



**INSIGHTSIAS**

SIMPLIFYING  
IAS EXAM PREPARATION

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Polity

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## **Executive**

### **1. President declines assent to Delhi govt's bill on appointment of parliamentary secretaries**

- President Pranab Mukherjee rejected a bill passed by the Delhi assembly seeking to exempt 21 AAP MLAs appointed as parliamentary secretaries from the purview of 'office of profit' criteria.
- **Background:**
  - Amendments to the **Delhi Members of Legislative Assembly (Removal of Disqualification) Act, 1997** passed by the state assembly, aims to **exclude the post of parliamentary secretary from the office of profit** and exempt the post from disqualification provisions.
- **Constitutional provisions:**
  - Under **Article 102(1) (a) and Article 191(1) (a)** of the Constitution, a person shall be disqualified as a member of Parliament or of a Legislative Assembly/Council if he holds an "**Office of Profit**" under the Government of India or any state, other than an office declared by parliament by law not to disqualify its holder.
  - Parliamentary Secretary's post is also in contradiction to **Article 164(1A)** which specifies that the number of ministers including the Chief Minister has to be within 15% of the total number of members of the Assembly (10% in the case of Delhi) because a **Parliament Secretary holds the rank of Minister of State**.
- **Parliamentary Secretary:**
  - A **parliamentary secretary** is a member of a Parliament in the Westminster system who assists a more senior minister with his or her duties.
  - Manipur, HP, Mizoram, Assam, Rajasthan, Punjab, Goa are some of the states where MLAs have been appointed Parliament Secretaries by the Government.
  - Over the last few years, **courts across the country have struck down the appointment of Parliamentary Secretaries for violating the Constitution**.
- **What is an Office of Profit?**
  - 'Office of profit' is **not defined in the Constitution**. Over the years, **four broad principles** have evolved for determining whether an office attracts the constitutional disqualification.
  - **First**, whether the government exercises control over appointment, removal and performance of the functions of the office.
  - **Second**, whether the office has any remuneration attached to it.
  - **Third**, whether the body in which the office is held has government powers (releasing money, allotment of land, granting licences etc.).
  - **Fourth**, whether the office enables the holder to influence by way of patronage.

### **2. Bill nixed due to wrong definition of Manipuri**

- A contentious legislation passed by the Manipur Assembly in 2015 to define

**NOTES**

who is a “Manipuri” was rejected by President Pranab Mukherjee recently as the definition was found to be “incorrect”.

- **Background:**

- The **definition of a “Manipuri” proposed by the State was based on the census conducted in 1951**, which is flawed as the census exercise that year did not cover the entire State.
- Since the infrastructure at that time was not enough, many people were left out in the process. And hence the computation was not exhaustive.
- If 1951 figures are taken into account, half of the tribes would be declared stateless.
- The other ground on which the Bill was rejected was that it was passed by the Assembly as a **“Money Bill”** and not sent to the **Hill Areas Committee** for consultation.
- As per rules, **any Bill concerning people living in the hills of Manipur has to be vetted by the panel.**

- **Manipur merged with India on October 15, 1949.** Before the merger, entry into the State was regulated by **Inner Line permit system (ILP)**, which was later abolished.

- **What is Inner Line Permit (ILP) system?**

- The Inner Line Permit system (ILP) is a **special pass or permit or quasi visa that is required by Indian citizens to enter protected/restricted area of state for a limited period.**
- It was **introduced by then British India government** to protect indigenous tribal people from encroachment into their areas by outsiders. Later, they used it as an instrument to advance the commercial interest.
- **Protected area/restricted area** under ILP regime are **notified by Union Government** and **ILP is issued by state governments** under the **Bengal Eastern Frontier Regulation, 1873.**
- This permit is **presently operational** in three north-eastern states viz. **Arunachal Pradesh, Nagaland and Mizoram.**

### **3. Supreme Court Ruling on the power of Pardon**

- **Supreme Court** noted that the **constitutional power of the executive to grant pardon cannot be exercised by the apex court unless there is a violation of fundamental rights.**
- **Article 32** can only be invoked when there is violation of any fundamental right or in the “realm of public interest litigation”.
- **Constitutional provisions:**
  - Under **Article 72**, the **President** have the power to grant pardons, reprieves, respites, remit, suspend or commute the sentence of any persons convicted of any offence-
  - Similarly, as per **Article 161: Governor** of a State has the power to grant pardons, reprieves, respites remit, suspend or commute the sentence of any person convicted of any offence.
  - The **President** has the right to pardon punishments of sentences given

under **Court Martial**, whereas the governor does not have this power.

- **President can grant pardon to a person awarded death sentence.** But Governor of State does not enjoy this power.
- The pardoning power of President is NOT absolute. It is governed by the advice of the Council of Ministers.

#### **4. Cabinet Secretary**

- Cabinet Secretary is the **top most executive official** and **senior-most civil servant in India**.
- The Cabinet Secretary is the **ex-officio head of the Civil Services Board**, the **Cabinet Secretariat**, and **head of all civil services** under the rules of business of the Government of India.
- The Cabinet Secretary is under the **direct charge of the Prime Minister**.
- Though there is **no fixed tenure**, the average tenure of the Cabinet Secretary has been less than 3 years. His or her tenure however, can be extended.
- He **doesn't belong to any particular ministry**.
- **Functions of a Cabinet Secretary:**
  - Chief Advisor to the Prime Minister of India.
  - Provide assistance to the Council of Ministers.
  - Handle senior appointments.
  - Prepare the agenda of the Cabinet.
  - Attend the meetings of the Cabinet.
  - Ensure that the Cabinet decisions are implemented.
  - Act as the Chairman of the Committee of Secretaries on Administration.
  - Act as the Chairman of the Chief Secretaries Committee.
  - Provide an element of continuity and stability to administration during crises.
  - Ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments.
  - The Cabinet Secretariat ensures that the President of India, the Vice-President and Ministers are kept informed of the major activities of all Departments.
  - The Cabinet Secretariat has 3 wings: Civil, Military and Intelligence.
    - The Civil wing is the main wing and provides aid, advice and assistance to the Union Cabinet.
    - Military wing is to provide better coordination in Intelligence and to provide secretarial assistance to the Defence Committee of the Cabinet and the National Defence Council.
    - The Intelligence wing deals with matters pertaining to the Joint Intelligence Committee of the Union Cabinet.

## **Judiciary**

### **1. Clarification regarding transgender**

- Supreme Court has refused to modify its 2014 order on transgenders while clarifying that lesbians, gays and bisexuals are not third gender or transgenders.
- Background:
  - In a landmark verdict, the Supreme Court had on April 15, 2014 granted **legal recognition to transgenders** or eunuchs as third category of gender and had directed the **Centre and all states to treat them as socially and educationally backward classes** to extend reservation in admission in educational institutions and for public appointments.

### **2. Supreme Court Ruling on AFSPA**

- Supreme Court has ruled that **armed personnel** cannot just shoot to kill militants who create internal disturbances under the presumption that they are enemies, and **would face criminal prosecution if found using excessive force** even in areas where the Armed Forces Special Powers Act (AFSPA) is in force.
- The SC observed that there is **no concept of absolute immunity** from trial by a criminal court if an Army man has committed an offence.
- **What is AFSPA?**
  - AFSPA was **enacted in 1958** amid the nascent **Naga insurgency**, **gives powers to the army and state and central police forces** to shoot to kill, search houses and destroy any property that is “likely” to be used by insurgents in areas declared as “disturbed area”.
  - Governor of the State and Central Government are empowered to declare any part or full of any state as disturbed area.
  - Security forces can “**arrest without warrant**” a person, who has committed or even “about to commit a cognizable offence” even on “reasonable suspicion”. It also protects them from legal processes for actions taken under the act.
- **Which states are under AFSPA?**
  - It is in force in **Jammu and Kashmir, Assam, Nagaland, Manipur, Arunachal Pradesh, Meghalaya and Mizoram**.
- **The government can declare AFSPA in the following conditions:**
  - When the **local administration fails to deal with local issues** and the police proves inefficient to cope with them.
  - When the scale of **unrest or instability** in the state is too large for the police to handle.

### **3. 1st e-Court @ HYDERABAD**

- India's **first e-court has been opened at High Court of Judicature at Hyderabad**, which is the common high court for the states of Telangana and Andhra Pradesh.
- The purpose of e-courts was to ensure speedy justice for the litigants.



#### **4. State of The Indian Judiciary Report**

- “State of The Indian Judiciary” report was released recently by the **Bangalore-based research organisation DAKSH** under the “**Rule of Law Project**”.
- The project aims to investigate the **problem of pendency of cases**.

#### **5. Sedition**

- The Supreme Court has clarified that sedition charges cannot be brought against a person merely for raising a voice against the government or its policies.
- The authorities, while dealing with offences under **Section 124A** of the Indian Penal Code, shall be guided by the principles laid down by the Constitution Bench in ***Kedar Nath Singh vs State of Bihar***.
- The court had pointed out two essential ingredients required to establish the crime of sedition:
  - The acts must be intended to have the “**effect of subverting the government**” by violent means.
  - The acts must be intended to create **disorder or disturbance of public peace** and order by resort to violence and must incite violence.

#### **6. Supreme Court Ruling on National Anthem**

- The **Supreme Court** ruled that **all cinemas in the country must play the national anthem prior to the screening of a film**, with all doors closed.
- States that have already made it compulsory:
  - Maharashtra, Chhattisgarh and Goa.
  - The States have done this under the **Prevention of Insults to National Honour Act, 1971**.
- The Act, which addresses insults to the Constitution, the national flag and the national anthem, has its genesis in **Article 51 (a) of the Constitution**, which enjoins a duty on every citizen of India to abide by the Constitution and respect its ideals and institutions, the national flag and the national anthem.
- **Can the recent order of the Supreme Court be reviewed?**
  - Yes, those aggrieved can file a modification application to address the omissions and contradictions in the recent Supreme Court Order.
- **Who can file the interventions?**
  - The Cinema Owners Exhibitors’ Association of India can, plead that the order is in contradiction of an earlier Supreme Court order ordering cinema theatres to keep their doors open, after a fire killed 59 people in Uphaar Theatre in 1997.
  - Organisations of differently abled people can seek exemptions from the order.

#### **7. SC extends judicial review powers**

- In a blow to Ordinance Raj, a Constitution Bench of the **Supreme Court** has widened the boundaries of judicial review to the extent that it **can now examine whether the President or the State Governor was spurred by an “oblique motive” to bypass the legislature and promulgate an ordinance**.
- The court has held that the **satisfaction of the President under Article 123**

**and of the Governor under Article 213 is not immune from judicial review.**

- Besides, **re-promulgation defeats the constitutional scheme** under which a **limited power to frame ordinances has been conferred on the President and the Governors.**
- The ordinances issued under Articles 123 or 213 have the **same force and effect as a law** enacted by the legislature but it must be laid before the legislature and will cease to operate six weeks after the legislature has reassembled or even earlier if a resolution disapproving it is passed.
- In the **Dr. D.C. Wadhwa versus State of Bihar** case, the Constitution Bench of the Supreme Court held that the Executive has no arbitrary right to promulgate ordinances.

## **8. Art 224-A to resolve Tripura HC problem**

- Faced with a unique problem of recusal by judges at the **Tripura High Court**, the Supreme Court has asked the Centre to explore the possibility of using **Article 224-A** of the Constitution on appointment of judges of other High Courts as sitting judges.
- **Article 224-A** of Constitution says “the **Chief Justice of a High Court** for any State may at any time, with the previous **consent of the President**, request any person who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State.”

## **9. There's no concept of National Song: SC**

- The Supreme Court has refused to intervene in a petition seeking a direction to the government to frame a national policy to promote and propagate the 'National Song', along with the National Anthem and the National Flag.
- According to the Supreme Court, **“there is no concept of National Song”**. **Article 51A (a)**, citing the citizens' fundamental duties, does not refer to 'National Song.' It **only refers to National Flag and National Anthem.**
- Article 51A (a) mandates that citizens should abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

## **10. Supreme Court makes legal services affordable**

- The Supreme Court has introduced **Middle Income Group Scheme for providing legal services to the middle and relatively lower income groups.**
- It is a self supporting scheme for citizens whose gross income is not exceeding Rs.60, 000 per month or Rs. 7, 50, 000 per annum.
- A case will be registered under the MIG Legal Aid Scheme and forwarded to **Advocate-on-Record/** Senior Counsel/Arguing Counsel on the panel for their opinion.
- The view expressed by Advocate-on Record will be final in determining eligibility of the applicant for obtaining the benefit under the scheme.
- **A society will be created.** The Chief Justice of India is the Patron-in-Chief of the society with Attorney General its ex-officio Vice President, Solicitor General its Honorary Secretary and other senior advocates of the apex court as its members.
- The society will not be responsible for the negligent conduct and the entire

responsibility will be that of the advocate.

**NOTES****11. Contempt Of Court**

- For the **first time in the history of Independent India**, the **Supreme Court issued contempt of court notice against sitting Calcutta HC judge C.S. Karnan** for impeding justice administration and bringing discredit to the judicial institution.
- **Constitutional Provisions:**
  - **Article 129 and Article 142 (2)** of the Constitution enables the Supreme Court to issue notice and punish anyone including Judges of the High Court for the contempt of court.
- **Contempt under the Contempt of Courts Act, 1971:**
  - **Civil contempt** as the wilful disobedience to any judgement, decree, direction, order or writ of the court.
  - **Criminal Contempt** as the publication (by spoken words, written material, signs, visual representation or otherwise) or doing of any act which has any of the following effects:
    - Scandalizing or lowering the authority of the Court.
    - Tending to interfere with the due course of any judicial proceeding.
    - Obstructing or tending to obstruct the administration of justice in any other manner.

## **Centre – State Relations**

### **NOTES**

### **1. Zonal Councils**

- Zonal councils have been **established by the Parliament** to promote **interstate cooperation and coordination**.
- They are **statutory bodies** established under the **States Reorganisation Act 1956** and not constitutional bodies. They are only deliberative and **advisory bodies**.
- **There are 5 five Zonal councils namely:**
  - The **Northern Zonal Council**, comprising the States of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh.
  - The **Central Zonal Council**, comprising the States of Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh.
  - The **Eastern Zonal Council**, comprising the States of Bihar, Jharkhand, Orissa, and West Bengal.
  - The **Western Zonal Council**, comprising the States of Goa, Gujarat, Maharashtra and the Union Territories of Daman & Diu and Dadra & Nagar Haveli.
  - The **Southern Zonal Council**, comprising the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry.
- The **North Eastern States** i.e. (i) Assam (ii) Arunachal Pradesh (iii) Manipur (iv) Tripura (v) Mizoram (vi) Meghalaya (vii) Sikkim and (viii) Nagaland are not included in the Zonal Councils and their special problems are looked after by the **North Eastern Council**, set up under the **North Eastern Council Act, 1972**.
- **Composition:**
  - **Chairman** – The Union Home Minister is the Chairman of each of these Councils.
  - **Vice Chairman** – The Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.
  - **Members**- Chief Minister and two other Ministers as nominated by the Governor from each of the States and two members from Union Territories included in the zone.
  - **Advisers**- One person nominated by the Planning Commission (which has been replaced by NITI Ayog now) for each of the Zonal Councils, Chief Secretaries and another officer/Development Commissioner nominated by each of the States included in the Zone.
  - **Union Ministers** are also invited to participate in the meetings of Zonal Councils depending upon necessity.
- The main **objectives** of setting up of Zonal Councils are:
  - Bringing out **national integration**.
  - Arresting the growth of acute State consciousness, regionalism, linguism and particularistic tendencies.
  - Enabling the Centre and the States to **co-operate and exchange ideas** and experiences.
  - Establishing a climate of co-operation amongst the States for

successful and speedy execution of development projects.

**NOTES****2. Lieutenant Governor Role in Delhi**

- The Delhi High Court on held that the **Lieutenant Governor** was its “**administrative head**” and that it “continues to be a Union Territory.”
- The High Court also set aside the government’s contention that the L-G was supposed to act only on the aid and advice of the Ministers.
- **Administration of Union Territories:**
  - **Articles 239 to 241** in Part VIII of the Constitution deal with the union territories. Even though all the union territories belong to one category, **there is no uniformity in their administrative system.**
  - Every union territory is **administered by the President** acting through an **administrator appointed by him.**
  - An **administrator** of a union territory is an **agent of the President** and **not head of state like a governor.**
  - The Union Territories of **Puducherry (in 1963)** and **Delhi (in 1992)** are provided with a **legislative assembly** and a council of ministers headed by a chief minister.
- **Special Provisions for Delhi:**
  - The **69th Constitutional Amendment Act of 1991** provided a special status to the Union Territory of Delhi, and redesignated it the **National Capital Territory of Delhi** and designated the administrator of Delhi as the **lieutenant (lt.) governor.**
  - The **council of ministers headed by the chief minister** has to aid and advise the lt. governor in the exercise of his functions except in so far as he is required to act in his discretion.
  - In the case of difference of opinion between the lt. governor and his ministers, the lt. governor is to refer the matter to the president for decision and act accordingly.

**3. Demand for Special Category Status for Andhra Pradesh**

- **Andhra Pradesh is demanding a special category status from the centre.**
- There is **no provision** for categorisation of any State in India as a Special Category Status (SCS) State in our constitution.
- The concept of a special category state was first introduced in 1969 by the **5th Finance Commission**. The decision to grant special category status was held by the **National Development Council**.
- **The criteria included:**
  - Hilly and difficult terrain,
  - Low population density or the presence of sizeable tribal population,
  - Strategic location along international borders,
  - Economic and infrastructural backwardness
  - Non-viable nature of State finances.
- **Which States are receiving it right now?**
  - Assam, Jammu and Kashmir, Nagaland, Arunachal Pradesh, Manipur, Sikkim, Himachal Pradesh, Meghalaya, Tripura, Uttarakhand and Mizoram. (Total 11)

## NOTES

- **Benefits to Special Category States (SCS)**
  - The SCS States used to receive **block grants based on the Gadgil-Mukherjee formula**, which allowed for nearly 30 per cent of the Total Central Assistance to be transferred to SCS States as late as 2009-10.
  - Recommendations of the **Fourteenth Finance Commission (FFC)**, Central plan assistance to SCS States have been subsumed in an increased devolution of the divisible pool to all States (from 32% in the 13th FC recommendations to 42%).
  - The FFC also recommended variables such as “**forest cover**” to be included in devolution, with a weightage of 7.5 in the criteria and which could benefit north-eastern States that were previously given SCS assistance.
  - Besides, assistance to **Centrally Sponsored Schemes** for SCS States was given with **90% Central share and 10% State share**.
  - Special category states can enjoy **concessions in excise and customs duties, income tax rates and corporate tax rates** as determined by the government.
- **What other States are seeking SCS status?**
  - Apart from Andhra Pradesh, **Bihar and Odisha** had recently asked for the SCS status but they have **not been granted** as they did not meet the criteria.

## Inter – State Relations

### 1. Mahadayi Water Dispute

- The **Mahadayi water-sharing dispute** has the states of **Goa, Maharashtra and Karnataka** vying for water from the **Mahadayi River**.
- **River Mahadayi**
  - Mahadayi, the west-flowing inter-state river in the Western Ghats, takes birth in Degaon village, Karnataka.
  - The river travels 35 km in Karnataka; 82 km in Goa before joining the Arabian Sea.
  - The River Mahadayi is **called Mandovi in Goa**.
- **What is Kalasa-Banduri Nala project?**
  - The Kalasa-Banduri Nala is a project **undertaken by the Government of Karnataka** to improve drinking water supply to the Districts of **Belagavi, Dharwad and Gadag**.





- It involves building across **Kalasa and Banduri**, two **tributaries of the Mahadayi river** to divert 7.56 TMC of water to the Malaprabha river, which supplies the drinking water needs of the said 3 districts, i.e., Dharwad, Belagavi and Gadag.
- Goa moved the Supreme Court in 2006 seeking constitution of a tribunal, withdrawing approval for any work in the basin. Mahadayi (Mandovi) is a water deficit basin and water diversion could impact the environment.

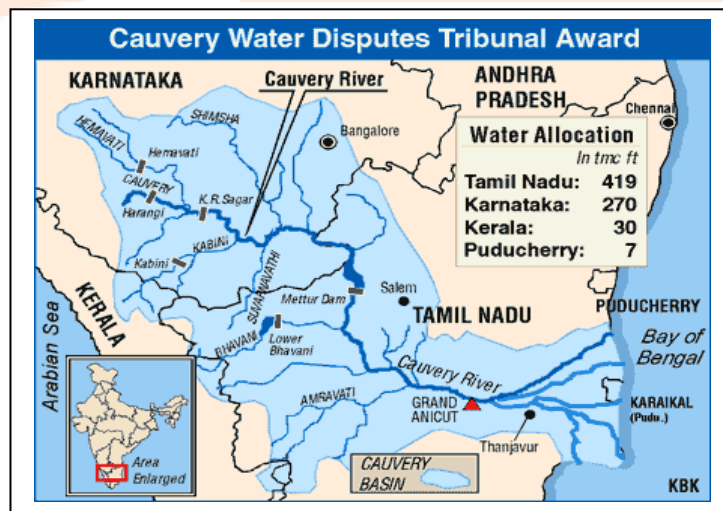
### HOW IT ALL STARTED

- 2/3rd of river flows in Goa
- **Tributaries: Kalasa and Banduri Nalas**
- Karnataka wants to construct dams across the Kalasa and Banduri, and divert water to Malaprabha river in Belgaum
- **Diversion will cater to the drinking water needs of villages and towns of Belgaum, Dharwad, Bagalkot and Gadag districts**
- But Goa opposes diversion as it depends on Mahadayi to keep its Zuari River navigable till the Mormugao harbour in Panaji
- **Goa requested, under Section 3 of the Inter-State River Water Disputes Act, 1956, for constitution of a tribunal to address the dispute**
- Cabinet in 2009 constituted a tribunal headed by retired Supreme Court judge J M Panchal
- **Maharashtra is also party to the dispute. For, the river originates in Karnataka and a major portion of basin is in Goa. But a small portion flows through Maharashtra and then joins the Arabian Sea in Goa**
- Central govt notified the Mahadayi Water Disputes Tribunal on Nov 16, 2010

## 2. Cauvery water Dispute

- The sharing of waters of the Cauvery River has been the source of a serious conflict between the two states of **Tamil Nadu and Karnataka**.
- **What is the dispute?**

- The **Cauvery River originates in Karnataka's Kodagu district**, flows into Tamil Nadu and reaches the Bay of Bengal at Poompuhar.
- Parts of three Indian states – **Tamil Nadu, Kerala, and Karnataka – and the Union**



**Territory of Pondicherry lie in the Cauvery basin.**

- Initially, the dispute was between Karnataka and TN but later Kerala and Puducherry also entered the fray.
- The genesis of this conflict rests in two agreements in 1892 and 1924 between the erstwhile Madras Presidency and Kingdom of Mysore.
- **Cauvery waters tribunal:**
  - Owing to Tamil Nadu government's appeal, the Central government

## NOTES

under **Inter-State Water Disputes Act, 1956**, constituted the **Cauvery Waters Tribunal** on June, 2, 1990.

- It concluded that, Tamil Nadu would be allocated 56.62% and Karnataka 36.48%.
- Kerala was given 4.05% and Puducherry 0.94%.
- Both governments challenged the decision in the Supreme Court.

- **Inter State Water Disputes Act, 1956:**

- IRWD Act was **enacted by the parliament** of India under **Article 262** of Constitution to resolve the water disputes that would arise in the use, control and distribution of an interstate river or river valley.
- Article 262 also says that the parliament can also provide that **neither the Supreme Court nor any other court shall exercise jurisdiction in respect of inter-state water disputes.**
- Scope of the IRWD Act is **applicable only to interstate rivers / river valleys.**
- **Creation of the Tribunal** takes place when the riparian states are not able to reach amicable agreements.
- The Tribunal shall have the **same powers as are vested in a civil court.**

### 3. Krishna Water Dispute

- The Krishna Water Disputes Tribunal-II on 19th October 2016 has ruled that there was no need to re-allocate the river water among all four riparian states i.e, Telangan, Andhra Pradesh, Maharashtra and Karnataka.
- **Krishna Water Dispute Tribunals:**
  - **Krishna Water Dispute Tribunal (KWDT-I)**, headed by retired SC judge **Bachawat**, was set up by the central government 1969 under the state water disputes Act 1956.
  - It was set up to resolve the disputes among the states of Maharashtra, Karnataka and Andhra Pradesh in sharing the Krishna river waters.
  - KWDT-I gave its final award in 1973.
  - However, the disputes between the states persisted over water sharing.
  - In April 2004, after requests all three states, the Central Government set up **KWDT-II, headed by Brijesh Kumar**, for resolving the issues.
  - KWDT-II gave its final award in 2013.
- **AP-Telangana Water disputes:**
  - Since the bifurcation, AP and Telangana started having disputes over water sharing.
  - Both the states sought fresh reallocation of Krishna River water among all four riparian states - Maharashtra, Karnataka, Telangana and AP.
  - The KWDT-II turned down the demand by Telangana and AP for fresh reallocation of waters.
  - The tribunal observed that the **section 89 of AP reorganisation act 2014 was not applicable to Maharashtra and Karnataka.**
  - It said that AP and Telangana have to share water that was allocated to the undivided AP.



#### **4. Inter-State Council**

- The Inter-State Council, a **constitutional body** to facilitate coordination between states and the centre, has been **reconstituted with Prime Minister Narendra Modi as the head**.
- **What is the inter-state council?**
  - The Council is a **recommendatory body** to investigate and discuss subjects, in which some or all of the states or the union government have a common interest.
- **Key facts:**
  - **Article 263** of the Constitution of India provides for the establishment of an Inter-State Council.
  - It considers recommendations for the **better coordination of policy and action**, and also matters of general interest to the states.
  - The inter-state council is **not a permanent constitutional body**. It can be established 'at any time' **if it appears to the President that the public interests would be served** by the establishment of such a council.
- **Composition of the inter-state council:**
  - The inter-state council is established under Article 263 of the Constitution **through a Presidential Order**.
  - The Council shall consist of **prime minister who is the chairman**,
  - The members include: **chief ministers of all states, chief ministers of union territories and administrators of UTs, and six union ministers of cabinet rank in the union council of ministers** nominated by the prime minister.

#### **5. Single tribunal to arbitrate inter-State water disputes**

- The Centre has decided to set up a **single, permanent Tribunal to adjudicate all inter-State river water disputes**, a step which is aimed at **resolving grievances of States in a speedy manner**.
- This body will **subsume existing tribunals**.
- To this effect the government has introduced **Inter-State River Water Disputes (Amendment) Bill, 2017**.
- The government has also proposed to float some Benches by amending the Inter-State Water Disputes Act, 1956. The benches will look into disputes as and when required and will cease to exist once the disputes are resolved.
- The permanent tribunal will have retired Supreme Court judge as its chairperson.
- The amendment proposes to set up **Dispute Resolution Committee (DRC)**. The DRC, comprising experts and policy-makers, is proposed to handle disputes prior to the Tribunal.
- The **total time period for adjudication of dispute has been fixed at maximum of four and half years**.
- The decision of the Tribunal shall be final and binding with no requirement of publication in the official Gazette.
- **Background:**
  - **The Inter State Water Dispute Act, 1956** which provides the legal

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framework to address such disputes, suffers from many drawbacks.

- Under this Act, a separate Tribunal has to be established for each Inter State River Water Dispute.
- Only three out of eight Tribunals have given awards accepted by the States, while Tribunals like Cauvery and Ravi Beas have been in existence for over 26 and 30 years respectively without any award.
- Delays are on account of **no time limit** for adjudication by a Tribunal, **no upper age limit** for the Chairman or the Members, work getting stalled due to occurrence of any **vacancy** and **no time limit for publishing the report** of the Tribunal.

**6. Shahpur Kandi dam project**

- **Punjab and Jammu & Kashmir** have reached out an agreement to resolve issues relating to the **Shahpur Kandi Dam** project, proposed to be built downstream **Ranjit Sagar Dam** (Thein Dam) on the Ravi in Gurdaspur district.
- The project comes **under the Indus Water Treaty**, thus helping India utilise its rights on eastern rivers of the basin.
- The Shahpur Kandi dam is located in Gurdaspur district of **Punjab**, will help in providing irrigation facility to Punjab and J&K besides generation of 206 MW power.
- The construction of Shahpur Kandi project was taken up in May 1999 but later halted in 2014 due to dispute between Punjab and J&K.

**7. Mahanadi Water Dispute**

- The Odisha government has rejected an expert committee constituted by the Union Water Resource Minister to resolve the Mahanadi River water dispute between Odisha and Chhattisgarh.
- The river flows through the states of **Chhattisgarh and Odisha**.
- **About the Dispute:**
  - The **Mahanadi** was notorious for its devastating floods. Thus it was called '**the sorrow of Orissa**'. However the construction of the **Hirakud Dam** has greatly altered the situation.
  - Chhattisgarh which became a separate state in 2000 has managed to get 10 barrages and minor irrigation projects built on the river upstream.
  - Odisha has contended that the construction of barrages and weirs over the river would leave insufficient water to the Hirakud dam.

## Electoral Issues / Electoral Reforms

### NOTES

### 1. Election Commission writes to Centre, seeks power to postpone, revoke polls

- The Commission has asked the government to insert a **new clause '58 B'** in the **Representation of the People Act, 1951** to allow adjournment or countermanding of election in the affected polling areas on the **grounds of use of money power**.
- The provision would also empower the Commission to re-schedule the elections in such areas.
- Why this is necessary?
  - Presently, ECI can take actions under **Article 324 of the Constitution**. But, there is no specific provision in the RPA to this effect.
- **Clause 58 A empowers the Election Commission to cancel polls only if there is an evidence of booth-capturing or use of muscle power to influence the outcome of elections.**
- Section 58A was introduced in the 1980s when booth-capturing was rampant during elections in many parts of the country.

### 2. Model Code of Conduct(MCC)

- These are the **guidelines issued by the Election Commission of India for conduct of political parties and candidates during elections** mainly with respect to speeches, polling day, polling booths, election manifestos, processions and general conduct.
- **Aim:** To ensure free and fair elections.
- **When it comes into force?**
  - The Model Code of Conduct comes into force **immediately on announcement of the election schedule** by the commission. The Code remains in force **till the end of the electoral process**.
- **Status:**
  - The need for such code is in the interest of **free and fair elections**. However, the code **does not have any specific statutory basis**. It has only a persuasive effect.
  - It contains what is known as **"rules of electoral morality"**. But this lack of statutory backing does not prevent the Commission from enforcing it.
- **Evolution:**
  - The Commission issued the code for the first time in **1971 (5th Election)** and revised it from time to time.
  - This set of norms has been evolved with the consensus of political parties who have consented to abide by the principles embodied in the said code and also binds them to respect and **observe it in its letter and spirit**.

### 3. National Electoral Roll Purification 2016

- The **Election Commission of India (ECI)** has launched the **National Electoral Roll Purification (NERP) programme** across the country to correct errors in

## NOTES

electoral rolls and enrolment of all eligible citizens, among other things.

- NREP 2016 will ensure **single electoral register entry** for every eligible elector with unique Elector Photo Identity Card (EPIC) number, removal of all absent, shifted or dead electors' entries and repeat entries.
- Photo electoral rolls will be updated with good quality images of every elector
- **Geographic Information System (GIS)** would be used to standardise sections, polling station boundaries and locations.
- Provision has been made to provide the information electronically on **National Voters Service Portal (NVSP)**.

### 4. EC to now review National, State status of political parties every 10 years

- **Election Commission (EC) has amended rules**, whereby it will now **review the national and state party status of political parties every ten years instead of the present five.**
- Recognition as a national or a State party ensures that the **election symbol is not used by any other political entity** in polls across India.
- **To obtain a national status, political parties have to fulfil any of the three conditions:**
  - Winning 2% seats or 11 seats in the Lok Sabha from at least three different states in the latest general election.
  - Recognition as a state party in at least four states.
  - Polling 6% of the total valid votes in at least four states, in addition to winning four Lok Sabha seats.
- **To be recognised as political party in a State, if and only if the political party fulfils any of the following conditions:**
  - At General Elections or Legislative Assembly elections, the party has won 3% of seats in the legislative assembly of the State (subject to a minimum of 3 seats).
  - At a Lok Sabha General Elections, the party has won 1 Lok sabha seat for every 25 Lok Sabha seat allotted for the State.
  - At a General Election to Lok Sabha or Legislative Assembly , the party has polled minimum of 6% of votes in a State and in addition it has won 1 Lok Sabha or 2 Legislative Assembly seats.
  - At a General Election to Lok Sabha or Legislative Assembly, the party has polled 8% of votes in a State.
- **Benefits:**
  - If a party is recognised as a 'State Party' and 'National Party' it is entitled for exclusive **allotment of its reserved symbol** to the candidates set up by it.
  - Recognised 'State' and 'National' parties need only **one proposer for filing the nomination** and are also entitled for **two sets of electoral rolls** free of cost.
  - They also get **broadcast/telecast facilities** over Akashvani / Doordarshan during general elections.
  - A recognized National or State party can nominate **"Star**

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**Campaigners**” with a maximum of 40 “Star campaigners” and a registered un-recognised party can nominate a maximum of 20 ‘Star Campaigners’.

- **TMC as National Party**
  - TMC qualified for the status as it is recognised as a state party in four states.
  - The TMC is now the **seventh party** to be given the status after **Congress, Bharatiya Janata Party, Bahujan Samaj Party, Communist Party of India, Communist Party of India-Marxist and the Nationalist Congress Party.**

## 5. Totalizer Machines

- The Union government is working on the issue of introducing “**totaliser machines**” for **mixing of votes from various booths for counting**, as recommended by the Election Commission.
- The **Law Commission** had also recommended the use these machines.
- **About totalizer machines:**
  - The machine is expected to **prevent disclosure of voting patterns** across polling stations during counting. It **enhances voter secrecy.**
  - The current system reveals the voting trends in each polling station, thus leaving the voters in that vicinity open to harassment, intimidation and post-election victimisation.

## 6. Section 123 of the Representation of the People Act

- The Supreme Court in its latest verdict has held that **election candidates cannot seek votes on the grounds of the religion, caste, creed, community or language of voters.**
- It held that if the candidate is found violating the order will result into call for his **disqualification.**
- **Background:**
  - The apex court’s verdict came while it was hearing several petitions in the Hindutva case seeking **interpretation of Section 123 (3) of the Representation of the People Act.**
  - The provision says that if a **candidate or his agent or any other person**, with his consent, appeals for votes on religious or such grounds it would amount to a ‘**corrupt practice**’.
  - Earlier in the Hindutva case, SC had held that canvassing votes in name of ‘Hindutva/Hinduism’ was not a corrupt electoral practice, as Hinduism was not a religion but a way of life in India.

## 7. e-postal ballots

- The government has amended **rule 23 of the Conduct of Elections Rules, 1961** enabling service voters, including **armed forces personnel, to cast their vote in elections through e-postal ballot.**
- Under the new rules, service voters, including personnel from armed forces, can now **download the blank post ballot sent to them electronically, mark their preference and post the filled-up ballot back** to their respective

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returning officers.

- On a pilot basis, e-postal ballot system has been introduced for armed police forces of the central government, other forces subject to the provisions of the Army Act, armed forces of a state serving outside that state, and those employed under the government of India in a post outside India.

**8. International Conference on Voter Education**

- The first ever Global Conference on Voter Education titled '**Voter Education for Inclusive, Informed and Ethical Participation**' was held in New Delhi.
- It was organized by the **Election Commission of India (ECI) in association with UNDP.**
- Motto – "**No Voter to be Left Behind**".
- To adopt best practices across the world to ensure Voter Education and maximum Electoral Participation of the People.

**9. Model Code of Conduct(MCC)**

- These are the **guidelines issued by the Election Commission of India for conduct of political parties and candidates** during elections mainly with respect to speeches, polling day, polling booths, election manifestos, processions and general conduct.
- **When it comes into force?**
  - The Model Code of Conduct comes into force **immediately on announcement of the election schedule** by the commission. The Code remains in force till the end of the electoral process.
- **Status:**
  - The need for such code is in the interest of **free and fair elections.**
  - However, the code **does not have any specific statutory basis.** It has only a persuasive effect.
  - It contains what is known as "**rules of electoral morality**". But this lack of statutory backing **does not prevent the Commission from enforcing it.**
- The **MCC bars ministers from combining official visits with campaigning** and from using official machinery or personnel in electioneering.
- Once the elections are announced, ministers are **prohibited from announcing any financial grants** in any form and making any promise to carry out any development activity like building roads, providing drinking water facilities, etc., in lieu of votes.
- If elections to Lok Sabha and state Assembly clash with the Budget, in this case a **vote on account** is taken.

**10. Vote Verifier Paper Audit Trail (VVPAT)**

- The Supreme Court has reiterated the necessity to implement the Vote Verifier Paper Audit Trail (VVPAT) in electronic voting machines (EVMs) to ensure 100% transparency in elections.
- In the VVPAT system, when a **voter presses the button for a candidate of his choice in the EVM, a paper ballot containing the serial number, name of the candidate and poll symbol would be printed for the voter.**

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- The VVPAT is intended as an **independent verification system** for voting machines.
- VVPAT is a method of providing feedback to voters.
- The system was first experimented during the Nagaland by-elections in 2013; Mizoram was the first state to introduce VVPAT on a large scale.

**11. National Voter's Day**

- The **Election Commission of India** celebrated 7th National Voters' Day (NVD) across the country on 25th January.
- **Theme: Empowering Young and Future Voters.**
- On this day in 1950, the **Election Commission of India was founded**. The ECI observes National Voters Day to create awareness on voting and voter rights.

**Citizenship****1. Citizenship (Amendment) Bill, 2016**

- The Citizenship (Amendment) Bill, 2016 aims to amend the **Citizenship Act, 1955** to make **illegal migrants who belong to six communities viz. Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship of India.**
- The bill also proposed to **relax the requirements of citizenship by naturalization**. Earlier the applicant must have resided in India for 11 years before applying for citizenship.
- **The Bill relaxes this 11 year requirement to six years** for persons belonging to the same six religions and three countries.
- The Bill provides that the registration of Overseas Citizen of India (OCI) cardholders may be cancelled if they violate any law. This is a wide ground that may cover a range of violations, including minor offences (eg. parking in a no parking zone).
- **Illegal Immigrants:**
  - Under the Citizenship Act, 1955; illegal migrants are prohibited from acquiring Indian Citizenship.
  - An illegal immigrant is one who **either enters the country without valid travel documents (passport & visa) or has the valid travel documents but stay beyond permitted time period.**
  - Under the Foreigners Act, 1946 and Passport (Entry into India) Act, 1920, the illegal migrants can be **imprisoned or deported.**



## Policies / Schemes

### NOTES

### 1. New Print Media Advertisement Policy

- **Ministry of Information & Broadcasting** has framed a New Print Media Advertisement Policy for **Directorate of Advertising & Visual Publicity (DAVP)** with the objective to promote **transparency and accountability in issuing of advertisements in print media.**
- **Highlights of the policy:**
  - For the first time, the policy introduces a **new marking system to incentivise newspapers.**
  - DAVP will release advertisements to newspapers based on marks obtained by each newspaper. This will also ensure transparency and accountability in the release of advertisements by DAVP.
  - The newspapers will get benefit from new system who have better professional standing and get their circulation verified by **Audit Bureau of Circulations (ABC) or Registrar of Newspapers for India (RNI).**
  - To promote **regional equity**, the budget for all India release of ads shall be divided among states based on circulation of newspapers in each state or language.
  - The policy allows **relaxations to encourage publications in regional languages**, small and medium newspapers, mass circulated newspapers (over 1 lakh), papers in the Northeast, Jammu and Kashmir and the Andaman and Nicobar Islands.
- DAVP is the nodal agency of the Union Government for advertising on behalf of various Ministries and Departments which are funded by the government.

### 2. New National Education Policy

- A high-power committee headed by former Cabinet Secretary **T.S.R. Subramanian** was tasked for drawing a blueprint for a new national education policy.
- It has recommended that the law that set up the higher education regulator University Grants Commission (**UGC**) **be allowed to lapse.**
- An **expert Committee headed by Hari Gautam** recently had examined thoroughly the past, present and future role of UGC. The report had concluded that the UGC does not have the adequate number of personnel, of requisite quality, to be an effective regulatory force in the higher education sector.
- **About University Grants Commission (UGC):**
  - The University Grants Commission (UGC) of India is a **statutory body** set up in **1956**, and is charged with coordination, determination and maintenance of standards of **higher education.**
  - It is under **Ministry of Human Resource Development**
  - It provides **recognition to universities in India**, and **disburses funds** to such recognized universities and colleges.
  - Previously, UGC was formed in 1946 to oversee the work of the three Central Universities of Aligarh, Banaras and, Delhi. In 1947, the



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Committee was entrusted with the responsibility of dealing with all the then existing Universities.

- After independence, the **University Education Commission** was set up in 1948 under the **Chairmanship of S. Radhakrishnan** and it recommended that the UGC be reconstituted on the general model of the University Grants Commission of the United Kingdom.
- The UGC was however, formally established in November 1956, by an Act of Parliament as a statutory body of the Government of India.

**3. Uniform Civil Code**

- Uniform civil Code is a proposal to have a **generic set of governing laws for every citizen without taking into consideration the religion.**
- **Constitutional provision** regarding UCC:
  - According to **Article 44**, “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”.
  - Since, the Directive Principles are only guidelines, it is **not mandatory to use them.**
- **Current situation:**
  - Currently, there are personal laws based on the scriptures and customs of each major religious community. They are separate from the public law and are applied on issues like-
  - Marriage.
  - Divorce.
  - Inheritance.
  - Adoption and maintenance.
- **Why it is difficult to have a UCC?**
  - India being a secular country guarantees its minorities the right to follow their own religion, culture and customs under **Article 29 and 30**. But implementing a Uniform Code will **hamper India’s secularism.**

## **Constitutional / Non - Constitutional / Statutory / Regulatory / various Quasi-Judicial Bodies.**

### **NOTES**

#### **1. Public Accounts Committee (PAC)**

- The Public Accounts Committee (PAC) is a committee of selected members of Parliament, constituted by the Parliament of India, for the **auditing of the expenditure of the Government of India**.
- The Committee is formed **every year** with strength of not more than 22 members of which **15 are from Lok Sabha and 7 from Rajya Sabha**.
- The **Chairman is appointed by the Speaker of Lok Sabha**. Since 1967, the chairman of the committee is selected from the opposition. Earlier, it was headed by a member of the ruling party.
- Its chief function is to **examine the audit report of Comptroller and Auditor General (CAG) after it is laid in the Parliament**. CAG assists the committee during the course of investigation.
- A **Minister is not eligible to be elected as a member of the Committee and if a member, after his election to the Committee, is appointed as a Minister, he ceases to be a member of the Committee from the date of such appointment**.
- The **term of office of members of the Committee does not exceed one year at a time**.

#### **2. Central Information Commission (CIC)**

- A full bench of the central information commission (CIC) **had refused to disclose information on the assets and liabilities of Sebi chief U K Sinha, saying there was no public interest involved**.
- CIC said that the appellant in the instant case has not made a bona fide public interest in seeking information and the disclosure of such information is likely to cause **unwarranted invasion of privacy** of the individual under Section 8(1)(j) of the RTI Act.
- **Central Information Commission (CIC):**
  - The Central Information Commission (CIC) is set up under the **Right to Information Act** and is the authorised body, established in 2005, under the Government of India.
  - The **Chief Information Commissioner** heads the Central Information Commission. CIC hears appeals from information-seekers who have not been satisfied by the public authority, and also **addresses major issues concerning the RTI Act**.
  - The Chief Information Commissioner and Information Commissioners are **appointed by the President on the recommendation of a committee** consisting of—
    - The **Prime Minister**, who shall be the Chairperson of the committee.
    - The **Leader of Opposition in the Lok Sabha**.
    - A **Union Cabinet Minister to be nominated by the Prime Minister**.

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### 3. Directorate of Revenue Intelligence (DRI)

- The Directorate of Revenue Intelligence was constituted on 4th December **1957**, for collection and **study of information on smuggling activities** and the **deployment of all anti-smuggling resources** at the all India level, besides arranging **training** for the intelligence and Investigation officers of the Custom Houses and Central Excise Collectorates deployed on similar work.
- DRI is the **major intelligence agency** which eradicates smuggling of drugs, gold, diamonds, electronics, foreign currency, counterfeit Indian currency, etc.
- The Directorate of Revenue Intelligence functions under the **Central Board of Excise and Customs** in the Ministry of Finance, Department of Revenue.

### 4. National Human Rights Commission (NHRC)

- It is a **statutory body** established in 1993.
- It consists of a **Chairman and 4 members**. **Chairman should be a retired Chief Justice of India**. Members should be either sitting or retired judges of the Supreme Court or a serving or retired Chief Justice of a High Court and 2 persons having practical knowledge in this field.
- **Ex officio members** are the chairmen of National Commission for Scheduled Caste, National Commission for Scheduled Tribes, National Commission for Minorities and National Commission for Women.
- **Appointment:** The chairman and members are appointed on the **recommendation of a 6 member committee** consisting of Prime Minister, Speaker of the Lok Sabha, Deputy Chairman of the Rajya Sabha, leaders of opposition in both the houses of parliament and Union Home Minister.
- **Term:** Term of the chairman and members is **5 years or 70 years** whichever is earlier. After retirement they are not eligible for further reappointment.
- **Removal:** **President** has to refer the matter to Supreme Court and if after enquiry Supreme Court holds it right then they can be removed by the President.

### 5. Tea Board of India

- The Tea Board of India has introduced an accident insurance scheme for **workers in small tea gardens** at an annual premium of Rs.14. Of this, tea farmers will have to pay only Rs. 3.50 annually.
- The scheme provides **compensation to small tea farmers between 18 and 70 years** for a Rs.2 lakh-cover.
- **About Tea Board of India:**
  - The Tea Board is set up under the **Tea Act 1953**. The Tea Board is functioning as a **statutory body of the Central Government under the Ministry of Commerce**.
  - The Board is constituted of **31 members (including Chairman) drawn from Members of Parliament**, tea producers, tea traders, tea brokers, consumers, and representatives of Governments from the principal tea producing states, and trade unions . The Board is **reconstituted every three years**.
- **Functions:**

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- The Tea Board India is responsible for the **assignment of certification numbers to exports** of certain tea merchants.
- The Tea Board India's tasks include **endorsement** of the diverse production and productivity of tea, **financial support** of research organisations and the monitoring of advances in tea packaging as it relates to health beneficial aspects.
- It **coordinates research institutes**, the tea trade and government bodies, ensuring the technical support of the tea trade in the global industry.

## 6. National Commission for Scheduled Castes

- According to the latest data released by the National Commission for Scheduled Castes (NCSC), **Uttar Pradesh and Rajasthan lead the country in the number of crimes registered against the Scheduled Castes.**
- **National Commission for Scheduled Castes** is a **constitutional body** established with a view to provide safeguards against the exploitation of Scheduled Castes.
- **Background:**
  - The **Constitution on its inception** provided for appointment of a **special office under Article 338** of the Constitution.
  - In pursuance of this provision a **Special Officer** known as the **Commissioner for Scheduled Castes & Scheduled Tribes** was appointed for the first time on **18th November, 1950.**
  - A proposal was mooted for amendment of Article 338 of the Constitution (**46th Amendment**) by replacing the single member Special Officer by multi-member system. **The first Commission for SC & ST came into being on August, 1978.**
  - The setup of the Commission of 1978 underwent change in **1987** and it was **named as National Commission for Scheduled Castes and Scheduled Tribes.**
  - Later, through the **89th Amendment** of the Constitution it was decided to have a **separate National Commission for Scheduled Castes & separate National Commission for Scheduled Tribes.** This came into effect in **2004.**
- **Functions of the commission:**
  - To **investigate and monitor** all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under any other law or under any order of the Government and to evaluate the working of such safeguards.
  - To **inquire into specific complaints** with respect to the deprivation of rights and safeguards of the Scheduled Castes.
  - To participate and **advise on the planning process** of socio-economic development of the Scheduled Castes and to **evaluate the progress** of their development under the Union and any State.
  - To **present to the President, annually** and at such other times as the Commission may deem fit, **reports upon the working** of those safeguards.

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- To **discharge such other functions** in relation to the protection, welfare and development and advancement of the Scheduled Castes **as the President may**, subject to the provisions of any law made by Parliament, by rule specify.
- **Composition:**
  - The Commission consists of a **chairperson**, a **vice-chairperson** and **three other members**. They are **appointed by the President** by warrant under his hand and seal.
  - Their conditions of service and tenure of office are also determined by the president.

**7. Law Commission of India**

- Law Commission of India is an **executive body established by an order of the Government of India**.
- The Law Commission shall, on a reference made to it by the Central Government or suo-motu, undertake **research in law** and **review of existing laws in India** for **making reforms** therein and enacting new legislations.
- It shall also undertake **studies and research** for bringing reforms in the justice delivery systems for elimination of delay in procedures, speedy disposal of cases, reduction in cost of litigation etc.
- Its membership primarily comprises **legal experts**, who are entrusted a mandate by the Government.
- The Commission is established for a **fixed tenure and works as an advisory body to the Ministry of Law and Justice**.
- **21st Law Commission of India** was constituted for a period of three years w.e.f. 1st September, 2015 to 31st August, 2018. Former Supreme Court (SC) judge **Justice Balbir Singh Chauhan** was appointed as Chairman of the **21st Law Commission of India (LCI)**.
- The **first Law Commission** was established during the British Raj era in **1834 by the Charter Act of 1833**.
- The first Law Commission of **independent India** was established in **1955** for a three-year term.

**8. National Council of Senior Citizens**

- The first meeting of the newly constituted National Council of Senior Citizens was recently held under the chairmanship of the Minister of Social Justice & Empowerment.
- The mandate of the National Council of Senior Citizens is to **advise the Central and State Governments** on issues related to the welfare of senior citizens and enhancement of their quality of life, with special reference to the following:-
  - Policies, programmes and legislative measures.
  - Promotion of physical and financial security, health and independent and productive living.
  - Awareness generation and community mobilization.
- **Key facts:**
  - The council is **chaired by the Minister of Social Justice &**

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### **Empowerment.**

- The Council is mandated to **meet at least twice a year**.
- The council was originally known as **National Council for Older Persons (NPOP)**. It was renamed in 2012.

## **9. National Commission for Women (NCW)**

- The National Commission for Women (NCW) is a **statutory body** of the Government of India, concerned **with advising the government on all policy matters affecting women**.
- It was established in January 1992 under the **National Commission for Women Act 1990**.
- The objective of the NCW is to represent the rights of women in India and to provide a voice for their issues and concerns.
- The commission regularly publishes a monthly newsletter, **Rashtra Mahila** in both Hindi and English.
- National Commission of Women (NCW) had observed that the **triple talaq** system was a “highly misused” custom.
  - ‘Triple Talaq’ is a procedure of divorce under the Sharia Law which is a body of the Islamic law. Under this, a husband can divorce his wife by pronouncing ‘Talaq’ thrice.

## **10. National Commission for Socially and Educationally Backward Classes**

- The Union cabinet has approved setting up of **National Commission for Socially and Educationally Backward Classes replacing the National Commission for Backward Classes (NCBC)**.
- This requires **amending the Constitution and inserting Article 338B** for setting up the new commission.
- **The bill to be introduced in Parliament proposes:**
  - Insertion of a new Clause (26C) under Article 366 to **define socially and Educationally Backward Classes**.
  - Insertion of provision after Articles 341 and 342 viz. 342 A to provide for **Parliament’s approval for every inclusion into and exclusion from the Central List of Other Backward Classes**.
  - **Repeal of National Commission for Backward Classes Act, 1993, and Rules framed there under**.
  - Dissolution of the Commission constituted under the Act of 1993.
  - **Composition of the new Commission**, i.e. National Commission for Socially and Educationally Backward Classes, with a Chairperson, Vice Chairperson and three other Members.
- **National Commission for Backward Classes (NCBC)**
  - NCBC was established in pursuance to the Supreme Court judgement in the **Indra Sawhney case (Mandal case)** as per the NCBC Act, 1993.
  - **Function of NCBC:**
    - Examine requests for inclusion of any class of citizens as a backward class in the lists.
    - Hear complaints of under-inclusion or over-inclusion of any



backward class in such lists.

- Tender such advice to the Central Government as it deems appropriate.

**NOTES****11. National Legal Services Authority (NALSA)**

- NALSA has been constituted under the **Legal Services Authorities Act, 1987**, to provide **free legal services to weaker sections of society**.
- NALSA is headed by the Chief Justice of India.
- In every State, **State Legal Services Authority** has been constituted to give effect to the policies and directions of the NALSA and conduct Lok Adalats in the State.
- The State Legal Services Authority is headed by Hon'ble the Chief Justice of the respective High Court.
- The **District Legal Services Authority** is situated in the District Courts Complex in every District and chaired by the District Judge of the respective district.
- **Important functions performed by NALSA:**
  - NALSA **organises Lok Adalats** for amicable settlement of disputes.
  - NALSA identifies specific categories of the marginalised and excluded groups and formulates various **schemes for the implementation of preventive and strategic legal service programmes**.
  - **Free legal aid in civil and criminal matters** for the poor and marginalised people who cannot afford the services of a lawyer in any court or tribunal.
  - Free legal services include provision of **aid and advice to beneficiaries to access the benefits under the welfare statutes and schemes** and to ensure access to justice in any other manner.

**12. Central Vigilance Commission**

- It is the **apex vigilance institution**. It was **created via executive resolution** (based on the **recommendations of Santhanam committee**) in **1964** but was conferred with **statutory status in 2003**.
- Presently, the body consists of **central vigilance commissioner along with 2 vigilance commissioners**.
- They are **appointed by the President** of India on the recommendations of a committee consisting of Prime Minister, Union Home Minister and Leader of the Opposition in Lok Sabha (if there is no LoP then the leader of the single largest Opposition party in the Lok Sabha).
- Their term is 4 years or 65 years, whichever is earlier.
- It submits its report to the President of India.
- The Central Vigilance Commissioner or any Vigilance Commissioner can be **removed from his office only by order of the President on the ground of proved misbehavior or incapacity** after the Supreme Court on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner may be ought to be removed.
- **CVC is advisory body**.
- **Vigilance Awareness Week, 2016:**
  - The observance of Vigilance Awareness Week, 2016 had commenced

across **Indian Railways** with a Pledge taking ceremony by Officers and staff.

- The Central Vigilance Commission had given the theme of “**Public participation in promoting integrity and eradicating Corruption**” for the Vigilance Awareness Week, 2016.

### **13. Central Administrative Tribunal**

- Two-day **All India Conference of CAT** was recently held in New Delhi.
- The Judges of Supreme Court of India, Judges of High Court, Government officials and Advocates attended the conference.
- The Conference is held to **discuss and deliberate upon the problems faced by the institution** and to bring improvement in the judicial/administrative system so as to achieve higher disposal in the shortest possible time.
- **About CAT:**
  - The Central Administrative Tribunal was **established by an Act of Parliament** namely **Administrative Tribunals Act, 1985** as sequel to the 42nd amendment of the Constitution of India inserting **Article 323 A**.
- **Functions of the tribunal:**
  - The tribunal **adjudicates disputes and complaints with respect to Recruitment and Conditions of Service of the persons appointed to the Public Services** and Posts in connection with the affairs of the Union or any State or of any other Local Authorities within the territory of India or under the control of the Government of India.
  - Tribunal also has the **jurisdiction on the employees of 208 Public Sector Undertakings/ Organizations** notified by the Government.
- **Key facts:**
  - The Principal seat of Central Administrative Tribunal is at New Delhi and it has 16 Outlying Benches scattered all over the Country.
  - The Tribunal is headed by the Chairman and 65 Members, **33 from Judicial (including Chairman) and 33 from the Administrative stream**.
  - The **Chairman is normally a retired Chief Justice of a High Court**.

### **14. Auroville Foundation**

- Dr Karan Singh, an eminent scholar and Rajya Sabha Member has been re-nominated as the Chairperson of the Governing Board of Auroville Foundation.
- The Government of India notified the constitution of Auroville Foundation as a **Statutory Body** on 29th January, 1991 as per the **Auroville Foundation Act, 1988**.
- The Auroville Foundation, headed by a chairman, is an **autonomous** body under the **Ministry of Human Resource Development**.
- **What is Auroville?**
  - **Auroville (City of Dawn) is an experimental township** in Viluppuram district in the state of Tamil Nadu with some parts in the Union Territory of Puducherry.
  - Auroville was meant to be a **universal town where men and women**



## NOTES

of all countries are able to live in peace and progressive harmony, above all creeds, all politics and all nationalities. The purpose of Auroville is to **realize human unity**.

- Auroville is recognized as **International living experiment in human unity, endorsed by the UNESCO** and supported by the Government of India.
- It is also a **centre for applied research** in environmentally sustainable living practices, experimenting new system of education, social research and cultural activities.

### 15. India Development Foundation of Overseas Indians (IDF)

- The **India Development Foundation of Overseas Indians (IDF)**, where people from the **Indian Diaspora can contribute for building infrastructure** in the country.
- At the Pravasi Bharatiya Divas, it received more donations than last year.
- India Development Foundation of Overseas Indians (IDF-OI) is a **not-for-profit Trust set-up by the Government of India** to facilitate philanthropic contributions by Overseas Indians to social and development projects in India.
- Presently, IDF-OI is **promoting flagship programmes of Government of India-Swachh Bharat Mission and National Mission for Clean Ganga**; and projects identified by the State Governments.

### 16. National Backward Classes Finance & Development Corporation (NBCFDC)

- The Silver Jubilee celebrations of National Backward Classes Finance & Development Corporation (NBCFDC) were recently inaugurated.
- NBCFDC is a **Govt. of India Undertaking** under the **aegis of Ministry of Social Justice and Empowerment**.
- It was incorporated under Section 25 of the Companies Act 1956 in January 1992 as a **Company not for profit**.
- NBCFDC also provides **financial assistance**.
- The Corporation assist in **income generating activities** to the poorer section of these classes in skill development and self-employment ventures.

### 17. Competition Commission of India

- Competition Commission of India is a body responsible for **enforcing The Competition Act, 2002** throughout India and to **prevent activities that have an adverse effect on competition in India**.
- CCI consists of a **Chairperson and 6 Members appointed by the Central Government**.
- The duty of the Commission is to eliminate practices having adverse effect on competition, **promote and sustain competition**, protect the interests of consumers and ensure freedom of trade in the markets of India.
- The Commission gives **opinion on competition issues on a reference received from a statutory authority** established under any law and to undertake

competition advocacy, create **public awareness and impart training on competition issues.**

- The Competition Act, 2002 prohibits anti-competitive agreements, abuse of dominant position by enterprises and regulates combinations (acquisition, acquiring of control and Merger and acquisition), which causes or likely to cause an appreciable adverse effect on competition within India.

### **18. Telecom Disputes Settlement and Appellate Tribunal (TDSAT)**

- The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) was established to **adjudicate disputes and dispose of appeals** with a view to protect the **interests of service providers and consumers of the telecom sector.**
- TDSAT was established in 2000 through an amendment of the TRAI 1997 act.
- The primary objective of TDSAT's establishment was to **release TRAI from adjudicatory and dispute settlement functions in order to strengthen the regulatory framework.**
- Any dispute involving parties like licensor, licensee, service provider and consumers are resolved by TDSAT. Moreover, **any direction, order or decision of TRAI can be challenged by appealing in TDSAT.**

### **19. Central Wakf Council**

- **75th meeting of Central Wakf Council** was recently held in New Delhi.
- Central Wakf Council, India is an Indian **statutory body** established in 1964 by the Government of India under **Wakf Act, 1954** for the purpose of advising it on matters pertaining to working of the **State Wakf Boards** and proper administration of the Wakfs in the country.
- The Council is headed by a **Chairperson, who is the Union Minister in charge of Wakfs** and there are maximum 20 other members, appointed by Government of India as stipulated in the Wakf Act.
- Presently Union Minister of State, for Minority Affairs is the ex-officio Chairperson of the Central Wakf Council.
- **What is Wakf?**
  - Wakf is a permanent dedication of movable or immovable properties for religious, pious or charitable purposes as recognized by Muslim Law, given by philanthropists.
  - The grant is known as mushrut-ul-khidmat, while a person making such dedication is known as Wakf.

### **20. Comptroller and Auditor General (CAG) of India**

- The Comptroller and Auditor General (CAG) of India is an authority, established by the Constitution of India under **Article 148.**
- CAG **audits all receipts and expenditure of the Government of India and the state governments**, including those of bodies and **authorities substantially financed by the government.**
- The CAG is also the **external auditor** of Government-owned corporations and conducts **supplementary audit** of government companies, i.e., any non-banking/ non-insurance company in which the state and Union governments

have an equity share of at least 51%.

- The reports of the CAG are taken into consideration by the **Public Accounts Committees (PACs)** and **Committees on Public Undertakings (COPUs)**.
- The CAG enjoys the same **status as a judge of Supreme Court** of India in Indian order of precedence.
- **Appointment:** CAG is appointed by the **President** of India following a **recommendation by the Prime Minister**. On appointment, he/she has to make an **oath or affirmation before the President** of India.
- **Removal:** The CAG can be **removed only on an address from both house of parliament** on the ground of **proved misbehaviour or incapacity**. The CAG vacates the office on attaining the age of **65 years age** even without completing the **6 years term**.

## **21. National Commission for Scheduled Tribes (NCST)**

- NCST was established by amending **Article 338** and inserting a new **Article 338A** in the Constitution through the Constitution (**89th Amendment**) Act, 2003.
- By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions - (i) National Commission for Scheduled Castes (NCSC), and (ii) National Commission for Scheduled Tribes (NCST).
- NCST consists of a **chairperson, a vice-chairperson and three other members**.
- They are **appointed by the president** by warrant under his hand and seal.
- Their conditions of service and tenure of office are also determined by the president.
- NCST is empowered to **investigate and monitor matters relating to safeguards provided for STs**.
- The Commission is also authorized to inquire into specific complaints relating to rights and safeguards of STs and to participate and advise in the Planning Process relating to socio-economic development of STs and to evaluate the progress of their development under the Union and States.
- The commission submits its **report to the President** annually on the working of safeguards and measures required for effective implementation of Programmes/ Schemes relating to welfare and socio-economic development of STs.

## **22. Armed Forces Tribunal**

- Armed Forces Tribunal (AFT) has been set up under **Armed Forces Tribunal Act, 2007** to provide for the adjudication or trial of disputes and complaints with respect to commission, appointments, enrolment and conditions of service in respect of persons subject to the **Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950**.
- **Paramilitary forces don't come under its jurisdiction**.
- It can further provide for **appeals** arising out of orders, findings or sentences of **courts-martial**.
- Appeals against the decision of the AFT can be taken only in Supreme Court.

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High Courts are not allowed to entertain such appeals.

- The Tribunal will normally follow the procedure as is practiced in the High Courts of India.
- **Composition** of each Bench comprises of a **Judicial Member and an Administrative Member.**

**23. National Commission for Minorities (NCM)**

- The NCM was set up under the **National Commission for Minorities Act, 1992** to look into complaints of minority communities.
- Officially, there are **6 minority communities in India viz. Muslims, Christians, Sikhs, Buddhists, Parsis and Jains.**
- Unlike other bodies like NCSC and NCST, NCM has **no constitutional backing or status.**
- Besides NCM, 15 states, including Uttar Pradesh, Bihar, West Bengal, Maharashtra and Assam, which are home to sizeable minority populace, have set up commissions at their respective levels.
- Aggrieved persons belonging to the communities may approach the state minorities commissions concerned for redressal of their grievances or send their representations to the NCM after exhausting all avenues of remedies available.
- The functions of the state commissions, inter-alia, are to **safeguard and protect the interests of minorities** provided in the Constitution and laws enacted by Parliament and state legislatures.
- The **NCM adheres to the United Nations Declaration** of 18 December 1992 which states that "States shall protect the existence of the National or Ethnic, Cultural, Religious and Linguistic identity of minorities".

**24. National Commission for Safai Karamcharis**

- **National Commission for Safai Karamcharis** is an **Indian statutory body** was established through **National Commission for Safai Karamcharis Act, 1993.**
- It aims to promote and safeguard the interests and rights of Safai Karamcharis.
- The National Commission for Safai Karamcharis seeks to study, evaluate and monitor the implementation of various schemes for Safai Karamcharis as an autonomous organisation and also to **provide redressal of their grievances.**

**25. National Company Law Tribunal (NCLT)**

- The Central Government constituted National Company Law Tribunal (NCLT) under section 408 of the **Companies Act, 2013** in June 2016. It is a **successor body of the Company Law Board.**
- **Powers of NCLT:**
  - Most of the powers of the Company Law Board under the Companies Act, 1956.
  - All the powers of Board for Industrial and Financial Reconstruction (BIFR), for **revival and rehabilitation of sick industrial companies.**
  - **Power of High Court in the matters of mergers, demergers,**

**NOTES**

**amalgamations, winding up, etc.**

- Power to order repayment of deposits accepted by Non-Banking Financial Companies.
- Power to wind up companies.
- Power to Review its own orders.
- Decisions of the NCLT may be appealed to the **National Company Law Appellate Tribunal**.

**26. Non-Governmental Organisations (NGOs)**

- Worldwide, the term 'NGO' is used to describe **a body that is neither part of a government nor a conventional for-profit business organisation**.
- In India, NGOs can be registered under a plethora of Acts such as the **Indian Societies Registration Act, 1860; Religious Endowments Act, 1863; Indian Trusts Act, etc.**
- Every NGO receiving funds from 'foreign sources' requires registration under the **Foreign Contributions Regulation Act (FCRA) 2010**.
- The **Home Ministry monitors foreign funds donated to NGOs** and organisations through the Foreign Contribution Regulation Act (FCRA).
- Why have NGOs been recently controversial?
  - **An IB report**, submitted to the PMO and National Security Adviser, alleged that several foreign-funded NGOs were stalling India's economic growth by their obstructionist activism.

**27. Central Bureau of Investigation (CBI)**

- The Union Government has turned down the recommendation of Parliamentary Standing Committee to come up with a new law for the Central Bureau of Investigation (CBI).
- CBI is the foremost investigative agency in India. It is **non constitutional and non-statutory body**.
- The Central Bureau of Investigation traces its origin to the **Special Police Establishment (SPE)** which was set up in 1941 to probe bribery and corruption during World War II.
- CBI was set up by a **resolution of Ministry of Home Affairs in 1963** after Santhanam committee recommendations.
- It derives power to investigate from **Delhi Special Police Establishment Act, 1946**.
- **CBI & its Roles:**
  - CBI functioning under **Department of Personnel, Ministry of Personnel, Pension & Public Grievances**, Government of India, is the premier investigating police agency in India.
  - It is also involved in collection of criminal intelligence pertaining to **Anti-Corruption, Economic Crimes and Special Crimes**.

## **Constitutional Provisions / Parliament and State Legislatures**

### **NOTES**

### **1. Privilege Motion**

- **Parliamentary privileges** are certain rights and immunities **enjoyed by members of Parliament**, individually and collectively, so that they can “effectively discharge their functions”.
- Same Privileges are enjoyed by the members of State legislature.
- When any of these rights and immunities are **disregarded**, the offence is called a **breach of privilege** and is **punishable under law of Parliament**.
- A **notice** is moved in the **form of a motion by any member of either House** against those being held guilty of breach of privilege.
- Each House also claims the right to punish as contempt actions which, while not breach of any specific privilege, are offences against its authority and dignity.

### **2. Speaker facing the axe can't disqualify MLAs, says SC**

- The Supreme Court recently ruled that a **Speaker should refrain from deciding the disqualification of MLAs for defection under the Tenth Schedule of the Constitution if he himself is facing the prospect of removal**.
- The ruling was a safeguard against a Speaker using the disqualification proceedings of legislators for his own political ends.
- **Article 179:**
  - This was ruled by the court while interpreting **Article 179 of the Constitution** in a judgment on the Arunachal Pradesh crisis recently.
  - Article 179(c) provides that a Speaker (or Deputy Speaker) “**may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly**”.
  - Taking Article 179 (c) into consideration, the SC held that the composition of the legislators in the house should remain the same while deciding whether a majority in the house wants the Speaker to continue or not.
  - The court said that “Any change in the strength and composition of the Assembly, by disqualifying sitting MLAs, for the period during which the notice of resolution for the removal of the Speaker (or the Deputy Speaker) is pending, would conflict with the express mandate of Article 179(c)”.

### **3. Inclusion of Languages in the Eighth Schedule**

- The proposal to include English along with 37 other regional languages like Bhojpuri, Chattisgarhi, Khasi and Bundelkhandi in the VIII Schedule of the Constitution, granting it an official status, has been pending with the Centre for 12 years now.
- A **Committee** was set up in September, 2003 under the Chairmanship of **Shri Sitakant Mohapatra** to evolve a set of objective criteria for inclusion of more languages in the Eighth Schedule.
- The report of the Committee is under consideration by the Central Government.



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- However, no time frame is fixed for consideration of the demands for inclusion of more languages in Eighth Schedule.
- **Article 344(1) and Article 351** of the Constitution provides for the **promotion of the Hindi language** by the Union Government.

#### 4. The United Group

- Vice-President Hamid Ansari has formally recognised **a group of 22 MPs** belonging to parties with less than four MPs and certain independents as a consolidated block — **the United Group**.
- This is only the **third time** in the history of Indian Parliament that this is happening, the first was in 1983, and the second in 1990.
- **Significance of this move:**
  - **Smaller parties and independent MPs** who may want to contribute to debates rarely get enough time to put forward a cogent argument.
  - With this grouping, **now such MPs form the third largest group in the Rajya Sabha**, after the Congress and the BJP.
  - Now, they also will find a **place in the Business Advisory Committee (BAC)** that decides time allotment.
  - **Time allotted to parties to speak on debates depends entirely on their strength in the House**. A grouping of this kind will, therefore, make it possible to speak for.

#### 5. Motion of Thanks

- The **President makes an address to a joint sitting of Parliament at the start of the Budget session**.
- The President's speech is a **statement of the legislative and policy achievements of the government** during the preceding year and gives a broad indication of the agenda for the year ahead.
- The **address is followed by a motion of thanks** moved in each House by ruling party MPs.
- **Amendments to the "Motion of Thanks":**
  - Amendments may refer to matters contained in the Address as well as to matters, in the opinion of the member, the Address has failed to mention.
  - **Amendments can be moved to the Motion of Thanks** in such form as may be **considered appropriate by the Speaker**.
- **Limitation:**
  - The only limitations are that **members cannot refer to matters which are not the direct responsibility of the Central Government**.
  - The **name of the President cannot be brought in during the debate** since the Government and not the President is responsible for the contents of the Address.
- **Provisions governing them:**
  - President's Address and Motion of Thanks are governed by **Articles 86 (1) and 87 (1)** of the Constitution and the **Rules of Procedure and Conduct of Business in Lok Sabha**.

**NOTES****6. Article 370**

- **Article 370 under part XXI** of the Indian constitution dealing with **“temporary, transitional & special provisions”** grants **special autonomous status to the state of Jammu & Kashmir**.
- According to article 370, except for **defence, foreign affairs, finance & communications**, parliament needs the state government’s concurrence for applying all other laws.
- The state residents live under a **separate set of laws** including those related to **citizenship, ownership of property, fundamental rights** as compared to other Indians.
- The provisions of **Article 370 prevent citizens from other states purchasing & owning property in J&K**.
- The **centre has no power to declare financial emergency** under article 360 of the constitution to state of J & K.
- The centre **can declare emergency without states concurrence only in case of war or external aggression & not in case of armed rebellion**.
- In case of armed rebellion it can do so only after concurrence with the state government.
- Under Article 370 the Indian Parliament cannot increase or reduce the borders of the State or change the name of the State.
- The Union has no power to suspend the Constitution of the State on the ground of failure to comply with the direction given by the union.
- In the event of the breakdown of the Constitutional machinery in the State, **Governor’s Rule** is to be imposed under Constitution of Jammu and Kashmir..
- If it is not possible to revoke Governor's rule within six months of imposition then the President's Rule under Article 356 of the Indian Constitution is imposed.
- The provisions of Part IV relating to the **Directive Principle of State Policy do not apply to J&K**.
- No amendment of the Constitution of India can extend to J&K unless it is so extended by the order of the President under Article 370 (1).

**7. Anti-Defection Law**

- The apex court was deciding on the question whether an expelled member of a Political Party could be disqualified under the Anti- Defection Law, if he or she defies party whip.
- **About Anti-Defection Law**
  - The **Tenth Schedule**, popularly known as the Anti-Defection Act was included in the Constitution via the **52nd Amendment Act in 1985**.
  - It sets the provisions for disqualification of elected members on the grounds of defection to another political party.
- **What is Party Whip?**
  - A whip is the **instruction issued by political parties** to vote according to the party line in a legislature.
  - Violation of the party whip could lead to expulsion under the Anti Defection Act.
- **What are the grounds for disqualification under the Anti-Defection Law's?**



## NOTES

- If an elected member voluntarily gives up his membership of a political party.
- If he votes or abstains from voting in such House contrary to any direction issued by his political party.
- Independent members would be disqualified if they joined a political party.
- If any nominated member joins any political party after the expiry of six months.
- The **question of disqualification** on ground of defection is referred to the **Chairman or the Speaker of such House**, and his decision is final. **No court has any jurisdiction.**

## Bills / Acts

### 1. Specific Relief Act

- The **Anand Desai led Expert committee** that was constituted to examine the **Specific Relief Act, 1963** has submitted its report.
- The recommendations are aimed at **ensuring that public works contracts happen without unnecessary delays** and ensuring the ease of doing business.
- **What does the Specific Relief Act do?**
  - Specific Relief is legalese for performing a contract when monetary compensation for failing to complete contractual obligations is not enough.
  - The law prescribes that in an event where the actual damage for not performing the contract cannot be measured or monetary compensation is not adequate, one party can ask the court to direct the other party to fulfil the requirements of the contract. This is called **specific performance of a contract**.
  - This extends to **infrastructure contracts**, like construction of housing societies or sale and purchase of land.

### 2. Lokpal and Lokayukta (Amendment) Bill, 2016

- The bill seeks to **amend the Lokpal and Lokayukta Act, 2013** which provides Lokpal (at Centre) and Lokayukta (at States).
- It provides **statutory backing** to inquire into allegations of corruption against certain public functionaries and for related matters.
- **Key Provisions:**
  - It enables the **leader of the single largest opposition party in the Lok Sabha** in the absence of a recognised Leader of Opposition to be a **member of the selection committee** that would select the ombudsman.
  - Amends **section 44** that deals with provision of furnishing of details of assets and liabilities of public servants within 30 days of joining the government service.
  - The **amendment has removed the period of 30 days**. Now the public servants will make declaration of their assets and liabilities in the form and manner **as prescribed by the central government**.

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- Gives extension of the time given to public servants and trustees and board members of Non-Governmental Organisations (NGOs) to declare their assets and those of their spouses.
- In this case public servants and trustees and board members of NGOs must be receiving government funds of more than Rs. 1 crore or foreign funding of more than Rs. 10 lakh.

**3. Essential Services Maintenance Act (ESMA)**

- The Essential Services Maintenance Act (ESMA) is an **act of Parliament** of India. It is a **central law**.
- It was established to **ensure the delivery of certain services, which if obstructed would affect the normal life of the people**. These include services like **public transport (bus services), health services (doctors and hospitals)**.
- Although it is a very powerful law, **its execution rests entirely on the discretion of the State government**.
- **Each state** in the union of India hence **has a separate state Essential Services Maintenance Act** with slight variations from the central law in its provisions. This freedom is accorded by the central law itself.

**4. Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill 2016**

- The Union Cabinet has given its approval to the **proposal of Ministry of Shipping** to enact Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill 2016 and **to repeal five archaic admiralty statutes**.
- The Bill **consolidates the existing laws relating to admiralty jurisdiction of courts**, admiralty proceedings on maritime claims, arrest of vessels and related issues.
- The Bill **confers admiralty jurisdiction on High Courts located in coastal states** of India and this jurisdiction **extends upto territorial waters**.
- **What is admiralty jurisdiction?**
  - Admiralty jurisdiction relates to **powers of the High Courts in respect of claims associated with transport by sea and navigable waterways**.

**5. Enemy Properties Bill**

- The Parliament has passed **Enemy Property (Amendment and Validation) Bill, 2016** to make amendments to the **Enemy Property Act, 1968**.
- Key Features:
  - **Defines enemy property** as any property belonging to, held or managed on behalf of an enemy, an enemy subject or an enemy firm.
  - **Custody of enemy property**: The government has vested these properties in the **Custodian of Enemy Property for India**, an office instituted under the Central government.
  - Once an enemy property is vested to the custodian, it shall continue to be vested in him.
  - The **law of succession does not apply to enemy property**. Thus, enemy property will not revert back to enemy subject or enemy firm due to reasons such as death of subject or firm ceased to function.
- **Enemy Property Act, 1968**

**NOTES**

- After the Indo-Pakistan War of 1965, the Enemy Property Act was enacted in 1968, to regulate enemy properties and lists the Custodian's powers.
- Pakistan had sold or disposed of property belonging to Indians nationals and firms in 1971 itself, while in India such property is in the hands of a Custodian.
- The possession of enemy properties spread across many states in the country vest with the **Union Government through the Custodian of Enemy Property for India**.

### **Governance**

#### **1. Lodha Committee on reforms in BCCI**

- The Supreme Court had accepted major recommendations of Lodha Committee on reforms in BCCI (Board of Control for Cricket in India).
- The committee was **constituted by SC** to bring structural reforms in BCCI.
- **Major recommendations:**
  - Ministers and IAS officers should be disqualified from being a member of the BCCI.
  - **One state, one cricket body:** One association of each state will be a full member and have right to vote. One unit should represent one state.
  - There should be a **player's association** in the BCCI.
  - **CEO-run organisation:** Restructuring of the BCCI's administrative set-up, proposing the position of a CEO accountable to a nine-member apex council.
  - **Under RTI To ensure transparency in its functioning.**
  - **Ethics officer:** Ethics Officer, who would be responsible for resolving issues related to the conflict of interest. Ethics officer would be a former High Court judge.
  - **Electoral officer:** The committee has also suggested the appointment of an Electoral Officer to conduct the Board elections.
  - **Ombudsman** for dealing with internal conflicts.
  - Suggestion **to legalize betting**.
  - A person cannot be a BCCI office-bearer and a state association office-bearer at the same time.

#### **2. Nagaland Women Reservation in Urban Local Bodies**

- Recently there was **violence against 33% reservation for women in local bodies in Nagaland**.
- The issue is mainly due to **interplay of Article 371(A) and Article 243T** of the constitution of India.
- **What experts say?**
  - Experts say, **Part IX (A) of the Constitution of India pertains specifically to municipalities – is not applicable to the state of Nagaland**.
  - **Part IX (A) does not embrace a state where it is wholly tribal**.

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- In other words, Part IX (A) is applicable to the states where tribals or scheduled castes are in minority and the majority are non-tribals, non-scheduled castes.
- **Background:**
  - **Article 371(A) accords special provisions to the state of Nagaland.**
  - Under the article, customary laws, social practices, beliefs of the people and the resources of the state are **safeguarded from intervention by the Centre and its policies unless the state assembly decides so by a resolution.**
  - While **Article 243(T) of Part IXA grants reservation to women in municipalities.** Naga social groups have said this goes against their customary laws as protected by Article 371(A).

**3. e-Cabinet**

- **Arunachal Pradesh** has become the **first state in the northeast to implement e-Cabinet solution for the state cabinet members.**
- Implemented by the **department of Information Technology and Communication**, the solution lets Ministers prepare for cabinet meetings, conduct them and review minutes, entirely without paper.

**4. Shyam Benegal Committee**

- A Committee was set up by the government under the Chairmanship of Shyam Benegal to **lay down norms for film certification.**
- **The major highlights of the report:**
  - **Central Board of Film Certification (CBFC) should only be a film certification body** whose scope should be restricted to categorizing the **suitability of the film to audience groups on the basis of age and maturity.**
  - It has stated that the Board, including Chairman, should only play the role of a guiding mechanism for the CBFC, and not be involved in the day-to-day affairs of certification of films.

## Miscellaneous

### NOTES

### 1. Ministry of Panchayati Raj

- Ministry of Panchayati Raj looks into all matters relating of **Panchayati Raj and Panchayati Raj Institutions**. It was created in **May 2004**.
- With the passage of **73rd and 74th amendment act** of the Constitution of India, in 1993 the division of powers and functions have been further trickled down to Local Self Governments (Panchayat at Village levels and Municipalities and Municipal Corporations in towns&large cities).
- Ministry of Panchayati Raj is responsible for the work of advocacy for and **monitoring of the implementation of Constitution 73rd Amendment Act** the Provisions of the **Panchayats (Extension to Scheduled Areas) Act 1996**.
- One major task of the Ministry is to ensure that the State Governments/UT Administrations devolve funds, functions and functionaries on the Panchayati Raj Institutions in the spirit of the Constitutional provisions.
- The Ministry of Panchayati Raj is also be responsible for **formulation and implementation of an Action Plan for seeing PRIs to emerge as "Institutions of Local-Self Government"** securing economic development and social justice in their respective areas.
- The ministry is headed by a minister of cabinet rank.

### 2. Community Police Officers

- With 4,500 volunteers enrolled as Community Police Officers (CPOs) in just five months, the community policing effort launched by the **Chittoor district police in Andhra Pradesh** has evoked an overwhelming response.
- CPOs are being **used in almost all areas of policing**, including crime, traffic regulation, night beats, security duties, road accidents, data entry and operations against red sanders smuggling.
- **Who are CPOs?**
  - CPOs are community police officers who **do not require any education qualification**. They should be just **above 18 years of age** with good health and clean background.
  - **Women and transgenders** can also be CPOs. After preliminary training, the CPOs would also be eligible for special orientation in their field of interest.
  - The concept's motto is to promote **people-friendly policing** where there will be zero crime rates.

### 3. Strategic Forces Command exempted from RTI ambit

- The Strategic Forces Command, which forms **part of the National Command Authority (NCA)**, has been added to the **Second Schedule of the Right to Information Act (RTI), 2005**, which exempts security and intelligence establishments from its purview.
- **What is National Command Authority (NCA) ?**
  - The **NCA's Executive Council, chaired by the National Security Adviser**, gives inputs to the Political Council, which authorises a nuclear attack if need be.

## NOTES

- The **Political Council is chaired by the Prime Minister** and advised by the Executive Council.
- This mechanism is meant to **ensure that the nuclear weapons are under civilian control**.
- The NCA's directives are executed by the **Strategic Forces Command headed by a Commander-in-Chief of the rank of Air Marshal**.
- **What is Section 24 of RTI Act?**
  - Section 24 says the Act is **not applicable to the intelligence and security organisations specified in the Second Schedule**.
  - The only exception is for information on allegations of corruption and human rights violations
  - Among the organisations included in the Second Schedule are the Intelligence Bureau, the Research and Analysis Wing of the Cabinet Secretariat, the Directorate of Revenue Intelligence, the Special Frontier Force, the Border Security Force, the National Security Guards and the Assam Rifles.
- **What is Section 8 of RTI Act?**
  - Section 8 deals with **exemption from disclosure of information**
  - It says that there shall be no obligation to provide any citizen information, disclosure of which will affect
    - India's sovereignty and integrity
    - the security
    - strategic, scientific or economic interests of the state
    - relations with foreign States or
    - It will lead to incitement of an offence.

## 4. Constitution Day 2016

- The Constitution Day in India, also known as **Samvidhan Divas**, is celebrated on **26th of November every year** to spread the importance of the constitution and thoughts and ideas of **Dr. Bhimrao Ramji Ambedkar**.
- On this day in 1949, the Constituent Assembly of India adopted the Constitution of India, which went into effect on 26 January 1950.
- The day is celebrated to **value and preserve the rich heritage of composite culture** and to develop the scientific temper, humanism and the spirit of inquiry and reform.
- Constitution Day will also promote to **protect and improve the natural environment** including forests, lakes, rivers and wild life and to have compassion for living creatures.

## 5. North Eastern Tourism Development Council

- The government has announced the formation of exclusive "North-Eastern Tourism Development Council" (NETDC) on a **public-private partnership (PPP) mode under the auspices of Union Ministry of DoNER**.
- This is for the first time that the Government has decided to set up a separate tourism development agency, devoted to a particular region of the country.

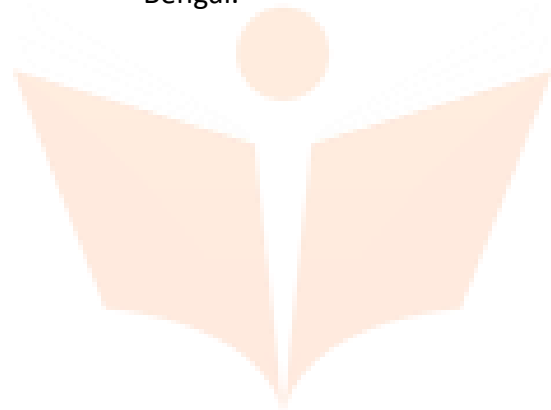


### 6. Find alternatives to pellet guns: SC

- The Supreme Court has asked the Centre to come up with alternatives to pellet guns used by security forces against agitators and stone-pelting mobs on the streets of Jammu and Kashmir.
- **What are pellet guns?**
  - They are a form of **non-lethal crowd control methods** used by police and military worldwide.
  - The other popular methods are tear gas, water cannon, pepper spray, taser guns etc. Pellet guns are also **popular in hunting and pest control**.
- **What are they intended for?**
  - Pellets guns are intended to **injure individuals and cause pain**. They are **effective over short ranges** up to 500 yards but when fired from close quarters can be lethal, particularly when sensitive parts like eyes are hit. **Pellets can penetrate soft tissues.**
- **Who manufactures them?**
  - Pellet guns are manufactured at the Ordinance Factory, Ishapore, West Bengal.



### NOTES



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