Eradi Tribunal, 1987.

SUTLEJ-YAMUNA LINK CANAL



MAP NOT TO SCALE

CONSTITUTIONAL PROVISIONS FOR INTER STATE RIVER WATER DISPUTES



Seventh Schedule

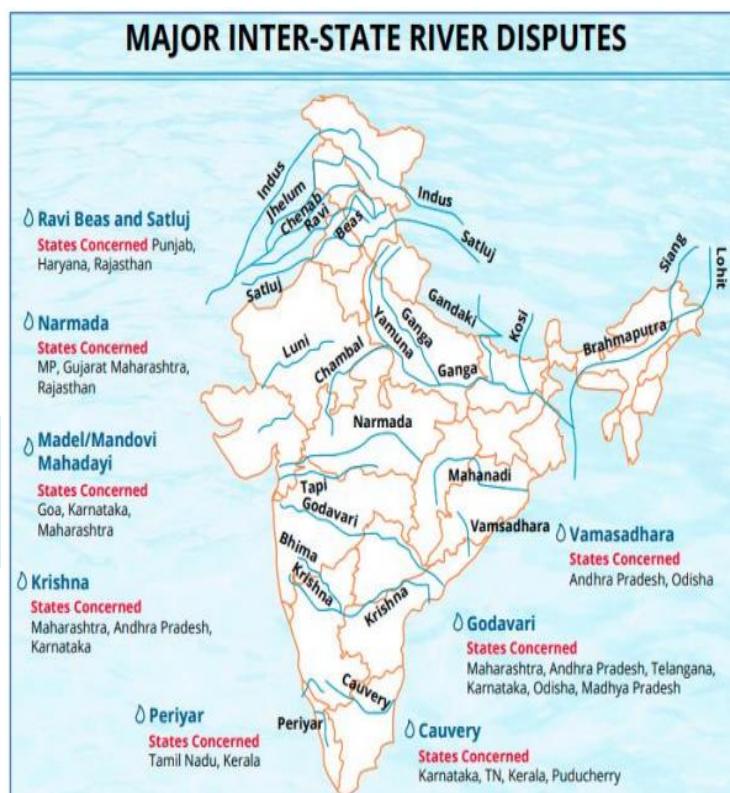
- State list:** Entry 17 (Water supplies, irrigation and canals, drainage etc.).
- Union list:** Entry 56 (Regulation and development of inter-State rivers and river valleys).

Article 262

- Adjudication of disputes relating to waters of inter-State rivers or river valleys.
- In exercise of power conferred by Article 262, Parliament enacted **Inter-State Water Disputes Act, 1956**.

Inter-State Water Disputes Act, 1956

- It empowers central government to set up tribunal for adjudication of inter-state river dispute.
- Decision of tribunal is final and binding on parties to dispute.
- Inter-State River Water Disputes (Amendment) act,** replace dispute settlement mechanism under act by setting up a Disputes Resolution Committee and a single permanent tribunal for dispute settlement.



3.3. OTHER IMPORTANT NEWS

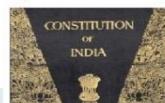
Ninth Schedule of Constitution	<ul style="list-style-type: none"> Jharkhand Assembly cleared a bill to increase reservation in vacant government posts and services to 77%. <ul style="list-style-type: none"> However, government stated that it will come into force only after Centre includes it in Ninth Schedule. Ninth schedule was added by 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on ground of violation of fundamental rights. However, in I R Coelho vs State of Tamil Nadu case, SC ruled that laws cannot escape the "basic structure" test if inserted into Ninth Schedule after 1973.
Armed Forces Special Powers Act (AFSPA)	<ul style="list-style-type: none"> AFSPA was removed by Ministry of Home Affairs on account of improved security and law and order situation in parts of Assam, Nagaland, and Manipur states. With this, AFSPA remains in force in parts of these three states as well as in parts of Arunachal Pradesh. J&K too has a similar act.

	<ul style="list-style-type: none"> About AFSPA <ul style="list-style-type: none"> AFSPA grants special powers under Section 4 of AFSPA Act and immunity (Section 6) to armed forces to bring back order in “disturbed areas”. Disturbed areas are declared under Section 3 of AFSPA Act, 1958 when a part or whole state/UT is in such a condition that use of armed forces in aid of civil power is necessary. Disturbed areas are declared by governor of state and administrator of UT or by central government.
Inter State Council (ISC)	<ul style="list-style-type: none"> Central government has reconstituted ISC. President (under Article 263) can establish such a council and authorized to define nature of duties to be performed by such a council. In pursuance of recommendations of Sarkaria Commission, ISC was constituted in 1990.
25 years of Indo-Naga Ceasefire agreement (1997-2022)	<ul style="list-style-type: none"> Ceasefire agreement between Government of India and National Socialist Council of Nagalim (Isak-Muivah) came into effect on August 1, 1997. <ul style="list-style-type: none"> After multiple rounds of talks, “Framework Agreement” with National Socialist Council of Nagaland-IM (NSCN-IM) was signed in 2015. But peace process failed to progress apparently due to disagreement between two parties over Naga flag and Yehzabo (Naga constitution), which NSCN (I-M) insists were incorporated in Framework Agreement.
Post Devolution Revenue Deficit (PDRD) Grants	<ul style="list-style-type: none"> Department of Expenditure, Ministry of Finance has released 7th monthly instalment of PDRD grant to 14 States. PDRD Grants are provided to States under Article 275 of Constitution. Grants are released to States as per recommendations of successive Finance Commissions to meet the gap in Revenue Accounts of States post devolution. <ul style="list-style-type: none"> Eligibility of States to receive this grant and the quantum of grant for the period from 2020-21 to 2025-26 was decided by Fifteenth Commission.
Autonomous District Councils (ADCs)	<ul style="list-style-type: none"> Khasi Hills Autonomous District Council (KHADC) in Meghalaya has opposed State government’s deal with Assam to resolve boundary dispute.
Mahajan Commission	<ul style="list-style-type: none"> In 1966, the Centre set up the Mahajan Commission to resolve the border dispute in Maharashtra, Karnataka and Kerala. The Commission recommended that 264 villages be transferred to Maharashtra and that Belagavi (Belgaum) and 247 villages remain with Karnataka. Maharashtra rejected the report, and in 2004, moved the Supreme Court. Belagavi is currently part of Karnataka.

Inter-state council (ISC)



Establishment: By Presidential order under Ministry of Home Affairs.



Non-permanent Constitutional body (Article 263)

Composition

- Prime Minister will be the chairman and CMs of all States and Six Union ministers as members.
- CMs of UTs having legislative assemblies and Administrators of UTs not having legislative assemblies are also its members.
- Union Home Minister will be chairman of standing committee.
- 10 Union Ministers as permanent invitees.

Functions

- Inquiring into and advising on disputes between states.
- Investigating and discussing subjects in which two states or states and the Union have a common interest.
- Making recommendations for better coordination of policy and action.



Autonomous District Councils (ADCs)



Establishment: Under Sixth Schedule with Executive, Legislative and Judicial powers.

- Sixth Schedule consists of provisions for administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram.
- Presently, there are 10 ADCs in Assam, Meghalaya and Mizoram and Tripura.



Composition: Each ADC must have at least 30 members.

- Four are nominated by Governor and 26 are elected using adult franchise (term of office is five years).

Powers

- Governor is empowered to increase or decrease areas or change the names of autonomous districts.
- Councils have been endowed with civil and criminal judicial powers.
- Jurisdiction of these councils is subject to jurisdiction of concerned High Court.



4. JUDICIARY

4.1. PUBLIC INTEREST LITIGATION

Why in news?

Recently, SC objected to frivolous Public Interest Litigation (PIL) petitions, and imposed penalties on petitioners for filing luxury litigation.

About Public Interest Litigation and its significance

- PIL is the **use of law to advance human rights and equality** or raise issues of broad public concern.
 - Expression PIL has been **borrowed from American jurisprudence**.
 - PIL is **based upon Article 39 A** which makes sure that **state secures and provides justice without any discrimination** based on caste, religion, creed etc.
 - PIL is the **power given to public by courts**.
- Public interest cases may arise from **both public and private law matters**.
 - Some of the **matters which are considered under PIL** are Bonded Labour, Atrocities on women, Environmental pollution, Food adulteration, Maintenance of heritage and culture etc.
 - PIL can be filed in **any High Court or directly in Supreme Court**.

Important judicial pronouncements in context of PIL



SP Gupta v. Union of India, 1981: Any member of public or NGO acting bonafide, can **invoke writ jurisdiction of HC or SC** under Article 226 or 32 respectively, seeking **redressal against violation of legal or constitutional rights of persons** who due to social or economic or any other disability cannot approach Court.



M.C Mehta v. Union of India, 1987: PIL brought against Ganga water pollution, SC held that **petitioner although not a riparian owner entitled to move the Court for enforcement of statutory provisions**, as he is person interested in protecting lives of people using Ganga water.

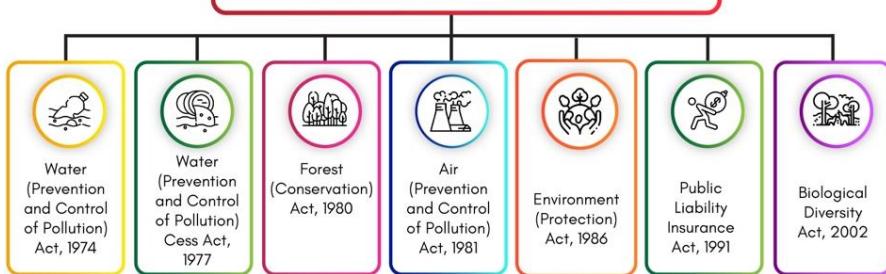
Background of PIL

 1976	<ul style="list-style-type: none"> PIL concept introduced by Justice Krishna Iyer in Mumbai Kamgar Sabha v. Abdul Thai case, where unregistered workers association was granted to institute writ petition under Article 32.
 1979	<ul style="list-style-type: none"> First-ever reported PIL was Hussainara Khatoon v. the State of Bihar that focused on inhumane conditions of prisons and undertrials.
 1981	<ul style="list-style-type: none"> New period of PIL Movement was started by Justice P.N. Bhagwati in SP Gupta v. Union of India case. Justice Bhagwati has been called as the father of PIL in India.

4.2. TRIBUNALS

Why in news?

Recently, SC stated that **National Green Tribunal (NGT)** is subordinate to High court in so far as territorial jurisdiction is concerned regarding an **order prohibiting construction work at Rushikonda hills** in Visakhapatnam.



More on news

- In case of conflicting orders, **constitutional courts orders will prevail over that of statutory tribunals**.
- Earlier, in **L Chandra Kumar v Union of India (1997)**, SC ruled that orders of tribunals under Article 323A and 323B of Constitution are subjected to **Writ Jurisdiction of High Court (Article 226)**.

- Key Differences between Tribunals and Courts

Feature	Tribunals	High Courts
Establishment	By acts of Parliament. <ul style="list-style-type: none"> Inserted via 42nd CAA, 1976 by adding 323A (Administrative Tribunal) and 323B (For other matters) Recommended by Swaran Singh Committee 	By Constitution of India only.
Purpose	To resolve disputes and complaints on specific matters.	To interpret and maintain law and order in their jurisdiction and give decisions on civil and criminal cases.
Procedural compliance	Not bound by specific procedures like CrPC but governed by Principles of Natural Justice.	Bound by procedural codes.
Members	A mix of judicial and experts with special knowledge.	Judicial only.
Powers	Limited to the laws under which they are set.	Power to use all enacted laws before making a decision.



National Green Tribunal (NGT)



About Tribunals Reforms (Rationalisation and Conditions of Service) Act, 2021

- It replaces Tribunal Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.
- It proposes to dissolve certain existing appellate bodies and transfer their functions to other existing judicial bodies.
 - For instance, functions of Appellate Tribunal under Cinematograph Act, 1952 transfer to HC.
- It proposes to set up a search-cum-selection committee that will select and appoint Chairperson and Members of various tribunals.
- It amends Finance Act, 2017 to specify that these Committees will consist of:
 - CJI, or SC Judge nominated by him, as Chairperson (with second casting vote in case of tie),
 - Two Secretaries nominated by central government,
 - Sitting or outgoing Chairperson, or retired SC Judge, or retired Chief Justice of HC, and
 - Secretary of Ministry under which Tribunal is constituted (with no voting right).
- It retains term of office of chairperson or member at four years (subject to an upper age limit of 70 years for Chairperson and 67 years for other members) with provision for re-appointment.
 - 50 years is the minimum age limit for appointments as a chairperson or member.

KEY DEVELOPMENT IN TRIBUNAL SYSTEM IN INDIA

1941	First tribunal as Income Tax Appellate Tribunal established.
1969	First Administrative Reforms Commission recommended to set up Civil Services Tribunals at national and state levels.
1974	Sixth Law Commission recommended separate high-powered tribunal and commission for adjudication of matters in High Courts.
1976	42nd amendment to Constitution was passed to constitute administrative tribunals and other tribunals.
2017	Finance Act, 2017 reorganised tribunal system by merging tribunals based on functional similarity.
2021	Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021 was introduced in Lok Sabha.

Related information**Speaker as Tribunal**

- Speaker office has been under controversies for its decisions on disqualification of MLAs.
- SC has asked Parliament to rethink **whether disqualification petitions ought to be entrusted to a speaker as a quasi-judicial authority**, as speaker continues to belong to a political party either de jure or de facto.
- Parliament may seriously **consider amending Constitution to substitute speaker of LS and Legislative Assemblies as arbiter of disputes** concerning disqualification which arise under **Tenth Schedule** with a permanent tribunal.

4.3. APPOINTMENT OF JUDGES

Why in news?

SC of India will have **all sanctioned seats filled i.e., 34** after more than two years.

More on news

- At present, **SC has strength of 32 judges** as against a sanctioned strength of 34 judges.
- As per **Article 124(1)** of Constitution of India, **Parliament by law prescribes the strength of the SC**.

Appointment of Judges in Judiciary

- **Chief Justice of India (CJI) and Judges of SC are appointed by President under Article 124 (2)** of Constitution with the help of collegium system.
 - CJI should be of **senior most Judge** of SC considered fit to hold the office.
 - Next CJI name is recommended by the **outgoing CJI**.
- **Collegium system** is the way by which judges of the Supreme Court and High Courts are appointed and transferred.
 - **SC collegium** is a **five-member body**, which is headed by **incumbent CJI and comprises four other senior-most judges** of the court at that time.
 - **HC collegium** is led by the **incumbent Chief Justice** and **two other senior-most judges** of that court.

District Judges

- **Highest judicial authority** in district.
- Possesses **original and appellate jurisdiction** in both civil as well as criminal matters.
- **Appointment, posting and promotion** are made by **governor of state** in consultation with **high court**.
- **Qualifications:**
 - Should not already be in service of Central or state government.
 - Should have been an **advocate or a pleader for seven years**.
- Should be **recommended by high court** for appointment.

Important judicial pronouncements in context of Collegium system



First Judges Case, 1981 or S P Gupta Case: SC ruled that recommendation made by CJI to President can be refused for "cogent reasons", thereby giving greater say to executive.



Second Judges Case, 1993 (Supreme Court Advocates on Record Association (SCARA) vs Union of India): CJI only need to consult **two senior-most judges** over judicial appointments and transfers.



Third Judges Case, 1998: CJI should consult with **four senior-most SC judges** to form his opinion on judicial appointments and transfers.

4.4. PRISON REFORMS

Why in news?

National Crime Record Bureau has released **Prison Statistics in India (PSI) Report, 2021**.

About Prisons in India

- **Prisons is a state subject.**
 - Administration and management of prisons is responsibility of respective State Governments.
 - It is **governed by Prison Act 1894** and prison manuals of respective state governments.
- **Ministry of Home Affairs provides regular guidance and advice** to States and UTs on various issues concerning prisons and prison inmates.

**PAROLE**

Granted to the prisoner to meet a specific exigency. It is not a matter of right.

It is a system of releasing a prisoner with suspension of the sentence.

**FURLough**

May be granted (after stipulated number of years have been served) without any reason.

Period of furlough granted to a prisoner is treated as remission of his sentence.

National Crime Record Bureau (NCRB)



Objectives of NCRB

- Function as a **clearing house of information on crime and criminals.**
- Store, coordinate and **disseminate information on inter-state and international criminals.**
- **Provide training facilities** to personnel of Crime Records bureau.
- Function as **National storehouse of fingerprint records** of convicted persons.



Central agency
under the
Ministry of
Home Affairs
(Set-up in 1986)



Reports released by NCRB

- **Accidental Deaths & Suicides in India**
- **Crime in India**
- **Prison Statistics India**

About PSI Report 2021

- It provides data like **numbers and available capacity** of different types of jails, **strength** and training of jail officials and prison budget and expenditure.
- **Key findings of report**
 - **High Undertrials:** Nearly **8 out of every 10** prisoners in Indian jails are awaiting trial.
 - ✓ **Uttar Pradesh** jails record **highest number of undertrials** followed by Bihar and Maharashtra.
 - **Disadvantaged sections prisoners:** 67.5% inmates belong to SC, ST and OBC communities.
 - ✓ **80% of undertrials** are from disadvantaged sections of society.
 - **Budget & infrastructure:** Sanctioned budget for 2021-22 has **increased by 13%** in comparison to 2020-21.

About Modernisation of Prisons (MoP) Project

- Government of India has decided to provide financial assistance (in form of Grant in aid) to States and UTs, through MoP for using modern-day security equipment in Prisons for
 - Enhancing the security of jails and
 - To facilitate the task of reformation and rehabilitation of prisoners through correctional administration programmes.
- Duration of the project is for five years **2021-26**.
- Project will cover all States and UTs and cover the following prison types- Central Jails, District Jails, , Women Jails,, Special Jails etc.
- Core components of MoP project are video conference infrastructure, body worn cameras, door frame/Metal detector/Security Poles etc., Baggage Scanners/ Frisking/ Search/ Jamming Solutions etc. correctional programmes etc.

OBJECTIVES OF MODERNISATION OF PRISON PROJECT



4.5. DEATH PENALTY (CAPITAL PUNISHMENT)

Why in News?

Recently, Supreme Court had **Suo moto** opened a review of the process by which courts award the death penalty.

About Death Penalty

- Death penalty, can be defined as 'a practice sanctioned by law whereby a person is put to death by state as a punishment for a crime after legal trial'.
- Used as a mode of punishment since time immemorial,

Death Penalty in India and its Framework

- India is among the few countries that **retains capital punishment under different laws** (see infographic).
- By end of **2021**, **488 prisoners were on death row** in India under serious offences with introduction/proposal of more laws with Death Penalty such as:
 - **Punjab and Madhya Pradesh** introduced death penalty for causing deaths by spurious liquor.
- In **1980**, in **Bachan Singh v State of Punjab**, SC Judges upheld **constitutional validity** of death penalty due to built-in procedural safeguards

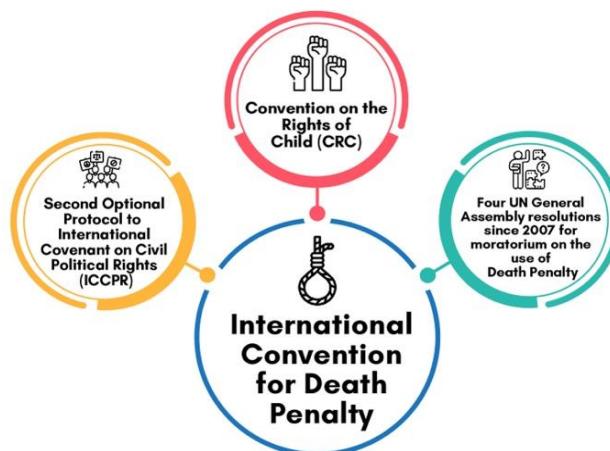
Constitutional and legal provisions related to Death Penalty in India

7th Schedule	Criminal law and Criminal Procedure are under Concurrent List leading to various laws dealing with Death Penalty
Article 21	No person shall be deprived of his life or personal liberty except according to procedure established by law
Article 72/Article 161	Mercy (Pardon) Power of President/Governor
Indian Penal Code, 1860	This law outlines the provisions for the death penalty in India and lists the offenses for which the death penalty can be awarded.

- However, it gave a **framework** for future sentencing judges when deciding between **life imprisonment** and **death sentence**.

IMPORTANT JUDICIAL PRONOUNCEMENTS IN CONTEXT OF DEATH PENALTY

- Bachan Singh v. State of Punjab, 1980:** Consider aggravating and mitigating factors of crime and the accused. Use Death Penalty only in 'rarest of rare cases'.
- Machhi Singh v. State of Punjab, 1983:** Identify the manner in which the crime was committed, motive, the anti-social nature of the crime the magnitude of the crime, and the personality of the victim.
- Shatrughan Chauhan v. Union of India, 2014:** Undue, inordinate and unreasonable delay in death penalty execution amounts to torture and a ground for commutation of sentence.



4.6. LEGAL SERVICES AUTHORITIES

Why in news?

Recently, at first All India District Legal Services Authorities (DLSA) Meet, Prime Minister urged the judiciary to speed up the release of undertrials.

- **About Legal Service Authorities Act, 1987**
 - It was enacted to establish a nationwide uniform network for providing free and competent legal services to the weaker sections.
 - ✓ Article 39A provides for free legal aid to the poor and weaker sections of the society and ensures justice for all.
- NALSA has been constituted under LSA, 1987 to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under Act.
 - CJI is Patron-in-Chief. NALSA is housed at Supreme Court of India.
 - Under the act, State and District Legal Services Authorities are also constituted.

Free Legal Services/ Aid Authorities



District Legal Services Authorities (DLSAs)

- **Establishment:** Under Legal Services Authorities Act (LSA), 1987.
- **Appointment:** State Government in consultation with Chief Justice of High Court constitute DLSA for every district in State.
- **Composition:** Headed by **District Judge** who acts as Chairman of DLSA.
- **Function:**
 - Provide **free legal aid, organize Lok Adalats, Legal literacy camps etc.**
 - Make sure that justice and fundamental rights are not denied to citizens due to poor economic conditions.
 - Reduce burden on courts by regulating Lok Adalats conducted by National Legal Services Authority.

Constitutional provisions related to undertrials

- Article 14 provides that the state shall not deny to any person equality before law or the equal protection of laws within the territory of India.
- Article 20 (2) states that no one shall be prosecuted and punished for the same offence more than once.
- Article 21 implied speedy trial as fundamental right in the guarantee of life and personal liberty.
- Article 22 directs that no person who is arrested shall be denied the right to consult and to be defended by the legal practitioner of his choice as well.
- Article 32 and Article 226 declare that any accused who is denied right of speedy trial is entitled to approach SC and HC for the purpose of enforcing such right respectively.
- Article 39A provides for free legal aid to the poor and weaker sections of the society and ensures justice for all.

4.7. LIVE STREAMING OF CONSTITUTION BENCH HEARINGS

Why in news?

For the first time, SC livestreamed its Constitution Bench Hearings.

About Live-streaming of court proceedings

- Live-streaming of SC proceedings is part of **third phase of e-courts project**.
 - e-courts project is an initiative to implement use of information and technology in judiciary.
- In 2018 (**Swapnil Tripathy vs Supreme Court**), SC declared live telecast of court proceedings part of right to access justice under Article 21 of Constitution.
 - Publishing court proceedings is an aspect of Article 129, as per which SC is a court of record.
- Currently, **six high courts**, namely **Gujarat, Orissa, Karnataka, Jharkhand, Patna, and Madhya Pradesh**, live-stream court proceedings through their channel on YouTube.

DO YOU KNOW?



Gujarat High Court was the first High Court to livestream court proceedings followed by the Karnataka High Court.

Other platforms to make judiciary more efficient and accessible

- **SUPACE (Supreme Court's Portal for Assistance in Court's Efficiency)**: AI based tool that collects relevant facts and laws and makes them available to a judge.
- **SUVAAS**: Neural translation AI based tool for translating SC judgments into vernacular languages.
- **Fast and Secured Transmission of Electronic Records (FASTER) System**: To ensure that undertrials are not made to wait for days on end behind bars to be released because certified hard copies of their bail orders were late to reach the prison.
- **Fast Track Special Courts (FTSCs)**: Set up under centrally-sponsored scheme for hearing rape and Protection of Children from Sexual Offences (POCSO) Act cases.

Newly initiatives launched under e-Court Project

- **Virtual Justice Clock**: Exhibits vital statistics at Court level giving the details of cases instituted, cases disposed and pendency.
- **JustIS Mobile App 2.0**: Tool for judicial officers for effective court and case management by monitoring pendency and disposal of cases.
- **Digital court**: Initiative to make court records available to judge in digitised form to enable the transition to Paperless Courts.
- **S3WaaS Websites**: To generate, configure, deploy and manage websites for publishing specified information and services related to district judiciary.

Related information

In-camera proceedings

- Supreme Court has rejected a plea for in-camera hearing in a rape case.
- **In-camera proceedings are private**, unlike open court proceedings.
 - These are conducted as per court's discretion in sensitive matters to ensure protection and privacy of parties involved.
 - Proceedings are held through video conferencing or in closed chambers, and public and press are excluded.
- These are conducted at family courts in cases of matrimonial disputes, including judicial separation, impotence etc.
 - Also conducted during deposition of witnesses of terrorist activities as per court's discretion to protect them and maintain national security.

Full Court Meeting

- **Chief Justice of India (CJI) called** a full court meeting.
- Full court meeting literally means one which is attended by all judges of court.
- There are no written rules dealing with this. As per convention, full-court meetings are called by CJI to discuss issues of importance to judiciary.
 - Such meetings are used to arrive at common solutions to deal with problems that beset country's legal system and to make any amends in administrative practices of the court.

Language in Higher Judiciary

- Article 348(1) of Constitution provides that all proceedings in SC and in every High Court shall be in English language until Parliament by law otherwise provides.
 - No law has been made in this regard by the Parliament so far.
- Article 348 (2) provides that Governor of State may, with previous consent of President, authorize the use of Hindi language or any other language used for any official purpose of State, in proceedings of High Court.



4.8. OTHER IMPORTANT NEWS

Tele-law service	<ul style="list-style-type: none"> MoU has been signed between Department of Justice and NALSA on Integrated Delivery of Legal Services. <ul style="list-style-type: none"> As per agreement, NALSA will provide services of 700 lawyers, in each district exclusively for Tele-Law program. These empanelled lawyers would act as referral lawyers and assist in strengthening the mechanism for dispute avoidance and dispute resolution at pre-litigation stage. Launched in 2017 by Department of Justice (Ministry of Law & Justice), Tele-Law initiative is a reliable and efficient e-interface and pre-litigation tool. Tele-Law mainstreams legal aid to marginalized seeking legal help by connecting them with Panel Lawyers through tele/video-conferencing infrastructure available at Common Service Centres (CSCs) across 1 lakh Gram Panchayats.
Broadcast Seva Portal	<ul style="list-style-type: none"> It is an online portal solution for speedy filing and processing of applications of broadcasters for various kinds of licenses, permissions, registrations, etc. <ul style="list-style-type: none"> It is launched by Ministry of Information & Broadcasting. It is a simple and user-friendly web portal that would bring Transparency, Accountability & Responsiveness in the ecosystem. It will reduce the turnaround time of applications and at the same time will help applicants track the progress.
Bodily Autonomy and Integrity	<ul style="list-style-type: none"> SC recently ruled that no individual can be forced to be vaccinated as bodily autonomy and integrity are protected under Article 21 of Constitution. It also said that government can impose restrictions on individual rights in public health interests if these restrictions meet the 3-fold requirement laid down by SC in Puttaswamy Judgement as: <ul style="list-style-type: none"> Legality, Legitimate Need and Proportionality. Bodily Autonomy and Integrity is the right of each human being, including children, to autonomy and self-determination over their own body. <ul style="list-style-type: none"> It is violated by any unconsented physical intrusion.
Sealed cover jurisprudence	<ul style="list-style-type: none"> It is a practice used by SC and lower courts, of asking for or accepting information from government agencies in sealed envelopes that can only be accessed by judges. <ul style="list-style-type: none"> No specific law does define the doctrine of sealed cover. Need <ul style="list-style-type: none"> Protect dignity of survivors of sexual assaults or child abuse which may affect their future life. If the matter pertained to Official Secrets Act. Protect ongoing investigation.
Transit Anticipatory Bail (TAB)	<ul style="list-style-type: none"> Bombay High Court has referred to its larger bench to hear issue of transit anticipatory bail. TAB is sought when a case against a person has been or is likely to be filed in a state different from one in which he or she is likely to be arrested. <ul style="list-style-type: none"> Purpose of transit bail is to allow the person bail, so they can approach appropriate court in state in which case has been filed for anticipatory bail. TAB is not defined or mentioned under CrPC. Section 438 of CrPC talks about grant of bail to a person anticipating arrest.
Constitution Bench	<ul style="list-style-type: none"> Recently, CJI assured that there will be at least one Constitution Bench functioning throughout the year in the SC. <ul style="list-style-type: none"> Presently, a total of 492 Constitution bench matters, involving 53 main cases involving key questions of law and constitutional interpretations, remains pending in the SC. Constitution Bench is a bench of the SC having 5 or more judges on it. <ul style="list-style-type: none"> Presently, they are set up by CJI on an ad-hoc basis as and when the need arises. Constitution Benches are set up only if one or more of the following circumstances exist: <ul style="list-style-type: none"> Article 143: Case involves a substantial question of law pertaining to the interpretation of Constitution. Article 145(3): President of India has sought the SC's opinion on a question of fact or law under Article 143. Two or more three-judge benches of SC have delivered conflicting judgments on same point of law, thus warranting a definitive pronouncement by a larger bench. A later three-judge bench doubts the correctness of a judgment delivered by a previous three-judge bench of SC and decides to refer to a larger bench for a reconsideration of earlier judgment.
Curative petition	<ul style="list-style-type: none"> Centre informed the SC that it will pursue curative petition seeking enhancement of compensation to the victims of Bhopal gas tragedy.

	<ul style="list-style-type: none"> Curative petition is last constitutional remedy available to a person whose review petition has been dismissed. <ul style="list-style-type: none"> It is not mentioned in constitution and was given by SC in the case of Rupa Ashok Hurra v. Ashok Hurra & Anr case. Review petition is mentioned under Article 137 empowering SC to review any judgment pronounced or order made by it, to prevent miscarriage of justice. 	
Split Verdict	<ul style="list-style-type: none"> Supreme Court delivered a split verdict in Karnataka hijab ban case. Split verdict is passed when Bench cannot decide one way or other in a case, either by a unanimous decision or by a majority verdict. <ul style="list-style-type: none"> Normally, judges sit in Benches of odd numbers (three, five, seven, etc.) for important cases. In case of split verdict, case is heard by a larger Bench constituted by CJI. 	
Doctrine of Res Judicata	<ul style="list-style-type: none"> SC has observed that Doctrine of Res Judicata is attracted not only in separate subsequent proceedings but also a subsequent stage of same proceedings. Res Judicata, i.e., a matter judged, is the principle that a cause of action may not be re-litigated once it has been judged on the merits. <ul style="list-style-type: none"> It provides finality to litigation and protects parties from being vexed by same matter twice. It is defined under Section 11 of Civil Procedure Code. 	
Doctrine of pith and substance	<ul style="list-style-type: none"> Pith means ‘true nature’ or ‘essence of something’ and Substance means ‘most important or essential part of something’. It says that where the question arises of determining whether a particular law relates to a particular subject (mentioned in one List or another), court looks to the substance of the matter. <ul style="list-style-type: none"> Thus, if substance falls within Union List, then incidental encroachment by law on State List does not make it invalid. SC in various cases like Calcutta Gas Company case (1962), India Cement Ltd Vs. State of Tamil Nadu (1990), Jilubhai Nanbhai Khachar case (1994) referred to the principle of Pith and Substance. It is essential to ascertain the true nature and character of a legislation for purpose of determining List under which it falls. 	
Doctrine of Colourable Legislation	<ul style="list-style-type: none"> It is based on maxim that what cannot be done directly cannot also be done indirectly. It depicts the notion that legislation cannot be used under ‘colour’ or ‘guise’ of power which was conferred for one purpose and use it for some other purpose which is otherwise not valid. It is built upon founding stones of Doctrine of Separation of Power. It is a tool devised and applied by SC to interpret Constitutional provisions to avoid any unjust or fraudulent use of Indian laws. <ul style="list-style-type: none"> In “Balaji v. State of Mysore” case, SC held that order reserving 68% of seats for students belonging to backward classes was violative of Article 14 in disguise of making a provision under Article 15(4). 	
Law Commission of India (LCI)	<ul style="list-style-type: none"> Centre constituted 22nd Law Commission of India with Justice (retd) Rituraj Awasthi at its head. Law Commission was first constituted in 1955, Since then 21 Law Commissions have been appointed, each with a three-year term. 	<p style="text-align: center;">Law Commission of India (LCI)</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Composition:</p> <ul style="list-style-type: none"> A full-time chairperson, Four full-time members, including a member-secretary, Secretary, Department of Legal Affairs as ex-officio Member. Secretary, Legislative Department as ex officio Member. Not more than five part-time Members. </div> <div style="width: 45%;">  <p>Function: Mandated to undertake comprehensive and critical examination of existing laws.</p> <ul style="list-style-type: none"> It is an advisory body to Ministry of Law and Justice.  </div> </div>
Gram Nyayalayas (GNs)	<ul style="list-style-type: none"> SC sought a response from all high courts on a 2019 plea seeking a direction to Centre and all states to set up GNs. <ul style="list-style-type: none"> As of December 2021, 476 GNs have been notified by 15 States and 256 are operational in 10 States. About GNs <ul style="list-style-type: none"> Law Commission, in its 114th report suggested establishment of GNs. In 2008, Parliament passed Gram Nyayalayas Act. 	

SALIENT FEATURES OF GRAM NAYALAYA ACT		
 Provides for establishment of GNs at intermediate panchayat level	 State government in consultation with high court will appoint a 'Nyayadhikari' for each GN	
 Try criminal cases, civil suits, claims or disputes	 Shall be guided by principles of natural justice subject to any rule made by High Court	 They shall not be bound by rules of evidence provided in Indian Evidence Act, 1872
Narco Test	<ul style="list-style-type: none"> In a narco or narcoanalysis test, a drug called sodium pentothal is injected into the body of accused, which transports them to a hypnotic or sedated state. <ul style="list-style-type: none"> Sodium pentothal or sodium thiopental is a fast-acting, short duration anesthetic that belongs to barbiturate class of drugs that act on central nervous system as depressants. According to SC (<i>Selvi versus State of Karnataka</i>) narcoanalysis, polygraph and brain mapping tests cannot be forced upon any individual without their consent and test results cannot be admitted solely as evidence. 	
National Automated Fingerprint identification system (NAFIS)	<ul style="list-style-type: none"> Ministry of Home Affairs has inaugurated NAFIS. NAFIS is a country-wide searchable database of crime- and criminal-related fingerprints project. <ul style="list-style-type: none"> It is developed by National Crime Records Bureau (NCRB) and would help in quick and easy disposal of cases. It assigns a unique 10-digit National Fingerprint Number (NFN) to each person arrested for a crime. This unique ID will be used for person's lifetime, and different crimes registered under different FIRs will be linked to same NFN. Earlier, Madhya Pradesh became first state to identify a deceased person through NAFIS. 	
National Company Law Tribunal (NCLT)	<ul style="list-style-type: none"> Government has appointed 15 judicial and technical members at NCLT for a period of five years or till they attain the age of 65 years, whichever is earlier. NCLT (established in 2016 under Companies Act,2013) adjudicates matters related to the Insolvency and Bankruptcy Code (IBC) and Companies law. It has a total of 28 benches, with the principal bench in New Delhi. 	
Crime Multi Agency Centre (Cri-MAC)	<ul style="list-style-type: none"> Several states/UTs have not uploaded a single alert on Cri-MAC. Cri-MAC was launched in 2020 by Ministry of Home Affairs to share information on crime and criminals 24x7 with various law enforcement agencies and ensure a seamless flow of information among them. Application run by NCRB aims to help in early detection and prevention of crime incidents across the country. 	

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5. ELECTIONS

5.1. ANTI-DEFECITION LAW

Why in News?

Political crisis in Maharashtra has raised **discussions over legalities of elected MLAs switching parties.**

What is defection?

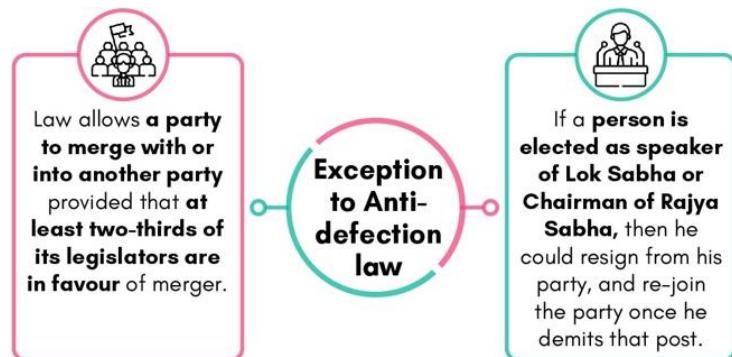
- Defection may be defined as **practice of floor-crossing by a member of one political outfit to another** (also, commonly referred as Horse Trading).
 - For instance, in Lok Sabha, if MPs of Party A join Party B, they are said to have defected and thus will face the prevalent anti-defection proceedings.

About Anti- defecition Law

- Anti-defecition law** provides for disqualification of MLAs who, after being elected on ticket of a political party, “voluntarily give up their party membership”.
 - It was included under **10th schedule** via **52nd amendment act, 1985.**
 - Any question regarding disqualification arising out of defection is to be **decided by the presiding officer of the House.**
 - Presiding officer of a House is empowered to make rules to give effect to the provisions of the Tenth Schedule
- Grounds of Disqualification**
 - If **member votes or abstains from voting** in such House **contrary to any direction issued by his political party** without obtaining prior permission of such party and **such act has not been condoned by the party within 15 days.**
 - Nominated member**, if he joins any political party after expiry of 6 months.
 - An **independent member**, if he joins any political party.

National party Status

- A political party would be **considered a national party** if:
 - It is ‘recognised’ in four or more states; or
 - If its candidates polled at least 6% of total valid votes in any four or more states in last Lok Sabha or Assembly elections and has at least four MPs in last Lok Sabha polls; or
 - It has won at least 2% of total seats in Lok Sabha from not less than three states.
- At present, ECI has recognised eight parties as national parties.



5.2. SIMULTANEOUS ELECTIONS

Why in news?

The issue of holding **simultaneous Parliamentary and Assembly elections** has been referred to Law Commission for a practicable roadmap and framework.

About Simultaneous Elections (SE)

- It means **structuring Indian election cycle in a manner that elections to Lok Sabha and State Assemblies are synchronized together** under which voters in a particular constituency vote for both on same day.
 - SE does not mean that voting across country for Lok Sabha and State Assemblies happen on a single day.

Constitutional provisions related to simultaneous Elections

Article 83		Lok Sabha shall have a normal term of 5 years from the date appointed for its first meeting and no longer.
Article 85		President of India has power to dissolve Lok Sabha on advice of Union Cabinet.
Article 172		Lays down the term for Legislative Assemblies as five years.
Article 174		Governor has power to dissolve state assembly on advice of state Cabinet.

- It can be conducted in a phase-wise manner and voters in a particular constituency vote for both State Assembly and Lok Sabha the same day.
- SE were the norm until 1967. But following 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, **SE idea was proposed by Election Commission in 1983.**
- It was also referred by Law Commission and NITI Aayog and recommended by Dinesh Goswami Committee.

5.3. DELIMITATION COMMISSION

Why in news?

Recently, Jammu and Kashmir (J&K) Delimitation Exercise concludes.

More on news

- Delimitation Commission was **set up on March 6, 2020 to redraw boundaries of assembly and parliamentary constituencies in Jammu and Kashmir.**
 - The commission has **proposed increasing the number of seats in the UT from 83 to 90.**
 - Besides, there are 24 seats in Pakistan-occupied Kashmir (PoK) that continue to remain vacant.

Delimitation in Northeast States (NES)

- As per **Section 8A of RPA 1950, President can order delimitation exercise** to be carried out in Arunachal Pradesh, Assam, Manipur and Nagaland.
 - Delimitation exercise **has not been carried out for last 51 years in these states.**
 - **Last delimitation exercise (2002-08)** kept out these NES due to apprehensions over use of 2001 Census.
 - Also, **Presidential Order of 2020**, which allowed for conducting delimitation exercises in these 4 states as well, was restricted to Jammu and Kashmir only.

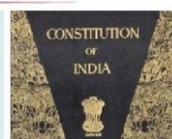
Related information

Jammu and Kashmir Electoral Roll

- J&K Chief Electoral Officer announced that anyone “**who is living ordinarily in J&K**” can avail the opportunity to **get enlisted as a voter in J&K** in accordance with **provisions of RPA, 1951.**
 - **Electoral roll was last revised in 2019 under J&K RPA, 1957** which became **null and void** after abrogation of Article 370.
 - **Under J&K RPA, 1957, only ‘permanent residents’** were eligible to vote.
 - **RPA 1951, now determines the conduct of elections** in J&K.
 - With Article 370 scrapped, there will be a **single electoral roll now for assembly and parliamentary polls.**
- Ordinarily resident is **determined by electoral registration officer of a constituency.**
 - Such a person may be from another part of country but **living in J&K for purpose of work, business or other reasons**, provided the **person gets their name deleted from electoral roll of their native constituency.**
- When Article 370 was in force, those ‘ordinarily residing’ in J&K were **eligible to vote only in parliamentary polls** (categorised as **non-permanent resident (NPR)**).
 - NPR includes **West Pakistan refugees living in J&K since 1947.**
- **Revision of electoral rolls in J&K**
 - **Election Commission of India is working on fresh electoral rolls** in J&K after **J&K Delimitation Commission carved out seven new Assembly constituencies** (six to Jammu division and one to Kashmir) under **J&K Reorganisation Act, 2019.**
 - Fresh electoral rolls are essential to prepare the ground for any announcement of elections in J&K (last held in 2014).

Delimitation Commission (DC)

Establishment: Parliament enacts a Delimitation Act after every Census which establishes a DC.



Constitutional body (Article 82)

■ DCs have been constituted in **1952, 1963, 1973 and 2002.**



■ In 2002, **84th Constitutional Amendment was used to freeze the process of delimitation for Lok Sabha and State assemblies** till at least 2026.

■ **Under Article 170,** States also get divided into territorial constituencies as per Delimitation Act after every Census.



Appointment: By President of India and works in collaboration with Election Commission of India.



Composition: 3 members for each (respective) state/UT:

- A serving or retired judge of SC as chairperson.
- Chief Election Commissioner (CEC) or Election Commissioner nominated by CEC.
- State Election Commissioner of concerned state/UT



Function

- Act of redrawing boundaries of Lok Sabha and Assembly seats to represent changes in population.

5.4. ELECTORAL BONDS

Why in news?

Recently, Data from State bank of India shows that since 2018, political parties have collected more than Rs 10000 crore from EBs.

About Electoral Bonds (EBs)

- Union Budget 2017-18 introduced EBs as **interest-free bearer instruments** in an attempt to cleanse the system of political funding in the country.
- Rationale was to limit the use of cash in political funding, eliminate fraudulent

Electoral Bond

What is An Electoral Bond?

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

Who May Purchase These Bond?

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

What are different Bond Denominations?

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

When May Such Bonds Be Bought?

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

What is its Lifespan?

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

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

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

When was it announced?

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

What are other features?

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

political parties, protecting donor from political victimization, curb black money etc.

5.5. ELECTION LAWS (AMENDMENT) ACT, 2021

Why in news?

President gave the assent to Election Laws (Amendment) Act, 2021.

About the Act

- It amends **Representation of People Act, 1950 (RPA, 1950)** and **Representation of People Act, 1951 (RPA, 1951)** to implement certain electoral reforms.

Key features of Election Laws (Amendment) Act, 2021

- **Linking electoral roll data with Aadhaar** (by amendment of section 23 of RPA, 1950).
 - Electoral registration officer may require a person to furnish their Aadhaar number for establishing their identity.
 - **Persons will not be denied inclusion in electoral roll** or have their names deleted from the roll, if they are unable to furnish Aadhaar number due to sufficient cause as prescribed.
 - Such persons may be permitted to furnish alternate documents prescribed by central government.
- It provides four qualifying dates in a calendar year, which will be **January 1, April 1, July 1, and October 1**.
- Act replaces the term 'wife' with 'spouse' in both the Acts.
- Act expands the purposes for which premises can be requisitioned.

- These include using the premises for counting, storage of voting machines and poll-related material, and accommodation of security forces and polling personnel.
- 1951 Act permits state government to requisition premises needed or likely to be needed for being used as polling stations, or for storing ballot boxes after a poll has been conducted.

Representation of People Act



RP Act, 1950, inter alia, provides for

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



RP Act, 1951, inter alia, provides for

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

Related information

Remote Voting

- Remote voting refers to a **mechanism that allows electors to vote from locations other than polling stations assigned** to their registered constituencies — either within country or even abroad.
 - Voting rights for NRIs were **introduced in 2011 through an amendment to RPA, 1950**.
 - However, **section 20A of Act requires overseas electors to be physically present** in their electoral constituencies to cast their votes.
- **Other mechanisms of voting**
 - **Proxy voting (introduced in 2003)**: A registered elector can delegate his voting power to a representative.
 - ✓ Only a “classified service voter” which includes members of armed forces, BSF, CRPF, CISF, General Engineering Reserve Force and Border Road Organisation.
 - **Electronically Transmitted Postal Ballot System (ETPBS)**
 - ✓ Here, ballot paper is transmitted through Electronic Means to service voters.
 - ✓ Members of armed forces, police (serving outside state), government employees posted outside India and their spouses; people under preventive detention; special voters such as the President of India, Vice President, etc.

Postal ballot for NRIs

- CEC recently told that a **proposal on extension of ETPBS facility for NRIs** being contemplated.
- While EC at present allows NRIs to register as overseas electors as long as they have not acquired the citizenship of another country, they **have to reach their respective polling booths to cast their votes** in person on voting day.

INDIAN ELECTORAL SYSTEM

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



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



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



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



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



- Political parties** are an indispensable part of the electoral process.

5.6. APPOINTMENTS OF ELECTION COMMISSIONERS

Why in News?

Recently, a private member's Bill was introduced in Lok Sabha regarding **formation of selection committee for Election Commissioners (EC)**.

More about News

- Bill seeks to **insulate appointment process of EC** and mandates that they **should not be eligible for any post-retirement jobs**.
- It seeks the **members of EC, including Chief Election Commissioners (CEC)**, to be **appointed by PM Led panel**.

- Bill seeks to give CEC and EC a fixed term of 6 years and Regional Commissioners a fixed term of 3 years from dates of their respective appointments.

Election Commission of India (ECI)



About Private member Bill

- Any bill introduced by a member other than a minister.
- Can only be introduced and discussed on Fridays.
- Admissibility is decided by Chairman in case of Rajya Sabha and Speaker in case of Lok Sabha.
- No private member's bill has become an Act since 1970.

STRENGTH OF ELECTION COMMISSION



5.7. SOCIAL DEMOCRACY

Why in News?

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

More in News

- Nordic model of social democracy is combination of social welfare and economic systems adopted by Nordic countries (Sweden, Norway, Finland, Denmark, and Iceland).
- This model has helped these countries achieve significant outcomes like high levels of international trade and participation in globalization, economic progress, low levels of inequality, high living standards, highest labour participation rates in world.

Features of social democratic system include;

- Reliance on representative and participatory democratic institutions where separation of powers is ensured.
- Comprehensive social welfare schema with emphasis on publicly provided social services and investment in child care, education and research among others, that are funded by progressive taxation.
- Presence of strong labour market institutions with active labour unions and employer associations.
 - This allows for significant collective bargaining, wage negotiations and coordination besides an active role in governance and policy.

WHAT IS SOCIAL DEMOCRACY?

SOCIALISM OR CAPITALISM?

- Social democracy is an ideology that seeks to promote egalitarianism within a capitalist system.
- This involves using social and economic interventions in order to create a fair and equal society within a capitalist framework.

EQUALITY

- Social democrats seek to create greater equality within society through measures such as wealth redistribution and welfare provision.
- Representative democracy is also used as a means by which greater equality can be achieved.

EVOLUTION vs REVOLUTION

- Unlike Marxists, social democrats seek change through evolution rather than revolution.
- They tend to promote models that combine capitalism and socialism, in order to effect change in society, including both private and state ownership.

UNIVERSAL SERVICES

- Modern social democracy is characterised by its commitment to the universal provision of services such as health care, education, and care services for the elderly and children.
- Social democrats also strongly promote workers' rights.

5.8. OTHER IMPORTANT NEWS

Association of Asian Election Authorities (AAEA)	<ul style="list-style-type: none"> India has been unanimously elected as the new Chair of the AAEA for 2022-2024. AAEA was established in 1998 to provide a non-partisan forum in the Asian region for promoting open and transparent elections to support good governance and democracy. Election Commission of India is a founder member of Election Management Body (EMB) of the AAEA.
Registered Unrecognised Political Parties (RUPPs)	<ul style="list-style-type: none"> Election Commission deleted 111 'non-existent' parties from list of registered political outfits. These 111 RUPPs were found to be non-existent and violating RPA, 1951. It is to be noted that EC does not have power to deregister a political party, a reform still pending approval from government. <ul style="list-style-type: none"> However, it can take up the issue of financial irregularities and seek mandatory compliance from parties like sources and manner of donations, disclosures by companies, details of bank account etc.
Election Symbols (Reservation and Allotment) Order, 1968	<ul style="list-style-type: none"> Election Symbols (Reservation and Allotment) Order, 1968 empower the ECI which group is representative of a recognised national and state party if rivalry arises in the party. <ul style="list-style-type: none"> Decision of ECI is binding. Splinter group of party (other than the group that got party symbol) had to register itself as a separate party and could lay claim to national or state party status only on basis of its performance in state or central elections after registration. For splits in registered but unrecognised parties, EC usually advises warring factions to resolve their differences internally or to approach the court. In almost all disputes decided by EC so far, a clear majority of party delegates/office bearers, MPs and MLAs have supported one of factions. <ul style="list-style-type: none"> Whenever EC could not test the strength of rival groups based on support within party organisation (because of disputes regarding the list of office bearers), it fell back on testing majority only among elected MPs and MLAs.
Contesting Elections from Multiple Seats	<ul style="list-style-type: none"> Recently, Chief Election Commissioner has made a fresh push for amending RPA 1951 to bar people from contesting from more than one seat. <ul style="list-style-type: none"> As an alternative, hefty fine should be imposed on those vacating one of the constituencies and forcing a bypoll. As per Section 33(7) of RPA, one candidate can contest from a maximum of two constituencies (more constituencies were allowed until 1996 when the RPA was amended to set the cap at two constituencies). Dinesh Goswami Committee report (1990) and 170th report of Law Commission on Electoral Reforms (1999) had also included recommendations for restricting one contestant to one seat. Legislative Department, Ministry of Law and Justice, is the nodal agency in government to deal with issues related to the EC.
Different types of Votes	<ul style="list-style-type: none"> Tender votes: These are useful when a person representing himself or herself to be a particular elector seeks to vote after another person has already voted as such elector. <ul style="list-style-type: none"> Then, he shall be entitled, to mark a tendered ballot paper in the same manner as any other elector. Challenged vote: It is a process where a political agent working at polling booth, called polling agent, challenges identity of any elector they think is falsifying their identity. Test vote: A voter who claims that the electronic voting machine or the paper trail machine did not record his or her vote correctly is allowed to cast a test vote.

Registration of Electors	<ul style="list-style-type: none"> Election Commission in pursuance of legal amendments in RPA 1950 and modifications in Registration of Electors Rules, 1960, has initiated following changes, <ul style="list-style-type: none"> Those above 17 years of age can apply in advance for getting enrolled in voters' list. Electoral roll will be updated every quarter and eligible youngster can be registered in next quarter of year in which they have attained qualifying age of 18 years. Optional provision to link Aadhaar details with the form has been added.
National Advisory Committee on Accessible Elections (NACAE)	<ul style="list-style-type: none"> Election Commission of India has set up two sub-committees under NACAE. <ul style="list-style-type: none"> Sub-committees aim to study ways to improve accessibility features of its websites, and make registration of persons with disabilities (PwDs) as electors easier. NACAE review work and issues relating to participation of PwDs in electoral process at state and district level. <ul style="list-style-type: none"> Deputy election commissioner is chairperson of committee. Meetings are convened biannually or as decided by chair. Time period is two years or until alternate structure is proposed.

#PrelimsIsComing

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6. IMPORTANT LEGISLATURE/BILLS

6.1. MULTI-STATE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2022

Why in news?

Recently, Lok Sabha referred the Multi-State Co-operative Societies (Amendment) Bill-2022 to a joint committee of Parliament.

More on news

- Bill seeks to amend **Multi-State Co-operative Societies (MSCS) Act, 2002** considering 97th Constitutional Amendment Act, 2011 which inserted Part IXB in Constitution.
 - It aims to enhance **transparency, accountability, improve ease of doing business**, and promote better **financial discipline**.
- Key Amendments of Multi-State Co-operative Societies (Amendment) Bill-2022**



Specifications	Detail
Establishment of Co-operative Election Authority (CEA)	<ul style="list-style-type: none"> Central government will establish CEA consisting of Chairperson, Vice-chairperson and up to 3 members appointed by Central Government to: <ul style="list-style-type: none"> Conduct such elections, Supervise, direct and control preparation of electoral rolls.
Co-operative Ombudsman	<ul style="list-style-type: none"> Central government will appoint one or more Co-operative Ombudsman with territorial jurisdiction for redresses of complain.
Amalgamation and Division	<ul style="list-style-type: none"> Allows co-operative societies (registered under state laws) to merge into an existing MSCS. <ul style="list-style-type: none"> At least two-thirds of members of co-operative society present and voting at a general meeting must pass a resolution to allow such a merger.
Co-operative Rehabilitation Fund	<ul style="list-style-type: none"> Establishment of Co-operative Rehabilitation, Reconstruction and Development Fund for revival of sick MSCS.
Amends composition of Board of Directors	<ul style="list-style-type: none"> Bill mandate inclusion of 1 Scheduled Caste or Scheduled Tribe member and 2 women members.
Increased penalties for offences	<ul style="list-style-type: none"> Failure to file any return or information will be an offence. Fine for all these offences will extend from Rs 5,000 to 1 lakh rupees
Concurrent audit	<ul style="list-style-type: none"> Insert a new Section 70A, for such multi-state societies with an annual turnover or deposit of more than the amount as determined by Centre.

About Co-operatives Societies

- It is a **voluntary association of individuals having common needs** who join hands for achievement of **common economic interest**.
 - It aims to provide support to its members, with focus on **interest of poorer sections of society**, through principle of self-help and mutual help.
- 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 567**, followed by Uttar Pradesh (147) and New Delhi (133).
- Among **300 largest cooperative societies of world**, three societies of India namely Amul, IFFCO and KRIBHCO are also included.

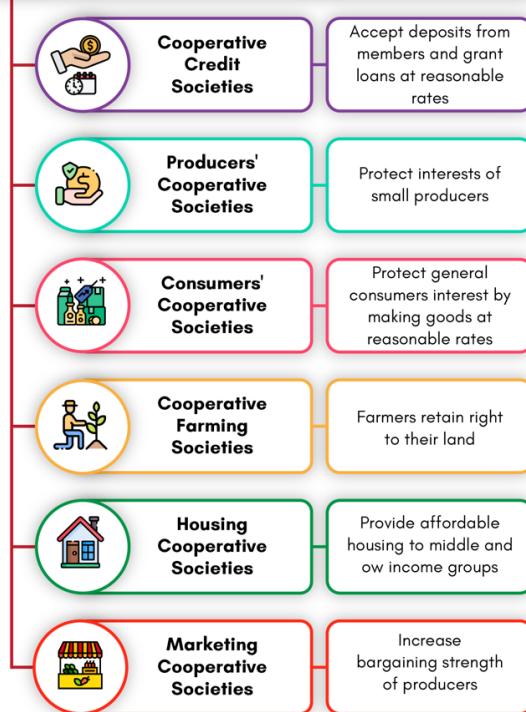
Multi-State Cooperative Societies Act, 2002

- 2002 Act was **enacted to:**
 - consolidate and amend law relating to co-operative societies**, with objects not confined to one State and serving interests of members in more than one State,
 - facilitate voluntary formation and democratic functioning of co-operatives** as people's institutions based on self-help and mutual aid
 - enable them to promote their economic and social betterment** and to provide functional autonomy.

Constitutional and legal provisions related to Co-operatives

7th Schedule		• Cooperatives falls in the state list of 7th schedule
Article 19(l)(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 97th 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

Types of Cooperatives working in India



Related information

Government e-Marketplace (GeM)

- Onboarding of cooperatives on GeM will allow cooperatives to procure through GeM portal like other government buyers.
- GeM is a one-stop portal, developed by Directorate General of Supplies and Disposals under Ministry of Electronics, delivering economies of scale through online procurement of goods and services.
 - Purchases through GeM by Government users have been authorized and made mandatory by Ministry of Finance.
- In first phase, all eligible cooperatives with a turnover and deposits of ₹100 crore will be able to start placing orders on GeM portal.
 - This will provide cost efficiency for Co-operatives.
 - Until now, cooperatives were purchasing goods and services from open market.

6.2. FOREIGN CONTRIBUTION REGULATION ACT (FCRA)

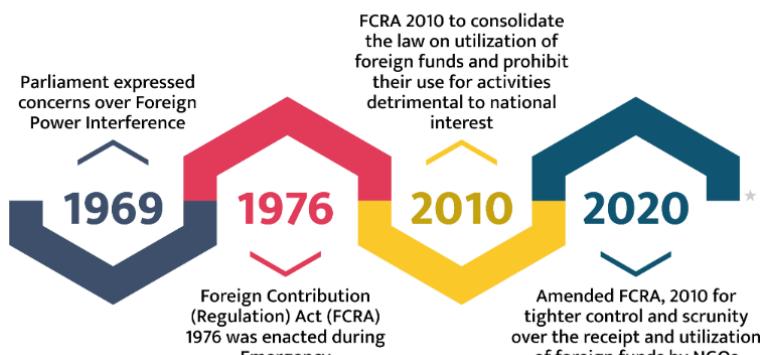
Why in News?

Recently, Central Government notified Foreign Contribution (Regulation) Amendment Rules, 2022 to reduce compliance burden on citizens.

More on News

- Amending Foreign Contribution (Regulation) Rules, 2011, now individuals can send up to ₹10 lakh without informing the government.
 - If amount exceeds ₹10 lakh, individuals will have three months to inform the government against 30 days earlier.
 - The entities that can receive this includes political parties, legislature members, election candidates, government servants, judges, journalists, and media houses- who were all barred earlier from receiving foreign contribution.
- Time limit prescribed for intimation to Central Government** for application of obtaining 'registration' or 'prior permission' under FCRA to receive funds has been increased from 15 days to 45 days.

EVOLUTION OF FCRA



- Also, in a separate notification, list of **compoundable offences under FCRA was increased to 12 from 7.**
 - Compoundable offences** are those where complainant can agree to take back charges levied against accused.

FCRA: Purpose and Provisions

- Foreign contribution means donation, delivery or transfer made by any foreign source of any article, currency, or security.
 - FCRA is implemented by **Ministry of Home Affairs (MHA)**, supported by Intelligence Bureau in approvals and rejections through investigation on antecedents.
- FCRA Act: Major Provisions of post 2020 amendment**

Constitutional and legal provisions related to NGO

7th Schedule	Concurrent List mentions charitable institutions, charitable and religious institutions
Article 19(1)(c)	Allows the right to form associations
The Foreign Contribution Regulation Act (FCRA)	This act regulates the inflow of foreign contributions to NGOs in India
The Societies Registration Act, 1860	This act provides for the registration of non-profit organizations in India
The Companies Act, 2013	This act governs the formation and operation of companies in India , including Section 8 companies, which are non-profit organizations

Specifications	Detail
Foreign funds	<ul style="list-style-type: none"> Prior Permission to receive foreign funds though registration with mandatory Aadhaar submission of every office-bearer of NGOs. Prohibits receipt of foreign funds. (see image)
FCRA Account	<ul style="list-style-type: none"> Designated FCRA Account in such branches of State Bank of India, New Delhi to receive funds. <ul style="list-style-type: none"> No funds other than foreign contribution can be received or deposited in it and it can't be transferred to any other person or NGO.
Validity of FCRA registration	<ul style="list-style-type: none"> Validity is five years and NGOs are expected to apply for renewal within six months of date of expiry of registration.
Use of funds	<ul style="list-style-type: none"> Use of funds is limited to the purpose for which it was received with a maximum limit of 20% (earlier 50%) to meet administrative expenses.
Submission of annual reports	<ul style="list-style-type: none"> Compulsory filing of annual returns and in case of contraventions, government can restrict usage of unutilized foreign contribution after an inquiry



Related information

Regulation of Non-Governmental Organisations (NGOs)

- While upholding amendments in FCRA 2010, SC stated that **Parliament can prevent NGOs from receiving foreign donations** as no one has fundamental or absolute right to receive foreign contributions.
- SC also made following observations:**
 - It is open to a sovereign democratic nation to completely prohibit acceptance of foreign donation on the ground that it undermines the constitutional morality of the nation.
 - Foreign contributions can have a material **impact on matter of socioeconomic structure and polity of country**.
 - Foreign aid can create presence of a foreign contributor and **influence policies of country**.
 - Foreign contributions can **influence political ideology** and should be at a minimum level.
- NGOs are not a part of government but have a **legal status** and are registered as **Trust, Society or Private Limited Non-Profit Company**.

- **Provisions regarding Regulation of NGO in India**
 - **Foreign Exchange Management Act (FEMA), 1999:** There are certain NGOs that are registered under FEMA and continue to disburse foreign funds to various associations in India.
 - ✓ FEMA is regulated by Ministry of Finance and was introduced to consolidate and amend law relating to foreign exchange for facilitating external trade and payments.

6.3. MODEL TENANCY ACT, 2021

Why in news?

Recently, four States (Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Assam) revised their tenancy laws to be in line with Model Tenancy Act (MTA).

About Model Tenancy Act (MTA), 2021

- **Ministry of Housing and Urban Affairs (MoHUA) has approved MTA, 2021** to streamline the process of renting property in all State and Union Territory (UTs) and aid rent economy in estate sector.
 - In 2021, Jammu and Kashmir has become the first Union Territory to adopt MTA.
 - Since housing is a part of State List under 7th Schedule of Constitution, Model Act is only a suggestive framework (not binding) for states to follow while regulating rental housing and agreements.
 - It replaces existing tenancy provisions of more than 70 years old East Punjab Urban Rent Restriction Act, 1949.
- **Key highlights of MTA, 2021:**

Specifications	Detail
Applicability	<ul style="list-style-type: none"> • It'll cover premises let out for residential, commercial or educational use, but not for industrial use. It also won't cover hotels, lodging houses, inns, etc.
Tenancy agreement	<ul style="list-style-type: none"> • All premises (residential or commercial) shall be rented only after a written agreement on mutually agreed terms and informed to proposed Rent Authority within two months from date of tenancy agreement.
Tenancy period	<ul style="list-style-type: none"> • Tenant may request the landlord for renewal or extension of tenancy period. • If tenant fails to vacate premises at the end of tenancy, or on termination of tenancy by an order, he will be liable to pay <ul style="list-style-type: none"> ○ Twice the monthly rent for first two months and, ○ Four times monthly rent subsequently till he occupies premises.
Security Deposit	<ul style="list-style-type: none"> • It has been capped to a maximum of two month's rent for residential properties and, minimum of six month's rent for non-residential property.
Digital platform	<ul style="list-style-type: none"> • It'll be set up in local vernacular language of the State for submitting tenancy agreement and other documents.
Sub-letting	<ul style="list-style-type: none"> • It can only be done with prior consent of landlord, and no structural change can be done by tenant without written consent of landlord. • Model Act establishes a three-tier quasi-judicial dispute adjudication mechanism comprising Rent Authority, Rent Court and Rent Tribunal to provide fast-track resolution of disputes and reduce burden of tenancy disputes from civil courts.
Three-tier redressal system	<ul style="list-style-type: none"> • To provide fast-track resolution of disputes and reduce burden of tenancy disputes from civil courts. <ul style="list-style-type: none"> ○ Disposal of complaint by Rent Court and Rent Tribunal should be within 60 days. • Rent Authorities and Rent Courts will be appointed by District Collector with approval of state government. • State may establish Rent Tribunal in each district after consulting with jurisdictional High Court. • No civil court will have jurisdiction over matters pertaining to provisions under Model Act.
Eviction	<ul style="list-style-type: none"> • To evict a tenant, landlord must apply to the Rent Authority seeking such eviction. Conditions for eviction of tenant include <ul style="list-style-type: none"> ○ refusal to pay agreed upon rent. ○ failure to pay rent for more than two months; ○ occupation of part or whole of premises without written consent; and ○ misuse of premises despite a written notice.



6.4. CRIMINAL PROCEDURE (IDENTIFICATION) RULES, 2022

Why in news?

Ministry of Home Affairs (MHA) notified the Criminal Procedure (Identification) Rules, 2022 governing **Criminal Procedure (Identification) Act (CPA), 2022**.

About Criminal Procedure (Identification) Act (CPA), 2022

- Act repealed the **Identification of Prisoners Act, 1920** which was enacted to authorise the taking of measurements and photographs of convicts and other persons.
- 2022 Act expands the scope and ambit of “measurements” which can be taken under provisions of law.
 - It will help in unique identification of a person involved in any crime and will assist investigating agencies in solving criminal case.

Key Provisions of Criminal Procedure (Identification) Act (CPA), 2022

Specifications	Detail
Expands ambit of certain provisions	<ul style="list-style-type: none"> Expands type of data called as measurements that may be collected, persons from whom such data may be collected, authority that may authorize such collection and rule-making power.
Retention of details	<ul style="list-style-type: none"> Details collected to be retained in digital or electronic form for 75 years from date of collection. <ul style="list-style-type: none"> Record may be destroyed in case of persons who have not been previously convicted, and who are released without trial, discharged, or acquitted by court.
Resistance to giving details	<ul style="list-style-type: none"> Resistance or refusal to give details will be considered an offence under Indian Penal Code, 1860.
Role of National Crime Records Bureau (NCRB)	<ul style="list-style-type: none"> Act empowers NCRB to collect details about persons covered under act from state governments, UT administrations, or other law enforcement agencies. <ul style="list-style-type: none"> Other functions of NCRB under Bill include storing, processing, disseminating and destroying those details.

Comparison of key provisions of 1920 Act and 2022 Act

Parameters	1920 Act	Changes in 2022 Act
Data permitted to be collected	<ul style="list-style-type: none"> Fingerprints, foot-print impressions, photographs. 	Adds: <ul style="list-style-type: none"> Biological samples, and their analysis, Iris and retina scan. Behavioural attributes including signatures, handwriting, Examinations under sections 53 and 53A of CrPC (includes blood, semen, hair samples, and swabs, and analyses such as DNA profiling).
Persons whose data may be collected	<ul style="list-style-type: none"> Convicted or arrested for offences punishable with rigorous imprisonment of 1 year or more. Persons ordered to give security for good behaviour or maintaining peace. Magistrate may order in other cases collection from any arrested person to aid criminal investigation. 	<ul style="list-style-type: none"> Convicted or arrested for any offence. However, biological samples may be taken forcibly only from persons arrested for offences against a woman or a child, or if the offence carries a minimum of 7 years imprisonment. Persons detained under any preventive detention law. On order of Magistrate, from any person (not just an arrested person) to aid investigation.
Persons who may require/ direct collection of data	<ul style="list-style-type: none"> Investigating officer under CrPC, officer in charge of a police station, or of rank Sub-Inspector or above. Magistrate. 	<ul style="list-style-type: none"> Officer in charge of a police station, or of rank Head Constable or above. Head Warden of a prison. Metropolitan Magistrate or Judicial Magistrate of first class. Executive Magistrate in case of persons required to maintain good behaviour or peace,
Rule-making power with regard to manner of collecting details etc.	Vested in state government.	Now vested to State as well as Central government .

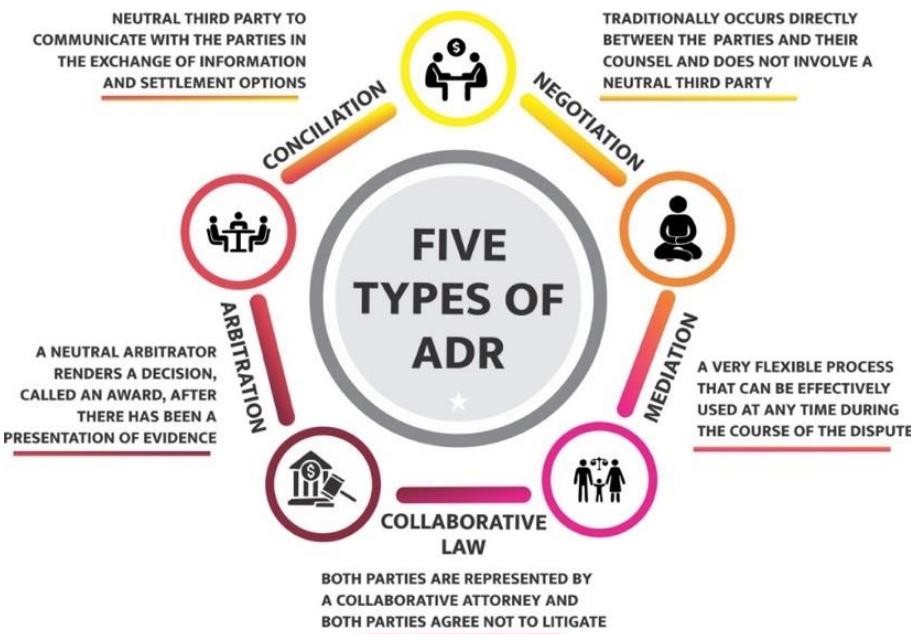
6.5. MEDIATION BILL 2021

Why in news?

Recently, Parliamentary Standing Committee on Law and Justice recommended substantial changes to Mediation Bill, 2021.

About mediation

- Mediation is a **form of Alternative Dispute Resolution (ADR)** available to parties. It is a **voluntary process** in which parties try to settle disputes with the assistance of an **independent third person** (the mediator).
 - A mediator **does not impose a solution on the parties** but creates a conducive environment in which they can resolve their dispute.
 - In 2019, **India became a signatory to Singapore Convention on Mediation**, but has not yet ratified it.
 - It provides a framework for **cross-border enforcement of settlement agreements** resulting from international mediation.



Mediation in India

- Section 89 of Code of Civil Procedure (CPC), 1908**, inserted in 2002, introduced mediation as one of the means for settlement of disputes.
- Arbitration and Conciliation Act, 1996** designed the use of mediation without court intervention.
- Companies Act, 2013** makes it mandatory for central government to maintain a mediation and conciliation panel.
- Consumer Protection Bill (Consumer Bill), 2015** provides for mediating disputes at first instance of admission of a complaint before any consumer disputes redressal agency.
- In 2021, Mediation Bill was introduced in parliament.**

Key Highlights of Mediation Bill, 2021

Specifications	Details
Pre-litigation mediation	<ul style="list-style-type: none"> Parties must attempt to settle civil or commercial disputes by mediation before approaching any court or certain tribunals. If they fail to reach a settlement, court or tribunal may at any stage refer parties to mediation if they request for same.
Disputes not fit for mediation	<ul style="list-style-type: none"> It contains disputes relating to claims against minors or persons of unsound mind, involving criminal prosecution, and affecting rights of third parties. Central government may amend this list.
Applicability	<ul style="list-style-type: none"> Apply to mediations conducted in India involving only domestic parties, at least one foreign party and relating to a commercial dispute (i.e., international mediation). If central or state government is a party, it will apply to commercial disputes, and other disputes as notified.
Mediation process	<ul style="list-style-type: none"> Mediation proceedings will be confidential and must be completed within 180 days (may be extended by 180 days by parties).
Mediators	<ul style="list-style-type: none"> Appointed by parties by agreement, or a mediation service provider (an institution administering mediation).
Mediation Council of India (MCI)	<ul style="list-style-type: none"> Established by Central government, consist of a chairperson, two full-time members, three ex-officio members, and a part-time member from an industry body. Its functions include registration of mediators and recognising mediation service providers and mediation institutes (which train, educate, and certify mediators).



Mitigated settlement agreement	<ul style="list-style-type: none"> Agreements resulting from mediation (other than community mediation) will be final, binding, and enforceable in same manner as court judgments. They may be challenged on grounds of fraud, corruption, impersonation.
International mediation	<ul style="list-style-type: none"> Definition of ‘international mediation’ and provisions of the Singaporean Convention are incorporated into the bill. Convention facilitates international trade and commerce by enabling disputing parties to easily enforce and invoke settlement agreements across borders.
Community mediation	<ul style="list-style-type: none"> Resolve disputes likely to affect the peace and harmony amongst residents of a locality.

Related information

New Delhi International Arbitration Centre (Amendment) Act, 2022

- Act amends New Delhi International Arbitration Centre Act, 2019 and renames the New Delhi International Arbitration Centre as India International Arbitration Centre.
- Key features of Act**
 - Manner of conduct of arbitration and other forms of ADR will be specified by Central government.
 - Allows government to provide for removing any difficulties in implementation up to five years from date of commencement of Act.
- Advantage of ADR:** Lower costs, greater flexibility of process, higher confidentiality, greater likelihood of settlement, choice of forum, choice of solutions etc.
- About International Arbitration**
 - It is a means of settling **international commercial and business disputes** through arbitrators where parties opt for a **private dispute resolution procedure** instead of going to court.
 - Availing international arbitration **can be optional, but it could also be made compulsory** by inserting a ‘mandatory arbitration clause’.
 - Arbitration awards are **more widely and readily enforceable** due to **Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958** (New York Convention) and through **Bilateral Investment treaties**.

6.6. REGISTRATION OF PRESS AND PERIODICALS BILL

Why in news?

Recently, Government decided to introduce a bill aimed at revising **Press and Registration of Book (PRB) Act, 1867**.

More on News

- 1867 act helped governments control press, regulate book publishing, and inadvertently **curb freedom of speech and expression.**
 - The printer of every newspaper had to **deliver two copies of each issue of such newspaper free of expense to the Government and one copy of each issue to Press Registrar.**
- Under the act, **Central Government may appoint a Registrar of newspapers for India.**
 - Press Registrar shall maintain in the prescribed manner a Register of newspapers.
- Every book or paper printed** shall have printed legibly on it the name of the printer and the **place of printing, name of the publisher, and the place of publication.**

Brief history of the act

- Legacy begins with **Censorship of Press Act, 1799** which was imposed by Lord Wellesley to gag press ahead of French invasion of India. This was **retracted in 1818** by **Lord Hastings**.
- Acting governor-general John Adams enacted the **Licensing Regulations (ordinance), 1823**.
- Governor General Metcalfe abolished the ordinance to replace it with **Press Act of 1835**.
- Licensing Act, 1857** brought newspapers, printed matter, and all books under purview of law.
- Current **PRB Act 1867** aimed at curbing what British Government thought was role of press in “revolt of 1857”.

Salient features of Draft Registration of Press and Periodicals Bill

Specifications	Detail
Objective	<ul style="list-style-type: none"> To bring digital media under the scanner of Ministry of Information and Broadcasting and overcoming colonial overhang of the previous law.
Registration	<ul style="list-style-type: none"> Digital News media Publication will have to register with Press Registrar General within 90 days.
Power of Entity	<ul style="list-style-type: none"> Government Entity will have power to act against digital Publications for violations and can suspend or cancel a registration and impose penalties.
Simplification	<ul style="list-style-type: none"> Lays down “Simple System” of registration of E-papers and remove certain existing provisions concerning registration of books and connected matters.

Rule-making Authority	<ul style="list-style-type: none"> Enables Central and State government to frame appropriate rules/regulations to regulate criteria/conditions for issuing Government advertisements in newspapers, accreditation of newspapers, and such other facilities for newspapers.
Appellate Board	<ul style="list-style-type: none"> Appellate Board to be called Press and Registration Appellate Board consisting of Chairman, Press Council of India (PCI) and one member to be nominated by PCI, from amongst its members. <ul style="list-style-type: none"> After fulfilling the conditions laid down in the proposed act. Board can make a decision that will be binding and final.

6.7. OTHER IMPORTANT NEWS

Constitution (Scheduled Castes and Scheduled Tribe) Orders (Amendment) Bill, 2022	<ul style="list-style-type: none"> Recently, Rajya Sabha passed Constitutional (SC/ST) Orders (Amendment) Bill, 2022 to omit Bhogta community of Jharkhand from SC list and include them in ST list along with other communities. Under Article 341 and 342 of Constitution, first specification of SCs/STs in relation to a particular State/ UT is notified by President order after consultation with Governor of State concerned. These orders can be modified subsequently only through an Act of Parliament. Also, Cabinet approved the addition of four tribes to STs list as part of Constitution ST Order (Amendment) Bill 2022. <ul style="list-style-type: none"> Hatti tribe in Trans-Giri area of Himachal Pradesh, Narikoravan and Kurivikkaran hill tribes of Tamil Nadu and Binjhia in Chhattisgarh were newly added to list. <ul style="list-style-type: none"> Hattis are close-knit community who take their name from their traditional occupation of selling home-grown crops, vegetables, meat, and wool etc. Narikoravan (jackal catchers) and Kuruvikaras (bird eaters) are nomadic tribal communities. Binjhia, ethnic group found in Odisha and Jharkhand, have rich heritage of tradition and culture. <p>Betta-Kuruba community in ST category</p> <ul style="list-style-type: none"> Lok Sabha has passed a Bill to give tribal status to Betta-Karuba community. The community has been living in Chamarajnagar, Kodagu and Mysuru districts of Karnataka. <ul style="list-style-type: none"> Community involves collection of forest produce and bamboo. They have their own dialect with no script, use primitive hunting tools and follow animism.
Anti-conversion Bill	<ul style="list-style-type: none"> Karnataka Legislative Council passed Karnataka Right to Freedom of Religion Bill. To date, there has been no central legislation restricting or regulating religious conversions. <ul style="list-style-type: none"> Several states like Odisha, Madhya Pradesh etc. have enacted legislation to restrict religious conversions by force, fraud, or inducements. SC in Rev. Stanislaus vs State of Madhya Pradesh (1977) case upheld anti-conversion laws of Madhya Pradesh and Odisha. <ul style="list-style-type: none"> SC highlighted that Article 25 does not include Right to Convert.
Places of Worship Act, 1991	<ul style="list-style-type: none"> SC has refused a petition by a sect of Jain community filed under Article 32 of Constitution to enforce Places of Worship (Special Provisions) Act 1991 against alleged conversion of its religious places by another sect. Act 1991 prohibits conversion of any place of worship and to provide for maintenance of religious character of any place of worship as it existed on 15th day of August, 1947. <ul style="list-style-type: none"> However, provisions of act shall not apply to Ram Janmabhoomi-Babri Masjid case. Key provisions of Act <ul style="list-style-type: none"> Bars conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination — or even a different segment of same the religious denomination. Any suit or legal proceeding with respect to conversion of religious character of any place of worship existing on August 15, 1947, pending before any court, shall abate — and no fresh suit or legal proceedings shall be instituted. Provisions of the act do not apply to ancient and historical monuments and archaeological sites and remains that are covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
Constitutional (One Hundred and Fourth	<ul style="list-style-type: none"> While hearing a petition challenging Constitutional (One Hundred and Fourth Amendment) Act, 2019, Delhi High Court asked the Centre to file its submissions. Amendment removed the nomination-based representation of Anglo-Indian community in Lok Sabha and Legislative Assemblies.

Amendment) Act, 2019	<ul style="list-style-type: none"> The amendment also extended by ten years the deadline for the cessation of reservation of seats in the Lok Sabha and state legislative assemblies for members of Scheduled Castes and Scheduled Tribes. Erstwhile constitutional provisions <ul style="list-style-type: none"> Article 331: Provision for nomination of two Anglo-Indians to Lok Sabha. Article 333: Provision for nomination of one member of that community to Legislative Assemblies.
Family Courts (Amendment) Act, 2022	<ul style="list-style-type: none"> Act to grant statutory cover to already established family courts in Himachal Pradesh and Nagaland has come to force. Act amends Family Courts Act, 1984 which provided an establishment of family courts by States to deal with disputes related to family and marriage. <ul style="list-style-type: none"> Central government is empowered to notify dates for the Act to come into force in different states. Governments of Himachal Pradesh and Nagaland have set up Family Courts in their states under the Act. However, central government has not extended application of Act to these states.
Benami Transactions (Prohibition) Act, 1988	<ul style="list-style-type: none"> SC recently struck down certain provisions of Benami Transactions (Prohibition) Act of 1988. 1988 act was introduced to prohibit benami transactions and to recover property held as benami. However, rules, regulations, and procedures for implementation of law could not be framed, which made it ineffective. <ul style="list-style-type: none"> Benami transaction means any transaction in which property is transferred to one person for a consideration paid or provided by another person. Benami transactions are used to disguise real ownership for reasons, including tax avoidance, maintain secrecy, parking unaccounted money etc. 2016 amendment expanded scope and punishment for benami transactions and also added a provision for confiscation of the property obtained as result of benami transaction.
Enemy property	<ul style="list-style-type: none"> CBI registered FIRs against officials managing enemy properties for allegedly leasing out prime commercial land. About enemy property <ul style="list-style-type: none"> In wake of India-Pakistan wars of 1965 and 1971, there was migration of people from India to Pakistan. Under Defence of India Rules, Government of India took over properties and companies of those who took Pakistani nationality. These “enemy properties” were vested in Custodian of Enemy Property for India. Same was done for property left behind by those who went to China after the 1962 Sino-Indian war. Governed by Enemy Property Act, 1968. The 2017 amendment to the Act provided that enemy property shall continue to vest in the Custodian even if the enemy or enemy subject or enemy firm ceases to be an enemy.
Flag Code of India (FCI), 2002	<ul style="list-style-type: none"> Code has been amended to allow national flag to be flown at day and night if it has been hoisted in the open or on house of a member of public. <ul style="list-style-type: none"> Earlier, tricolor was allowed to be flown from sunrise to sunset, irrespective of weather conditions. Code is a compilation of all laws, practices, conventions, instructions and guidelines governing the display of National Flag. <ul style="list-style-type: none"> It governs the display of National Flag by private, public, and government institutions. Also, FCI 2002 tweaked to cut Tricolor price <ul style="list-style-type: none"> Changes allow machine-made polyester to be used in production of national flag. Earlier, only flags made of handspun and handwoven khadi were permitted. FCI allows unrestricted display of Tricolor as long as honour and dignity of flag were being respected. <ul style="list-style-type: none"> It is divided into three parts: <ul style="list-style-type: none"> A general description of tricolor, Rules on display by public and private bodies and educational institutions, Rules for display by government and government bodies.
National Building Code (NBC), India 2016	<ul style="list-style-type: none"> Ministry of Consumer Affairs released handbook on Safety in Electrical Installations and Guide for using NBC, 2016. NBC 2016 is a technical document which covered all provisions relating to planning, design, construction and operation and maintenance of buildings. <ul style="list-style-type: none"> Implementation of these provisions ensures minimum required level for safety, health, amenity, accessibility and sustainability of buildings. It is designed by Bureau of Indian Standards (BIS).

7. IMPORTANT CONSTITUTIONAL/ STATUTORY/ EXECUTIVE BODIES IN NEWS

7.1. UNIQUE IDENTIFICATION AUTHORITY OF INDIA (UIDAI)

Why in news?

Recently, Government amended Aadhaar rules.

More in News

- It specifies that supporting documents may be **updated “at least once” by Aadhaar holders on completion of 10 years from enrolment date.**
- Updation would **ensure continued accuracy of Aadhaar-related information in CIDR (Central Identities Data Repository).**
 - CIDR is **centralised database containing**
 - ✓ all Aadhaar numbers issued to Aadhaar holders along with,
 - ✓ corresponding demographic and biometric information of such individuals etc.

Unique Identification Authority Of India (UIDAI)



- **Establishment:** Under the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.



- It is under the **Ministry of Electronics and Information Technology.**



Objectives:

- To provide a **unique and secure identity to every resident of India.**
- To provide a **reliable and efficient method of verification for government services.**
- To **eliminate duplicate and fake identities.**

Key features:

- It issues a **12-digit unique identity number called Aadhaar** to each resident of the country.
- Aadhaar numbers are **only issued to individuals who have resided for a period of 182 days or more** in the 12 months before the date of application.
- UIDAI issues Bal Aadhaar cards to **children under the age of five** based on their parents' biometric information.



Statutory body

Related information

Aadhaar biometrics for forensics

- UIDAI states that Biometric data collected for Aadhaar **cannot be used to identify criminals or solve crimes**, as it **does not collect biometric information for forensic purposes.**
- Furthermore, **sharing or use of biometric information** for any purpose other than generation of Aadhaar number and authentication, is impermissible under **Aadhaar Act, 2016.**

7.2. CENTRAL INFORMATION COMMISSION

Why in news?

Recently, Central Information Commission (CIC) achieved a **consistent decline in pendency of RTI (Right to Information) cases** with constant rise in disposal of RTI appeals.

Central Information Commission (CIC)



Establishment: Constituted with effect from 2005 under RTI Act, 2005.



Statutory body



Appointment: President of India
○ On recommendation of a committee consisting of Prime Minister as Chairperson, Leader of Opposition in Lok Sabha and, Union Cabinet Minister nominated PM.



Tenure: 3 years or 65 years of age.



Composition:

- Chief Information Commissioner (CIC) and not more than ten Information Commissioners (ICs).
- **Not eligible for reappointment.**



Function:

- **Powers of civil court** in respect of summoning, requiring documents, etc.
- **Receive and inquire into a complaint** from any person regarding information requested under RTI, 2005.

RTI Act, 2005

- It replaced Freedom of Information Act, 2002.
- RTI Act **empower citizens, promote transparency and accountability in working of Public Authorities**, contain corruption, and make our democracy work for people in real sense.
- As per RTI Act 2005, **salary of CIC and ICs (at central level) will be equivalent to salary paid to Chief Election Commissioner and Election Commissioners**, respectively.
 - However, **RTI bill 2019 removes these provisions and empowers Central Government.**
- **Exemptions under RTI includes:**
 - **Section 8 (1)** prohibit public authority to share information on various ground such as security, strategic, scientific or economic interests the state, published by any court of law, records of deliberations of Council of Ministers etc.
 - Under **Section 24**, it exempts the intelligence and security organisations specified under its **Second Schedule**, except for information on **allegations of corruption and human rights violations.**

7.3. INDIA'S INVESTIGATIVE AGENCIES

Why in news?

Recently, CJI called for creating an “independent umbrella institution” to bring various investigating agencies like Central Bureau Investigation (CBI), Enforcement directorate (ED) and Serious Fraud Investigation Office (SFIO) under one roof.

Investigative agencies in India

<div style="background-color: #f2f2f2; padding: 10px;"> <h4 style="color: #800000; margin: 0;">Central Bureau Investigation (CBI)</h4> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p>Establishment: In 1963 under Ministry of Personnel, Pension & Public Grievances.</p> <ul style="list-style-type: none"> ○ Governed by Delhi Special Police Establishment (DSPE) Act, 1946. ○ Recommended by Santhanam Committee on Prevention of Corruption (1962-64). <p>Composition:</p> <ul style="list-style-type: none"> ○ Headed by director of CBI (appointed by three-member committee – Prime minister, leader of opposition party in LS, and CJI). <p>Tenure: Two-year tenure but can be given three annual extensions.</p> <p>Function:</p> <ul style="list-style-type: none"> ○ 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. </div> <div style="text-align: center;">  <p>Investigating Agency</p> </div> </div> </div>	<div style="background-color: #f2f2f2; padding: 10px;"> <h4 style="color: #800000; margin: 0;">Enforcement directorate (ED)</h4> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p>Establishment: In 1952 Under Department of Revenue, Ministry of Finance.</p> </div> <div style="text-align: center;">  <p>Specialized financial investigation agency</p> </div> </div> <p>Composition: Headed by ED Director</p> <p>Tenure: Two-year tenure but can be given three annual extensions.</p> <p>Function:</p> <ul style="list-style-type: none"> ○ Responsible for enforcement of Foreign Exchange Management Act, 1999 (FEMA), certain provisions under Prevention of Money Laundering Act (PMLA), 2002, and Fugitive Economic Offenders Act (FOEA) 2018. </div>
<div style="background-color: #f2f2f2; padding: 10px;"> <h4 style="color: #800000; margin: 0;">Serious Fraud Investigation Office (SFIO)</h4> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p>Establishment: In 2003 under the Ministry of Corporate Affairs.</p> </div> <div style="text-align: center;">  <p>Statutory body (Companies Act, 2013)</p> </div> </div> <p>Composition: Headed by ED Director</p> <ul style="list-style-type: none"> ○ Headed by a Director ○ It also composed of experts from various fields such as chartered accountants, cost accountants, company secretaries, forensic auditors, and legal experts. <p>Function:</p> <ul style="list-style-type: none"> ○ Power to arrest accused people for violation of Company law. ○ Provides assistance to the Ministry of Corporate Affairs in the formulation of policies and laws. </div>	<div style="background-color: #f2f2f2; padding: 10px;"> <h4 style="color: #800000; margin: 0;">National Investigation Agency (NIA)</h4> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p>Establishment: In 2008 under Ministry of Home Affairs</p> </div> <div style="text-align: center;">  <p>Central counter-terrorism law enforcement agency</p> </div> </div> <p>Composition: Headed by a Director-General who is appointed by the Government of India.</p> <p>Function:</p> <ul style="list-style-type: none"> ○ Gives powers to the central agency to take Suo moto cognizance of terror activities across the country. ○ Probe cases of human trafficking, offences related to counterfeit currency or bank notes, manufacture or sale of prohibited arms, cyber-terrorism, and offences under the Explosive Substances Act, 1908. ○ Provide technical and operational support to other law enforcement agencies in India. </div>

CBI investigates three types of cases:

- **Anti-corruption:** These are usually registered against public officials, employees of union government.
 - The **superintendence of CBI** related to 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**.
 - 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.

7.4. OTHER IMPORTANT NEWS

Central Vigilance Commission (CVC) <ul style="list-style-type: none">Suresh Patel recently took the charge as new CVC. <p>Central Vigilance Commission (CVC)</p>  <p>Establishment: Set up in 1964 on recommendations of Committee on Prevention of Corruption</p>  <p>Appointment: By President of India<ul style="list-style-type: none">On recommendation of Committee consisting of Prime Minister (Chair person), Minister of Home Affairs (Member) and Leader of Opposition in Lok Sabha (Member).</p>  <p>Tenure: Four years or age of 65 years, whichever is earlier.</p>  <p>Composition:<ul style="list-style-type: none">CV Commission consists of a chairperson and not more than two Vigilance Commissioners (VC) as Members.Central Vigilance Commissioner and VC shall be appointed Function: Advise and guide Central Government agencies in field of vigilance</p>	Press Council of India (PCI) <ul style="list-style-type: none">Retired SC judge Ranjana Prakash Desai became the first women chairperson of PCI. <p>Press Council of India (PCI)</p>  <p>Statutory body</p>  <p>Establishment: Under PCI Act, 1978.</p>  <p>Tenure: 3 years</p>  <p>Composition:<ul style="list-style-type: none">Chairman, who has by convention, been a retired SC judge, and 28 members.<ul style="list-style-type: none">Chairman is selected by the LS Speaker, RS Chairman and a member elected by the PCI.Five members from Parliament, three nominated by LS Speaker and two nominated by Chairman of RS.</p>  <p>Functions:<ul style="list-style-type: none">Watchdog of press, for press and by press.Adjudicates complaints against and by press for violation of ethics and freedom of press respectively.</p>
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‘‘ The Secret To Getting Ahead Is Getting Started ’’

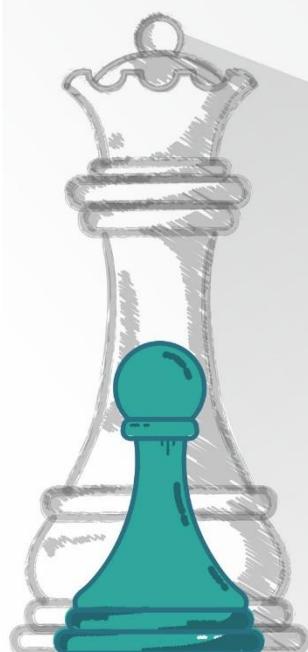
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8. IMPORTANT ASPECTS OF GOVERNANCE

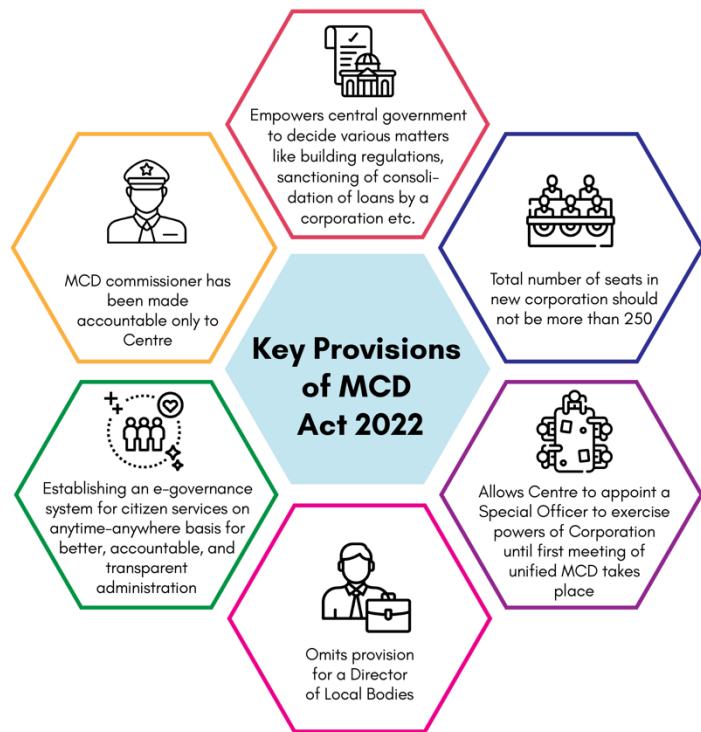
8.1. URBAN LOCAL BODIES (ULBS)

Why in news?

Recently, **Delhi Municipal Corporation (Amendment) Act, 2022** was enacted that seeks to reunify three **Municipal Corporations of Delhi (MCD)**.

About MCD Act, 2022

- **Delhi Municipal Corporation (Amendment) Act 2022** amends the '**Delhi Municipal Corporation Act, 1957**', to effectively undo earlier 2011 amendment to the Act by which erstwhile MCD was trifurcated into separate Municipal Corporation of North, South, and East Delhi.
- Split-up was first proposed in **1987 Balakrishnan Committee Report**, constituted by Ministry of Home Affairs, which was bolstered in **2001 Virendra Prakash Committee Report**.
- Under **Article 239AA**, Parliament is empowered to legislate on any matter, including subjects on which Assembly can make laws.



About Municipal corporations

- Municipal Corporations are **urban local level governments in India** which works for development of any Metropolitan City with a **population of more than one million**.
 - It's also called as **Mahanagar Palika, Nagar Palika, Nagar Nigam, City Corporation**, etc.
- **Historical background**
 - First Municipal Corporation was set-up in **Madras in 1688** and followed by similar corporations in **Bombay** and **Calcutta** in **1726**.
 - Lord Ripon (1880-84), Viceroy of India introduced elections in **Municipal Corporation** and is known as "father of Local Self-government in India".
- To strengthen urban local bodies (ULBs) functioning **74th Amendment Act, 1992** has inserted Part IX-A into Constitution.
- Their **sources of revenue** include property tax, water tax, professional tax, drainage tax, etc. and some fixed aid from state government.
- Members of Municipal Corporation are **directly elected by the people** and are called **Councillors**.
 - Elections to Municipal Corporations are conducted under **guidance, direction, superintendence, and control of State Election Commission**.
- Municipal corporations are established in **states** by **acts of concerned state legislatures**, and in **union territories** by **acts of Parliament** of India.

8.2. AUDIT OF LOCAL SELF GOVERNMENT

Why in News?

CAG is planning to expand its presence up to the district level to exercise audit control over three tier Panchayati Raj Institution (PRI).

More about news

- At present, CAG has presence in state capitals and its accountant general's office is responsible for auditing accounts of state governments.
- While the government departments draw funds from the consolidated fund, the PRIs draw money from separate fund accounts kept in **bank or treasury**.

- As reported, CAG has now decided to assert its constitutional mandate to supervise all government expenditure whether drawn from the consolidated fund or the state treasury.
- PRIs come under purview of audit under Comptroller and Auditor-General's (Duties, Powers, and Conditions of Service) Act, 1971.

About Local Self Governance and its Audit

- Parliament passed 73rd and 74th Constitutional Amendments in 1992, which mandated that State governments constitute panchayats and municipalities in every region.
- This instituted a third-tier of governance in federal framework through devolution of functions, funds, and functionaries to local governments.
- Constitutional Provisions**
 - Article 243 J:** Legislature of a State may, by law, make provisions wrt maintenance of accounts by Panchayats and auditing of such accounts.
 - Article 243 Z:** Legislature of a State may, by law, make provisions wrt maintenance of accounts by Municipalities and auditing of such accounts.

Comptroller and Auditor-General of India (CAG)



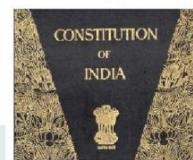
Appointment: By President of India.



Tenure: 65 years or 6-year term, whichever is earlier



Service condition: Same as a Judge of Supreme Court.



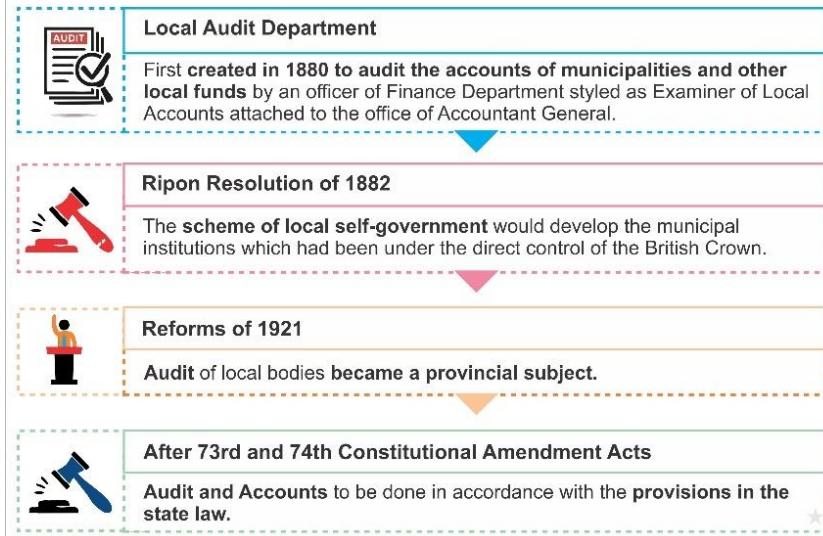
Constitutional Body (Article 148)



Function:

- To audit receipts and expenditure of the Union and each State and the Union Territory Governments.
- CAG exercises such powers and performs such duties in relation to the accounts of Union and of States and of any other authority or body as may be prescribed by or under any law made by Parliament.

TIMELINE OF AUDIT OF LOCAL SELF GOVERNMENT



8.3. DIGITALISATION OF LAND RECORDS IN INDIA

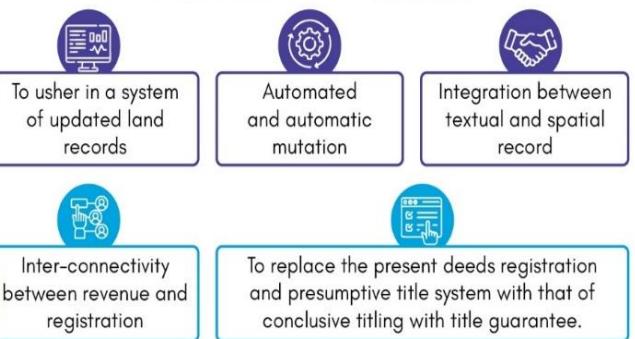
Why in news?

To boost digitalisation of land records in India, central government has asked state governments to install local servers as well as increase internet speed in sub-registrar offices.

Digital India Land Records Modernization Programme (DILRMP)

- Government is planning to come up with an online registration system under DILRMP.
 - It is being implemented by Ministry of Rural Development.
- DILRMP is a central sector scheme launched in 2016.
- DILRMP has 3 major components:
 - Computerization of land record;
 - Survey/re-survey;
 - Computerization of Registration.

OBJECTIVES OF DILRMP



How is Land ownership recognised in India?

Land ownership in India is recognised through a set of documents including-

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

Other measures taken to promote digitization

- **National Generic Document Registration System (NGDRS)** is an in-house advanced software application for the registration system developed by NIC.
- **Unique Land Parcel Identification Number (ULPIN) System** provides a unique ID of 14 digits for every plot of land in country based on Geo-reference coordinate of vertices of the parcel.
- **BhuNaksha**: A Solution for digital Cadastral Mapping.
- **Survey of Villages Abadi and Mapping with Improvised Technology in Village Areas (SVAMITVA)**_scheme to demarcate inhabited (*Abadi*) land and provide Record of Rights/Property Cards in rural areas through the latest surveying drone technology.
- **Initiative to transliterate Records of Rights to any of 22 languages** recognised by Constitution.
- **Efforts at State level:**
 - **Bhoomi** is a project jointly funded by Centre and state of Karnataka to digitise paper land records and create a software mechanism to control changes to land registry in Karnataka.
 - **Telangana's Dharani project** integrates RoR data with individual land plot maps.

8.4. LOCALISATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGS)

Why in News?

Ministry of Panchayati Raj has signed a joint statement of understanding on **localisation of Sustainable Development Goals (LSDGs)** with United Nations Development Programme (UNDP).

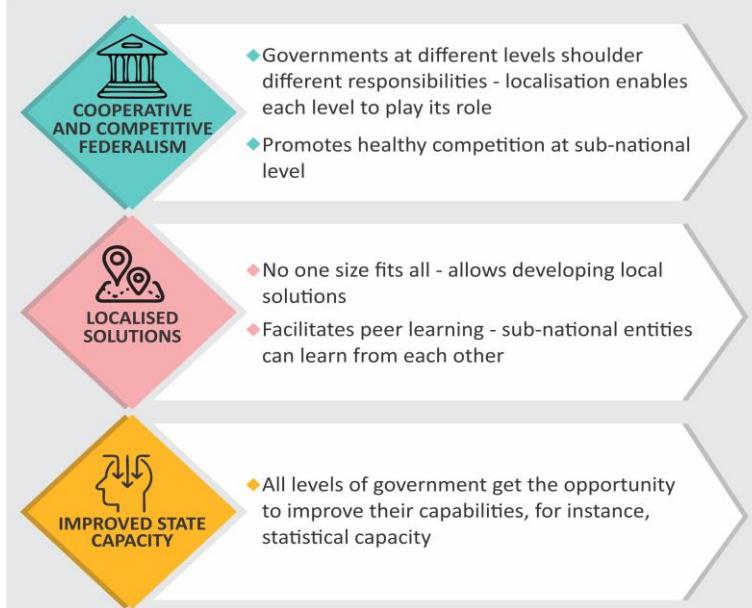
About SDGs and their Localisation

- SDGs is a set of **17 Sustainable Development Goals (SDGs)** to **end poverty, fight inequality and injustice, and tackle climate change by 2030**.
 - It was adopted at United Nations Sustainable Development Summit in 2015.
- Localisation of SDGs is the process of **taking into account sub-national contexts** in achievement of SDGs. This includes:
 - Use of SDGs to provide a **framework for local development policy**, and
 - **Identifying how bottom-up actions** from local and regional governments can support SDGs achievement.

Efforts taken for localization of SDGs

- In India, overall **coordination for implementation of SDGs** is handled by NITI Aayog with **twin mandate** of:
 - **Overseeing adoption and monitoring** of SDGs in country,
 - **Promote competitive and cooperative federalism** among States and UTs.
- To do so, NITI Aayog launched **annual 'SDG India Index'** in **2018** which **monitors progress** of states and UTs on SDGs and **localisation of SDGs** through **eight steps**.

SDG Localization benefits



Related information

Ministry of Panchayati Raj (MoPR) signs MoU for Localization of Sustainable Development Goals (LSDGs)

- MoU has been signed with **Institute of Rural Management Anand, Gujarat** to collaborate in **Gram Panchayat Development Planning (GPDP)** for Localization of SDGs through PRIs.
- MoPR has been taking action in respect of those identified SDGs through GPDP involving participatory planning by converging various schemes to achieve the respective SDGs.
 - Objective of GPDP process is to fulfil Constitutional mandate of Gram Panchayats i.e., **to achieve economic development and secure social justice at the grassroots level.**

8.5. SPORTS GOVERNANCE

Why in News?

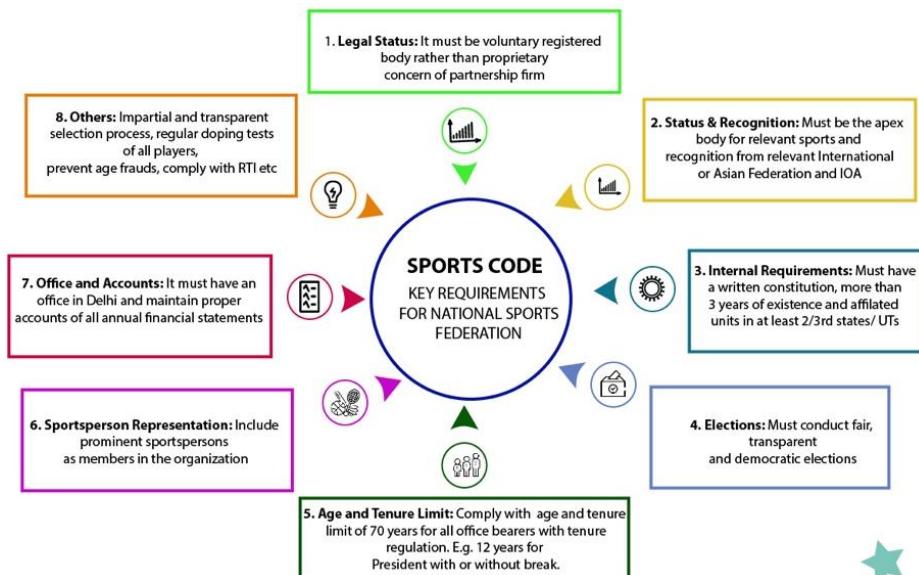
After the dissolution of the **Committee of Administrators (CoA)** by SC, Bureau of FIFA Council has lifted the suspension on **All India Football Federation (AIFF)**.

More on News

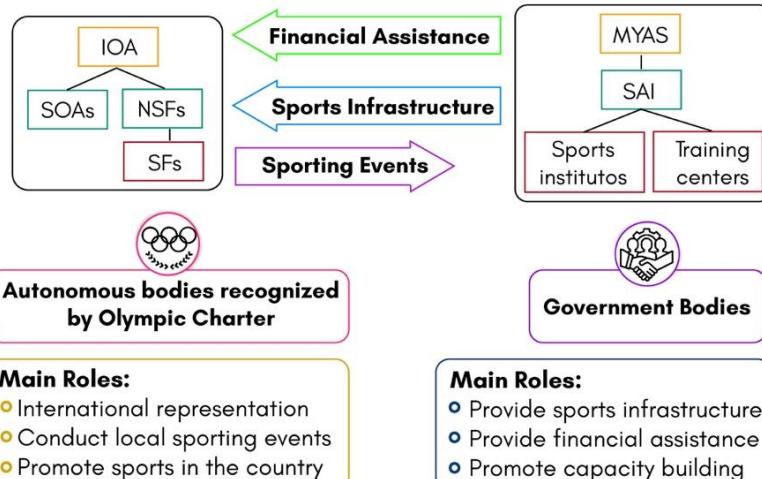
- CoA was appointed by the SC to manage the **AIFF affairs** and adoption of its constitution in line with National Sports Code and Model Guidelines.
- Dissolution of CoA was a necessary condition from FIFA to lift **AIFF suspension** as it gives AIFF full control on its daily affairs.
 - Earlier, FIFA suspended AIFF due to '**undue influence from third parties**' - a serious violation under FIFA Statutes.

Sports Governance and Administration in India

- In India, this oversight and direction is broadly divided under **two wings** (see image) as:
 - **Ministry of Youth Affairs and Sports (MYAS)** and its subordinate organisations (e.g. **Sports Authority of India (SAI)**); and
 - **Sports Organisations** under Olympic Charter, i.e. **Indian Olympic Association (IOA)**, **State Olympic Association (SOA)**, **National Sports Federation (NSF)** etc.
 - ✓ For non-Olympic sports such as Cricket, the organisations (**Board of Control for Cricket in India**) have direct affiliation from respective **international federations**.



Institutional Framework for Sports Governance in India


Related information

Stop funds to sports bodies that do not follow National Sports Development Code of India (NSCI): Delhi HC tells Central Government

- The order stopped the Centre from extending grants, funds and patronage to those **National Sports Federations (NSFs)** that do not comply with NSCI, 2011.
 - In 2014, Delhi HC declared NSCI the law of the land for sports bodies.

- NSCI is an amalgamation of orders issued by Government of India since 1975 for NSFAs.
 - NSCI defines the areas of responsibility of the various agencies involved in promotion and development of sports.
 - It identifies NSFAs eligible for coverage under code, to set priorities, and to detail the procedures to be followed by Federations.
 - It states the conditions for eligibility to receive government recognition and grant.
- NSFAs are fully responsible and accountable for overall management, direction, control, regulation, promotion, development and sponsorship of discipline for which they are recognized by concerned International Federation.

8.6. RULES FOR RESIGNATION AND REINSTATEMENT OF AN INDIAN ADMINISTRATIVE SERVICE (IAS) OFFICER

Why in news?

In 2019, an IAS officer, who resigned from service has been reinstated.

More on news

- Resignation of an officer of any of three All-India Services — IAS, Indian Police Service (IPS) and Indian Forest Service— is governed by Rules 5(1) and 5(1)(A) of All India Services (Death-cum-Retirement Benefits (DCRB) Rules, 1958.
 - There are similar rules for resignation of officers belonging to other central services as well.

Rules to withdraw a resignation that has already been submitted

- As per DCRB Rules (amended in 2011), central government may permit an officer to withdraw his/her resignation “in the public interest”.
 - If an officer who has submitted his/her resignation sends an intimation in writing withdrawing it before its acceptance by the competent authority, resignation will be deemed to have been automatically withdrawn.
 - Central Government shall not accept the request for withdrawal of resignation where,
 - ✓ a member is associated with any political parties or any organisation which takes part in politics,
 - ✓ to take part in, or assist in any other manner, any political movement or political activity or to canvass or use his/her influence in connection with, or take part in, an election to any legislature or local authority.
- Resignation of an IAS officer must be submitted to
 - Chief secretary of state in case of an officer serving in state.
 - Secretary of concerned Ministry or Department in case of an officer who is on central deputation.
- Only after recommendation of concerned cadre/state is received, the competent authority, i.e., central government consider the officer's resignation.
 - Competent authorities are
 - ✓ Minister of State at the Department of Personnel & Training (DoPT) in respect of IAS
 - ✓ Minister for Home Affairs in respect of IPS and
 - ✓ Minister for Environment, Forest and Climate Change in respect of Forest Service.

8.7. NATIONAL STANDARDS FOR CIVIL SERVICE TRAINING INSTITUTIONS (NSCSTI)

Why in news?

Recently, Ministry of Personnel, Public Grievances & Pensions has launched National standards for civil service training institutions (NSCSTI).

About NSCSTI

- NSCSTI is developed at Capacity Building Commission (CBC) headquarters.
 - Web-portal and approach paper for National standards also inaugurated.



- India became the first country in world to come out with a unique model to create standards for civil service training institutions at national level.
 - India already has standards and accreditation in higher education, healthcare and environment.
- Standards will equip Central Training Institutions (CTIs) to help civil servants tackle emerging challenges of 21st century.
- Objectives of NSCSTI:**
 - Creates a baseline for CTIs on their current capacity for elevating their quality and capacity of training delivery and to harmonise standards for training.
 - Set aspirations for training institutions to strive towards excellence.

Capacity Building Commission (CBC)



Establishment: Through Gazette of India in 2021.



Compositions: Three Members and supported by an internal Secretariat.

- Secretariat is headed by an officer in grade of Joint Secretary to GoI (designated as Secretary to CBC).



Independent body with complete executive and financial autonomy



Functions of CBC

- Building credibility and shape a uniform approach** to capacity building on collaborative and co-sharing basis.
- Facilitate preparation of Annual Capacity Building Plans** of departments, ministries, and agencies.
- Preparing an Annual State of Civil Services Report.
- Approving Knowledge Partners** for Mission.

Evolving a harmonious, de-siloed approach to capacity building initiatives.

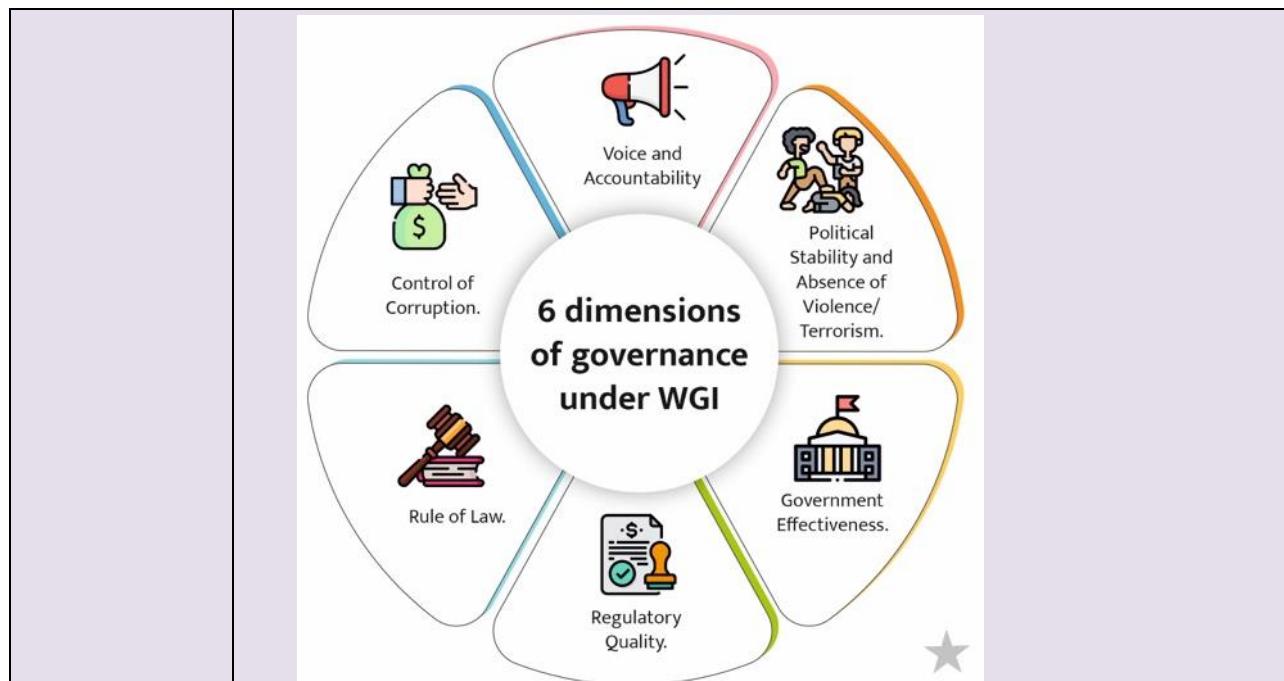
Initiatives taken to improve functioning of civil servants

- Mission Karamyogi:** It is an Integrated Government Online Training (iGOT) Platform which allow all government servants irrespective of their rank to undergo continuous training, depending on their domain areas.
 - It aims at building a future-ready civil service with the right attitude, skills and knowledge, aligned to the vision of New India.
- Aarambh:** Launched by Government of India, it is first ever common foundation course for civil servants training.
- National Training Policy:** It was adopted in 1996 and reviewed in 2012 to develop a professional, impartial and efficient civil servants that is responsible to needs of citizens and ensuring that they possess requisite knowledge, skills and attitude to make them able to perform the functions they are entrusted with.
- Lateral entry:** Direct induction of domain experts at the middle or senior levels of administrative hierarchy, rather than only appointing regular civil servants through promotion.

8.8. OTHER IMPORTANT NEWS

Police Commissionerate System (PCS)	<ul style="list-style-type: none">Decision to set up PCS has been taken due to increase in population, religious and cultural significance, tourism, provide better policing and maintain law and order.<ul style="list-style-type: none">Districts would be declared as metropolitan cities as per rules of Code of Criminal Procedure (CrPC) before implementing PCS.Earlier, Lucknow and Noida adopted PCS followed by Kanpur and Varanasi.				
	<table border="1"><thead><tr><th>Police Commissionerate System (PCS)</th><th>Dual Command System (DCS)</th></tr></thead><tbody><tr><td><ul style="list-style-type: none">Commissioner of Police (CP) is head of a unified police command structure, is responsible for force in city, and is accountable to state government.<ul style="list-style-type: none">CP is drawn from Deputy Inspector General rank or above and is assisted by Special/Joint/Additional/Deputy Commissioners.Such police officer has power of preventive arrest, imposing Section 144 of CrPC Act and initiate chapter proceedings.Office also has magisterial powers, including those related to regulation, control, and licensing.Various committees have recommended PCS implementation in cities which have population of more than 10 lakhs.</td><td><ul style="list-style-type: none">District Magistrate (DM) and Superintendent of Police (SP) share powers and responsibilities in a district.<ul style="list-style-type: none">DM is entrusted with issuing arrest warrants, licenses while SP has powers and responsibilities to investigate crime and make arrests.System is designed to ensure lower concentration of power and making police more accountable to DM at district level.</td></tr></tbody></table>	Police Commissionerate System (PCS)	Dual Command System (DCS)	<ul style="list-style-type: none">Commissioner of Police (CP) is head of a unified police command structure, is responsible for force in city, and is accountable to state government.<ul style="list-style-type: none">CP is drawn from Deputy Inspector General rank or above and is assisted by Special/Joint/Additional/Deputy Commissioners.Such police officer has power of preventive arrest, imposing Section 144 of CrPC Act and initiate chapter proceedings.Office also has magisterial powers, including those related to regulation, control, and licensing.Various committees have recommended PCS implementation in cities which have population of more than 10 lakhs.	<ul style="list-style-type: none">District Magistrate (DM) and Superintendent of Police (SP) share powers and responsibilities in a district.<ul style="list-style-type: none">DM is entrusted with issuing arrest warrants, licenses while SP has powers and responsibilities to investigate crime and make arrests.System is designed to ensure lower concentration of power and making police more accountable to DM at district level.
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Probity Portal (PP)	<ul style="list-style-type: none"> Revamped probity portal has been launched by Department of Personnel and Training (DoPT). <ul style="list-style-type: none"> Probity is quality of having strong moral principles (such as honesty, uprightness, transparency and incorruptibility) and strictly following them. PP was launched in 2017 to capture data from all Ministries/Departments/Autonomous Organizations/Public Sector Banks in respect of issues like: <ul style="list-style-type: none"> Number of cases pending for sanction for prosecution. Implementation of Rotational Transfer Policy. Number of penalty disciplinary proceedings. DoPT has now completely revamped the Portal to add more functionalities to improve user experience.
Meghalaya Enterprise Architecture (MeghEA) Project	<ul style="list-style-type: none"> MeghEA's e-proposal system recently won UN World Summit on Information Society Forum WSIS award 2022. MeghEA project aims to improve service delivery and governance for people using power of Digital technologies. <ul style="list-style-type: none"> It was launched by Ministry of Electronics & Information Technology. It envisions to make Meghalaya a high-income state by 2030. This is a first of its kind project which is based on India's National Enterprise Architecture framework.
	<p>Six pillars of MeghEA</p> <ul style="list-style-type: none"> Governance Human Resources Entrepreneurship Primary Sector Infrastructure Environment
Global declaration on future on Internet	<ul style="list-style-type: none"> Aiming to keep Internet open, free, and neutral, the declaration is a political commitment among partners to advance a positive vision for Internet and digital technologies. <ul style="list-style-type: none"> Around 60 countries have signed declaration include US, European Union, United Kingdom, Canada and France. India, China and Russia are among large nations that are not part of this declaration. Earlier, a report titled, "The return of digital authoritarianism: internet shutdowns" highlighted that <ul style="list-style-type: none"> Number of countries that shut down the internet in 2021 has increased to 34 from 29 in 2020. India is top country to impose internet shutdowns in 2021 for fourth consecutive year. India did not sign Budapest Convention on Cybercrime, 2001. <ul style="list-style-type: none"> Data sharing provisions of Budapest Convention infringes on national sovereignty. Presently, it is only legally binding multilateral convention on cybercrime and electronic evidence. Internet shutdowns related provisions in India <ul style="list-style-type: none"> Currently, suspension of telecom services (including internet shutdowns) is governed by Temporary Suspension of Telecom Services (Public Emergency & Public Safety) Rules, 2017, notified under Indian Telegraph Act, 1885. 2017 Rules provide for temporary shutdown of telecom services in a region on grounds of public emergency (up to 15 days at once). United Nations has called on countries to stop imposing Internet shutdowns, warning of dire consequences.
World Bank's Worldwide Governance Indicators (WGI)	<ul style="list-style-type: none"> In an analysis of World Bank's WGI, a key input for India's sovereign ratings, India's scores were "much below" its peers on all counts. About WGI <ul style="list-style-type: none"> WGI reports aggregate and individual governance indicators for over 200 countries and territories over the period 1996–2020. It is based on 6 dimensions of governance combining views of a large number of enterprise, citizen and expert survey respondents in industrial and developing countries.



	6 dimensions of governance under WGI
World Press Freedom Index (WPFI), 2022	<ul style="list-style-type: none"> Released by: Reporters Without Borders (RSF), non-profit organisation Index highlights degree of freedom that journalists, news organisations and netizens have in each country, and government's efforts to respect such freedom. <ul style="list-style-type: none"> Rankings are based on score ranging from 0 to 100, with 100 being the best possible score (highest possible level of press freedom) and 0 the worst. Evaluation criteria include 5 indicators: political context, legal framework, economic context, sociocultural context and safety. India recently slipped 8 places to 150 in 2022 WPFI from last year's 142nd rank out of 180 countries.
National E-Governance Service Delivery Assessment (NeSDA) 2021 Report	<ul style="list-style-type: none"> Department of Administrative Reforms & Public Grievances (under Ministry of Personnel, Public Grievances & Pensions) had constituted NeSDA in 2019 to assess State, UT and Central Ministries on depth and effectiveness of e-Governance service delivery. <ul style="list-style-type: none"> e-Governance is use of Information and Communication Technology (ICT) at all levels of Government to transform relations with citizens, businesses, and other arms of government. NeSDA is a periodic assessment intended to improve effectiveness of States/Union Territories and Central Government in delivery of their online services to citizens. <ul style="list-style-type: none"> It was conducted by Department of Administrative Reforms and Public Grievances (DARPG) in association with NASSCOM and KPMG in 2021. Four main parameters of assessment: - Accessibility, Content Availability, Ease of Use and Information Security, Privacy for Central Ministry Portals.
Census Towns	<ul style="list-style-type: none"> Meghalaya government has launched the MGNREGS in Census towns of the state. Census towns are areas that are not defined as a town by state governments but have urban characteristics. <ul style="list-style-type: none"> Due to the ambiguity in their classification benefits from neither the urban schemes nor the rural schemes could realise; Three conditions to define Census Towns are; <ul style="list-style-type: none"> Population of 4,000 and more, Population density of at least 400 persons per square kilometer. Male non-farm workforce of more than 75 percent.
E-Government Survey 2022	<ul style="list-style-type: none"> 'E-Government Survey 2022: The Future of Digital Government' was released by UN Department of Economic and Social Affairs. It assesses the digital government landscape across all 193 Member States. Key Findings: <ul style="list-style-type: none"> India ranked 105 in the E-Government Development Index and 61 in E-Participation Index, down from the 2020 rank of 100 and 29 respectively. Denmark ranked 1 in the E-Government Development Index while Japan ranked 1 in E-Participation Index.
Personality Rights (PR)	<ul style="list-style-type: none"> Delhi High Court recently passed an interim order to prevent unlawful use of celebrities' name, image, and voice, thus highlighting issue of Personality Rights.

	<ul style="list-style-type: none"> Personality rights (PR) refer to right of a person to protect his/her personality under Right to privacy or property. <ul style="list-style-type: none"> Personality rights are rights of famous personalities and celebrities whose name, voice, signature or any other personality trait has commercial value and can mobilise and influence the public at large.
Government Advertisements	<ul style="list-style-type: none"> Madras High Court directed Tamil Nadu government to include photographs of President and PM in 44th Chess Olympiad advertisements. In 2015, Common Cause v Union of India, SC sought to regulate the way of government spending on advertisements. Based on N R Madhava Menon Committee (set up by SC) suggestions on government advertisement policy, SC has: <ul style="list-style-type: none"> Mandated government advertisements to avoid political party's symbol, logo or flag. Use photographs only of President, PM, CJI, Governor and CM.
Rule of Law Index	<ul style="list-style-type: none"> After improvement in World Bank's Ease of Doing Business rankings, now government has turned its attention to scoring better in Rule of Law Index. Index is published by World Justice Project (WJP), a US based civil society group. <ul style="list-style-type: none"> In 2022, India was ranked 77th out of 140 countries. Eight factors that Rule of Law Index measures: Constraint on government powers, Absence of corruption, Open government, Fundamental rights, Order and security, Regulatory enforcement, Civil justice, Criminal justice.
National E-Governance Services Limited (NeSL)	<ul style="list-style-type: none"> NeSL has processed one million transactions through its digital document execution platform. NeSL is India's first Information Utility. <ul style="list-style-type: none"> It is registered with Insolvency and Bankruptcy Board of India (IBBI) under aegis of Insolvency and Bankruptcy Code (IBC), 2016. Primary role of NeSL is to serve as a repository of legal evidence holding the information pertaining to any debt/claim.

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