



POLITY

Classroom Study Material

(May 2020 to January 2021)



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POLITY AND CONSTITUTION

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Note:

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

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

1. Different colours have been used in the document for easy classification and recollection of a variety of information.
2. QR based Smart quiz has been added to test the aspirant's learnings and understanding.
3. Infographics have been added to ease understanding, provide for smoother learning experience and ensure enhanced retention of the content.

**SMART QUIZ**

You can scan this QR code to practice the smart quiz at our open test online platform for testing your understanding and recalling of the concepts.



1. ISSUES RELATED TO CONSTITUTION

1.1. BASIC STRUCTURE

Why in news?

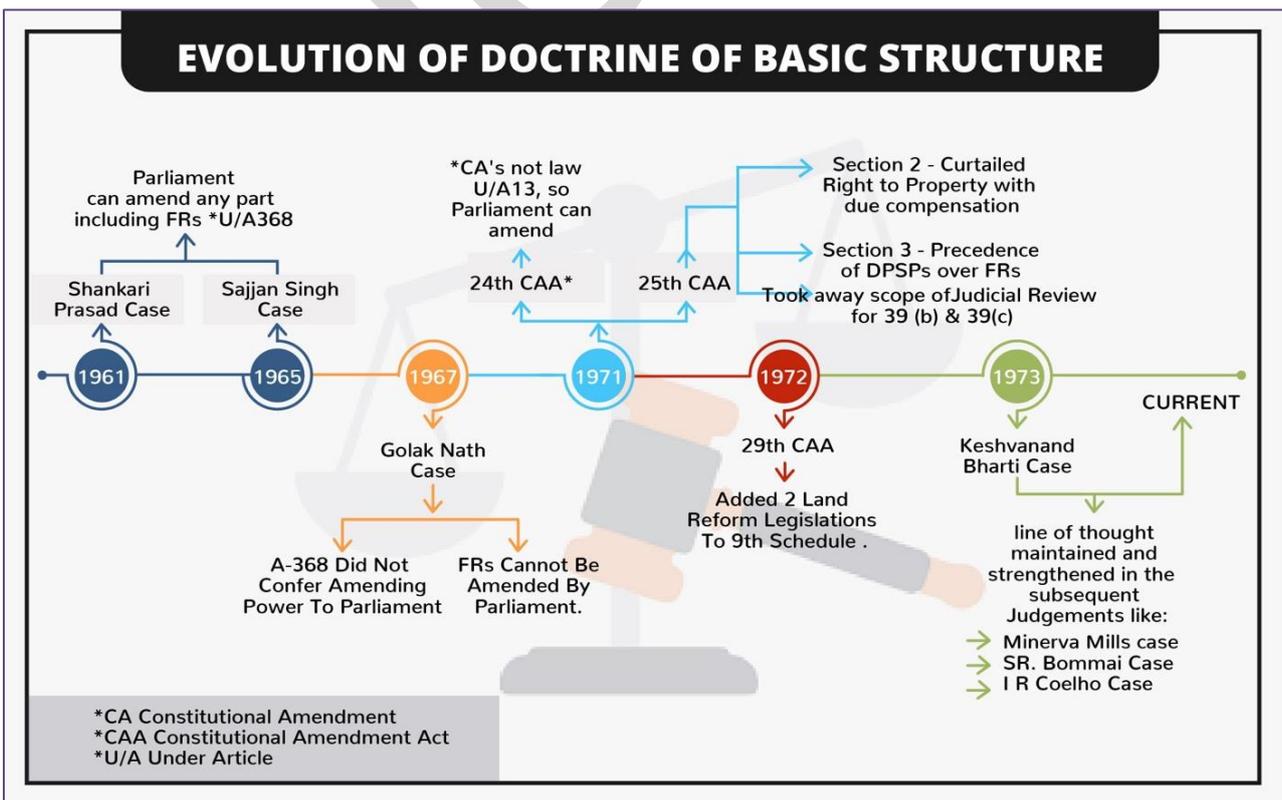
Recently, Kesavananda Bharati of landmark **Kesavananda Bharati Sripadagalvaru and Others v State of Kerala** case passed away.

About the Kesavananda Bharati Case

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

Various elements of Basic Structure

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



Outcomes of Kesavananda Bharati Case

- **Upheld the validity of the 24th amendment:** SC held that **Parliament had the power to amend any or all provisions of the Constitution** (including FRs), with a condition that the amendments should not alter, damage or destroy the essential features or the fundamental principles of the Constitution. This came to be known as the **“Basic Structure Doctrine”**.
- **Corrected judgments of the Golaknath case:** SC held that Article 368 contained both the power and the procedure for amending the Constitution and that **amending powers and legislative powers of Parliament were different**.
- **Other judgments:** SC upheld the 25th and 29th Amendments except for the parts that curtailed its power of judicial review and also asserted that the **Preamble is a part of the Constitution** and hence amendable.

1.2. IMPEACHMENT OF PRESIDENT

Why in news?

Donald Trump becomes first US President to be impeached twice.

IMPEACHMENT			
BASIS OF DISTINCTION		INDIA	USA
GROUND		Violation of Constitution U/A 61	Treason, Bribery or any other High Crimes
WHO CAN INITIATE		Either House of Parliament	Only House of Representative (Lower House)
P R O C E S S	STAGE I	$\frac{1}{4}$ th members to sign charges ↓ 14 days notice to President ↓ $\frac{2}{3}$ rd majority of total membership of house.	Passed with simple majority to start trial
	STAGE II	2 nd House acts as investigating house ↓ Passed with same majority	SENATE (Upper House) acts like a court. ↓ $\frac{2}{3}$ rd Passed with of Senate votes

1.3. PARDONING POWER OF GOVERNOR

Why in news?

Remission of the sentence of A G Perarivalan, convict in Rajiv Gandhi assassination case has been pending before Tamil Nadu Governor for over two years.

Comparison between pardoning power of President and Governor	
PRESIDENT	GOVERNOR
<ul style="list-style-type: none"> Article 72 empowers the president to grant pardons to persons who have been tried and convicted of any offence in all cases where the <ul style="list-style-type: none"> Punishment or sentence is for an offence against a Union Law; Punishment or sentence is by a court martial (military court); and Sentence is a sentence of death. 	<ul style="list-style-type: none"> Under Article 161, the governor of a state also possesses the pardoning power. But, the pardoning power of the governor differs from that of the President in following two respects: <ul style="list-style-type: none"> President can pardon sentences inflicted by court martial (military courts) while the governor cannot. President can pardon death sentence while governor cannot. Even if a state law prescribes death sentence, the power to grant pardon lies with the President and not the governor.
<ul style="list-style-type: none"> Pardoning power of the President includes the following- <ul style="list-style-type: none"> Pardon- it removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications. Commutation- It denotes the substitution of one form of punishment for a lighter form. Remission- It implies reducing the period of sentence without changing its character. Respite- It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical and disability of a convict or the pregnancy of a woman offender. Reprieve- It implies a stay of the execution of a sentence (especially that of death) for a temporary period. 	<ul style="list-style-type: none"> Governor can also grant pardons, reprieves, respites and remission of punishment or suspend, remit and commute the sentence of any person convicted of any offence against a state law. However, the governor can suspend, remit or commute a death sentence.

Comparison between Pardoning power of India and US President
<ul style="list-style-type: none"> Recently, US President exercised his pardoning powers to pardon his former National Security Advisor. US President has the constitutional right to pardon or commute sentences related to federal crimes and it is “granted without limit” and cannot be restricted. However, the President of India has to act on the advice of the Cabinet (Article 72). He has the power to grant pardons, reprieves, respites or remissions of punishment.

1.4. SUB-CATEGORISATION OF OBCS

Why in News?

Recently, the Union Cabinet approved the term extension of the commission to examine the issue of sub-categorization of Other Backward Classes (OBCs).

More about news

- A Commission, headed by Justice G. Rohini (retd), was formed in 2017.
- It has been setup under Article 340 that empowers President to appoint a commission to investigate conditions of backward classes.

Background: The Mandal Commission

- In 1990, the then Union government announced that Other Backward Classes (OBCs) would get 27% reservation in jobs in central government services and public sector units (under Article 16(4)).

Conditions for reservations laid down in Indra Sawhney Case:

- Reservation to socially and educationally backward class
- 50% cap on vertical reservation
- Creamy layer must be eliminated from the Backward Classes
- There should be no reservation in the promotions.

- The decision was based on **Mandal Commission Report (1980)**, which was set up in 1979 and chaired by B.P. Mandal. The mandate of the Mandal Commission was to identify **socially or educationally backward classes** to address caste discrimination.
- The recommendation for OBC reservations in central government institutions was implemented in 1992 while the **education quota came into force in 2006 (under Article 15(4) of the Constitution)**.
- To ensure that benefits of the recommendations of the Mandal Commission percolated down to the most backward communities, the **creamy layer criteria** was invoked by Supreme Court in the ruling called the '**Indira Sawhney Judgment**' (1992).
 - A household with an **annual income of Rs 8 lakh or above** is classified as belonging to the 'creamy layer' among OBCs and hence is not eligible for reservations.

Idea of sub-categorization

- The First Backward Class Commission report of 1955 had proposed sub-categorization of OBCs into **backward and extremely backward communities**.
- In the Mandal Commission report of 1979, a **dissent note** by member L R Naik proposed sub-categorization in **intermediate and depressed backward classes**.
- In 2015, the **NCBC had proposed** that OBCs be divided into the following three categories:
 - **Extremely Backward Classes (EBC-Group A)** facing social, educational and economic backwardness even within the OBCs, consisting of aboriginal tribes, nomadic and semi-nomadic tribes who have been carrying on with their traditional occupations;
 - **More Backward Classes (MBC-Group B)** consisting of vocational groups carrying on with their traditional occupations; and
 - **Backward Classes (BC-Group C)** comprising of those comparatively more forward.
- According to the NCBC, **11 states** (Andhra Pradesh, Telangana, Puducherry, Karnataka, Haryana, Jharkhand, West Bengal, Bihar, Maharashtra, Rajasthan and Tamil Nadu) have **subcategorized OBC for reservations** in state-government-owned institutions.

Who are OBCs?

- OBC is a collective term used by the Government to classify castes which are **educationally or socially disadvantaged**.
- OBCs are a **vastly heterogeneous group**. There are various jaatis or sub-castes which vary significantly in the societal and economic status.
 - For instance, OBCs include land-owning communities in both north and south India alongside poorer sections of the society living on subsistence labour.

About National Commission for Backward Classes (NCBC)

- Until now, under **Article 338**, it was the National Commission of Scheduled Castes (NCSC) that addressed the grievances of the OBCs.
- The present NCBC (set up under the National Commission for Backward Classes Act, 1993 as Article 338b of the Constitution) can only **recommend inclusion and exclusion of castes** from the OBC list and the level of income that cuts off the "creamy layer" among these castes from the benefits of reservation.
- The **123rd Constitutional Amendment Bill (102nd Constitutional Amendment Act)** aims to provide constitutional status to NCBC that will give it the powers akin to the Commission of Socially and Economically Backward Classes (SCBCs). The functions performed by NCSC will now get transferred to the new panel.
- The amendment also brings about **changes in Article 342a and Article 366**.
 - Article 342a relates to the Central list of Socially and Educationally backward classes.
 - Article 366 contains the definitions used in the Constitution unless specifically stated otherwise.
- Under the Act, the **NCBC will comprise of five members** appointed by the President. Their tenure and conditions of service will also be decided by the President.
- **Key functions performed by the panel:**
 - In the case of **grievances** related to non-implementation of reservations, economic grievances, violence, etc. people will be able to move the Commission.
 - Act gives the proposed Commission the power to **inquire into complaints of deprivation of rights and safeguards**.
 - It also gives it the **powers of a civil court** trying a suit and allows it to summon anyone, require documents to be produced, and receive evidence on affidavit.

1.5. OFFICIAL LANGUAGES ACT

Why in new?

Recently, Chief Justice of India recommended amending the Official Languages Act of 1963 to include more vernacular languages in governance, and not just confine it to Hindi and English.

About Official Languages Act, 1963

- The act was enacted in 1963 to provide for the languages which may be used for the official purpose of the Union, for transaction of business in Parliament, for Central and State Acts and for certain purpose in High Courts.
- As per the Act, both English and Hindi shall be used for certain specified purposes like resolutions, rules, general orders, notifications, press communiqués, administrative and other reports, licenses, tenders, etc.

Important Constitutional Provisions related to official languages

- **Part XVII** of the Indian constitution deals with the official languages in Articles 343 to 351.
- **The Eighth Schedule** to the Constitution consists of the following 22 languages. 14 were initially included in the Constitution. **Bodo, Dogri, Maithili, and Santhali were added by 92nd Amendment Act of 2003.**
- **Article 343(1)** of the Constitution of India, Hindi in Devanagari script shall be the official language of the Union.
- **Article 343(3)** made provisions for the continuation of English even after 25th January 1965 by empowering the parliament to make laws to that effect.
- **Article 344(1)** provides for the constitution of a Commission by the President on expiration of five years from the commencement of the Constitution.
- **Article 348 (1)** of the Constitution of India provides that all proceedings in the Supreme Court and in every High court shall be in English Language until Parliament by law otherwise provides
- **Article 351** provides for the spread of the Hindi language to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.

Related information

Central Institute of Indian Languages (CIIL)

- CIIL is a **subordinate office of the Ministry of Education.**
- **CIIL was set up in 1969 to**
 - Coordinate the **development of Indian Languages.**
 - Protects and Documents Minor, Minority and Tribal Languages.
 - **Promotes Linguistic harmony** by teaching 15 Indian languages to non-native learners.
 - Advices and Assists Central as well as State Governments in the matters of language.
- CIIL organises a number of programmes such as - **Development of Indian Languages, Regional Language Centres, National Testing Service etc.**

Official Languages Commission

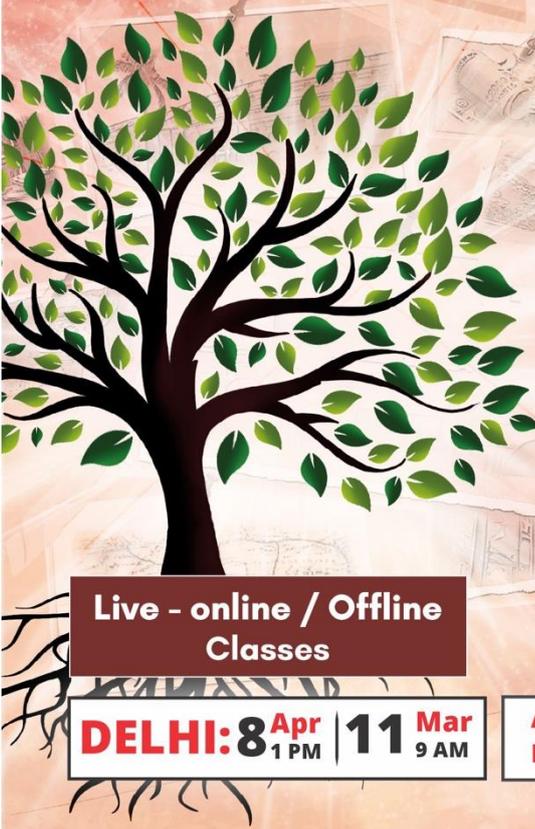
- Under **Article 344** of the Constitution, a Commission shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint, and the order shall define the procedure to be followed by the Commission.
- It shall be the duty of the Commission to make recommendations to the President as to
 - the progressive use of the Hindi language for the official purposes of the Union
 - restrictions on the use of the English language for all or any of the official purposes of the Union;
 - the language to be used for all or any of the purposes mentioned in article 348;
 - the form of numerals to be used for any one or more specified purposes of the Union
 - any other matter referred to the Commission by the President as regards the official language of the Union and
 - the language for communication between the Union and a State or between one State and another and their use.
- It is also mentioned that a **Committee shall be constituted consisting of thirty members**, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States. It shall be the duty of the Committee **to examine the recommendations of the Commission** and to report to the President their opinion thereon.

1.6. OTHER IMPORTANT NEWS

<p>Right to Protest</p>	<ul style="list-style-type: none"> Supreme Court gave a verdict on Right to protest vs. Right to mobility on a plea against blocking of road in Shaheen Bagh in Delhi over Citizenship Amendment Act protests. In another stance, Supreme Court said farmers have a constitutional right to continue with their “absolutely perfect” protest as long as their dissent against the three controversial agricultural laws did not slip into violence. 	<table border="1"> <thead> <tr> <th colspan="3">CONSTITUTIONAL BASIS FOR RIGHT TO PROTEST</th> </tr> <tr> <th>ARTICLE</th> <th>SUB-ARTICLE</th> <th>PROVISION</th> </tr> </thead> <tbody> <tr> <td rowspan="3">19</td> <td>(1) (a)</td> <td> <ul style="list-style-type: none"> Freedom of Speech & Expression Right to Demonstration or Picketing No Right to Strike. </td> </tr> <tr> <td>(1)(b)</td> <td>Right to Assemble Peacefully without arms.</td> </tr> <tr> <td>(2) & (3)</td> <td>Power of state to impose Reasonable Restrictions.</td> </tr> </tbody> </table>	CONSTITUTIONAL BASIS FOR RIGHT TO PROTEST			ARTICLE	SUB-ARTICLE	PROVISION	19	(1) (a)	<ul style="list-style-type: none"> Freedom of Speech & Expression Right to Demonstration or Picketing No Right to Strike. 	(1)(b)	Right to Assemble Peacefully without arms.	(2) & (3)	Power of state to impose Reasonable Restrictions.
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	(2) & (3)	Power of state to impose Reasonable Restrictions.													
<p>Hate Speech</p>	<ul style="list-style-type: none"> SC in Amish Devgan v Union of India case observed that hate speech repudiates right to equality in a polity committed to Pluralism. <p>Key observations of SC</p> <ul style="list-style-type: none"> 'hate speech' vs 'free speech' <ul style="list-style-type: none"> Free speech includes right to comment, favour or criticise government policies; and 'hate speech' creating or spreading hatred against a targeted community or group. Hate speech has not been defined in any law in India. However, hate speech, generally incitement to hatred primarily against a group of persons, dealt with IPC section like 153A, 295A etc. 														

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8

2. FUNCTIONING OF PARLIAMENT/STATE LEGISLATURE/LOCAL GOVERNMENT

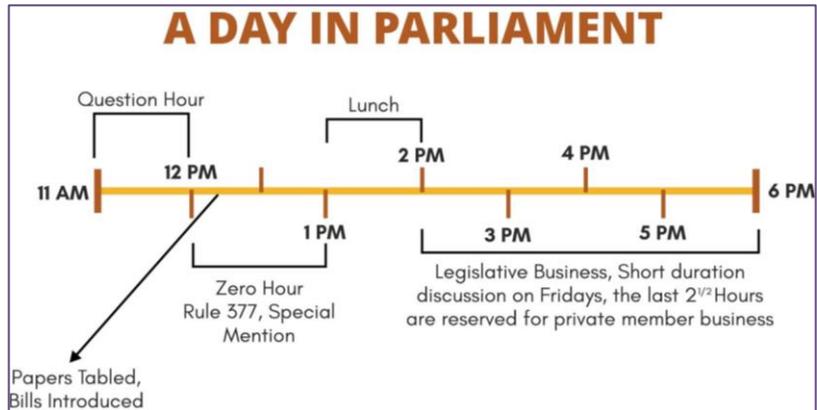
2.1. QUESTION HOUR

Why in News?

In the wake of the ongoing COVID-19 pandemic, Lok Sabha and Rajya Sabha suspended question hour and private members' business during the last monsoon session of Parliament.

About Question Hour

- This is **first hour of a sitting**. During this, **MPs ask questions to ministers** and hold them accountable for functioning of their ministries.
- Both Houses of the Parliament follow their own set of rules** which are formulated to govern themselves.
 - At the beginning of Parliament in **1952, Lok Sabha rules provided for Question Hour to be held every day**.
 - Rajya Sabha, on the other hand, had a provision for Question Hour for two days a week**. A few months later, this was changed to four days a week. Then from 1964, Question Hour was taking place in Rajya Sabha on every day of the session.



Suspension of Question Hour in Past
 Question hour was done away with in the years 1962, 1975, 1976, 1991, 2004 and 2009 for various reasons.

- Question Hour was first dispensed with due to India-China war during the winter session of 1962. Similarly, in the 1971 winter session, it was suspended due to the war with Pakistan.
- During the Emergency, parliament functioned without the Question Hour for two sessions – monsoon session of 1975 and winter session of 1976.

Zero Hour

- The time **immediately following the Question Hour has come to be known as "Zero Hour"**.
 - It starts at around 12 noon (hence the name).
- Typically, discussions on important Bills, the Budget, and other issues of national importance take place from 2pm onwards.
- Members wishing to raise matters during the "Zero Hour" need to **give notice to the Speaker prior to the start of the daily session**.
- Zero Hour is an Indian parliamentary innovation and unlike Question Hour it is **not mentioned in the Rules of Procedure**. Zero hour has been in existence since 1962.
 - It is not mandatory to have a Zero Hour every day during the session.

CATEGORIES OF QUESTIONS

TYPE	FEATURES
STARRED QUESTIONS	Requires an oral answer
UNSTARRED QUESTIONS	Requires a written answer
SHORT NOTICE QUESTIONS	<ul style="list-style-type: none"> Asked orally after Question Hour 1st item of agenda incase no question hour planned
QUESTIONS TO PRIVATE MEMBERS	<ul style="list-style-type: none"> Matter connected to the member to whom question is asked. (Bill/Resolution)
HALF-AN-HOUR DISCUSSION	Held with speaker's permission in case member not satisfied with answer to starred/unstarred question
Conditions: -15 days prior notice to speaker/chairman to ask question (period can be reduced by Speaker/Chair) - only 5 question/day in LS and 7/day in RS by one member	

- Before asking a question in the parliament, the **member has to give a 15-day notice to the Chairman/Speaker** in a prescribed manner. Such a period can be reduced at the discretion of the Chairman/Speaker.
- The permissible limit with respect to the question are only **five a day per member in Lok Sabha and seven per day in Rajya Sabha**.

2.2. PARLIAMENTARY STANDING COMMITTEES

Why in news?

Due to the pandemic, significant amount of the tenure of Parliamentary Standing Committees (PSCs) was lost.

More on news

- Rajya Sabha (RS) Chairman also called for 2-year fixed tenure for House panels.
 - **Thus, two options are being looked at:** one, to extend the term of the panels for a year, and second, to form new committees with a fixed tenure of two years.
 - **At present tenure of PSC is one year.**

Standing Committee

On the basis of the nature of functions performed by them, **standing committees can be classified into the six categories:**

- Financial Committees
- Departmental Standing Committees- related to Ministries/ Departments.
- Committees to Inquire
- Committees to Scrutinise and Control
- Committees Relating to the Day-to-Day Business of the House
- House-Keeping Committees or Service Committees

About Parliamentary Committees

- Parliamentary committees are of two kinds:
 - **Standing Committees:** Permanent in nature; Constituted every year; work on a continuous basis.
 - **Ad Hoc Committees:** Temporary in nature; Cease to exist on completion of the task assigned to them.
- The constitution makes a mention of these committees at different places but **without making any specific provisions regarding their composition, tenure etc.** All these matters are dealt by the rules of two houses.
- Main **objective of the PSCs** is
 - **ensure detailed scrutiny and uphold government accountability** work in non-partisan manner
 - **aids the Opposition** to play a greater role in exercising control over the executive.
 - **engage with relevant stakeholders**
 - **ensure financial prudence.**
- PSCs draw their authority from **Article 105** (on privileges of Parliament members) and **Article 118** (on Parliament's authority to make rules for regulating its procedure and conduct of business).
- Parliament is **not bound by the recommendations of committees.**

2.3. OFFICE OF PROFIT

Why in news?

A parliamentary panel has sought **Centre's response to a long-pending demand for amending the Constitution to clear ambiguity over definition of office of profit.**

About Office of Profit

- Office of profit **has not been defined in the constitution or under Representation of People Act (RPA), 1951** but different courts have interpreted it to mean a position with certain **duties that are more or less of public character.**
 - Essence is that legislators should be able **to carry out their duties in a free manner without any obligation to government of the day.**
- **Rulings by the court:**
 - The Supreme Court in Pradyut Bordoloi vs Swapan Roy (2001) outlined the **four broad principles** for determining whether an office attracts the constitutional disqualification. These are:
 - ✓ **whether the government exercises control over appointment, removal and performance** of the functions of the office
 - ✓ **whether the office has any remuneration attached to it**
 - ✓ **whether the body in which the office is held has government powers** (releasing money, allotment of land, granting licenses etc.).
 - ✓ **whether the office enables the holder to influence by way of patronage.**
 - The Supreme Court, while upholding the **disqualification of Jaya Bachchan from Rajya Sabha in 2006**, had said that for deciding the question as to whether one is holding an office of profit or not,

what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain.

- **Constitutional Provisions: Under Article 102 (1) and Article 191 (1)**, an MP or an MLA is barred from holding any office of profit under the central or state government. Also **under RPA 1951**, holding an office of profit is **grounds for disqualification**.
 - The office of profit law simply **seeks to enforce a basic feature of the Constitution**- the principle of separation of power between the legislature and the executive.
- **Legal provisions: Parliament (Prevention of Disqualification) Act, 1959** lists a wide- ranging number of offices that are exempted from disqualification.

2.4. RAJYA SABHA (RS) ELECTIONS

Why in news?

Recently, RS elections to 19 seats across 8 states were concluded.



RS ELECTION

PARTICULAR	PROVISIONS	
WHY	- Permanent body but 1/3rd member retire every 2nd year	
HOW	WHO ELECTS	- Elected by elected members of SLA
	METHOD	- Proportional representation by means of single transferable vote
CONSTITUTIONAL BASIS	4th Schedule	- Seats allocated on basis of population
	Article 80	- Total strength -250 out of which, 12 nominated by President. - Term-6 years - If by-election-elected member remains till remainder of term.
	Article 84	- QUALIFICATIONS OF MEMBERS <ul style="list-style-type: none"> → Citizen of India → not less than 30 years age → other qualifications prescribed by Parliament

2.5. OTHER IMPORTANT NEWS

Article 164(1A)	<ul style="list-style-type: none"> It states that total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed 15% of the total number of members of the Legislative Assembly of that State. <ul style="list-style-type: none"> It was inserted as 91st amendment to constitution. It is being argued that present strength of Council of Ministers in MP is violative of Article 164(1A).
Breach of Privilege	<ul style="list-style-type: none"> Supreme Court recently gave relief to Arnab Goswami in breach of privilege case for making derogatory remarks against the CM of Maharashtra. A breach of privilege is a violation of any of the privileges of MPs/Parliament (Article 105) or MLAs/Both the houses of State Legislators (Article 194). Any act that obstructs or impedes either House of the state legislature in performing its functions is treated as breach of privilege. As there is no law enacted by the Parliament, breach of privileges are governed by the British Parliamentary conventions.
Member of Parliament Local Area Development (MPLAD) fund	<ul style="list-style-type: none"> Members of Parliament have urged government to release funds for projects sanctioned in 2018 and 2019, which were suspended due the COVID-19 pandemic. MPLAD Scheme is a central government scheme which provides each MP with the choice to suggest to the District Collector for works to the tune of Rs.5 Crores per annum. MPs also have to recommend every year, works costing at least 15% of the MPLADS entitlement for the year for areas inhabited by SC population and 7.5% for areas inhabited by S.T. population.
Attorney General (AG) tenure extended for one year	<ul style="list-style-type: none"> President has reappointed K.K. Venugopal as AG for one year. Article 76 provides for office of AG, highest law officer in the country. <ul style="list-style-type: none"> He must be qualified to be appointed as a Judge of Supreme Court. Term of office of AG is not fixed by constitution. He holds office during the pleasure of President. He has the right to speak and take part in proceedings of both the houses of Parliament but without a right to vote.



फाउंडेशन कोर्स सामान्य अध्ययन

प्रारंभिक एवं मुख्य परीक्षा 2022

इनोवेटिव क्लासरूम प्रोग्राम

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

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

DELHI 23 March | 1:30 PM | 21 Jan | 5 PM

LUCKNOW 5 APRIL

JAIPUR 17 MARCH | 4 PM

कक्षाएं ऑनलाइन आयोजित की जाएंगी। ऑफलाइन कक्षाएं सरकारी नियमों और छात्रों की सुरक्षा के अधीन उपलब्ध होंगी।

लाइव/ऑनलाइन कक्षाएं भी उपलब्ध

3. CENTRE-STATE RELATIONS

3.1. SIXTH SCHEDULE

Why in news?

Arunachal Pradesh assembly unanimously passed a resolution for the entire state to be included in the Sixth Schedule of the Constitution.

Background

- Earlier, state government had also **demanding to amend the Constitution and waive Article 371(H) and put Arunachal Pradesh under the provisions of Article 371(A) and 371(G)** in line with Nagaland and Mizoram.
 - Article 371(A) and 371(G) provides special protection with respect to religious and social practices, customary laws and rights to ownership and transfer of land to the tribal people of the state of Nagaland and Mizoram respectively
 - Under Article 371 (H), the state governor has special responsibility with respect to law and order in the state and in the discharge of his functions in relation thereto.
- At present, Arunachal Pradesh has **Bengal Eastern Frontier Regulation (BEFR) Act of 1873** which prohibits all citizens of India from entering Arunachal without a valid **Inner Line Permit**.

Article 371

Article 371 to 371-J of Constitution **contains special provisions for eleven states** to meet the aspirations, to protect the cultural and economic interests of the tribal and local people of the states or to deal with the disturbed law and order condition in some parts of the states.

Inner Line Permit

- Inner Line Permit is a document that **allows an Indian citizen to visit or stay in a state that is protected under the ILP system**.
- It is British era regulation under the **Bengal Eastern Frontier Regulation Act, 1873**, for Crown's own commercial interests.
- **Arunachal Pradesh, Nagaland and Mizoram** are protected by the Inner Line, and lately **Manipur** was added.

Permit for foreigners

- **Every foreigner, except a citizen of Bhutan**, who desires to enter and stay in a Protected or Restricted Area, is **required to obtain a special permit called Protected Area Permit/Restricted Area Permit** from a competent authority.

About Sixth schedule

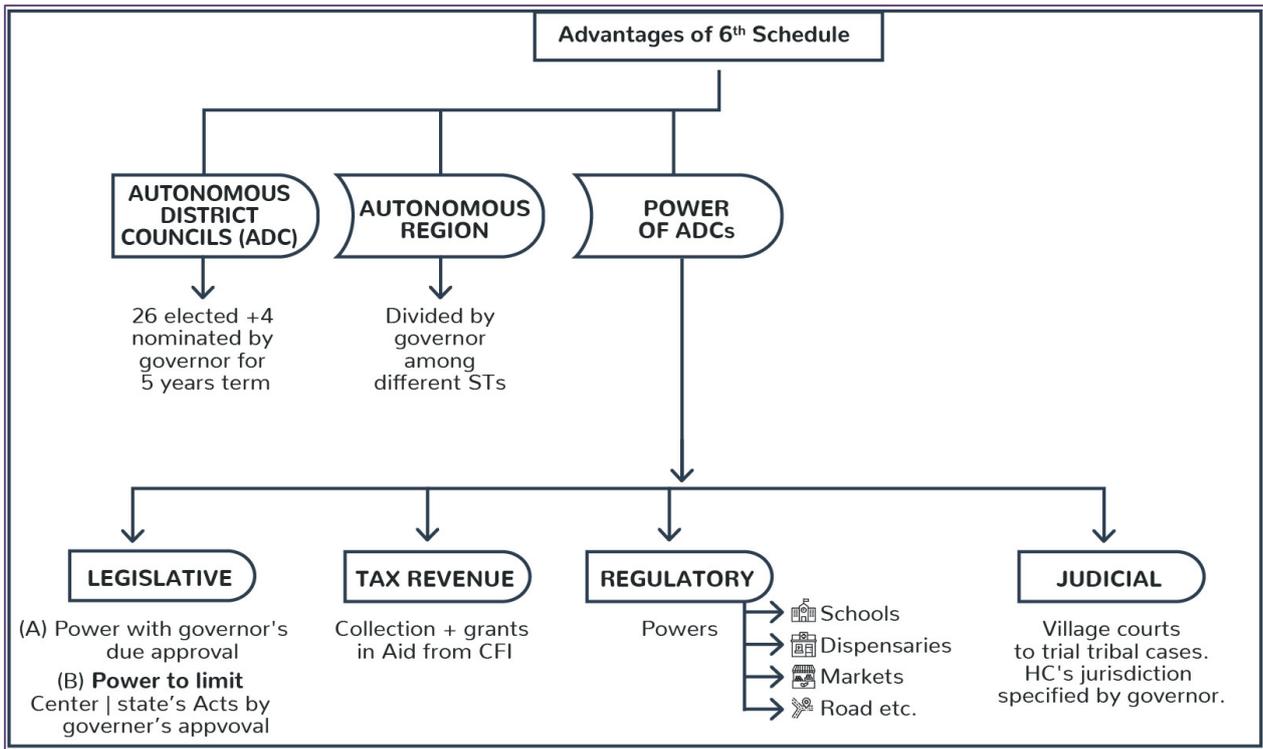
- Sixth schedule to the constitution provides power to tribal communities to administer the tribal areas in Assam, Meghalaya, Tripura and Mizoram under the provision of article 244(2) and 275(1) of the constitution
 - **Article 244 of provides special system of administration for certain areas** designated as 'scheduled areas' and 'tribal areas.'
 - **Article 275 makes provisions for statutory grants** to be charged on Consolidated Fund of India. Such grants also include specific grants for promoting the welfare of the scheduled tribes or for raising the level of administration of the scheduled areas in a state.

Areas in Northeast that are registered as autonomous districts:

- **Assam:** Bodoland Territorial Council, Karbi Anglong Autonomous Council and Dima Hasao Autonomous District Council.
- **Meghalaya:** Garo Hills Autonomous District Council, Jaintia Hills Autonomous District Council and Khasi Hills Autonomous District Council.
- **Tripura:** Tripura Tribal Areas Autonomous District Council.
- **Mizoram:** Chakma Autonomous District Council, Lai Autonomous District Council, Mara Autonomous District Council.

More to know

- To include Arunachal Pradesh in Sixth schedule **requires constitutional amendment (outside Article 368)**.
- National Commission for Scheduled Tribes (Art 338A) has recommended **Union Territory of Ladakh to be declared as a 'tribal area' under the Sixth Schedule of the Constitution**.
- **Citizenship Amendment Act (CAA)** exempts the sixth schedule areas and Inner Line permit areas.



COMPARING 5th and 6th Schedule

BASIS	5th Schedule	6th Schedule
APPLICABILITY	Andhra, Telangana, Chhatisgarh, HP, MP, Gujarat, Jharkhand, Maharashtra, Odisha, Rajasthan	Assam, Meghalaya, Tripura, Mizoram
COUNCIL CREATION	by Act of State Legislature	ADC Provided by Constitution
AUTONOMY	Panchayats (Extension to Schedule Areas) Act 1996 - Self-governance through Gram sabha for people living in 5th Schedule areas.	- greater autonomy compared to 5th schedule. - 5th schedule's Tribal Advisory council has only advisory powers. - ADC have much wider powers (above infographic)

PT 365 - Polity & Constitution

3.2. BORROWING POWERS OF THE CENTRE AND STATE GOVERNMENT

Why in news?

Recently the Centre government increased the borrowing limit of states to 5% of gross state domestic product (GSDP) in 2020-21 from 3%.

Comparison of borrowing powers of Centre and State Government

BORROWING POWERS OF CENTRE & STATES		
BASIS	CENTRE	STATE
CONSTITUTIONAL PROVISION	U/A 292, Central govt has unrestricted power to borrow subject to limit set by Parliament.	U/A 292, this power is limited by Act of state Legislature.
TERRITORIAL RESTRICTIONS	No restriction. Can borrow domestically and from abroad.	Can only raise loan domestically.
OTHER RESTRICTIONS	N/A	<ul style="list-style-type: none"> Can borrow upon security of Consolidated fund of state. Cannot raise loan if any outstanding amount of previous loan is due to the Centre.

Related information

Consolidated Sinking Fund (CSF)

- Recently, with revenue sources drying up due to lockdown, States want the Centre to relax norms regarding using money accumulated in CSF.
- Consolidated Sinking Fund (CSF) was **set up in 1999-2000 by the RBI to meet redemption of market loans of the States.**
- The CSF is a **reserve fund created by states for amortization of their debt obligations.**
- State Governments maintain the Consolidated Sinking Fund (CSF) with the Reserve Bank as buffers for repayment of their liabilities.
- Under the CSF scheme, a state government could **contribute 1-3% of their annual outstanding debt liabilities to the fund** to create a buffer for repayment of their future liabilities.
- Initially, 11 States set up sinking funds. Later, the 12th Finance Commission (2005-10) recommended that all States should have sinking funds for amortisation of all loans, including loans from banks, liabilities on account of NSSF (National Small Saving Fund), etc.
- This **fund is maintained outside the consolidated fund of the States in the public account** and is not to be used for any other purpose, except for the redemption of loans. This ensures good fiscal governance.

3.3. ARTICLE 370

Why in news?

August marks one year since the abrogation of Articles 370 and 35A and the administrative reorganization of Jammu and Kashmir.

Background

- In 1948, Indian Government signed Treaty of Accession

Article 370 and Article 35A

- Art. 370 had **“temporary provisions with respect to the State of Jammu and Kashmir”** which gave special powers to the state allowing it to have its **own Constitution.**
- According to article 370, except for defence, foreign affairs, finance and communications, **Parliament needs the state government’s concurrence** for applying all other laws.
- Article 35A of the Indian Constitution, which stemmed out of Article 370, gave powers to the Jammu and Kashmir Assembly to define permanent residents of the state, their special rights and privileges.

with ruler of Kashmir to provide Kashmir protection from Pakistan's aggression. Post signing of Treaty of Accession, Article 370 was inserted in the **part XXI of the Constitution** that proclaimed it to be "**Temporary, Transitional and Special Provision**" and provided for a special status to Jammu and Kashmir (J&K).

- As per the Article, the centre needed the state government's concurrence to apply laws — **except in defence, foreign affairs, finance and communications.**

- Also, the state's residents lived under a separate set of laws, **such as those related to citizenship, ownership of property, separate penal code and fundamental rights**, as compared to other Indian citizens.

- In August 2019, President of India promulgated **Constitution (Application to Jammu and Kashmir) Order, 2019** which stated that provisions of the Indian Constitution were applicable in the State.

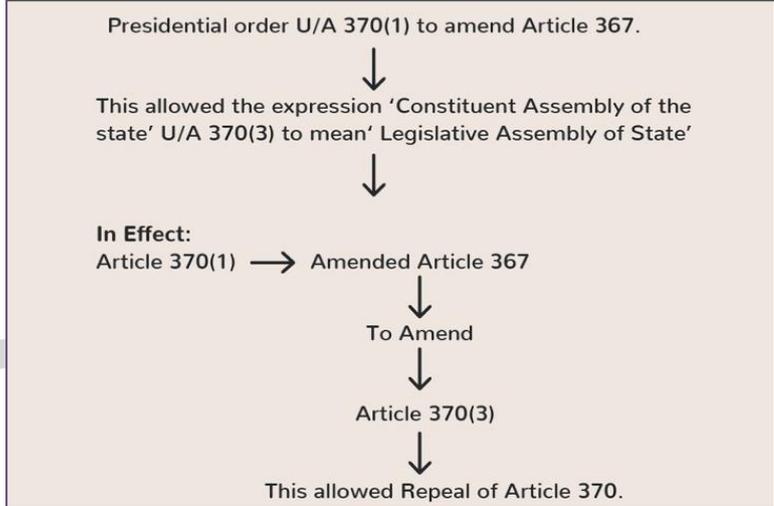
- This effectively meant that all the provisions that formed the basis of a separate Constitution for Jammu and Kashmir stand abrogated. With this, Article 35A was scrapped automatically.

- Also **Jammu and Kashmir Reorganization Act, 2019** was passed by the Parliament, which re-organized J&K into two Union Territories (UTs)-
 - J&K division** with a legislative assembly
 - UT of **Ladakh** without a legislative assembly.

Implications of the move

- Complete applicability of Indian Constitution to J&K
- No separate flag
- Tenure of the J&K assembly to be five years, instead of the earlier six years.
- Replacing Ranbir Penal Code (the separate penal code for J&K) with the Indian Penal Code.
- Article 356 under which the President's Rule can be imposed in any state, will also be applicable to the UT of Jammu and Kashmir.
- The central quota laws in school-college admissions and state government jobs will apply.
- People from other states may be able to acquire property and residency rights.
- RTI would be made applicable.
- Certain provisions of the J&K Constitution which denied property rights to native women who marry a person from outside the State may stand invalidated.

HOW DID IT HAPPEN



Related Developments

Jammu and Kashmir Panchayat Raj Act (J&KPRA), 1989

- Ministry of Home Affairs **amended J&KPRA to facilitate the setting up of District Development Councils (DDCs) as new governance unit in J&K** and incorporate provisions of the 73rd Amendment.
- New Structure**
 - DDCs replace the District Planning and Development Boards (DDBs)** that were headed by a cabinet minister with MPs, MLAs and MLC as members and the district's Deputy Commissioner (DC) as its member secretary.
 - Now, the new structure will include a **DDC and a District Planning Committee (DPC).**
 - DDCs will have elected representatives from each district** and will be headed by a chairman from among the elected representatives. **Term of DDC: 5 years.**
 - DDCs will have jurisdiction over entire district**, excluding those areas designated as municipalities or municipal corporations.
- Function of DDC**
 - DDC **will prepare and approve district plans and capital expenditure.** Five standing committees, one each for finance; development; public works; health and education, and welfare will now be constituted in every DDC.
 - DDCs will **oversee the functions of Halqa Panchayats and Block Development Councils** which were set up under 1989 Act.

- **Scope of the functions of DDCs have been amplified** by addition of planning process being handed over directly to the elected representatives.
 - Earlier, DDB were at the centre of planning and development.

Centre amends land laws in Jammu & Kashmir (J&K)

- Government **omitted "permanent resident of the state"** from Section 17 of Jammu and Kashmir Development Act, which deals with disposal of land in UT.
 - Before Article 370 and Article 35-A were repealed in August 2019, **non-residents could not buy any immovable property in J&K.**
- Under new laws, **government can also transfer land in favour of a person or an institution** for promotion of healthcare or educational institutions.
 - Amendments, however, **do not allow transfer of agricultural land to non-agriculturists.**

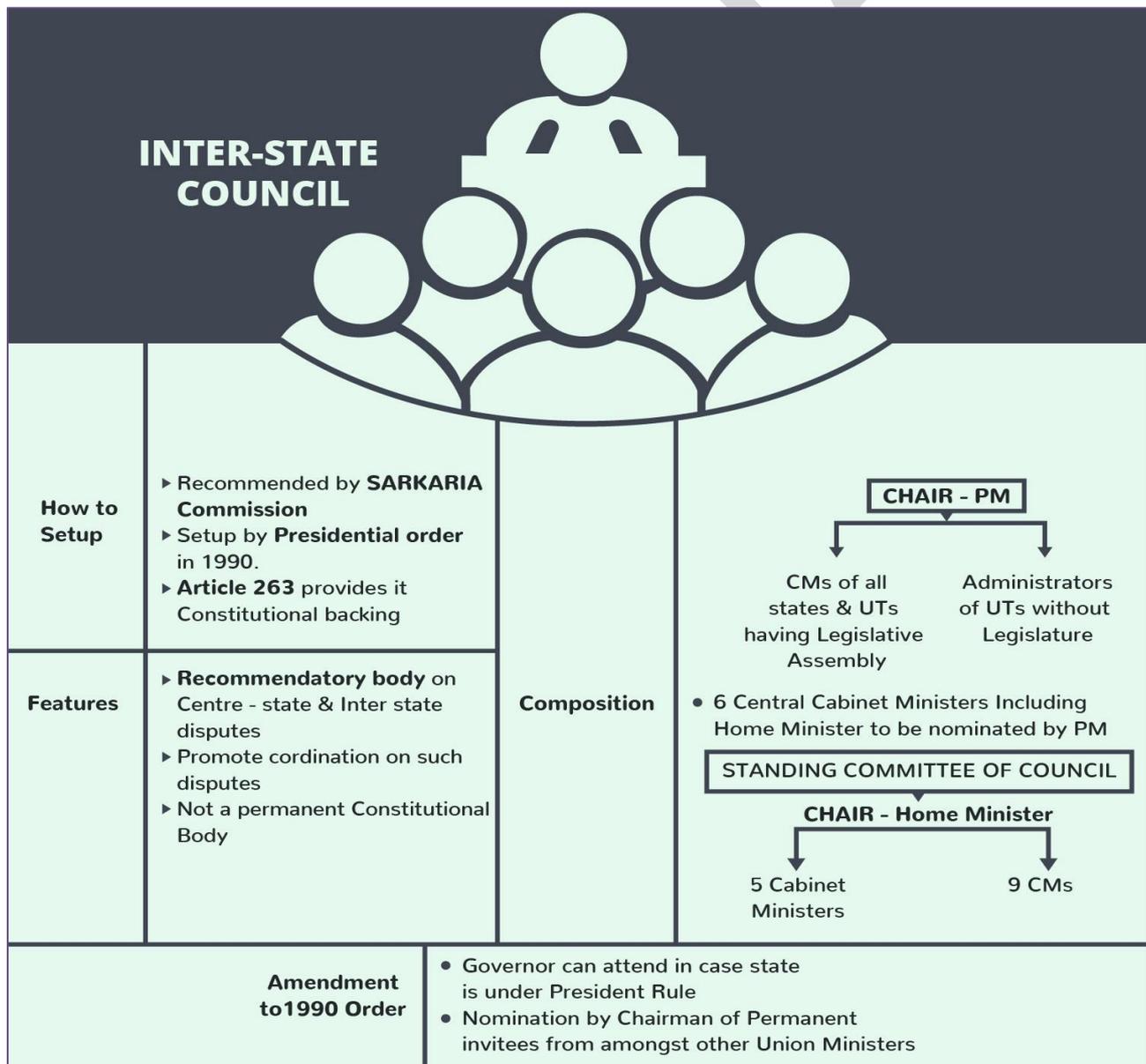
Lok Sabha passed the Jammu and Kashmir Official Languages Bill, 2020

- Bill seeks to **include Kashmiri, Dogri and Hindi as the official languages** in the newly created UT of Jammu and Kashmir.
 - Earlier, **only English and Urdu were the official languages** in the former State.
- **Part XVII (Article 343 to 351) of the Constitution** deals with the official languages. Article 343 states that the **official language of the Union shall be Hindi in Devanagari script.**

3.4. INTER-STATE COUNCIL

Why in news?

Recently, **Inter-State Council (ISC)** has been reconstituted.



Related News**Maharashtra-Karnataka Border Dispute**

The dispute is over 7,000 sq km area along Maharashtra 's border with Karnataka, in districts of Belagavi, Uttara Kannada, Bidar, and Gulbarga etc.

Mechanisms to resolve disputes between states

- **Article 3 empowers** Parliament to **form a new state and alter the areas, boundaries or names of existing States.**
- **Article 131** confers upon Supreme Court exclusive jurisdiction to deal with centre-state / inter-state disputes.
 - In 2004, Maharashtra government moved the SC under this over this dispute.
 - **Article 263** entrusts the President to create an **inter-state council**, which may tender advice regarding resolution of inter-State disputes.

3.5. ASPIRATIONAL DISTRICTS PROGRAMME

Why in news?

Recently, an assessment report of **Aspirational Districts Programme** was released jointly by Institute for Competitiveness (IFC) and Social Progress Imperative.

About Aspirational Districts Programme (ADP)

- ADP was launched by the GOI in January 2018 to **accelerate improvement in the socio-economic indicators of the most underdeveloped districts** of the country.
- Currently, the programme has been implemented in **112 of India's 739 districts** including 35 Left Wing Extremism (LWE) affected regions spread across the country.
- The programme is **driven by the following ideas** that signal a shift in the approach of the government towards policy and governance:
 - Moving Beyond Economic Measures of Success
 - Enabling Equitable Regional Development
 - Driving Change through Cooperative and Competitive Federalism
- The programme **focuses on practical and measurable social progress outcomes, in six main themes** that directly impact the quality of life as well as the economic productivity of citizens. These are-
 - Health and Nutrition (30%),
 - Education (30%),
 - Agriculture and Water Resources (20%),
 - Financial Inclusion (5%),
 - Skill Development (5%), and
 - Basic Infrastructure (10%).
- These are further broken down into 49 indicators.
- The programme is **based on three core principles, which are encapsulated in the 3Cs Approach**
 - **Convergence** (among State and Central Government initiatives at the district level),
 - **Collaboration** (among citizens and functionaries of Central & State Governments including district teams), and
 - **Competition** (among districts).
- **Basic Structure of the programme:**
 - **At the Central level, NITI Aayog** is anchoring the programme and individual Ministries have assumed responsibilities to drive the progress of the districts.
 - The **state governments are the main drivers of change.** Each state has formed a committee under their respective Chief Secretaries to implement as well as track the programme.
 - **For each district, a central Prabhari Officer** of the rank of Additional Secretary/ Joint Secretary has been appointed to provide feedback and recommendations based on their local level findings.
- **Under the programme, NITI Aayog releases Delta Ranking** that ranks districts based on the monthly improvement achieved in the six focus areas through the Champions of Change dashboard (an online Dashboard).

Related information

- **Institute for Competitiveness**, India is an international initiative centred in India, dedicated to enlarging and purposeful disseminating of the body of research and knowledge on competition and strategy. It was the **knowledge partner of the NITI Aayog** in recently released India Innovation Index (III) 2019.
- **Social Progress Imperative** is a US-based non-profit organisation which publishes **The Social Progress Index (SPI)** that measures the extent to which countries provide for the social and environmental needs of their citizens.

4. JUDICIARY

4.1. CONTEMPT OF COURT

Why in news?

Recently, Supreme Court held the lawyer-activist Prashant Bhushan guilty of contempt of court in the context of the comment made on social media, targeting the current Chief Justice of India.

What is contempt of court?

- Contempt refers to the **offence of showing disrespect to the dignity or authority of a court.**
- The **rationale** for this provision is that **courts must be protected** from tendentious attacks that lower its authority, defame its public image, and make the public lose faith in its impartiality.
 - Also, Article 261 says, Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State.

Mulgaonkar principles

- In the criticism against the Supreme Court’s ruling his counsel invoked the ‘Mulgaonkar principles’, urging the court to show restraint.
- S Mulgaonkar v Unknown (1978)** is a case that led to a landmark ruling on the subject of contempt.
- By a 2:1 majority, the court held Mulgaonkar (then editor of Indian Express) not guilty of contempt although the same Bench had initiated the proceedings. This counsel of caution in exercising the contempt jurisdiction came to be called the Mulgaonkar principles.

PT 365 - Polity & Constitution

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

4.2. MECHANISMS TO INVESTIGATE CHARGES AGAINST A SUPREME COURT (SC) JUDGE

Why in news?

- Recently, Andhra Pradesh Chief Minister had written to Chief Justice of India **complaining about misconduct on part of a sitting SC judge.**
- Over the years, three mechanisms-** In-house procedure (1999), Sexual harassment guidelines, and Removal for proven misbehaviour or incapacity **have evolved to investigate cases of misconduct, including cases of sexual harassment, misbehaviour or incapacity against judges.**

	Removal Proceedings (As per article 124(4) of the constitution)	In-house Procedure of SC	2013 SC Sexual Harassment Regulation
Who may file a complaint	Signed notice by at least 100 members of the Lok Sabha, or 50 members of the Rajya Sabha on charges of misbehaviour or incapacity by a judge	Complaint of misconduct may be filed by any person.	Written complaint of sexual harassment by a woman.
Persons to whom complaint must be filed	Presiding Officer of the relevant House of Parliament	Chief Justice of India (CJI) or President of India	Gender Sensitisation and Internal Complaints Committee (GSICC)
Preliminary Inquiry	If the notice is in order, the Presiding Officer will constitute a three-member committee to investigate the complaint.	<ul style="list-style-type: none"> CJI is required to determine whether the complaint is either frivolous or serious. If the CJI finds that the complaint involves serious misconduct or impropriety, he will seek the response of the concerned Judge. Based on the response and supporting materials, if the CJI finds that the complaint needs a deeper probe, he will constitute an inquiry committee 	If the GSICC is satisfied that the complaint is genuine, it will constitute a three-member Internal Sub-Committee to conduct an inquiry into the complaint.
Composition of Inquiry Committee	Committee will comprise a Supreme Court judge, Chief Justice of a High Court, and a distinguished jurist	The Committee will comprise three judges including a Judge of the Supreme Court and two Chief Justices of other High Courts.	Committee will comprise members of GSICC or persons nominated by GSICC, with majority members being a woman and an outside member.

4.3. E-LOK ADALATS

Why in news?

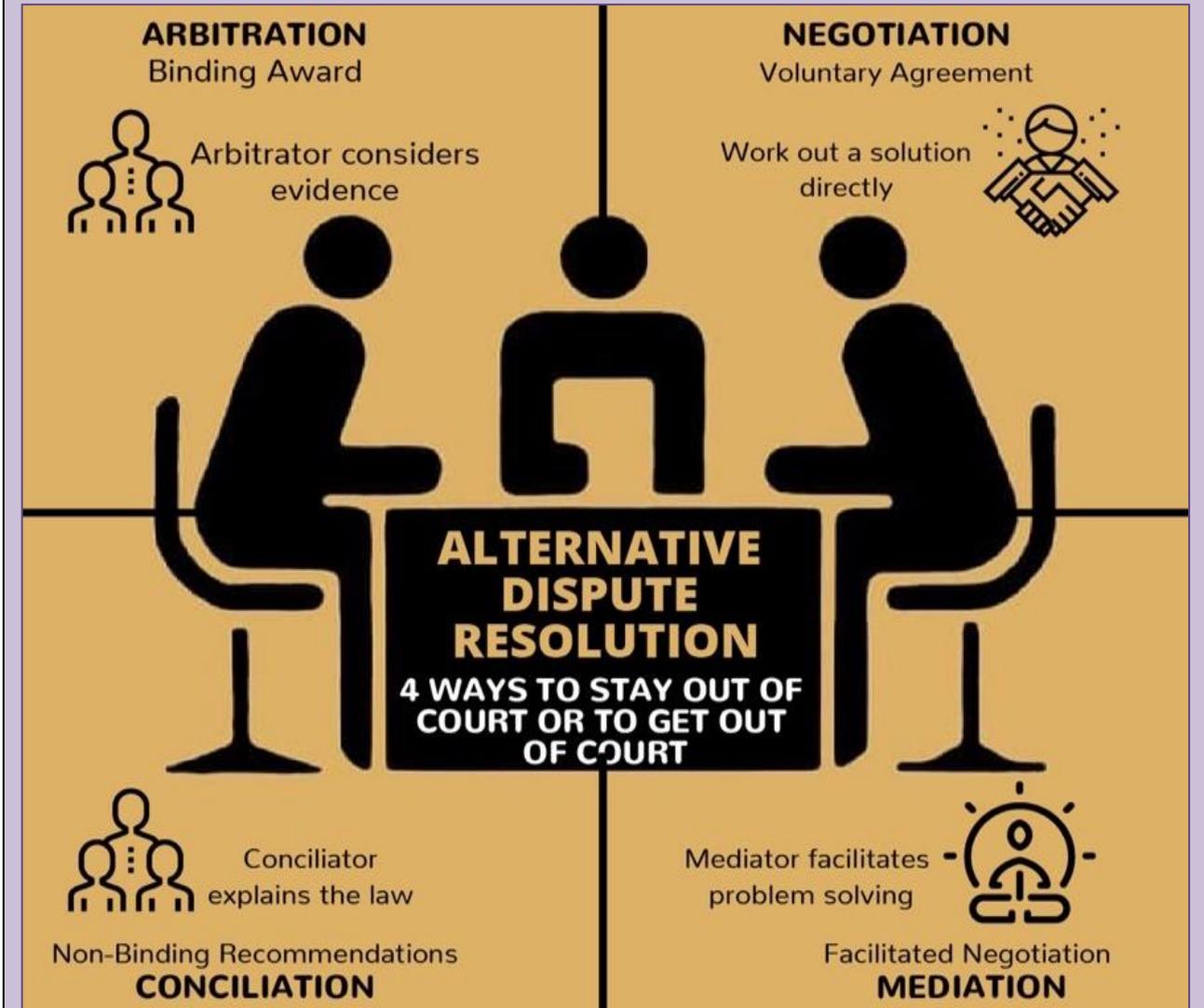
- In the period of turbulence caused by the pandemic, Legal Services Authorities creatively adapted to the new normal and **moved Lok Adalat to the virtual platform called as Online Lok Adalat or e-Lok Adalat.**

About E-Lok Adalats

- E-Lok Adalats** were organised in 15 States leading to disposal of 2.51 lakh cases from June to October.
- Lok Adalat is one of **the alternative dispute redressal mechanisms** where disputes pending in the court of law or at **pre-litigation stage** are settled amicably **without any expense on litigants.**
 - They have been given **statutory status under Legal Services Authorities Act, 1987.**
 - It generally **consists of a judicial officer as the chairman** and a lawyer and a social worker as members.
 - They are **instrumental in reducing the burden on arrears of the court disposal** of long pending litigation between the parties.
 - Awards is **deemed to be a decree of a civil court and is final and binding on all parties** and no appeal against such an award lies before any court of law.
- Recently, Chhattisgarh** became **first state in the country** to inaugurate State-level 'e-Lok Adalat'.

Alternative Dispute Resolution Mechanism

- ADR is a mechanism of dispute resolution that is **non adversarial**, i.e. working together co-operatively to reach the best resolution for everyone.
- ADR can be **instrumental in reducing the burden of litigation on courts**, while delivering a well-rounded and satisfying experience for the parties involved.
- The **Legal Services Authorities Act** was passed in 1987 to encourage out-of-court settlements, and the new **Arbitration and Conciliation Act** was enacted in 1996 to deal with domestic and international arbitration.
- In India, ADR is established on the basis of **Article 14** (Equality before law) and **Article 21** (Right to life and personal liberty) under the Constitution of India. The Directive Principles of State Policy (DPSP) of Equal justice and free legal aid as engraved in **Article 39-A** of the Indian Constitution can also be achieved by the ADR.



Related Developments

Arbitration and Conciliation (Amendment) Bill, 2021 was promulgated.

- **Key amendments:**
 - **Unconditional stay on enforcement of arbitral awards** in cases where the arbitration agreement or contract is induced by fraud or corruption.
 - Until recently, **an arbitration award was enforceable** even if an appeal was filed against it in the court.
 - **Removes 8th Schedule of the Act that contained the necessary qualifications for accreditation of arbitrators.** Now qualifications, experience and norms for accreditation of arbitrators shall be as specified by the regulations which will be framed by Arbitration Council of India (proposed under Arbitration and Conciliation (Amendment) Act, 2019).
 - According to 8th Schedule, arbitrator must be:
 - > an advocate under the Advocates Act, 1961 with 10 years of experience, or
 - > an officer of the Indian Legal Service, among others.
- **Benefits**
 - This will **benefit foreign arbitrators** due to removal of qualifications.
 - **All stakeholder parties get an opportunity** to seek an unconditional stay on enforcement of arbitral awards.

- About Arbitration Council of India (ACI)**
- **Arbitration and Conciliation (Amendment) Act 2019** seeks for the **establishment and incorporation of an independent body namely, Arbitration Council of India (ACI).**
 - ACI is set for **grading of arbitral institutions and accreditation of arbitrators.**
 - **ACI will be headed by a Chairperson, who has been a Judge of the Supreme Court or a Chief Justice or Judge of a High Court or an eminent person** appointed by central government in consultation with the Chief Justice of India.
 - It will also **have two Full-time Members** from amongst **eminent arbitration practitioners and academicians and one representative of a recognized body of commerce and industry** shall be nominated on rotational basis as a Part-time Member.
 - Secretary, Department of Legal Affairs, Ministry of Law & Justice; Secretary, Department of Expenditure, Ministry of Finance and Chief Executive Officer, ACI will be ex-officio Members.
- Singapore Convention on Mediation Comes into Force**
- The Convention, also known as **United Nations (UN) Convention on International Settlement Agreements Resulting from Mediation**, is the first UN treaty to be named after Singapore.
 - Convention **applies to international settlement agreements resulting from mediation**, concluded by parties to resolve a commercial dispute.
 - It will allow businesses **to seek enforcement of a mediated settlement agreement across borders** by applying directly to courts of countries that have signed and ratified the treaty.
 - Currently, **Convention has 53 signatories, including India, China, and US.**
 - **Significance of the Convention**
 - It **will facilitate international trade and commerce** by enabling disputing parties to easily enforce and invoke settlement agreements across borders.
 - Businesses will benefit from **mediation as an additional dispute resolution (ADR) option** to litigation and arbitration in settling cross-border disputes.
 - It helps to **save time and legal costs** of companies.
 - **Benefits for India:** will boost ease of doing business credentials by enabling swift mediated settlements, provide a positive signal to foreign investors about India's commitment to adhere to international practice on ADR.

4.4. OTHER IMPORTANT DEVELOPMENTS AND CONCEPTS IN NEWS

<p>Nyaya Bandhu App</p>	<ul style="list-style-type: none"> • Nyaya Bandhu App has been listed on the UMANG App. • Nyaya Bandhu was launched in 2017 by Ministry of Law and Justice to establish a framework for dispensation of pro bono legal services across the country. • It connects practicing advocates interested in pro bono work with eligible marginalised and vulnerable beneficiaries, through Mobile Application. • Pro Bono Legal services refers to the practice of giving legal assistance for free or at minimal cost to those unable to represent them for want of money. • Free legal aid and Access to Justice is enunciated under Article 39A of the Constitution of India. • UMANG App was launched in 2017 to bring major government services on a single mobile app, with a larger goal to make government accessible on mobile phone of citizens. <ul style="list-style-type: none"> ○ It is a Digital India initiative of the Ministry of Electronics and Information Technology (MeitY). ○ About 660 services from 127 departments & 25 states and about 180 utility bill payment services are live on it. ○ Recently, Ministry of Electronics and Information Technology has brought 7 services of India Meteorological Department on UMANG app. Services include: Current weather, weather warnings, tourism forecast etc.
<p>Habeas Corpus petition</p>	<ul style="list-style-type: none"> • Recently, Bombay High Court rejected Arnab Goswami's habeas corpus petition for "immediate release". • Habeas Corpus essentially means "you must have the body". This petition filed under Article 32 prays before the court to direct a particular individual or authority who has detained a person to produce the detenu before the court. • This petition leads the court to determine validity of such detention. • Habeas corpus writ is a bulwark of individual liberty against arbitrary detention. • It can be issued against both public authorities as well as private individuals.
<p>Plea bargaining</p>	<ul style="list-style-type: none"> • It refers to a person charged with a criminal offence negotiating with the prosecution for a lesser punishment than what is provided in law by pleading guilty to a less serious offence. • It was introduced in India in 2006 as part of a set of amendments to the Code of Criminal Procedure. It can be initiated only by the accused. • It cannot be used in death sentence, life sentence or a prison term above seven years.

<p>Right Shebaitship to</p>	<ul style="list-style-type: none"> Recently, Supreme Court upheld Shebaitship rights of Travancore royal family in the Padmanabhaswamy temple case. Shebaitship right refers to right to manage the financial affairs of the deity in the position of a trustee. <ul style="list-style-type: none"> Shebait is a manager of the property only in title, and, is entitled to custody of both, the property and the idol. Shebait has no legal claim to the property, which is believed only to rest in the deity (or idol).
<p>Witness Protection Scheme, 2018</p>	<ul style="list-style-type: none"> Supreme Court (SC) asks trial courts to consider witness protection in cases against MPs, MLAs under the scheme. It provides for protection of witnesses based on the threat assessment and protection measures inter alia include protection/change of identity of witnesses, their relocation, installation of security devices at the residence of witnesses, usage of specially designed Court rooms, etc. It was approved by SC, and is binding on all Courts in India. It also provides for a State Witness Protection Fund for meeting the expenses of the scheme. Malimath Committee 2003 had batted for a strong witness protection mechanism in India.

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5. ELECTIONS

5.1. SIMULTANEOUS ELECTIONS

Why in News?

Recently, Prime Minister raised the pitch for Simultaneous Elections i.e. 'One Nation, One Election' to the Lok Sabha and State Assemblies.

About Simultaneous Elections (SE)

- It means **structuring the Indian election cycle in a manner that elections to Lok Sabha and State Assemblies are synchronized together** under which voters in a particular constituency vote for both on the same day.
- SE were the **norm until 1967**. But following dissolution of some Legislative Assemblies in 1968 and 1969 and that of Lok Sabha in 1970, elections to State Assemblies and Parliament have been held separately.
- Later, SE idea was **proposed by Election Commission in 1983**. It was also referred by Law Commission and NITI Aayog and recommended by Dinesh Goswami Committee.
- **SE does not mean that voting across the country for Lok Sabha and State Assemblies happen on a single day**. It can be conducted in a phase-wise manner and voters in a particular constituency vote for both State Assembly and Lok Sabha the same day.

Constitutional provisions related to simultaneous Elections

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

Related News

Common Electoral Roll/ One Nation One Electoral Roll

- The government has also pitched for a common electoral roll for elections to the panchayat, municipality, state assembly and the Lok Sabha.

About Common Electoral Roll

- The **State Election Commissions (SECs)**, that **supervise municipal and panchayat elections** are free to prepare their own electoral rolls for local body elections, and this exercise does not have to be coordinated with the EC.
 - However, **each SEC is governed by a separate state Act**. Some state laws allow the SEC to borrow and use the EC's voter's rolls in toto or as the basis for the preparation and revision of rolls for municipality and panchayat elections.
 - Currently, all states, except Uttar Pradesh, Uttarakhand, Odisha, Assam, Madhya Pradesh, Kerala, Odisha, Assam, Arunachal Pradesh, Nagaland and the Union Territory of Jammu and Kashmir, adopt EC's rolls for local body polls.
- It has been argued that the preparation of a separate voters list causes duplication of essentially the same task between two different agencies, thereby duplicating the effort and the expenditure.
- The **Law Commission recommended common electoral roll in its 255th report in 2015**. The EC too adopted a similar stance in 1999 and 2004.
- For implementing common electoral roll, a **constitutional amendment to Articles 243K and 243ZA** would be required to make it mandatory to have a single electoral roll for all elections in the country that
 - Articles 243K and 243ZA give the power of superintendence, direction and control of preparation of electoral rolls and the conduct of local body elections to the SECs.

5.2. ELECTORAL BOND SCHEME (EBS)

Why in news?

- CIC has ruled that the **disclosure of identity of EBS donors under RTI Act will not serve any larger public interest and will violate provisions of the Act itself**.
 - **Section 8 of the RTI Act**, exempts a public authority to give a citizen information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.



POLITICAL FUNDING CLEAN-UP



What is An Electoral Bond

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



Who May Purchase These Bond

A Citizen of India or a body incorporated in the country



Bond Denominations

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



When May Such Bonds Be Bought

Available for purchase for 10day's each in January. April, July, & October



Lifespan

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



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

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



Electoral bond scheme was announced in Union Budget 2017-18

5.3. VOTING RIGHTS TO NRIS

Why in News?

Recently, Election Commission (EC) proposed to permit Non-Resident Indians (NRIs) to cast their votes from overseas through postal ballots.

About EC proposal

- EC informed the government that it is **ready to extend the Electronically Transmitted Postal Ballot System (ETPBS) to voters abroad** for elections in 2021 in Assam, West Bengal, Kerala, Tamil Nadu and Puducherry.
 - To extend ETPBS to overseas voters, government only needs to **amend the Conduct of Election Rules 1961**. It doesn't require Parliament's nod.
- Any NRI interested in voting through the postal ballot **will have to inform the Returning Officer (RO)** not later than five days after the notification of the election.
 - On receiving such information, the **RO will dispatch the ballot paper electronically**.

About Postal Ballot

- It is a type of voting whereby Electronically Transmitted Postal Ballot Papers (ETPB) are distributed to electors and returned by post.
 - Under ETPBS, the postal ballot is **dispatched electronically and returned via ordinary mail** and it is currently only available to service voters like member of the armed Forces, person employed by govt outside India etc.
- To extend ETPBS to overseas voters, government only needs to amend the Conduct of Election Rules 1961. It **doesn't require Parliament's nod**.
- **There are 3 categories of electors in India:**
 - **General electors:** Regular residents who have attained age of 18 years on the qualifying date.
 - **Oversees electors:** NRIs with Indian passport.
 - **Service Electors:** like member of the armed Forces, person employed by government outside India etc. **Service electors** have the option of either voting through postal ballot or through a proxy voter.

- NRI voters will **mark their preference on the printout and send it back along with a declaration** attested by an officer appointed by the diplomatic or consular representative of India in the country where the NRI is resident.
- Through this move, **Indian NRI's can also participate in Indian democracy** and entitle them to basic human right i.e. right to vote.
 - Many countries allow expatriates to vote, with different rules. For instance, a British citizen living abroad can vote by post, or nominate a proxy to do so.
- However, there are also **concerns like compromise over secrecy of vote**, Logistical challenge, outside influence in voting etc.

About NRI Voter/Overseas Elector

- NRIs or an Overseas Elector is “a person who is a citizen of India, absent from the country owing to employment, education etc., **has not acquired citizenship of any other country** and are otherwise eligible to be registered as a voter in the address mentioned in your passport
- According to estimates of Ministry of External Affairs, **there are about 3.10 crore NRIs** living in different countries across the world.
- In last Lok Sabha elections, roughly 25,000 of them flew to India to vote.

Current process of voting for NRIs

- Voting rights for NRIs were **introduced only in 2011**, through an amendment to the Representation of the People Act 1950.
- An NRI **can vote in the constituency in her place of residence**, as mentioned in the passport, is located.
- She **can only vote in person** and will have to produce her passport in original at the polling station for establishing identity.
- Earlier, **Representation of the People (Amendment) Bill, 2017** that proposed to extend proxy voting to overseas Indians lapsed on dissolution of 16th Lok Sabha

5.4. DELIMITATION COMMISSION

Why in news?

Lok Sabha Speaker nominates 15 MPs to assist Delimitation Commission (DC).

DELIMITATION COMMISSION (DC)							
What	The act of fixing limits/boundaries of territorial constituencies in the country						
CONSTITUTIONAL MANDATE	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;">Article 82</td> <td style="padding: 5px;">Parliament after each census, enacts delimitation Act to est. DC</td> </tr> <tr> <td style="padding: 5px;">Article 170</td> <td style="padding: 5px;">Same Act applies for states' Delimitation.</td> </tr> <tr> <td style="padding: 5px;">Previous Commissions</td> <td style="padding: 5px;">1952, 1963, 1973, 2002</td> </tr> </table>	Article 82	Parliament after each census, enacts delimitation Act to est. DC	Article 170	Same Act applies for states' Delimitation.	Previous Commissions	1952, 1963, 1973, 2002
	Article 82	Parliament after each census, enacts delimitation Act to est. DC					
	Article 170	Same Act applies for states' Delimitation.					
Previous Commissions	1952, 1963, 1973, 2002						
COMPOSITION	3 ex-officio members (a) Serving/ retired SC Judge – CHAIR (b) Chief Election Commissioner or EC nominated by CEC (c) state EC of concerned state.						
FUNCTIONS	Determining number & boundaries of constituencies to make population of all constituencies nearly equal. Identifying seats reserved for SCs/STs						
CURRENT POSITION	<ul style="list-style-type: none"> ● Orders have force of law ● No delimitation post 1981 & 1991 census ● 84th CAA, 2002 froze further delimitation till 2026 						

5.5. RIGHT TO RECALL

Why in News?

Recently, Haryana Assembly passed Haryana Panchayati Raj (Second Amendment) Bill, 2020, which provides the right to recall members of Panchayati Raj institutions.

About Right to Recall

- Right to Recall is a process whereby the **electorate has the power to remove the elected officials** before the expiry of their term. It is an example of **instrument of direct democracy**.
- Bill allows the **recall of village sarpanches and members of the block-level and district-level panchayats** if they fail to perform.
- To recall, **50% members of a ward or gram sabha have to give in writing** that they want to initiate proceedings.
- This will be followed by a secret ballot, in which their recall **will require two-third members voting against them**.

Direct Democracy

- Direct democracy describes those rules, institutions and processes that **enable the public to vote directly on a proposed constitutional amendment, law, treaty or policy decision**.
- **Various instruments of direct democracy include:**
 - **Referendums**- Allows the electorate a direct vote on a specific political, constitutional or legislative issue. The **outcome is binding** on the Government
 - **Citizens' initiatives**- Allows the electorate to vote on a constitutional/legislative measure proposed by the people if the proponents of the measure gather enough signatures to support it.
 - **Plebiscite**- It is a kind of referendum held by the government on the strength of the Right of Self-Determination enjoyed by the section of people. It **may or may not be binding**.
 - **Agenda initiatives**- It is the popular right that does not necessarily lead to a referendum vote. It places an issue on the political agenda and requires a specified authority to consider and/or act on the proposal.

5.6. OTHER IMPORTANT NEWS

5.6.1. STAR CAMPAIGNERS IN ELECTION

- Recently, Election Commission of India (ECI) removed Congress Leader Kamal Nath from the party's list of Star Campaigners.
- Star campaigners are **nominated by political parties to campaign** in a given set of constituencies.
 - List of star campaigners must be **communicated to Chief Electoral Officer and ECI within a week** from the election notification date as required under section 77(1) of Representation of the People Act (RPA), 1951.
 - A **recognised political party can have 40 Star campaigners** and an unrecognised (but registered) political party can have 20.
- Expenditure incurred on campaigning by such notified star campaigners is **exempt from being added to the election expenditure of a candidate**.
 - However, this only applies when a star campaigner limits herself to a general campaign for the political party she represents.

RECENTLY, ECI HAS REVISED NORMS OF STAR CAMPAIGNERS FOR ELECTIONS AMID COVID-19 PANDEMIC.

- * Maximum limit of star campaigners:
 - > For **recognized national/state political parties shall be 30** instead of 40
 - > For **unrecognized registered political parties shall be 15** instead of 20
- * Period of submission of list of star campaigners has also been **extended from 7 days to 10 days** from the date of notification.

- If a candidate or her election agent shares stage with a star campaigner at a rally, then the entire expenditure on that rally, other than the travel expenses of star campaigner, is added to candidate's expenses.

5.6.2. ELECTION EXPENDITURE

Why in news?

- Following the Election Commission's recommendation to increase the poll expenditure, the Ministry of Law and Justice approved a 10% increase in the same for election campaigns.
 - EC has argued that in order to follow EC's restrictions on rallies and meetings during a pandemic, a candidate have to make added expenditure.

About Election expenditure

- **Rule 90 of Conduct of Election Rules, 1961** prescribes that total election expenditure by candidate shall not exceed maximum limit.
 - Any change in the rule requires law ministry's approval.
 - Current expenditure limit for state and Parliament elections **differs from state to state.**
 - **A limit has been fixed for all expenses** such as prints and electronic advertisements including social media accounts, public meetings, etc.
 - EC imposes limits on campaign expenditure incurred by a candidate, **but not by a political party.**
- Government has amended the rule to allow for the increase in the expenditure ceiling. The poll ceiling has now increased from **Rs 70 lakh to Rs 77 lakh in Lok Sabha elections** and from **28 lakh to 30.8 lakh in assembly elections.**
 - The rules **shall remain in force until they are denotified by the central government.**
- It is **mandatory for all candidates to open an account in bank for expenses**, payment of which will be made through cheque.
- Candidates are required to submit their **expenditure statement to EC within 30 days of completion of the elections.**
- An incorrect account, or expenditure beyond the ceiling, **can attract disqualification for up to three years.**

5.6.3. A- WEB

Why in news?

Recently, ECI completed one-year chairmanship of A-WEB and organized an international webinar on "Issues, Challenges and Protocols for Conducting Elections during Covid-19".

About A-Web

- Association of World Election Bodies (A-WEB) is **largest association of Election Management Bodies (EMBs) worldwide.**
- It was **established in 2013** in South Korea. Its **Permanent secretariat** is located at **Seoul.**
- At present A-WEB has 115 EMBs as Members.
 - Last year **India had taken over as Chair of A-WEB for 2019-2021.**
 - An **India A-WEB Centre** has been established at New Delhi, for documentation, research and training for sharing the best practices and capacity building of officials of A-WEB members.
- It aims at **strengthening the processes of election management in member countries.**
- It seeks to foster efficiency and effectiveness in conducting free, fair, transparent and participative elections worldwide.
- It also **undertakes Election Visitor and Observation Programmes** in various countries to study various election management practices and share knowledge with other Member of EMBs.

5.6.4. OPINION AND EXIT POLL

Why in news?

- Election Commission has issued advisories on opinion poll and exit poll.

About Opinion and Exit Poll

- An opinion poll is conducted before balloting to gauge the intentions of voters, and an exit survey is conducted after elections to find out who they actually voted for.
- Section 126A of the Representation of the People's Act, 1951 clearly states that "No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of an exit poll during such period as may be notified by the Election Commission in this regard."
- EC declared that **Exit polls can be telecast by agencies, including all websites, only after the final phase of polling** and **no opinion polls could be conducted for constituencies that had already voted.**

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6. IMPORTANT LEGISLATIONS/BILLS

6.1. RIGHT TO INFORMATION ACT

Why in news?

Recently, the Parliament enacted the Right to Information (Amendment) Act, 2019.

Amendments brought in the RTI Act are:

- **Removal of fixed term-** As per the RTI Act 2005, the CIC and ICs (at the central and state level) will hold office for a term of five years. The Amendment removes this provision and states that the **central government will notify the term of office for the CIC and the ICs** (at the central and state level).
- **Determination of Salary-** As per the RTI Act 2005, the salary of the CIC and ICs (at the central level) will be equivalent to the salary paid to the Chief Election Commissioner and Election Commissioners, respectively. Similarly, the salary of the CIC and ICs (at the state level) will be equivalent to the salary paid to the Election Commissioners and the Chief Secretary to the state government, respectively. **The Amendment empowers the Central Government to determine the salaries, allowances, and other terms and conditions of service of the central and state CIC and ICs.**
- **Removed the provisions regarding deductions in salary** of the CIC, IC, State CIC and a State IC due to pension or any other retirement benefits received by them for their previous government service.

About RTI Act, 2005

- RTI Act, 2005 makes the **governance citizen centric by equipping citizens** with the power to seek information from public authorities.
- It provides the **mechanism for grievance redressal** to citizens who are denied any information.
- **RTI applicant is not required to give any reason** for seeking information.
- **Public authorities mandated to proactively disclose certain information** (like functions, structure, powers and duties of its officers and employees financial information).
- **Under section 2(h) of the RTI Act, "public authority" includes any authority or body or institution of self-government established or constituted**
 - **by or under the Constitution.**
 - by any other law made by the Parliament.
 - by any other law made by the State Legislature.
 - **by notification issued or order made by the appropriate government.**
- **Authorities responsible for supplying information:** Public authorities designate some officers in their administrative units as the Public Information Officers (PIOs).
 - These PIOs are mandated to supply the information sought within 30 days (or 48 hours if information sought concerns the life or liberty of a person).
- **Appeal mechanism:** If the information sought is not provided within the specified time period, then the RTI applicant can file appeal against the decision of the PIOs.
 - **First Appeal Authority:** The first appeal lies within the public authority itself. The first Appellate Authority happens to be an officer senior in rank to the Central Public Information Officer.
 - **Final Appellate Authority:** C/S Information Commission.

Related news

Recently, the Parliamentary Committee on Personnel, Public Grievances, Law and Justice has decided to review working of the Central Information Commission (CIC) and the State Information Commissions (SICs).

About Central/State Information Commissions

- **Central/State (C/S) Information Commissions** are statutory bodies constituted under the Right to Information (RTI) Act, 2005.
 - They are the **final appellate authority for RTI Act.**
 - **They are vested with wide power** like power to impose penalty on erring Public Information Officers (PIOs), initiate an inquiry against them (for this they are vested with the same powers as are vested in a civil court) etc.
- CIC is required to **submit annual reports to the Parliament** and the SICs to state legislatures through its administrative wings, the Ministry of Personnel and Training in Centre and Services Department in the states.
 - However, these annual reports are **rarely discussed in Parliament or state legislatures** raising questions over the efficacy of the information law (RTI).

- Now for the first time the functioning of this body, it would directly be scrutinized by a parliamentary committee, to effectively implement its functioning.
- More on Central Information Commission**
- The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners (IC).
 - They are appointed by President on the recommendation of a committee consisting of Prime Minister as Chairperson, Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
 - They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
 - They shall not be Member of Parliament or Member of the Legislature of any State or Union Territory as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
 - They are not eligible for reappointment.

6.2. THE CONSUMER PROTECTION ACT, 2019

Why in news?

The Consumer Protection Act, 2019 replacing the earlier 1986 Act came into force.

Major Provisions under the 2019 act:

- **Creation of Central Consumer Protection Authority (CCPA)**
 - Its primary objective is to promote, protect and enforce the rights of consumers and will be assisted by a Director General of Investigation which will look into cases and submit its report to the Authority.
 - It is empowered to:
 - **Conduct investigations** into violations of consumer rights and institute complaints/prosecution.
 - **Order recall of unsafe goods** and services.
 - **Order discontinuance of unfair trade practices** and misleading advertisements.
 - **Impose penalties** on manufacturers/endorsers/publishers of misleading advertisements.
 - file Suo-motu cases on behalf of a class of customers, thereby **initiating class action suits.**
 - > Class Action, also known as Representative Action, is a form of lawsuit where a large group of people collectively brings a claim to the court.
 - > It is filed generally when a number of people have suffered the same or similar injuries.
- **Simplification of consumer dispute adjudication process**
 - State and District Commissions are now empowered to review their own orders

CONSUMER PROTECTION ACT 1986	PROVISIONS	CONSUMER PROTECTION ACT 2019
No separate regulator	Regulator	Central Consumer Protection Authority (CCPA) to be formed
Complaint could be filed in a consumer court where the seller's (defendant) office is located	Consumer court	Complaint can be filed in a consumer court where the complainant resides or works
No provision. Consumer could approach a civil court but not consumer court	Product liability	Consumer can seek compensation for harm caused by a product or service
District: up to ₹20 lakh State: ₹20 lakh to ₹1 cr National: above ₹1 cr	Pecuniary jurisdiction	District: up to ₹1 cr State: ₹1 cr to ₹10 cr National: Above ₹10 cr
No provision	E-commerce	All rules of direct selling extended to e-commerce
No legal provision	Mediation cells	Court can refer settlement through mediation

Six "consumer rights" provided in the new Act:

- **the right to be protected** against the marketing of goods, products or services which are hazardous to life and property.
- **the right to be informed** about the quality, quantity, potency, purity, standard and price of goods, products, or services to protect the consumer against unfair trade practices.
- **the right to be assured**, wherever possible, access to a variety of goods, products, or services at competitive prices.
- **the right to be heard** and to be assured that consumer's interests will receive due consideration at appropriate fora.
- **the right to seek redressal** against unfair trade practice or restrictive trade practices or unscrupulous exploitation of consumers; and
- **the right to consumer awareness.**

- **Empowerment of Consumer Commissions** to enforce their orders.
- **Deemed admissibility of complaints** if the question of admissibility is not decided within the specified period of 21 days.
- **Ease of approaching Consumer Commissions** through filing from place of residence/work, e-filing, videoconferencing for hearing.
- **Alternate Dispute Resolution mechanism**
 - A complaint will be referred by a Consumer Commission for mediation, wherever scope for early settlement exists and parties agree for it.
 - **Mediation will be held in the Mediation Cells** to be established under the aegis of the Consumer Commissions.
 - **No appeal against settlement** through mediation.
- **Regarding E-commerce entities:**
 - They are **required to provide information** relating to return, refund, exchange, warranty and guarantee, delivery and shipment, modes of payment, grievance redressal mechanism, payment methods, security of payment methods, charge-back options, etc. including **country of origin** which are necessary for enabling the consumer to make an **informed decision** at the pre-purchase stage on its platform.
 - E-commerce platforms **have to acknowledge the receipt of any consumer complaint within forty-eight hours** and redress the complaint within one month from the date of receipt under this Act. For this purpose, they **need to appoint a grievance redressal officer**.
 - **Sellers cannot refuse to take back goods or withdraw services or refuse refunds**, if such goods or services are defective, deficient, delivered late, or if they do not meet the description on the platform.
 - The rules also **prohibit the e-commerce companies from manipulating the price of the goods or services** to gain unreasonable profit through unjustified prices.
- **Introduction of the concept of product liability:** A manufacturer or product service provider or product seller to be responsible to compensate for injury or damage caused by defective product or deficiency in services.
- **Punishment**
 - The Act provides for punishment by a competent court **for manufacture or sale of adulterant/spurious goods**.
 - The court may, in case of first conviction, suspend any license issued to the person for a period of up to two years, and in case of second or subsequent conviction, cancel the license.
- **Other provisions:**
 - There will be no **fee for filing cases up to ₹5 lakh**.
 - The amount due to unidentifiable consumers will be credited to Consumer Welfare Fund (CWF).
 - The State Commissions will furnish information to Central Government on a quarterly basis on vacancies, disposal, pendency of cases and other matters.
 - It provides for **Central Consumer Protection Council** as an advisory body on consumer issues to be headed by the Union Minister of Consumer Affairs, Food and Public Distribution with the Minister of State as Vice Chairperson and 34 other members from different fields. It will also have Minister-in-charge of consumer affairs from two States from each region- North, South, East, West, and NER.

Related News

Consumer Protection (E-Commerce) Rules, 2020

- Rules were notified by Ministry of Consumer Affairs, Food and Public Distributions as part of **Consumer Protection Act, 2019 (CPA)**, to make online retailers more accountable and their businesses more transparent.

Key highlights of rules

- Rules will be **applicable to all electronic retailers (e-tailers), registered in India or abroad** but offering goods and services to Indian consumers.
- It will cover all goods sold online through the **marketplace or inventory-led models**.
 - In a **marketplace model**, third-party sellers list and sell goods (e.g. ebay) while in the **inventory model**, the platform stocks goods and sell online (i.e. there are no multiple sellers selling one product, for e.g. Jabong).
- **E-commerce entities** are also required to **mention 'country of origin' of goods and services** that are necessary for enabling the consumer to make an informed decision at the pre-purchase stage.
 - **Other details to be displayed:** details about sellers, total price of goods and services along with a break-up of other charges, expiry date etc.
- Empowers **central government to act against unfair trade practices** in e-commerce, direct selling with **penal action under CPA**.
- Both e-tailers and their sellers have to **appoint grievance officers to address any complaints**.

Related News

Draft guidelines for advertisements

Under Consumer Protection Act, 2019, **Central Consumer Protection Authority (under Ministry of Consumer Affairs) is empowered to issue necessary guidelines** to prevent unfair trade practices and protect consumers' interest.

- Guidelines cover all advertising and marketing communications regardless of form, format or medium.

Key guidelines:

- **For disclaimers:** If not easily noticeable, legible, understandable to an ordinary consumer, then will be treated as misleading advertisements.
- **For Endorser:** All descriptions, claims and comparisons that they endorse or that are made in advertisements they appear in are capable of being objectively ascertained and are capable of substantiation.
- **On Surrogate advertising:** Goods or services whose advertising is otherwise prohibited shall not circumvent such restrictions by advertising other goods or services of which is not prohibited.
- **On Free claims:** An advertisement should not describe a good or service as free, without charge or other similar terms, if a consumer has to pay anything other than cost while buying the product.
- **On Bait advertisement:** Advertisement shall not seek to entice consumers to purchase a good or service without a reasonable prospect of selling advertised good or service at price offered.

6.3. FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 2020

Why in news?

The Foreign Contribution (Regulation) Amendment Bill, 2020 was passed by Parliament amending the provisions of **Foreign Contribution (Regulation) Act, 2010 (FCRA)**.

Provisions of the Amendment

- **Prohibition to accept foreign contribution:** Under the Act election candidates, editor or publisher of a newspaper, judges, government servants, members of any legislature are prohibited to accept any foreign contribution.
 - The **Amendment adds public servants** to this list. Public servant includes any person who is in service or pay of the government, or remunerated by the government for the performance of any public duty.
- **Transfer of foreign contribution:** Under the Act, foreign contribution cannot be transferred to any other person unless such person is also registered to accept foreign contribution.
 - The Amendment **prohibits the transfer of foreign contribution to any other person.**
- **Aadhaar, passport and OCI card for registration:** Amendment adds that any person seeking prior permission, registration must **provide the Aadhaar number of all its office bearers**, directors etc. In case of a foreigner, they must provide a copy of the passport or the Overseas Citizen of India card for identification.
- **FCRA account:** Amendment states that foreign contribution must be received only in an account designated by the bank as 'FCRA account' in such branch of the State Bank of India, New Delhi, as notified by the central government.
 - No funds other than the foreign contribution should be received or deposited in this account.
 - The person may open another FCRA account in any scheduled bank of their choice for keeping or utilising the received contribution.
- **Restriction in utilisation of foreign contribution:** Under the Act, if a person accepting foreign contribution is found guilty of violating any provisions of the Act, the unutilised foreign contribution may be utilised, only with the prior approval of the central government.
 - The Amendment adds that the government may **also restrict usage of unutilised foreign contribution** for such persons based on a summary inquiry, and pending any further inquiry.
- **Renewal of license:** Under the Act, every person who has been given a certificate of registration must renew the certificate within six months of expiration.
 - Amendment adds that, the **government may conduct an inquiry before renewing the certificate** to ensure that the person has fulfilled all conditions specified in Act.

FCRA

- FCRA was brought into force **to regulate flow of foreign funds to voluntary organisations** with the objective of preventing any possible diversion of such funds to anti-national activities.
- Under the Act, **Ministry of Home Affairs (MHA) regulates the acceptance and utilisation of foreign contribution** by individuals, associations and companies.
- Foreign contribution is the donation or transfer of any currency, security or article (of beyond a specified value) by a foreign source.

- **Reduction in use of foreign contribution for administrative purposes:** Under the Act, a person who receives foreign contribution must use it only for the purpose for which the contribution is received. Further, they must not use more than 50% of the contribution for meeting administrative expenses.
 - Amendment reduces this limit to 20%.
- **Suspension of registration:** Under the Act, the government may suspend the registration of a person for a period not exceeding 180 days.
 - Amendment adds that such suspension may be extended up to an additional 180 days .

6.3.1. REGULATION OF NGO'S

Why in news?

Recently, the Ministry of Home Affairs (MHA) tightened oversight on funds received by non-governmental organisations (NGOs).

NGOs and their importance

- NGO is defined by the World Bank as a **not-for-profit organization** that pursue activities to relieve suffering, **promote the interests of the poor, protect the environment, provide basic social services, or undertake community development.**
- These organisations are **not a part of the government**, but **have a legal status and are registered** as Trust, Society or Private Limited Non-Profit Company.
- Constitutionally NGOs are backed by:
 - **Article 19(1)(c)** which allows the right to form associations,
 - **Article 43** to promote cooperatives in rural areas,
 - **Concurrent List** mentions charitable institutions, charitable and religious institutions.

Provisions regarding Regulation of NGO in India

- **Foreign Exchange Management Act (FEMA), 1999:** There are certain NGOs that are registered under FEMA and continue to disburse foreign funds to various associations in India.
 - FEMA is regulated by the Ministry of Finance and was **introduced to consolidate and amend the law relating to foreign exchange** with the objective of facilitating external trade and payments.
 - However, Separate law the **FCRA, 2010 has been enacted under the Ministry of Home Affairs** to monitor foreign funds donated to NGO's.

6.4. DRAFT ELECTRICITY (RIGHTS OF CONSUMERS) RULES, 2020

Why in news?

- Rules, released by Ministry of Power, aimed to identify the **key services, prescribe minimum service levels and standards with respect to these services** and recognize them as rights of consumers.
 - **While the Electricity Act 2003 has a consumer charter**, the latest draft empowers consumers and has introduced new supply rights for them.
- **Key Features:**
 - **New connections to have Prepaid/Smart Prepaid meters:** To resolve issues of delayed billing and incorrect metering.
 - **Reliability of service:** Recognizing 24x7 power supply to the consumers as their right. However lower hours of supply may be specified for some categories of consumers like agriculture.
 - **Compensation to consumers:** A consumer can claim compensation for no supply, interrupted electricity supply and time taken for resolving electricity supply issues by DISCOMs.
 - **Online bill payment:** Bills of Rs. 1000 or more to be paid online and consumers should be compensated for paying digitally through a rebate.
 - **Electricity Prosumer:** Prosumer is a phenomenon wherein an electricity consumer also becomes a supplier. According to the draft, anyone can set up a renewable system and energy generated and sold would be adjusted against the supply made by DISCOMs.

6.5. OTHER IMPORTANT ACTS/BILLS IN NEWS

Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Amendment) Bill 2020	<ul style="list-style-type: none"> • Draft bill by Ministry of Health and Family Welfare includes certain amendments: <ul style="list-style-type: none"> ○ Increase the legal smoking age from 18 to 21 years. ○ Ban on sale of loose cigarettes. ○ Doing away with smoking rooms at airports, restaurants and hotels. ○ Fine for smoking in public is also proposed to be increased from Rs 200 to Rs 2,000. • Stricter punishment and imposition of penalties for manufacturing or importing illicit cigarettes or tobacco products.
Aircraft (Amendment Bill, 2020) Passed by Parliament	<ul style="list-style-type: none"> • Bill amends Aircraft Act, 1934 that regulates manufacture, use, sale and license for civil aircrafts. • It seeks to provide statutory status to three pre-existing bodies <ul style="list-style-type: none"> ○ Directorate General of Civil Aviation (DGCA): carries out oversight and regulatory functions. ○ Bureau of Civil aviation security: carries out regulatory oversight functions related to civil aviation security. ○ Aircraft Accident Investigation Bureau: carries out investigations related to aircraft accidents and incidents. • It empowers DGCA to levy penalties of upto ₹1 crore on airlines, airports and other aviation entities.
Betting in India	<p>Minister of State for Finance has pitched for legalizing betting in India.</p> <p>About Gambling legislations in India</p> <ul style="list-style-type: none"> • Betting is a term that validates the activity of gambling. Gambling is a generic term, while betting is a structured agreement. • Public Gambling Act, 1867 is the general law governing gambling in India. There are no specific central laws governing online gambling in India. • Gambling and betting are State subjects. However, Gambling' is not defined under the Gambling Legislations of states. • The Indian law distinguishes each game to be a “game of skill” and “game of chance”. This differentiates fantasy sports from traditional betting. Thus, Fantasy sports betting is legal because it is a game of skill. • The gambling under the Gambling Legislations does not include: <ul style="list-style-type: none"> ○ Betting on a horse race (subject to the legal regulations); ○ Games of skill (excluded under the Gambling Act and by the court's judgments); ○ Lotteries (regulated by lottery laws of India). • And, in fantasy sports, your opponents are other human players, rather than bookmakers like in traditional betting. • Sikkim and Nagaland expressly permit online gambling. However, there are also states such as Telangana which follow a policy of zero-tolerance towards gambling, both online and offline. • Countries like Australia, United Kingdom, South Africa, Sri Lanka and New Zealand have taken a step in this direction, legalizing and regulating betting in sports. • Justice Lodha Committee in 2015 had advocated legalising betting in cricket and making match-fixing a criminal offence. This was recently echoed by Law commission in its 276th report.

7. IMPORTANT CONSTITUTIONAL/ STATUTORY/ EXECUTIVE BODIES IN NEWS

7.1. NATIONAL RECRUITMENT AGENCY

Why in news?

The Union Cabinet recently approved setting up of National Recruitment Agency, an independent body to conduct examination for government jobs.

Key Features

- NRA will conduct the Common Eligibility Test (CET) for recruitment to **non-gazetted posts in government and public sector banks.**
- NRA will be a Society registered under the **Societies Registration Act**, headed by a Chairman of the rank of the Secretary to the Government of India.
- It will have **representatives of** Ministry of Railways, Ministry of Finance, Staff Selection Commission (SSC), Railway Recruitment Board (RRB) & Institute of Banking Personnel Selection (IBPS).
- CET will be held **twice a year** with different CETs for **graduate level, 12th Pass level and 10th pass level** to facilitate recruitment to vacancies at various levels.
- Initially CET will be conducted for 3 agencies only— **RRB, IBPS and SSC**, but later it will be extended to all future recruitments.
- The examinations will be **conducted in 12 languages.**
- CET will be a first level test to shortlist candidates and the **score will be valid for three years.**

STUDENTS	INSTITUTIONS
<ul style="list-style-type: none"> ▶ Replaces multiple examinations ▶ Encourage woman candidates as every district would be centre for examination ▶ Reduce burden of fee from multiple exam to single exam. ▶ Outreach and awareness facility will increase participation from remote & rural areas 	<ul style="list-style-type: none"> ▶ Reduces cost of spending on setting up exam centre for every exam ▶ Single exam would reduce the recruitment cycle and thereby increase efficiency of administration. ▶ NRA will bring in transparency to the recruitment cycle by conducting single exam & one time fee.

7.2. NATIONAL MEDICAL COMMISSION (NMC)

Why in news?

Union Government constituted the National Medical Commission (NMC).

About NMC

- NMC, constituted under NMC Act, 2019. Act, would replace the Medical Council of India (MCI) as the country's medical education regulator.
 - **Issues with MCI:** poor regulation of undergraduate and postgraduate courses, Lack of accountability, alleged corruptions etc.
- It provides for a **medical education system** which ensures
 - availability of adequate and high-quality medical professionals
 - adoption of the latest medical research by medical professionals
 - periodic assessment of medical institutions
 - an effective grievance redressal mechanism.
- **Members:** The NMC will consist of 33 members, including
 - The Chairperson (must be a medical practitioner)
 - **10 Ex-officio Members** including Presidents of the Under-Graduate and Post-Graduate Medical Education Boards, General of Health Services, Directorate General of Health Services, and Director General, Indian Council of Medical Research.
 - **22 Part-time Members** Of which at least 60% of the members must be medical practitioners
- **Medical Advisory Council:** Under the Act, the central government will constitute a Medical Advisory Council.
 - The Council will be the **primary platform** through which the states/union territories can put forth their **views and concerns before the NMC.**
 - Further, the Council will advise the NMC on **measures to determine and maintain minimum standards of medical education.**
- **Functions of NMC:**
 - Framing policies for **regulating medical institutions and professionals.**
 - Assessing requirements of **healthcare related human resources and infrastructure.**
 - Ensuring **compliance by State Medical Councils** of the regulations made under the Bill.
 - Framing guidelines for **determination of fees for up to 50% of seats in private medical institutions and deemed universities** which are regulated under the Bill.
- **Autonomous boards:** The Act sets up autonomous boards under the supervision of the NMC. Each autonomous board will consist of a President and four members, appointed by the central government. These boards are
 - **Under-Graduate Medical Education Board** and **Post-Graduate Medical Education Board** to set standards and regulate medical education at undergraduate level and postgraduate level respectively.
 - **Medical Assessment and Rating Board** for inspections and rating of medical institutions and
 - **Ethics and Medical Registration Board** to regulate and promote professional conduct and medical ethics and also maintain national registers of (a) licensed medical practitioners and (b) Community Health Providers (CHPs).
- **Entrance examinations:** There will be a uniform National Eligibility-cum-Entrance Test for admission to under-graduate and post-graduate super-specialty medical education in all medical institutions regulated under the Act. The NMC will specify the manner of conducting common counselling for admission in all such medical institutions.
- **National Exit Test (NEXT):** The Act also mentions that National Exit Test, which is to gain a licence to practise after MBBS, can also serve as an entrance examination to post-graduate level.
- **Limited licensing:** Under the Act, the NMC may grant a limited license to certain mid-level practitioners connected with the modern medical profession to practice medicine. These mid-level practitioners may prescribe specified medicines in primary and preventive healthcare.

7.3. NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

Why in news?

Recently, Supreme Court allows NHRC intervention in its suo motu writ petition on the problems and miseries of migrant labourers in the wake of nationwide lockdown.

About National Human Rights Commission (NHRC):

- It is a statutory body established in October, 1993 under the Protection of Human Rights Act (PHRA), 1993.
- The Act also provides for the creation of the State Human Rights Commission (SHRC) and the Human Rights Courts for protection of human rights.
- **Functions and Powers of NHRC**
 - NHRC investigates grievances regarding the violation of human rights either suo moto or after receiving a petition. It can look into a matter of human rights violations within **one year of its occurrence**.
 - **Can interfere in any judicial proceedings** involving any allegation of violation of human rights.
 - **Can visit any jail or any other institution** under the control of the State Government to see the living conditions of the inmates and to make recommendations thereon.
 - **Can review the safeguards provided under the constitution** or any law for the protection of human rights and can recommend appropriate remedial measures.
 - **Can recommend payment of compensation or damages** but has **no power to punish the violators** of human rights, nor to award any relief including monetary relief to the victim.
 - **Can undertake and promote research** in the field of human rights.
 - **Has the powers of a civil court** and can grant interim relief.
 - It submits its annual report to the President of India who causes it to be laid before each House of Parliament.
- Recently, the Parliament passed the **Protection of Human Rights (Amendment) Act, 2019** to bring transparency of the selection process for the Chairperson and Members of the National Human Rights Commission (NHRC).

Provisions	Original Act of 1993	Amended Act of 2019
Composition of NHRC:	<ul style="list-style-type: none"> • Under the Act, the chairperson of the NHRC is a person who has been a Chief Justice of the Supreme Court. • It provides for two persons having knowledge of human rights to be appointed as members of the NHRC. • Under the Act, chairpersons of various commissions such as the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and National Commission for Women are members of the NHRC. 	<ul style="list-style-type: none"> • It amends this to provide that a person who has been Chief Justice of the Supreme Court, or a Judge of the Supreme Court will be the chairperson of the NHRC. • It amends this to allow three members to be appointed, of which at least one will be a woman. • It provides for including the chairpersons of the National Commission for Backward Classes, the National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities as members of the NHRC.
Chairperson of SHRC:	<ul style="list-style-type: none"> • Under the Act, the chairperson of a SHRC is a person who has been a Chief Justice of a High Court. 	<ul style="list-style-type: none"> • It amends this to provide that a person who has been Chief Justice or Judge of a High Court will be chairperson of a SHRC.
Term of office:	<ul style="list-style-type: none"> • The Act states that the chairperson and members of the NHRC and SHRC will hold office for five years or till the age of seventy years, whichever is earlier. <ul style="list-style-type: none"> ○ Further, the Act allows for the reappointment of members of the NHRC and SHRCs for a period of five years. 	<ul style="list-style-type: none"> • It reduces the term of office to three years or till the age of seventy years, whichever is earlier. <ul style="list-style-type: none"> ○ It removes the five-year limit for reappointment.
Union Territories:		<ul style="list-style-type: none"> • It provides that the central government may confer on a SHRC human rights functions being discharged by Union Territories. Functions relating to human rights in the case of Delhi will be dealt with by the NHRC.

7.4. CENTRAL VIGILANCE COMMISSION (CVC)

Why in news?

Central Vigilance Commission (CVC) sent public suggestions to Ministries for Systemic Changes and sought suggestions as part of its **“preventive vigilance” focus, rather than a “punitive vigilance” approach.**

- The exercise is first its kind and intends to bringing a “systemic improvement”, to various ministries and departments for possible implementation.

About CVC

- CVC was set up in 1964 **on the recommendations of Santhanam Committee** to advise and guide Central Government agencies in the field of vigilance. **In 2003, it was granted a statutory status.**
- **CVC is a multi-member body** consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.
- They are **appointed by the President on the recommendation of a three-member committee** consisting of the Prime Minister as its head, Union minister of home affairs and Leader of Opposition in Lok Sabha.

Related news

Integrity Pact

Recently, the Central Vigilance Commission (CVC) has amended the Standard Operating Procedure (SOP) on adoption of “Integrity Pact” in government organisations for procurement activities and restricted the maximum tenure of Integrity External Monitors (IEMs) to three years in an organisation.

About Integrity pact

- It is a **vigilance tool** that envisages an agreement between the prospective vendors/bidders and the buyer, committing both the parties not to exercise any corrupt influence on any aspect of the contract.
- Its **implementation is assured by Independent External Monitors (IEM)** who are people of unimpeachable integrity.
- Thus, **IP is both a legal document and a process.** It is also adaptable to many legal settings.
- **IP was developed by Transparency International in 1990s.**

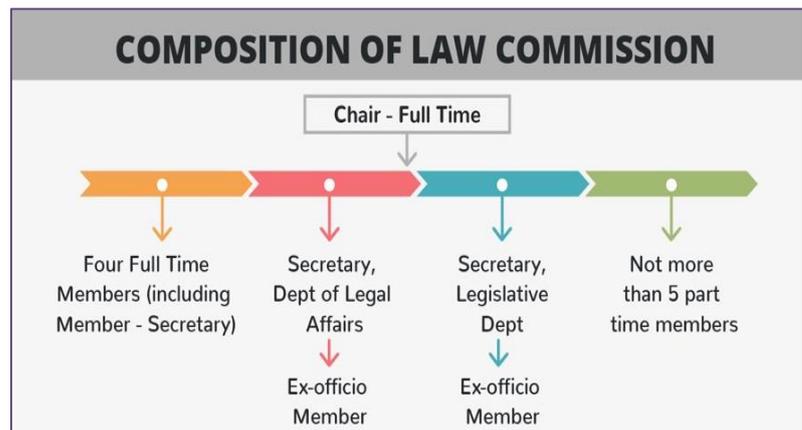
7.5. LAW COMMISSION OF INDIA

Why in news?

Recently, **22nd Law Commission was constituted** by the Central Government.

About Law Commission

- It is a **non-constitutional, non-statutory body** constituted by the Government of India from time to time. It is an **executive body** established by an order of the Government of India.
- The Law Commission, 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 also **undertakes 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.
- The **tenure of the Commission is three year** and is usually re-constituted after every three years.
- It is an **advisory body to the government** and its recommendations are not binding upon the government.
- **First Law Commission was established during the British Raj in 1834** by the Charter Act of 1833. Its chairman was Lord Macaulay. It recommended for the Codifications of the Indian Penal Code (IPC), Criminal Procedure Code etc.
- The **first Law Commission of independent India was established**



in 1955 for a three year term. The Chairman of this Commission was Mr. M. C. Setalvad, who was also the First Attorney General of India.

7.6. NATIONAL CRIME RECORD BUREAU

Why in news?

National Crime Record Bureau's "Crime in India" 2019 report was released.

About NCRB s

- NCRB was set-up in 1986 to function as a **repository of information on crime and criminals** so as to assist the investigators in linking crime to the perpetrators.
- It was recommended by Tandon Committee, National Police Commission (1977-1981) and the MHA's Task force (1985).
- NCRB is entrusted with the responsibility for **monitoring, coordinating and implementing the Crime and Criminal Tracking Network & Systems (CCTNS)** project.
- NCRB is headquartered in New Delhi and is part of the **Ministry of Home Affairs**.
- The **first edition of 'Crime in India' pertains to the year 1953** and the latest edition of the report pertains to the year 2019.
 - This report captures **crimes registered under the Indian Penal Code and Special and Local Laws**.
- Its **publications include:**
 - Accidental Deaths & Suicides in India
 - Prison Statistics India
 - Finger Prints in India
 - Report on missing women and children in India

Some trends

- Crimes against women increased** by 7.3% from 2018 to 2019, topped by UP, followed by Rajasthan and Maharashtra.
- Cybercrimes increased** by 63.5%.
- Crime against Scheduled Castes and Tribes increased** from 2018 to 2019.
- Crimes against children increased** by 4.5% from 2018 to 2019.
- There has been **1.6% increase in registration of cases** from 2018 to 2019.
- Offences against the state decreased** by 11.3% from 2018 to 2019.

Key Objectives of NCRB

- To function as a **clearing house of information on crime and criminals** including those operating at National and International levels.
- To **store, coordinate and disseminate information** on inter-state and international criminals from and to respective States, national investigating agencies, courts and prosecutors in India.
- To **provide training facilities to personnel** of the Crime Records bureau.
- To function as the **National storehouse of fingerprint (FP)** records of convicted persons including FP records of foreign criminals.
- To **advise Central and State Governments on matters related to fingerprints and footprints**, and to conduct training courses for finger print experts.

7.7. OTHER IMPORTANT BODIES IN NEWS

Committee on Content Regulation in Government Advertising (CCRGA)	<ul style="list-style-type: none"> CCRGA was setup by Centre on direction of Supreme Court (SC) to look into Content Regulation of Government funded advertisements in all media platforms. It is empowered to address complaints from the general public and can take suo- moto cognizance on violation of the Supreme Court guidelines on 'Content Regulation of Government Advertising' and make recommendations. Recently, it said that states not setting up similar committees for content regulation as mandated by SC, can be contempt of Supreme Court's order. In table
Bureau of Outreach and Communication (BOC)	<p>Ministry of Information & Broadcasting has issued draft policy guidelines for empanelment of social media platforms with Bureau of Outreach and Communication for Centre's paid outreach campaigns.</p> <ul style="list-style-type: none"> It was setup in 2017 by integration of erstwhile Directorate of Advertising and Visual Publicity (DAVP), Directorate of Field Publicity (DFP) and Song & Drama Division (S&DD). Mandate- Branding of the Government as prime facilitator of people's empowerment and positioning of messages through Print, Audio-Visual, Outdoor and Digital Media to realize the same.

National Film Development Corporation (NFDC)

- Cabinet approved Merger of Four Film Media Units with the National Film Development Corporation (NFDC).
- **NFDC is a Central Public Sector Undertaking**, incorporated in the year 1975 with the primary object of planning and promoting an organized, efficient and integrated development of the Indian Film Industry.
- **Other Merged film and media units are**
 - **Films Division**, established in 1948, was created primarily to produce documentaries and news magazines as publicity for government programmes and to keep a cinematic record of Indian history.
 - **Children's Film Society** was founded in 1955 with the specific objective of providing children and young people value-based entertainment through the medium of films.
 - **National Film Archives of India** was established in 1964 with the primary objective of acquiring and preserving Indian cinematic heritage.
 - **Directorate of Film Festivals** was set up in 1973 to promote Indian films and cultural exchange.



ENGLISH MEDIUM
18 March | 5 PM

हिन्दी माध्यम
7 April | 5 PM

- 📖 Specific targeted content: oriented towards Prelims exam
- 📖 Doubt Clearing sessions and mentoring
- 📖 Complete coverage of The Hindu, Indian Express, PIB, Economic Times, Yojana, Economic Survey, Budget, India Year Book, RSTV, etc from May 2020 to May 2021
- 📖 **Live** and **online** recorded classes that will help distance learning students and who prefers flexibility in class timing

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8. IMPORTANT ASPECTS OF GOVERNANCE

8.1. AADHAR

Why in news?

Supreme Court (SC) by 4-1 majority dismissed pleas seeking review of its 2018 Aadhaar verdict.

About the verdict

- 2018 verdict had upheld **Centre's flagship Aadhaar scheme as constitutionally valid** but altered some of its provisions:
 - Aadhaar is **mandatory for filing of income tax returns (ITR) and allotment of Permanent Account Number (PAN)**.
 - **Reducing storage period** of authentication data from five years to six months.
 - Aadhaar **cannot be made mandatory for openings of a bank account** and for getting mobile connections.
 - No company or private entity can seek Aadhaar identification.
 - **SC struck down** the provision allowing sharing of data on ground of national security.
 - Aadhaar card is **must for availing facilities of welfare schemes and government subsidies**
- Pleas were seeking review of SC's 2018 majority verdict on following **two grounds that whether:**
 - **Speaker's decision to declare a proposed law as Money Bill was "final"** and cannot be challenged in court.
 - In 2018, SC had said that Speaker's decision could be challenged in **court only under certain circumstances**.
 - Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 **was correctly certified as a 'Money Bill' under Article 110(1)**.
 - SC concluded that Aadhaar Act was rightly called a Money Bill.

About Aadhaar

- Aadhaar is a verifiable **12-digit identification number** issued by the **Unique Identification Authority of India (UIDAI)** to the resident of India.
- UIDAI, is a statutory authority established under the provisions of **Aadhaar Act 2016**, under the Ministry of Electronics & Information Technology.
- Aadhaar collects **only four pieces of personal information** – name, age, gender and address – along with biometric data.
- In addition, Aadhaar has created **new features such as virtual IDs** that help protect an individual's privacy.
- An important objective of Aadhaar has been to improve the ability of the state to **provide efficient, transparent and targeted delivery of welfare services** to a large number of residents who depend on it.
- **Recently, Aadhaar and Other Laws (Amendment) Act, 2019 was passed by Parliament** to replace an ordinance promulgated in March 2019.

Some Facts

- 95% of adults have Aadhaar and 75% of children have Aadhaar.
- 8% of people do not have Aadhaar– or an estimated 102 million people.
- 80% of beneficiaries feel Aadhaar has made PDS rations, MGNREGS and social pensions more reliable.

Key features of the act

- **Offline verification of Aadhaar number holder:** It allows '**offline verification**' of an individual's identity, **without authentication**, through modes specified by the Unique Identification Authority of India (UIDAI) by regulations.
- **Voluntary use:** An individual may **voluntarily use his Aadhaar number to establish his identity**, by authentication or offline verification. Authentication of an individual's identity via Aadhaar, for the provision of any service, may be **made mandatory only by a law** of Parliament.
 - It is **not mandatory for birth, death registration**.
- **Amends the Telegraph Act, 1885** and the **Prevention of Money Laundering Act, 2002** to state that persons with a license to maintain a telegraph, banking companies and financial institutions may verify the identity of their clients by **authentication or offline verification of Aadhaar, among other things**.
- The **client has the choice** to use either mode to verify his identity and no person shall be denied any service for not having an Aadhaar number.
- **Entities using Aadhaar:** An entity may be allowed to perform authentication through Aadhaar, if the UIDAI is satisfied that it is: (i) compliant with certain standards of privacy and security, or (ii) permitted by law, or (iii) seeking authentication for a purpose specified by the central government in the interest of the State.

- **Aadhaar number of children:** At the time of enrolling a child to obtain an Aadhaar number, the enrolling agency shall seek the **consent of his parent or guardian**. After attaining eighteen years of age, the **child may apply for cancellation of his Aadhaar**.
- **Disclosure of information in certain cases:** Allows disclosure only **for orders by High Courts (or above)**.
- Directions for **disclosing information in the interest of national security** cannot be made by officers below the rank of a Secretary.
- **UIDAI Fund:** Creates the Unique Identification Authority of India Fund. All fees, grants, and charges received by the UIDAI shall be credited to this fund. The fund shall be used for expenses of the UIDAI, including salaries and allowances of its employees.
- **Complaints:** Allows **individual to register complaints** in certain cases, including impersonation or disclosure of their identity.
- **Defines the Aadhaar ecosystem** to include enrolling agencies, requesting agencies, and offline verification-seeking entities.
- **Penalties:** UIDAI may initiate a complaint against an entity in the Aadhaar ecosystem for failure to (i) comply with the Act or the UIDAI's directions, and (ii) furnish information required by the UIDAI. The **Telecom Disputes Settlement and Appellate Tribunal** shall be the appellate authority against decisions of the Adjudicating Officer.

8.2. MISSION KARMAYOGI

Why in news?

Recently, the Cabinet approved "**Mission Karmayogi**"- National Programme for Civil Services Capacity Building (NPCSCB).

Salient Features

- **Financial Allocation:** To cover around 46 lakh Central employees, a sum of **Rs.510.86 crore** will be spent over a period of 5 years from 2020-21 to 2024-25. The expenditure is **partly funded by multilateral assistance** to the tune of USD 50 million.
- The **core guiding principles** of the Programme will be-
 - **Transition from 'Rules based' to 'Roles based' Human Resource (HR) Management** by aligning work allocation of civil servants by matching their competencies to the requirements of the post.
 - **Emphasizing on 'on-site learning'** to complement the 'off-site' learning.
 - To create an ecosystem of **shared training infrastructure** including that of learning materials, institutions and personnel.
 - To calibrate all Civil Service positions to a **Framework of Roles, Activities and Competencies (FRACs)** approach.
 - To make available to all civil servants, an opportunity to continuously build and strengthen their **Behavioral, Functional and Domain Competencies**.
 - To enable all the Central Ministries and Departments to **directly invest their resources towards co-creation** of common ecosystem.
 - To encourage and partner with the **best-in-class learning content creators** including public training institutions, universities etc.
- The Programme will be delivered by setting up an **Integrated Government Online Training-iGOT Karmayogi Platform**. It will provide curated digital e-learning material for capacity building. Other service matters like confirmation after probation period, deployment, work assignment and notification of vacancies etc. would eventually be integrated with it.
 - An appropriate **monitoring and evaluation framework** will also be put in place for performance evaluation of all users of the iGOT-Karmayogi platform so as to generate a **dashboard view of Key Performance Indicators**.
- **Institutional framework:**
 - **Prime Minister's Public Human Resources (HR) Council:** It will serve as the apex body for providing strategic direction to the task of Civil Services Reform and capacity building under the **Chairmanship of Prime Minister**. It will consist of select Union Ministers, Chief Ministers, eminent public HR practitioners, thinkers, global thought leaders and Public Service functionaries.
 - **Capacity Building Commission:** The role of Commission will be –
 - To assist the PM Public Human Resources Council in approving the Annual Capacity Building Plans and coordinate and supervise the implementation of these plans with the stakeholder Departments.

- To exercise functional **supervision over all Central Training Institutions** dealing with civil services capacity building.
- To create shared learning resources, including internal and external faculty and resource centers.
- To set norms for common mid-career training programs across all civil services.
- To suggest policy interventions required in the areas of HR Management, training and Capacity Building to the Government.
- **Special Purpose Vehicle:** It will be set up under Section 8 of the Companies Act, 2013 for owning and operating the digital assets and the **iGOT-Karmayog** platform for online training.
- **Coordination Unit headed by the Cabinet Secretary**

8.3. WHISTLE-BLOWER PROTECTION

Why in news?

Recently, the Vice-President of India has suggested all corporates to encourage whistle-blowing mechanism and provide adequate safeguards for the protection of whistle-blowers.

About Whistle Blowing

- Whistleblowing is the **act of drawing attention to an authority figure or public, to perceived wrongdoing, misconduct, Corruption, fraud unethical activity within public, private or third-sector organisations.**
- In this respect whistleblower can be a **current or former employee, director, officer, company secretary, supplier of goods or services or a volunteer.**

Whistle blowing mechanism in India

- **Whistle Blowers Protection Act, 2014:**
 - It provides **protection from harassment to persons making disclosure of corruption**, willful misuse of power or arbitrary use of discretion of any power by any public servant, besides keeping the identity of the whistle-blowers secure.
 - It provides a **broad definition of a whistle blower** that goes beyond government officials and includes any other person or non-governmental organisation.
 - The person may make a **public interest disclosure to a competent authority** even if they are prohibited under the Official Secrets Act (OSA), 1923.
 - It also provides for a system to encourage people to disclose information about corruption or the wilful misuse of power by public servants, including ministers.
 - It **does not apply to the armed forces of the Union.**
 - **Disclosures can be made in writing or by email message** and contain full particulars and be accompanied by supporting documents, or other material.
 - Any person aggrieved by any order of the Competent Authority may prefer an **appeal to the High Court within a period of sixty days** from the date of the order.
 - Central Government shall ensure that **no person or a public servant who has made a disclosure under this Act is victimised by initiation of any proceedings.**
 - Any person who negligently reveals the identity of a complainant will be punishable.
 - **Whistle Blowers Protection (Amendment) Bill, 2015** was brought in Lok Sabha to amend 2014 Act but it lapsed with dissolution of Lok Sabha in 2019.
- **SEBI PIT (Prohibition of Insider Trading) Regulations:** to reward whistleblowers and other informants for sharing information about insider trading cases.
 - Insider trading refers to trading of securities while in possession of Unpublished Price Sensitive Information about particular securities.
- **Companies Act, 2013:** It makes it mandatory for entities listed on stock exchanges to set up an audit committee to investigate whistleblower complaints.

8.4. IPC AND CRPC

Why in news?

A five-member committee, headed by Ranbir Singh has been constituted by Ministry of Home Affairs which is looking at a sweeping overhaul of criminal laws- Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC).

IPC and CrPC		
BASIS	IPC	CrPC
AIM	Determines definition of crime	Informs about procedure for the regulation of criminal law
BACKGROUND	<ul style="list-style-type: none"> ▶ Official criminal code of India ▶ Drafted in 1860 on recommendations of 1st LCI ▶ Covers all substantive aspects of criminal law 	<ul style="list-style-type: none"> ▶ Enacted in 1973, though initially created in 1882. ▶ Machinery for investigation of crime. ▶ Machinery for evidence collection, determination of guilt/ innocence and punishment.
WHO WILL REVIEW	<ul style="list-style-type: none"> ▶ BUREAU of POLICE RESEARCH & DEVELOPMENT (BPRD) will undertake the review ▶ BPRD, setup in 1970, comes under Ministry of Home Affairs. 	

8.5. ONE NATION, ONE RATION CARD

Why in news?

As part of the **Economic relief package amid COVID 19 outbreak**, the Central government has announced the national rollout of a '**One Nation, One Ration Card**' system in all states and Union Territories by **March 2021**.

About One Nation, One Ration Card Scheme

- Under this '**One Nation, One Ration Card**' system, beneficiary will be able to buy

About Ration Card

- It is a **document issued** under an order or authority of **State Government**, as per PDS, for **purchase of essential commodities** from FPS at **subsidized rates**.
- State Governments issue **distinctive Ration Cards** to APL, BPL and Antyodaya families and conduct periodical review and checking of Ration Cards.
- **Proof of identification:** It has become an important tool of identification **when applying for other documents** like Domicile Certificate, for inclusion in Electoral Rolls, etc.

subsidized food grains from **any FPS across Country** using their **existing/same ration card** that is **Aadhaar linked**.

- Under **present Public Distribution System (PDS)**, a **ration cardholder** can buy food grains **only** from **Fair Price Shop (FPS)** that has been assigned **in the locality in which he/she lives**.
- **Partha Mukhopadhyay Working Group on Migration** recommended for portability of Public Distribution System and its benefits in 2017.
- Subsequently, Government launched **Integrated Management of Public Distribution System (IM-PDS)** in **April 2018**. (see box)
- The new system will identify beneficiary through **biometric authentication** on **electronic Point of Sale (ePoS) devices** installed at FPS.
- Under this, a migrant will be **allowed to buy maximum of 50% of family quota**. This is to ensure that the individual, after shifting to another place does not buy the entire family quota in one go.
- Once **100 per cent of Aadhaar seeding and 100 per cent installation of ePoS devices** is achieved, national portability of ration cards will become a reality. Currently, it is enabled in 17 States and UTs.

Integrated Management of Public Distribution System (IMPDS) Scheme

- IMPDS is **central sector scheme**, implemented under **Ministry of Consumer Affairs, Food & Public Distribution**.
- **Objectives**
 - Implementation of **nation-wide portability** in food grains distribution under **National Food Security Act 2013**.
 - Creation of **national level data repository** for de-duplication of beneficiary data (Aadhaar based).
 - Use of **advanced data analytics techniques** to bring about continuous improvements.

Benefits

- Provide **intra-state** as well as **inter-state portability** of ration cards benefitting **inter/intra state migrants** to avail benefits.
 - Inter-state portability at **IMPDS portal**
 - Intra state at **Annavitran Portal**
 - Annavitran Portal has been implemented to display electronic transactions made through ePoS devices for distribution of subsidized foodgrains to beneficiaries. This portal also shows all India picture of Aadhaar authentication of beneficiaries besides allocated and distributed quantity of foodgrains up to district level.
- Helps to **remove bogus ration card holders** through an integrated online system.
- It can **control rising food subsidy bill** by preventing leakages etc.

National Food Security Act 2013 (NFSA)

- This marks a **shift in approach to food security** from **welfare approach to rights-based approach**.
- Act legally entitles up to **75% of the rural population** and **50% of the urban population** to receive subsidized foodgrains under **Targeted Public Distribution System (TPDS)**.
- Under **NFSA**, about 81 crore persons are entitled to buy subsidized food grain, rice at Rs 3/kg, wheat at Rs 2/kg, and coarse grains at Re 1/kg — from their designated FPS of TPDS.
- It is operated under **joint responsibility** of Central and State Governments.
 - **Central Government**- responsible for **allocation of foodgrains** to States/UTs, transportation of foodgrains up to designated depots and providing central assistance to States/UTs for delivery of foodgrains from FCI godowns to doorstep of FPSs.
 - **State Governments**- **handle operational responsibility** including **identification** of eligible families and issue of Ration Cards and supervision of the functioning of Fair Price Shops (FPSs) etc.

Targeted Public distribution system

- It was **launched in 1997** to focus on poor. Under TPDS, beneficiaries are divided into 2 categories
 - Below Poverty Line-**BPL Households**
 - Above Poverty line- **APL Households**
- **Antyodaya Anna Yojana** was **launched in 2000** to make TPDS more focused and targeted.
 - It focuses **poorest of the poor families** among BPL beneficiaries.

8.6. REGULATION OF BIG TECH COMPANIES

Why in news?

There are multiple investigations worldwide going on the **abuse of monopolistic power by the Big Tech firms like Facebook, Google** etc.

Regulatory mechanism for big tech in India

<p>Information Technology (IT) Act, 2000</p>	<ul style="list-style-type: none"> • Governs all activities related to the use of computer resources and covers all 'intermediaries' who play a role in the use of computer resources and electronic records. • Confers on the Central and State governments the power to issue directions "to intercept, monitor or decrypt...any information generated, transmitted, received or stored in any computer resource".
<p>Competition Commission of India (CCI)</p>	<ul style="list-style-type: none"> • To promote and sustain an enabling competition culture through engagement and enforcement. • Determines whether a tech entity has abused its dominant position. • Empowers the CCI to divide a dominant firm to ensure that such firm does not abuse its dominant position may finally be invoked.
<p>Enforcement Directorate (ED)</p>	<ul style="list-style-type: none"> • Look into FDI case in business-to-consumer (B2C) enterprises.

8.7. INTERNET SHUTDOWNS

Why in News?

As per a recent report by UK-based privacy and security research firm Top10VPN, Internet shutdowns in 2020 cost India \$2.8 bn, almost 70% of the total loss of \$4 bn to the world economy.

PROVISIONS REGARDING INTERNET SHUTDOWNS

	Provisions	Who can order?	Duration of shutdown
Before 2017	<ul style="list-style-type: none"> • Section 144 of CrPC (bars the assembly of five or more people in an area) • Indian Telegraph Act 1885. 	<ul style="list-style-type: none"> • DM/ SDM/ any executive magistrate empowered by state 	<ul style="list-style-type: none"> • Section 144: not more than 2 months & upto 6 months extension by state
After 2017	<ul style="list-style-type: none"> • Temporary Suspension of Telecom Services (Public Emergency and Public Safety) Rules, 2017: New rules by amending section 7 of the Indian Telegraph Act 1885. • Despite the 2017 rules, government has also often used the broad powers under Section 144. 	<ul style="list-style-type: none"> • Only the Home Secretary of the Union or a state can pass an order to be reviewed by a committee* within 5 days. • In "unavoidable circumstances", the order can be issued by an officer of the rank of Joint Secretary or above, authorised by the Centre or the state Home Secretary. 	<ul style="list-style-type: none"> • Under Temporary Suspension of Telecom Services (Amendment) Rules, 2020 order suspending telecom/internet Services shall not be in operation for more than 15 days.

Other Provisions for internet shutdown: Section 69(A) of the Information Technology (Amendment) Act, 2008 gives the government powers to block particular websites, not the Internet as a whole.



8.8. DATA GOVERNANCE QUALITY INDEX

Why in news?

Department of Fertilizers under the Ministry of Chemicals and Fertilizers has been ranked 2nd amongst the 16 Economic Ministries/Departments and 3rd out of the 65 Ministries / Departments on **Data Governance Quality Index (DGQI)**.

About DGQI

- DGQI survey **assesses different Ministries /Departments' performance** on the implementation of Central Sector Schemes (CS) and Centrally Sponsored Schemes (CSS).
- It is conducted by **Development Monitoring and Evaluation Office (DMEO) under NITI Aayog**.
- Its objective is to **assess data preparedness of Ministries / Departments** on a standardized framework to drive healthy competition among them and promote cooperative peer learning from best practices.
 - It will **immensely help improve the implementation framework of government policies**, schemes and programmes to achieve the desired goals.
 - Various programmes to **improve delivery of government services Unique Identification Authority of India (UIDAI), National Intelligence Grid (NATGRID), Interoperable Criminal Justice System (ICJS), DNA Databanks and Big data analytics**.
- **Major themes of DGQI include** Data Generation; Data Quality; Use of Technology; Data Analysis, Use and Dissemination; Data Security and HR Capacity & Case Studies.

8.9. NATIONAL PROGRAM AND PROJECT MANAGEMENT POLICY FRAMEWORK

Why in News?

Recently, NITI Aayog and Quality Council of India (QCI) launched National Program and Project Management Policy Framework (NPMPF).

About NPMPF

- **It provides an action plan to:**
 - Adopt a **program and project management approach** to infra development.
 - Institutionalize and promote the profession of program and project management and **build a workforce of such professionals**.
 - **Enhance institutional capacity and capability** of professionals
- It **envisages radical reforms** in the way infrastructure projects are executed in India.
- It will help in developing **good quality infrastructure, robust governance and reducing costs and waste material**, without compromising on the environment and ecology.

Program and Project Management

- **It integrates the individual elements of a project** in order to achieve a common objective.
- It is cross-functional in its approach, **managing across various disciplines of constituent projects** such as engineering, designing, planning, procurement, construction and finance as well as various components like power, water, highways, waste management etc.
- Program Management is strategic in nature, while project management is tactical in nature.
 - Program Management focuses on achievement of intended objectives through coordination of multiple projects. Project management focuses on tactics of planning and execution of work output.

8.10. OTHER IMPORTANT GOVERNANCE INITIATIVES

e-GramSwaraj Portal	<ul style="list-style-type: none"> • Ministry of Panchayati Raj has launched this portal to strengthen e-Governance in Panchayati Raj Institutions across the country. • It aims to bring in better transparency in the decentralised planning, progress reporting and work-based accounting. • It provides a single window for capturing Panchayat information with the complete Profile of the Panchayat, details of Panchayat finances, asset details, activities taken up through Gram Panchayat Development Plan (GPDP) etc. <ul style="list-style-type: none"> ○ For 2020-21, around 2.43 lakh Gram Panchayats have finalized their GPDP on e-Gramswaraj.
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<p>Public Affairs Index (PAI), 2020</p>	<ul style="list-style-type: none"> PAI is a data driven platform to rank States/UTS on governance. PAI has been developed by the not-for-profit Public Affairs Centre (PAC). <ul style="list-style-type: none"> Governance performance is analysed in the context of sustainable development defined by three pillars of equity, growth and sustainability. In large states category: Kerala, Tamil Nadu, Andhra Pradesh are top three. Uttar Pradesh, Odisha and Bihar were at the bottom. In small State category: Goa ranked first and Manipur ranked last. Chandigarh emerged at the top in the category of UTs.
<p>Urban Governance Index (UGI) 2020</p>	<ul style="list-style-type: none"> It was recently released by the Praja Foundation. UGI ranks states to indicate where they stand in terms of real empowerment of grassroots democracy and local self-government. According to UGI, Odisha has topped all Indian states in urban governance while Manipur and Nagaland are at the bottom. Index showed that no state has devolved the 18 functions mentioned in the 12th Schedule (deals with Municipalities) of the Constitution to their city governments.
<p>India Post launches Five Star Villages Scheme</p>	<ul style="list-style-type: none"> It aims to ensure universal coverage of flagship postal schemes in rural areas. <ul style="list-style-type: none"> Schemes covered under this include: Savings Bank accounts, Sukanya Samridhi Accounts/ PPF Accounts, Postal Life Insurance Policy/Rural Postal Life Insurance Policy, etc. It seeks to bridge the gaps in public awareness and reach of postal products and services, especially in interior villages. If a village attains universal coverage for four schemes from the above list, then that village gets four-star status; if a village completes three schemes, then that village get three-star status and so on.

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