



**IAS**  
PARLIAMENT



# TARGET 2024

## POLITY & GOVERNANCE



**MAY 2023 TO  
DECEMBER 2023**



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Out of 100 questions asked in UPSC Civil Services (Preliminary) Examinations, 2023,  
**22 questions reflected directly** and  
**20 questions reflected partially**  
from the IAS Parliament



Total number of questions directly reflected from IAS Parliament (including Target 2023 series)	22
Number of questions directly reflected from the Target Series 2023	15
Total number of questions partially reflected from IAS Parliament	20

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# TARGET 2024

## POLITY & GOVERNANCE

 May 2023 to December 2023

### 1. RIGHTS ISSUES

#### 1.1 Freedom of speech

The Andhra Pradesh High Court has struck down an order of Andhra Pradesh government that seeks to regulate public assemblies, processions which violates the freedom of speech.

Freedom of speech	
Freedom of speech implies that every citizen has the right to express his views, opinions, belief and convictions freely by word of mouth, writing, printing, picturing or in any other manner.	
<ul style="list-style-type: none"> <li><b>Article 19</b> provides for the right to                             <ol style="list-style-type: none"> <li>Freedom of speech and expression</li> <li>Assemble peaceably and without arms</li> <li>Form associations or unions</li> <li>Move freely throughout the territory of India</li> <li>Reside and settle in any part of the territory of India</li> <li>Practice any profession, or to carry on any occupation, trade or business</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>These rights are <u>not absolute</u> and the <u>reasonable restrictions</u> includes                             <ol style="list-style-type: none"> <li>Sovereignty and integrity of India</li> <li>Security of the state</li> <li>Friendly relations with foreign states</li> <li>Public order</li> <li>Decency or morality</li> <li>Contempt of court, defamation</li> <li>Incitement to an offence</li> </ol> </li> </ul>
The Supreme Court includes the following rights also under the freedom of speech and expression	
Right to propagate one's views as well as views of others	Right to know about government activities
Freedom of press	Freedom of silence
Freedom of commercial advertisement	Right against imposition of pre-censorship on a newspaper
Right against tapping of telephonic conversation	Right to demonstration or picketing but not right to strike
Right to telecast	Right against bundh called by a political party or organization

#### 1.2 Hate Speech

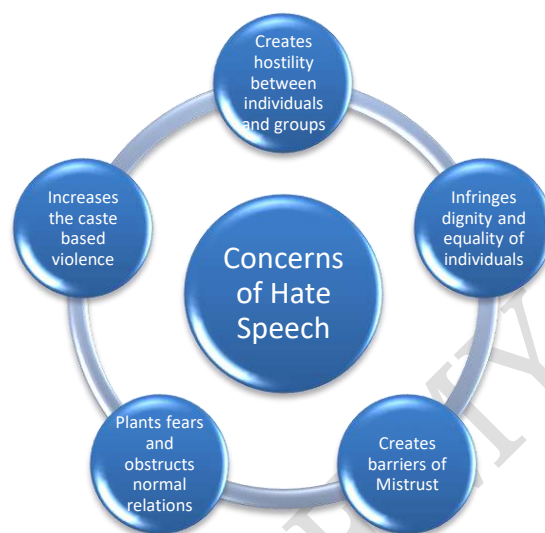
The Kerala High Court has delivered its judgement against a slew of petitions seeking a ban on the film 'The Kerala Story'.

- Hate speech is an incitement to hatred against a particular group of persons marginalized by their religious belief, sexual orientation, and gender and so on.

#### Legal framework dealing with Hate Speech

- Provision-** Hate speech is not defined in the constitution.

- **Article 19(1)(a)** – It guarantees the right to freedom of speech and expression but imposes reasonable restrictions on speeches that cause hate, violence, ridicule or indignity.
- **The Cinematograph Act 1952** - Empowers the Board of Film Certification to prohibit and regulate the screening of a film if it is likely to incite offence against public order, decency or morality, or involves defamation or contempt of court.
- **Cable Television Network Regulation Act, 1995** - Requires cable news channels to adhere to a list of restrictions on content, prescribed under the programme code or advertisement code which have been defined under the Cable Television Network Rules 1994.



### Central Board of Film Certification (CBFC)

- CBFC is a statutory body under **Ministry of Information and Broadcasting.**
- It regulates the public exhibition of films under the provisions of the **Cinematograph Act, 1952.**
- Films can be publicly exhibited in India **only** after they have been certified by the CBFC.
- CBFC consists of non-official members and a Chairman all being appointed by Central Government.
- Headquarters - **Mumbai**

### 1.3 Default Bail

The Supreme Court directed lower courts to decide pending default bail applications without relying on its own judgment of Ritu Chhabaria case.

- **Default bail** - The right to statutory bail, often known as default bail or compulsive bail, is granted because of the default of the investigating agency in not completing the investigation within the specified time.
- Earlier, under **Section 167(2) of CrPC**, a Magistrate can order an accused person to be detained in the custody of the police for **15 days**.
- Beyond 15 days, the Magistrate can authorise the detention of the accused person in judicial custody (jail) if necessary.
- **Maximum period of detention** - However, the accused cannot be detained for more than
  - **90 days** (when an authority is investigating an offence punishable with death, life imprisonment or imprisonment for at least 10 years)
  - **60 days** (when the authority is investigating any other offence)
- **Right to bail** - After the period of 90/60 days, if the investigation has not been completed and charge-sheet not filed, the accused person has the right to be released on bail.
- The **Bharatiya Nagarik Suraksha Sanhita Act**, allows up to 15 days of police custody, which can be authorised in parts during the initial 40 or 60 days of the 60 or 90 days period of judicial custody.
- This may lead to denial of bail for the entire period if the police has not exhausted the 15 days custody.



#### Police Custody

- The police have the physical custody of the suspect and have to produce the suspect before a judge within 24 hours of the arrest.
- In police custody, the accused is lodged in a police station.
- Police custody may extend only up to 15 days



#### Judicial Custody

- This is when an accused is in the custody of a Magistrate.
- In judicial custody, he is lodged in prison.
- Judicial custody may extend up to 90 days.

- **Judicial custody** - The default bail prevents the misuse of judicial custody by the investigation agency.
- **Article 21** - The court in multiple judgments have held that the default bail flows from the Article 21 of the Constitution which guarantees the right to life and personal liberty.

#### 1.4 Preventive detention

Supreme Court, in at least 3 separate instances, has red-flagged the Telangana government's usage of the stringent preventive detention law.

Preventive detention	Pre-trial detention	Punitive detention
Detention of a person <b>without trial</b> and conviction by court, but merely on suspicion.	Detention of an accused <b>under trial</b> .	Detention <b>after trial</b> and conviction by a court.

- **Preventive detention** - To prevent an individual from committing an offense in the future.
- **Central Legislations** - The National Security Act, the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA) are laws under which preventive detention can be ordered.
- **Effect** - Part III of the Constitution gives the State the power to suspend fundamental rights for preventive detention. A detainee under preventive detention can have no right of personal liberty guaranteed by **Article 19 or Article 21**.
- **Grounds for Preventive Detention**
  - Security of state, maintenance of public order,
  - Maintenance of supplies and essential services and defense,
  - Foreign affairs or security of India.
- **Duration** - The detention of a person cannot exceed **3 months** unless an advisory board (consist of judges of a high court) reports sufficient cause for extended detention.
- **Rights for Detenu** - The grounds of detention should be communicated to the detenu. However, the facts considered to be against the public interest need not be disclosed.
- The detenu should be afforded an opportunity to make a representation against the detention order.
- **Judicial Review** - There are very narrow grounds of judicial review because the Constitution emphasises the state's "**subjective satisfaction**" when ordering a detention.
- In countries such as Britain, United States and Canada, preventive detention is a wartime measure.

Article 22 of the Constitution contains provisions for preventive detention

#### 1.5 Right of Unborn Child

Recently, the Supreme Court refused to permit the married woman to terminate her 26-week pregnancy, thereby upholding the right of unborn child.

##### Medical Termination of Pregnancy (Amendment) Act, 2021

- The Act expands the access to safe and legal abortion services on therapeutic, eugenic, humanitarian and social grounds to ensure universal access to comprehensive care.
- **Upper gestation limit**- It is expanded from **20 to 24 weeks** for termination of pregnancy under specific conditions such as foetal abnormalities, sexual assault, rape, or minors.

Abortion window period	Provisions of the act
20 weeks of pregnancy	Termination of pregnancy is allowed on the advice of 1 doctor
20-24 weeks of pregnancy	The right to seek abortion is determined by 2 registered medical practitioners as an exception, but only under certain categories

Beyond 24 weeks	It is mandatory to form medical board at approved facilities to give opinion termination of pregnancy beyond 24 weeks owing to foetal abnormalities
<ul style="list-style-type: none"> <li><b>Medical Board</b> - It will be formed by all States and Union Territories and the State government shall appoint its members.</li> <li><b>Unmarried women</b>- It allows them to terminate pregnancy due to failure of contraceptive method or device, which was previously only applicable to married women.</li> <li><b>Privacy</b>- The act protects the confidentiality of women who undergo abortion.</li> </ul>	

## 1.6 Self-Respect Marriages

Supreme Court recently held that 'self-respect' marriages or 'suyamariyathai Thirumanam' under Hindu Marriage Act, 1955, do not need public solemnisation or declarations, setting aside Madras High Court judgement.

- It is a South Asian movement aimed at attaining a society where backward castes had equal human rights and encouraging backward castes to have self-respect in a caste-based society.
- Aim**- To end caste endogamy and encourage people from marginalised castes to live with dignity
- Pioneer** -Periyar E. V. Ramasamy lead the movement in Tamil Nadu against Brahmanism.
- Launch**- 1925. The first self-respect marriage took place in 1928 and was officiated by Periyar himself.
- Features**- Periyar sought to encourage inter-caste marriages built on a promise of respect and equality.
- They challenge patriarchal norms and ideals of ownership.
- Over time people have turned to self-respect marriages to reclaim control and build companionship based on dignity and equality.
- Hindu Marriage (Tamil Nadu Amendment) Act, 1967**- It was passed in 1968 modifying the Hindu Marriage Act of 1955 by inserting Section 7-A.
- Section 7-A legalised self-respect and secular marriages between two Hindus who meet the minimum age requirement for marriage.
- Self-respect marriages are also **required to be registered** as per the law.
- They are generally solemnised in the presence of relatives, friends, or other persons, in the absence of a priest and without following any quintessential wedding rituals such as a holy fire or a mangalsutra.

### Self-Respect Movement

- It was founded by **E. V. Ramasamy** in 1925.

### Ideology of Self-respect Movement

- The movement criticised Brahminism and the cultural hegemony of the Brahmin and advocated a casteless society devoid of rituals and differences based on birth.
- It declared rationality and self-respect as the birth right of all human beings and declared illiteracy as a source for women's subordination and promoted compulsory elementary education for all.
- It ordained its members to give up caste surname and caste-religious identities.
- It advocated women education, widow remarriage and opposed child marriages.

## 1.7 Right of Wife in Husband's Asset

The Madras High Court said that a wife, who contributed to the acquisition of family assets by performing the household chores, would be entitled to an equal share in the properties, as she had indirectly contributed to its purchase.

### Women's Rights to Property

- Property rights as a mother** - She possesses the right to be served with maintenance from her children who can support her.
- She maintains the right to dispose of her share of the property as per her wishes.
- In the event of a joint family, a widowed mother is entitled to the equal share as of her son.

Coparcener rights denotes 'Joint Heir' in a Hindu undivided family (HUF) who shares legal rights for inheriting property, title, and money as defined under Hindu Succession Laws.

- **Property rights as a daughter** - According to Hindu Succession Act, 2005 a daughter possesses equal rights of inheritance to her father's property as the son.
- She further secures the right to receive a share in her mother's estate.
- **Property rights as a wife** - A married woman is the sole heir of her husband's property and retains every right to the property that has been earned, gifted or willed to her.
- She does not secure the right to ask her family for the maintenance of the property she acquires from her husband.

## 1.8 Reservation for Transgender Persons

*The Social Justice Ministry responded to a contempt petition accusing the government of not implementing the directions in the 2014 judgment.*

### Reservation status of Transgender persons

- **Reservation** – The Centre has told the Supreme Court that transgender persons can avail of **any of the existing 50% reservation**.
- **SEBC** – They can use the reservation in admissions and government jobs already available to Scheduled Caste, Scheduled Tribe and Socially and Educationally Backward Communities (SEBC) across the country.
- **EWS** – The government said transgender persons could also benefit from the 10% quota granted to the Economically Weaker Sections (EWS) of the society.
- However, the Ministry has not mentioned reservation for the transgender community as a separate class.

### 2014 Judgement

- **NALSA** – Supreme Court in its 2014 judgment in the National Legal Services Authority (NALSA) case had directed the Centre and the State governments to take steps for the welfare of the transgender persons.
- It directed to treat transgender persons as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.
- The judgment had also expressly directed the Centre and State governments to protect transgender persons from discrimination in employment and access to welfare schemes.
- It had held that educational institutions were obliged to provide them inclusive education.
- **Third gender** – The judgment had declared that hijras, eunuchs, apart from binary genders, be treated as third gender for the purpose of safeguarding their fundamental rights.
- Hijras are often born male but look and dress in traditionally feminine ways. Eunuchs are male who had their testicles removed.
- **Right to decide gender** – A Division Bench of the apex court had upheld transgender persons' right to decide their self-identified gender. It had given legal recognition to their gender identity.

## 1.9 Right to Change Gender

*Allahabad HC has affirmed the 'constitutionally recognised right' of an individual to change gender and has asked Uttar Pradesh DGP to consider the request of a constable to undergo sex change surgery.*

- The Ministry for Social Justice and Empowerment has introduced the **Transgender Persons (Protection of Rights) Act in 2019**.
- According to the Act, an application for obtaining a Certificate of Identity should be made to the **District Magistrate (DM)**.
- An individual may apply for a revised certificate from the DM if he/she undergoes surgery to change the gender either as a male or a female.
- The DM shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender.

## 1.10 Subcategorization of OBCs

The report of Rohini commission which was set up to examine the sub-categorisation of OBCs was submitted to the President.

- **OBCs**- Denote backward/ marginalised communities and castes that were not Scheduled Castes (SCs) or Scheduled Tribes (STs).
- **Reservation**- The affirmative action for OBCs is mandated by **Article 15(4)** of the Constitution.
- **Article 15 (4)** - Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes.
- **Article 16(4)**- It allows the State to make provision for the reservation of appointments or posts in favour of any backward class of citizens which is not adequately represented in the services under the State.
- **Sub-categorisation of OBCs** refers to creating subgroups of backward castes within the OBC category.
  - **Sub-categorization of OBCs in States** – It has been done in States such as Karnataka, Uttar Pradesh, Bihar, etc.
  - **Sub-categorization of OBCs in Central List** – In 2017, Justice Rohini Panel was appointed to examine the sub-categorisation of OBCs.

Article 340 provides for the appointment of a Commission to investigate the conditions for the improvement of socially and educationally backward class

Rohini Commission (2017) (under Article 340)	
<b>Chairman</b>	<a href="#">Justice G.Rohini</a>
<b>Terms of reference</b>	<ul style="list-style-type: none"> <li>• To examine the inequitable distribution of reservation benefits among OBCs in the Central List</li> <li>• To work out the mechanism, criteria, norms and parameters in a scientific approach</li> <li>• To identify the respective castes and classify them into their respective sub-categories</li> </ul>
<b>Recommendations</b>	It suggested breaking the caste groups into broad categories, <ul style="list-style-type: none"> <li>• With the dominant castes getting the smallest share of the 27% reservation</li> <li>• The historically crowded-out caste groups getting the largest share of the reservation pie</li> </ul>
1 <sup>st</sup> OBC Commission (1953)	
<b>Head</b>	Kaka Kalelkar
<b>Objective</b>	To identify socially and educationally backward classes
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>• It prepared a list of 2,399 backward castes or communities in the country, categorised 837 of them as “most backward”.</li> <li>• It recommended                             <ul style="list-style-type: none"> <li>○ Enumerating castes in the 1961 census</li> <li>○ Providing 25-40% reservation at different levels of government jobs</li> <li>○ 70% reservation for admission to technical and professional institutions</li> </ul> </li> </ul>
<b>Outcome</b>	The report was never discussed in the Parliament and never implemented as the government decided that any all-India list drawn up the Central Government would have no practical utility
2 <sup>nd</sup> OBC Commission (1979)	
<b>Head</b>	B.P.Mandal
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Identified 3,743 castes and communities as OBCs</li> </ul>

	<ul style="list-style-type: none"> <li>Estimated their population at 52%</li> <li>Recommended 27% reservation in government jobs and admissions to all government-run scientific, technical, and professional institutions</li> </ul>
<b>Outcome</b>	Within the 27% reserved for Socially and Economically Backward Castes, preference shall be given to candidates belonging to the poorer sections of the SEBCs

### 1.11 Scholarship Schemes for Religious Minorities

The Centre discontinued 2 key educational schemes for religious minorities, and cut down on the expenditure incurred on multiple programmes of the Ministry of Minority Affairs.

- Rajinder Sachar Committee** - It was constituted in 2005 to look into the social, economic and educational standing of the Muslims in India.
- It concluded that the minority was deprived and neglected in almost all dimensions of development.
- New Ministry** - In 2006, the Ministry of Minority Affairs was carved out of Ministry of Social Justice.

Scheme	About	Status
<b>Pre-Matric Scholarship Scheme</b>	Awarded to minority students from class 1 to 10.	The scheme now only covers class 9 and 10.
<b>Post-Matric Scholarship Scheme</b>	Given to students of class 11 to Ph.D.	The funds increased during this fiscal year.
<b>Merit-cum-Means based Scholarship Scheme</b>	It targets professional & technical courses at UG & PG levels.	The scholarship scheme saw a major reduction in funds in 2023-24.
<b>Maulana Azad National Fellowship</b>	The scheme provided financial assistance to research scholars pursuing M.Phil and Ph.D.	The scheme was scrapped in 2022.
<b>Padho Pardesh</b>	It was launched to provide better opportunities for higher education abroad.	The interest subsidy scheme was discontinued from 2022-23.
<b>Begum Hazrat Mahal National Scholarship</b>	It is awarded for meritorious girls for higher secondary education.	The scholarship had zero allocation this year.
<b>Naya Savera</b>	It provides free coaching to minority students for competitive examinations.	The scheme saw a drop in budget.
<b>Nai Udaan</b>	It supported minority students preparing for competitive exams.	No funds were allocated in the ongoing financial year.
<b>Pradhan Mantri Jan Vikas Karyakram</b>	The Scheme provides infrastructure in identified minority concentration areas.	Reduction of fund allocation.

### 1.12 Extension of AFSPA

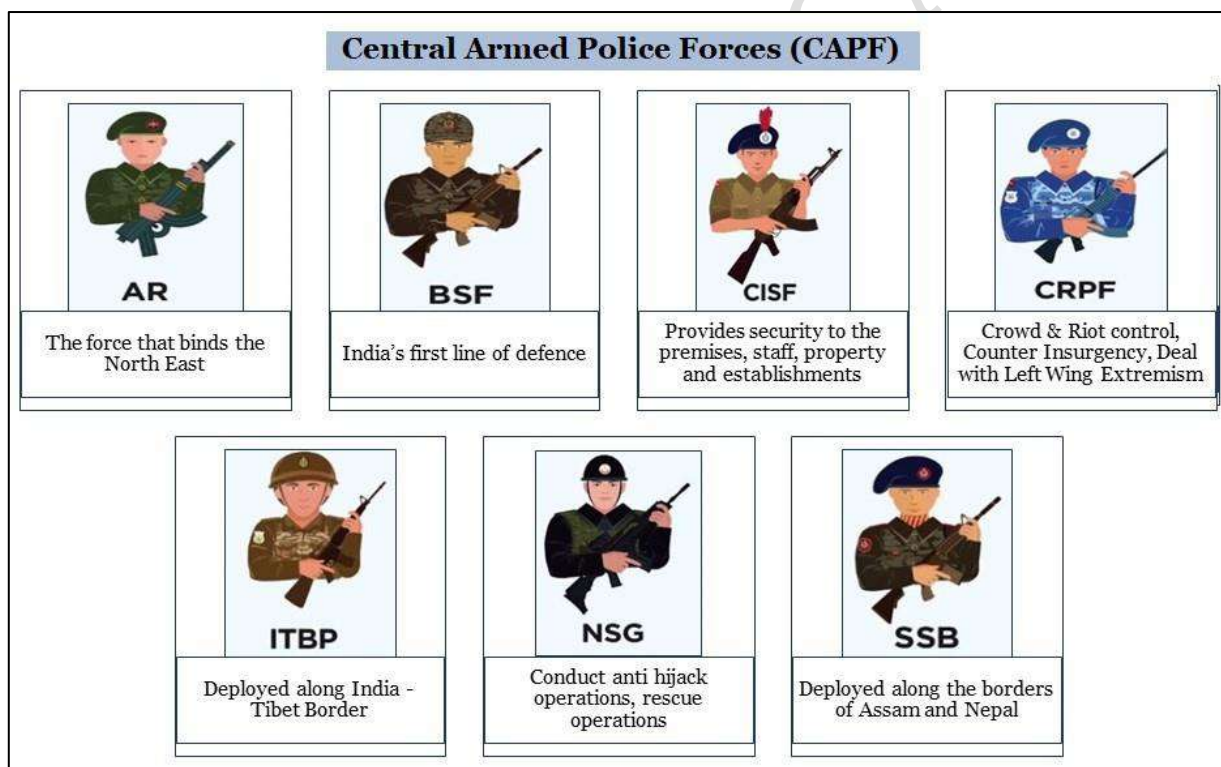
Recently, Armed Forces (Special Powers) Act (AFSPA) was extended for another 6 months in parts of Arunachal Pradesh, Nagaland and Manipur.

#### History of AFSPA

- The Act in its original form was promulgated by the British in response to the **Quit India movement** in 1942.
- After 1947, India notified it as an Act in 1958 and AFSPA for NE was initially implemented in Assam & Manipur.

- **Aim** - To grant certain special powers to the members of the armed forces in disturbed areas.
- After amendment in 1972, it was also implemented in Meghalaya, Nagaland, Tripura and Arunachal Pradesh.
- **Punjab** was the 1<sup>st</sup> state to repeal, followed by Tripura & Meghalaya in 2015 & 2018 respectively.
- It still remains in force in **Nagaland, Manipur, Assam, J&K, and Arunachal Pradesh**

- **Powers** –To the army and the Central Armed Police Forces (CAPF)
  - to kill anyone acting in contravention of the law;
  - to arrest people and search of any premises without a warrant;
  - to prohibit a gathering of five or more persons in an area
- **Notification** - Under **Section 3** of the AFSPA, Central Government, or the Governor or administrator of the Union Territory can declare the whole or part of the State or UT as a disturbed area.
- **Disturbed Area** – An area that are disturbed or in dangerous condition that the use of armed forces in aid of the civil power is necessary.
- An area can be disturbed due to differences or disputes between members of different religious, racial, language or regional groups or castes or communities.
- **State Governments** - The **Ministry of Home Affairs** would usually enforce this Act but there have been exceptions where the Centre decided to forego its power and leave the decision to the **State governments**.



### 1.13 Baiga Tribes gets Habitat Rights

Recently Baiga Particularly Vulnerable Tribal Group (PVTG) in Chhattisgarh become 2<sup>nd</sup> in the State to get habitat rights after Kamar PVTG.

- **Habitat rights** - They can be defined as a bundle of rights comprising of the connections with the landscape: livelihood, social, and cultural practices embedded in the territory that forms their habitat.
- They are given to PVTGs under Section 3(1) (e) of **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**
- The title may not be an ownership title in the nature of a private property owner, but consent and consultation of the gram sabha will be needed for any developmental activity.

- **Status-** Till now, the following PVTGs had been given the habitat rights.
  - **Baigas & Bharias - Madhya Pradesh**
  - **Kamars & Baigas- Chhattisgarh**

### Significance of granting habitat rights

- Safeguard and promote traditional livelihood and ecological knowledge passed down through generations.
- Help converge different government schemes and initiatives from various departments to empower PVTGs.
- If any kind of development activity is hampering their habitat rights, the tribal group can take up the matter with the administration under the Forest Rights Act, and if not resolved, the matter can be taken to court.

### Habitat rights under FRA, 2006

- Right to perform customary religious or cultural ceremonies in the landscape related to their clans
- Right to protect and conserve the natural entities and sacred sites recognized under habitat rights.
- Right to protect and conserve places important for religious and spiritual purposes; right of passage to abodes of deities in forests, hill tops, etc.
- Right to practice traditional cultivation systems and other livelihood generating activities including seasonal resource use
- Habitat rights **exclude** any traditional right of hunting or trapping or extracting a part of the body of any species of wild animal

#### Baiga Tribes

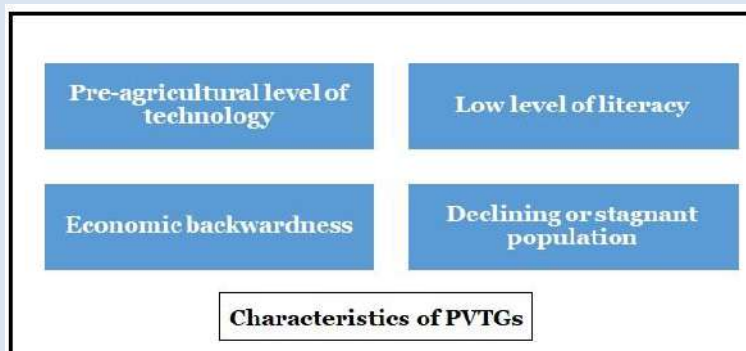
- The Baigas are an ethnic group found in **Central India** in Madhya Pradesh, Uttar Pradesh, Chhattisgarh and Jharkhand.
- Baigas are considered as a **PVTG**.
- They rely mostly on shifting cultivation (bewar), forest produce and fishing for sustenance.
- Baiga tribal women have sporting tattoos of various kinds. This art of tattooing is called 'Godna'

#### Kamar Tribes

- Kamars are one of the PVTGs found in **Central India** primarily in Madhya Pradesh, and Chhattisgarh.
- The tribe has been given the status of "**Special Backward Tribe**" by the Government of India.
- They trace their origin to Devdongar village of Manipur.
- The two tribes in the Kamar tribe are
  - **Paharpattiya Kamar** - Mountain dwellers
  - **Bunderjeeva Kamar** – Live in the plains
- The women are tattooed either before or after marriage.

### Particularly Vulnerable Tribal Groups (PVTGs)

- There are **75 PVTGs** out of 705 STs, spread over 18 states and 1 Union Territory (A&N Islands).
- **Dhebar commission-** In 1973, it created Primitive Tribal Groups (PTGs) as a separate category, who are less developed among the tribal groups.
- **PVTGs-** In 2006, the Government of India renamed the PTGs as Particularly Vulnerable Tribal Groups (PVTGs).
- **Features-** They are mostly homogenous, with a small population, relatively physically isolated, social institutes cast in a simple mould, absence of written language, relatively simple technology and a slower rate of change etc.,
- **Statistics-** Highest PVTGs is present in Odisha (13) followed by Andhra Pradesh (12).
- **Chhattisgarh-** It has 7 PVTGs namely Kamar, Baiga, Pahadi Korba, Abujmadiya, Birhor, Pando and Bhujia.



- **Scheme for Development of PVTGs-** It was established in 2008 to adopt a holistic approach to the socio-economic development of PVTGs.
- **Pradhan Mantri PVTGs Development Mission-** It was introduced in the Union Budget 2023-24 to improve the socio-economic status of PVTGs and bridging gaps in health, education, livelihoods, and basic infrastructure.

## 1.14 Jallikattu

*The Supreme Court upheld the amendments made by the legislatures of Tamil Nadu, Maharashtra, and Karnataka to the Prevention of Cruelty to Animals (PCA) Act, allowing bull-taming sports and bullock-cart races.*

- The term Jallikattu is a union of two words - 'Calli' (coins) and 'Kattu' (tie), which denotes a bundle of coins tied to the bull's horns.
- Jallikattu is a 2,000 years old competitive **bull taming sport** in **Tamil Nadu** which contestants attempt to tame a bull for a prize, wherein if they fail, the bull owner wins the prize.
- It is celebrated in the second week of January at the time of the **Pongal** (harvest) festival.
- **Native breeds reared for Jallikattu** - Kangayam, Pulikulam, Umbalachery, Bargur and Malai Maadu.
- Its 1<sup>st</sup> reference dates back to a seal discovered at Mohenjodaro, dated between 2,500 BC and 1,800 BC.
- It was called **Eru Thazuvai**, meaning, "embracing the bull."
- Jallikattu also finds mention in Silappadikaram, one of the great Tamil epics from the Sangam age.

### Sports involving Animals

- **Jallikattu** - Tamil Nadu
- **Rekla** - Tamil Nadu
- **Bail Gadi Shariat** - Maharashtra
- **Kambala** - Karnataka
- **Maramudi Bull Surfing** - Kerala
- **Dhirio bull fight** - Goa
- **Camel racing** - Rajasthan
- **Bulbul fight** - Assam
- **Cock fighting** - Andhra Pradesh, Chhattisgarh, Jharkhand

### Animal Welfare Board of India (AWBI)

- It is a statutory advisory body set up under the **Prevention of Cruelty to Animals Act, 1960**
- **Ministry** - Ministry of Fisheries, Animal Husbandry and Dairying.
- Shrimati Rukmini Devi Arundale pioneered the setting up of the Board.
- **Headquarters** - Ballabgarh, Haryana
- **Chair** - A senior MoEFCC official.
- The term of members is for a period of 3 years.
- Functions performed by AWBI
  - Advice the Central Government on the matters, relating to medical care provided in animal hospitals.
  - Advice the Government related to the design of slaughterhouses and vehicles to lessen the burden on draught animals.

### Important Articles

- **Article 29 (1)** - Any section of citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- **Article 48** - Urges the state to endeavor to organize agriculture and animal husbandry on modern and scientific lines.
- **Art 51A (g)** imposes a duty on citizens to protect and improve the natural environment and to have compassion for living creatures.

*The subject of preventing animal cruelty falls in the **Concurrent list** of the **Seventh Schedule** to the Constitution.*



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## 2. PARLIAMENT AND STATE LEGISLATURE

### 2.1 No Confidence Motion

Recently, Lok Sabha Speaker accepted the Opposition's no confidence motion against the Government.

- A no confidence motion can **only be moved in the Lok Sabha**.
- Support** - Any Lok Sabha MP who can garner the support of **50 colleagues** can introduce a motion of no-confidence against the Council of Ministers.
- It is moved in **writing** and must be signed by the member moving it, the motion is submitted to the Speaker of Lok Sabha on any day on which the House is sitting.
- Power of Speaker** - He will decide whether to admit the motion for discussion and debate.
- If the motion is admitted, the Speaker will decide on the date and time for discussion.
- Date** - This date for discussion should be within 10 days from the date the motion was accepted in the House.
- Time** - The Speaker may grant time for discussion of the motion under Rule 198 of Lok Sabha.
- Debate** - The motion will be debated in the Lok Sabha and it will be moved by the member who submitted it.
- Vote** - After the debate, the Lok Sabha will vote on the NCM, it will be passed if it is supported by the majority of the members of the House.

#### History of No Confidence Motion (NCM)

- Since Independence, **27 NCMs** have been moved in the Lok Sabha
- First NCM** - During the 3<sup>rd</sup> Lok Sabha in 1963, moved by Acharya J B Kripalani against the government headed by Jawaharlal Nehru.
- Highest number of instances**- Indira Gandhi- Faced NCMs 15 times; Lal Bahadur Shastri- Faced 3 times; PV Narashima Rao- Faced 3 times.
- In 1979, Prime Minister Morarji Desai realised that he did not have the support of the majority of MPs, and therefore resigned before the House voted on the motion.
- Governments fallen due to NCM** - V P Singh government in 1990; H D Deve Gowda government in 1997; Atal Bihari Vajpayee government in 1999
- Most recent NCM was moved in 2018 by Telugu Desam Party against the National Democratic Alliance (NDA) government.

If NCM is passed	If Government wins the vote
The Government must resign	The motion is defeated and the Government remains in power

Censure Motion	No Confidence Motion
<ul style="list-style-type: none"> <li>It should state the reasons for its adoption in the Lok Sabha.</li> </ul>	<ul style="list-style-type: none"> <li>It need not state the reasons for its adoption in the Lok Sabha.</li> </ul>
<ul style="list-style-type: none"> <li>It can be moved against an individual minister or a group of ministers or the entire council of ministers.</li> </ul>	<ul style="list-style-type: none"> <li>It can be moved against the entire council of ministers only.</li> </ul>
<ul style="list-style-type: none"> <li>It is moved for censuring the council of ministers for specific policies and actions.</li> </ul>	<ul style="list-style-type: none"> <li>It is moved for ascertaining the confidence of Lok Sabha in the council of ministers.</li> </ul>
<ul style="list-style-type: none"> <li>If it is passed in the Lok Sabha, the council of ministers need not resign from the office</li> </ul>	<ul style="list-style-type: none"> <li>If it is passed in the Lok Sabha, the council of ministers must resign from office.</li> </ul>

## 2.2 Adjournment Motion

Recently opposition parties moved an adjournment motion in the Lok Sabha, citing the need for urgent discussions on the ethnic violence in Manipur.

- The adjournment motion is a **form of censure** of the government.
- It originated in the House of Commons in the United Kingdom.
- It was established through Government of India Act, 1919 in India under the rules of the pre-independent bicameral legislature.
- It is introduced **only in Lok Sabha** to draw attention of the House to a definite matter of urgent public importance.
- It involves an element of censure against the government, so Rajya Sabha is not permitted to use.
- **Support** - An adjournment motion needs the support of 50 members to be admitted.

Normal Business	Adjournment Motion
To raise matters in the House, MPs must inform the presiding officers in advance	The Scheduled business can be set aside by a procedural mechanism called the “adjournment motion”.
It is available in both houses	Only Lok Sabha has this provision as it involves an element of censure
MPs inform to speaker of Lok Sabha and Chairman of Rajya Sabha in advance	The Speaker has to decide whether to allow the MP to move the motion.
This ensures the government can collect information to respond to MPs, information of bills and budget in the government agenda is passed to MPs for debate.	This Rule in Lok Sabha allows an MP to urge the Speaker to adjourn the House’s business “to discuss a definite matter of urgent public importance”.
MPs can only discuss a matter that is on the day’s business.	It results in the House dropping its scheduled list of business to discuss this urgent matter.

### CRITERIA FOR ADJOURNMENT MOTION

The discussion on the Adjournment motion must be at least **2 hours and 30 minutes**.

It should **not cover more than 1 topic** and be restricted to 1 issue of recent occurrence.

It should not be a topic that is already discussed or under discussion, in the same session.

It should not involve the matter of privileges.

It should not contain topics that are under adjudication by the court.

It should not be a matter that can be raised under a distinct motion.

## 2.3 Rule 267 of the Council of States

The Opposition’s demand for a ‘Short Duration Discussion’ under Rule 267 to take up the Manipur issue was declined in Rajya Sabha.

## Rule 267 in the Rajya Sabha

- Rule 267 of the Rules of Procedure and Conduct of Business in the Council of States gives special power to a Rajya Sabha member to **suspend the pre-decided agenda of the House.**
- This comes with the approval of the Chairman of the Rajya Sabha.
- Under this rule, Rajya Sabha MPs can give a written notice to suspend all listed business and discuss an issue of importance the country is facing.
- If an issue is admitted under Rule 267, it signifies it's the most important national issue of the day.
- Also, the government will have to respond to the matter by replying during the discussions under Rule 267.
- No other form of discussion entails suspension of other business.

## Rule 176

- Rules 176-179 of the Rajya Sabha explains about the **short duration discussion.**
- **Any member** can raise discussion on a matter of urgent public importance and may give notice in writing to the Secretary-General.
- If the Chairman is satisfied, that the matter is urgent and is of sufficient public importance to be raised in the Council at an early date, he may admit the notice and fix the date for discussion.
- **Time** - The time for discussion under Rule 176 should **not exceed two and a half hours.**
- However, there is no formal motion or voting shall be held under a short-duration discussion.

### Other ways for MPs to question the government

- **Question Hour** - MPs can ask questions related to any issue during the Question Hour in which the concerned minister has to provide oral or written answers.
- **Zero Hour** - Every day, 15 MPs are allowed to raise issues of their choice in the Zero Hour.
- **Special Mention** - An MP can even raise it during Special Mention where Chairman can allow up to 7 Special Mentions daily.

## 2.4 Ordinances

*There has been a steady decrease in the number of ordinances promulgated by the Centre since 2019.*

### Constitutional Provisions related to Ordinances

- **Article 123** - Power of president to promulgate ordinances during recess of Parliament.
- **Article 213** - Power of governor to promulgate ordinances during recess of the state legislature.
- **Article 239B** - Power of administrator to promulgate Ordinances during recess of Legislature.
- **Article 13** - The definition of 'law' contained in Article 13 expressly includes ordinances.
- **Ratification** - Ordinances must be approved by the Parliament **within 6 weeks** from its reassembly or the ordinance lapses at the expiry of 6 weeks.
- **Lapse** - The Ordinance may lapse earlier if the President withdraws it or if both Houses pass resolutions disapproving it.
- If an Ordinance makes a law that Parliament is not competent to enact under the Constitution, it shall be considered void.
- If an Ordinance lapses, the only option for the government is to reissue or re-promulgate it.
- **National emergency** - While a proclamation of national emergency is in operation, the President can issue ordinances on the State subjects also, if the Parliament is not in session.
- 38<sup>th</sup> Amendment Act 1975 made the promulgation of ordinances by the president, governors and administrators of union territories **non-justiciable.**

*Ordinances have the same force and effect as an act of Parliament but are in the nature of temporary laws.*

## Definition of Ordinance

### Article 123

- Power of president to promulgate ordinances during recess of Parliament. He can also withdraw it at any time.

### Article 213

- Power of governor to promulgate ordinances during recess of the state legislature. He can also withdraw an ordinance at any time.

### Article 239B

- Power of administrator to promulgate Ordinances during recess of Legislature.

### Act of Parliament

- Ordinances have the same force and effect as an act of Parliament but are in the **nature of temporary laws**.

### National emergency

- While a proclamation of national emergency is in operation, the President can issue ordinances on the state subjects also, if the Parliament is not in session.

### Re-promulgation of Ordinance

- If an Ordinance lapses, the only option for the government is to reissue or re-promulgate it.

### Non-justiciable

- **38th Amendment Act 1975** made the promulgation of ordinances by the president, governors and administrators of union territories non-justiciable.

## Government of NCT of Delhi Ordinance, 2023

### Power to Lieutenant Governor (LG)

- The ordinance give the Lieutenant Governor (LG) of Delhi more power **over the administration of services** in the national capital.

### Supreme Court's verdict

- The ordinance nullify the Supreme Court's verdict and strengthen the role of the Lieutenant Governor

### NCCSA

- A new **statutory body** responsible for making recommendations to the LG regarding transfer postings, vigilance, and other related matters was established.

### Federalism

- It violates the principle of federalism by giving the LG more power than the elected government of Delhi

### Undemocratic

- As it gives the LG more power, it undermines the powers of the elected government of Delhi.

## 2.5 Question Hour and Procedure for Questionnaire

Members of Parliament (MPs) raise questions during Question Hour to hold the government accountable for its policies and actions.

- **Question Hour** – It is the **1st hour** of every parliamentary sitting.
- **Duration** - 1 hour
- MPs ask questions to ministers and also to the private members (MPs who are not ministers).

	Starred Questions	Unstarred Questions	Short Notice Questions	Questions to Private members
Colour of notice	Green	White	Light pink	Yellow
Number of questions/ day	20 (Each MP is allowed to ask 1 starred question per day)	230	-	-

Notices in advance	At least 15 days	At least 15 days	Less than 10 days	-
Reply	Oral	Written	Oral	-
Supplementary Question	Allowed	Not allowed	Allowed	-

### Procedure for Questionnaire

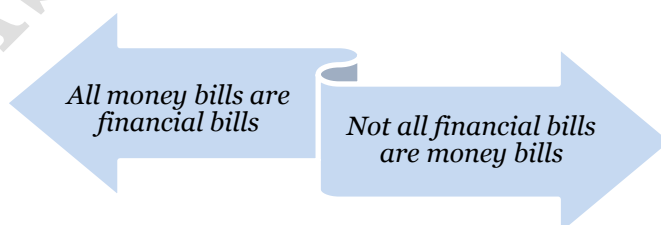
- **Governed by** - Rules of Procedure and Conduct of Business in Lok Sabha and the Directions by Speaker, Lok Sabha
- **Prior notice** – Addressed to the lower house's Secretary-General.
- **Submission of notices** – Either through Member's Portal or through the printed forms as in the Parliamentary Notice Office.
- It should not be more than 5 notices/day
- **Admissibility of question** – Decided by Lok Sabha Speaker
- **Conditions for admissibility** – It shouldn't allow questions containing
  - More than 150 words and on matters which may weaken the unity and integrity of the country
  - Arguments, defamatory statements or referring to the character of a person except in official capacity
  - Queries raising larger issues of policy
  - Any subject pending judgment before any court/tribunal/body or under Parliamentary Committee



## 2.6 Money Bill vs Financial Bill

The Digital Personal Data Protection (DPDP) Bill which was earlier reported as a financial bill, is now categorised as a normal bill by the Ministry of Parliamentary Affairs.

- **Financial bill** - Any Bill that relates to revenue or expenditure is a financial Bill.
- A money Bill is also a specific type of financial Bill, which must deal only with matters specified in Article 110.
- It deals with taxes, regulation of the government's borrowing of money, and expenditure or receipt of money from the Consolidated Fund of India.



- **Procedure-** Article 109 delineates the procedure for the passage of such a Bill and confers an overriding authority on the Lok Sabha in the passage of Money Bills.
- **Role of Speaker-** He takes the final call if a bill is a money bill or not. And his decision cannot be challenged in any court of the country.
- Examples- Money Bills and other financial Bills originating solely in the Lok Sabha.
- Art: 117 deals with finance bill more like normal bill.

Types of Financial Bill		
Money Bill	Article 110	<p>Types of Financial Bill</p>
Financial Bill I	Article 117(1)	
Finance Bill II	Article 117(3)	

- **President role-** The major difference with normal bill is that it involve expenditure from the Consolidated Fund of India and cannot be passed by either House unless the President has recommended its consideration.
- **Prerequisites-** The two conditions necessary for financial bill to become a money bill is,
  - It must be introduced only in the Lok Sabha and not the Rajya Sabha.
  - It can be introduced only on the President's recommendation.

Features	Money Bill	Financial Bill
<b>Constitutional Provision</b>	Article 110	Article 117
<b>Introduced by</b>	Introduced only by a minister	Introduced either by a minister or by a private member
<b>Approval of President</b>	Requires prior recommendation before introduction Exemption- Amendments related to reduction or abolition of any tax	No prior recommendation of the President is required
<b>Introduction</b>	Only in Lok Sabha	Finance I bills are introduced in Lok Sabha while Finance II bills can be introduced in any of the two houses
<b>Rajya Sabha</b>	Rajya Sabha cannot amend or reject, it should return the bill with or without recommendations which may be accepted or rejected by the Lok Sabha	Rajya Sabha can amend it
<b>Time period for Rajya Sabha</b>	Can be detained by the Rajya Sabha for a maximum period of 14 days only.	Can be detained by the for a maximum period of 6 months.
<b>Speaker's endorsement</b>	Requires the certification of Speaker	Doesn't require Speaker's certification
<b>Joint sitting</b>	No provision for joint sitting	Has a provision for joint sitting of Lok Sabha and Rajya Sabha
<b>President's assent</b>	He/She can either give assent or withhold it but cannot return the bill	He/She can give assent, return the bill or either withhold the bill

## 2.7 Suspension of MPs

Recently 78 opposition MPs have been suspended for disrupting Parliamentary proceedings over the Parliament security breach issue, the highest number of MPs suspended in a single day in the history of Indian Parliament.

About	Lok Sabha	Rajya Sabha
<b>Power to suspend</b>	Speaker	Chairman
<b>Rules of procedure and conduct of business</b>	Rules 373, 374, and 374A	Rules 255 and 256
<b>Procedure for suspension</b>	Rule 374A allows the Speaker to automatically suspend an MP for five days or the remaining part of the session	Automatic suspension is not available here, a motion has to be moved and adopted by the House to suspend an MP
<b>Authority of presiding officers</b>	To direct, name, and suspend MPs for disorderly conduct, as per the rules of procedure and conduct of business in each House	
<b>Mild offences</b>	<ul style="list-style-type: none"> <li><b>Admonition</b> - milder form of reprimand, given by the Presiding Officer of the House.</li> <li><b>Reprimand</b> - severe form of admonition given by the President or the Vice-President of India in the Central Hall of Parliament, in the presence of both Houses.</li> </ul>	
<b>Punishment of withdrawal</b>	<ul style="list-style-type: none"> <li>If the Presiding officers is of the opinion that the conduct of any member is grossly disorderly, may direct such Member to withdraw immediately from the House.</li> </ul>	

	<ul style="list-style-type: none"> <li>The member so ordered to withdraw shall do so forthwith and shall remain absent during the remainder of the day's sitting.</li> </ul>
<b>Punishment of suspension</b>	<ul style="list-style-type: none"> <li>Continuing to disregard the Presiding Officer's directions can invite the punishment of suspension.</li> <li>A member can be suspended, at the maximum, for the remainder of the session only.</li> </ul>
<b>Reinstate suspended member</b>	The house at any time can reinstate a suspended member by passing a motion.
<b>Extreme misconduct</b>	The House may expel a member "to rid the House of persons who are unfit for membership."
<b>Court intervention in matter of suspension of MPs</b>	
<ul style="list-style-type: none"> <li><b>Article 122-</b> It protects the parliamentary proceedings from judicial scrutiny and grants immunity to the presiding officers and MPs from any legal action for their conduct in Parliament.</li> <li><b>Exceptions to Article 122-</b> The courts can intervene in some cases where the procedural rules of the legislature are violated or the fundamental rights of the legislators are infringed. <ul style="list-style-type: none"> <li>For example, courts can review the validity of <a href="#">anti-defection law</a> or the expulsion of MPs from the House.</li> </ul> </li> </ul>	

## 2.8 Select Committee

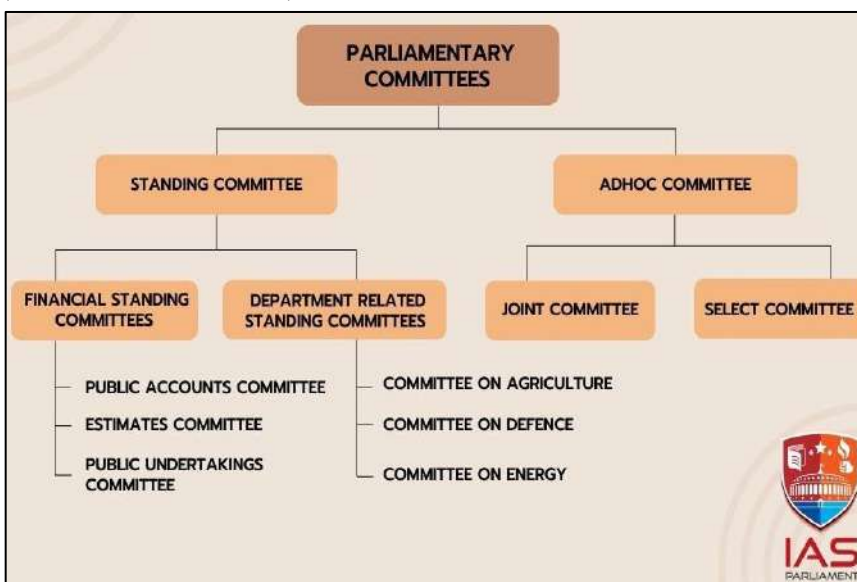
Recently, Home Minister has said that members had complained about the inclusion of their names in the proposed Select Committee for Delhi Services Bill, 2023 without their signatures.

### Parliament Committee

- Standing committees-** There are 12 Standing Committees that are permanent in nature.
- Members of standing committee is nominated from time to time by the Chairman.
  - Example- Privilege committee.
- Ad hoc Committees-** It is a temporary committee, which are set up for a specific purpose, such as examining a particular Bill.
- They are dissolved once that purpose has been served.
- The procedure it is to follow is laid down in the Rules of Procedure.
  - Example- Select Committee.

### Procedure of Select Committee

- Rule 125 of the Rajya Sabha Rules and Procedures-** Any member may move as an amendment that a bill be referred to a select committee and, if the motion is carried, the bill shall be referred to such a committee.
- Motion-** It is moved to refer a Bill to a Select Committee which can either be moved by the member in-charge of the Bill, or by any other MP.
- Decision-** The House decides on a motion moved by a member who will comprise the select committee.
- Appointment rules-** The members of the Select Committee on a Bill are appointed by the House when the motion that the Bill be referred to a Select Committee is made.
- No member is appointed to a Select Committee if he is not willing to serve on the Committee.



- **Chairman of the Committee** - He is appointed by the Chairman of Rajya Sabha.
- The member or Minister in-charge of the Bill is generally included as a member of the Committee.
- The actual number of memberships of the Select Committee varies from Committee to Committee.
- In Joint Committee, the proportion of members from the Rajya Sabha and the Lok Sabha is **1:2**.
- **Quorum**- It needs to be one-third of the total number of members of the committee.
- **Casting vote**- In case of equality of votes on any matter, the chairman (or any other person presiding) will have a second or casting vote.
- **Sub-committee**- It is appointed by the select committee to examine any special points connected with the bill.
- **Final decision**- If there is doubt in any point of procedure or otherwise, the Chairman may refer the point to the Rajya Sabha Chairman, whose decision is final.
- **Deadline**- As soon as a bill has been referred to select committee it has to make a report within the time fixed by the Rajya Sabha.
- If no deadline has been fixed, the report is deemed to be presented before the expiry of 3 months from the date on which the House adopted the motion for the reference of the bill to the select committee.
- **Report**- Any member can record dissent.
- The report is of a recommendatory nature.
- **Deadlock**- It occurs in one of the following situations,
  - If a bill passed by one House is rejected by the other, or
  - The Houses have finally disagreed on the amendments to be made, or
  - More than 6 months have lapsed from the date of receipt of the bill by the other House without the bill being passed.
- **Joint sitting**- The President may call a joint sitting of the two Houses to resolve the deadlock.
- The bill is deemed to have been passed by both Houses in the form it is passed by a majority of the total number of members of both Houses present and voting.

“There is no provision for joint sitting on a money bill or a constitution amendment bill”

### Role of Select committee

- **Examine the Bill**- It checks the text of the Bill, clause by clause, in order to see that the Bill reflects clearly the intention behind the measure and the object proposed to be achieved is adequately brought out.
- **Ask for evidence**- It may invite memoranda from or take oral evidence of experts or interested persons and organisations.
- **Policy intention**- The Committee may also ask the Government officials to explain the policy behind the various provisions of the Bill.
- **Report**- After hearing the evidence, the Committee considers the various provisions of the Bill and formulates its conclusions and may amend the bill.
- **On the spot visit**- It may also visit organisations and institutions, etc. for on-the-spot study of a matter connected with the Bill.

## 2.9 Ethics Committee vs Privileges Committee

*Ethics Committee recommends expulsion of MP Mahua Moitra in cash-for-query case.*

- **History- Vohra committee report** submitted in 1995 pointed out the nexus between criminal gangs, police, bureaucracy and politicians have come clearly out in various parts of the country.
- **Recommendations** - A Presiding Officers' Conference held in Delhi in 1996 first mooted the idea of ethics panels for the two Houses.
- Committee of Privileges recommended the constitution of an Ethics Committee during the 13th Lok Sabha.

*An allegation of corruption against an MP can be sent to either **Ethics Committee or Privileges Committee**, but usually more serious accusations go to the latter.*

*The Ethics Committee can take up only cases of misconduct that involve MPs while Privileges Committee includes both MPs and non- MPs.*

- **Aim** - To oversee the moral and ethical conduct of members and examine cases of misconduct referred to it. The rules applicable to the Committee of Privileges also apply to the ethics panel.

Ethics Committee		
About	Lok Sabha	Rajya Sabha
Established	2000	1997
Members	Should not contain more than 15 members	10 members including Chairman
Nominated by	Speaker	Chairman
Chairperson	It is appointed by Speaker amongst the Committee members	It is from the largest party in the House
Term	Not exceeding 1 year	Not exceeding 1 year
Functions	<ul style="list-style-type: none"> <li>• It enforces the code of conduct of members of Parliament.</li> <li>• It examines the cases of misconduct and recommends appropriate action.</li> <li>• It is engaged in maintaining discipline and decorum in Parliament.</li> </ul>	

#### Procedure for complaints in ethics committee

- **Complaint**- Any person can complain against a member through another Lok Sabha MP, along with evidence of alleged misconduct.
- **Speaker**- He/She can refer to the Committee any complaint against an MP.
- **Committee** - Does not entertain complaints based only on media reports or on matters that are sub judice. It makes a prima facie inquiry and makes recommendations after evaluating the complaint.
- It presents its report to the Speaker, who asks the House if the report should be taken up for consideration.
- **Punishment**- Committee can recommend imposition of one or more of the sanctions like censure, reprimand, and suspension for a specific period.

#### Privileges Committee

- Privileges are enjoyed by individual Members as well as the House as a whole.
  - **Member of Parliament (MP)**- He/She can be examined for breach of privilege.
  - **Non-MP** - They can be accused of breach of privilege for actions that attack the authority and dignity of the House.

*In the case of Ethics Committee, only an MP can be examined for misconduct whereas both MPs and non- MPs can be accused of breach of privilege by the Privileges Committee.*

Privileges Committee		
About	Lok Sabha	Rajya Sabha
Members	15	10
Nominated by	Speaker	Chairman
Ex-officio Chairman	Speaker	Deputy Chairman
Functions	<ul style="list-style-type: none"> <li>• Can examine any complaint referred to it by the House or by the presiding officer and take up matters suo motto.</li> <li>• Can summon witnesses, examine documents and hear evidence.</li> <li>• Can recommend disciplinary action against any person found guilty of breach of privilege or contempt of the House</li> </ul>	

## 2.10 Special Session of Parliament

The Union Minister for Parliamentary Affairs, announced that a “special session” of Parliament would be held in September 2023.

- **Sessions** – India’s Parliament has **no fixed calendar** of sittings.
- The Parliament holds **3 sessions** in a year - Budget session (February-May), Monsoon Session (July-August), Winter Session (November-December)
- **Determining the sessions** - The **Cabinet Committee on Parliamentary Affairs** determines the date and duration of parliamentary sessions.
- It currently has **10 Ministers**, including those for Defence, Home, Finance, Agriculture, Tribal Affairs, Parliamentary Affairs, and Information and Broadcasting.
- The **Law Minister and the Minister of State for External Affairs** are special invitees to the Committee.
- The President is informed about the Committee’s decision, who then summons Members of Parliament to meet for the session.
- **Constitutional provision** – It was borrowed from the **Government of India Act of 1935** which specifies that **6 months** should not elapse between two parliamentary sessions.

The Constitution does not use the term “special session”.

### Special session of Parliament

- The term sometimes refers to sessions the government has convened for specific occasions, like commemorating parliamentary or national milestones.
- **Summon** - The **President**, who summons a regular Parliamentary session will summon this session also as per provisions of **Article 85(1)** of the Constitution.
- **Chair**- For the two Houses to be in session, the **Presiding Officers** should chair their proceedings.
- The procedural devices like **question hour would not be available** to MPs during the session.
- **Article 352 does** refer to a “special sitting of the House” which deals with proclamation of emergency.
- **44<sup>th</sup> amendment act 1978** added the part related to special sitting to add safeguards to the power of proclaiming emergency in the country.
- If a Proclamation of Emergency is issued and Parliament is not in session, then **one-tenth of Lok Sabha MPs** can ask the President to convene a special meeting to disapprove the Emergency.

Article 85(1) states that “The President shall from time to time summon each House of Parliament to meet at such time and place as he/she thinks fit”

- **Division**- The special sessions can be divided into two parts
  - **Proper special sessions**- It happens with debates or discussions, and
  - **Midnight sessions**- It happens without any debates.
- **Agenda**- It has been to either celebrate a historical legacy like the Indian freedom struggle and Indian Independence or to pass a bill.

#### Special session with debates

- **1962**- It was organised to discuss India-China war situation while the war was still on.
- **1997**- It was organised to mark 50 years of India’s independence.
- **2015**- It was a part of year-long celebrations to pay respects to the architect of the Indian Constitution, Dr Ambedkar.

#### Midnight special sessions

- **1947**- It was held on the eve of India’s independence.
- **1972**- To celebrate 25 years of India’s independence.
- **1992**- To mark the 50th anniversary of the ‘Quit India Movement’.
- **1997**- To mark 50 years of independence.
- **2017**- It was for the first time, a bill was discussed in a special session (for the GST rollout).

- It holds a special place in the parliamentary calendar and history of democratic India.
- **Special sitting in Lok Sabha**- It was organised on May 13, 2012, a Sunday, to commemorate the 60th anniversary of the first sitting of the Indian Parliament.

- **Special sitting in Rajya Sabha**- It was organised in 1977 and 1991 when the Lok Sabha was under dissolution to decide on the President's Rule.
- **2023 special session**- Amidst Amrit Kaal, Parliament had fruitful discussions and debates.

## 2.11 Reforming Anti-defection Laws

*Ajit Pawar being sworn in as the Deputy CM of Maharashtra raises several questions about the health of our democracy.*

- **Anti-defection law** - The [Tenth Schedule](#) to the Constitution does not allow a legislator to switch party loyalties through voting against party direction on the floor of the House or through actions outside the House.
- The political party can choose to condone the actions of a legislator in case of voting against party direction.
- But a **merger of two-thirds** or more legislators in that House with any other party is not considered defection.
- **Political party Vs Legislature party** - The SC in Subhash Desai v Principal Secretary, Governor of Maharashtra (2023) drew a distinction between a political party and legislature party.
- Only the political party can appoint the leader of the legislature group and the whip.
- **Issue** - To determine which is the political party that gets to decide on the appointment of leader of the group and whip.

### Role of ECI in regulating Political parties

- Election Commission of India (ECI) fundamentally draws its power from [Article 324](#) of the Constitution that provides for "superintendence, direction and control of elections"
- **Register & deregister** - ECI under [Section 29A of the Representation of People Act of 1950](#), has the power to register political parties.
- The Supreme Court in Indian National Congress (I) vs Institute of Social Welfare & Ors (2002) made it clear the ECI cannot deregister a party for violating the Constitution.
- The ECI also cannot deregister a party for breaching the undertaking given to it at the time of registration.
- **Adjudicate** - The ECI has the power to decide disputes between factions of a political party, in case of a **"split"** under Para 15 of the Election Symbols (Reservation and Allotment) Order, 1968.

## 2.12 Constitutional Amendments for State's Ratification

*The Law Ministry has recommended the Ram Nath Govind panel to examine if the constitutional amendments required to facilitate simultaneous elections would require ratification by the States.*

- **Article 368**- It states that the Parliament may, in exercise of its constituent power, amend by way of addition, variation or repeal any provision of the Constitution in accordance with the procedure laid down for the purpose.
- **Limitation**- In the [Kesavananda Bharati case \(1973\)](#), the Supreme Court ruled that the Parliament cannot amend those provisions which form the **'basic structure'** of the Constitution.

### Procedure for Constitutional Amendment

- **Simple majority**- Does not require specific quorum.
- It is applicable to
  - **Article 4**- It is related to changes in the organisation of states
  - **Article 169**- It deals with abolition or creation of Legislative Councils in States
  - **Schedule VI**- Provisions for administration of Tribal Areas in Assam, Meghalaya, Tripura and Mizoram.
- **Special majority** - The requirement is applicable only to the final voting stage.
- **Lok Sabha rules** prescribes adherence to special majority at all effective stages of the Bill.

**“**  
Article 368 in Part XX  
Power of Parliament to  
amend the Constitution  
and its procedure  
**”**

- It is applicable to - Fundamental Rights, Directive Principles of State Policy, All other provisions which are not covered by the 1<sup>st</sup> and 3<sup>rd</sup> categories.
- **Special majority + States ratification**- The moment half of the states give their consent, the formality is completed. There is no time limit within which the States should give their consent to the bill.
- **Revoking the ratification** by States- There is no specific mention in the Constitution
- States Ratification was applied for
  - **99<sup>th</sup> Amendment Act**- Established the National Judicial Appointments Commission (NJAC) for the appointment of Supreme Court judges
  - **101<sup>st</sup> Amendment Act 2016**- Introduced GST regime

<b>Simple majority</b>	<ul style="list-style-type: none"> <li>• It is outside the purview of Article 368.</li> <li>• It is amended in the same way as normal legislations are passed</li> </ul>
<b>Special majority</b>	<ul style="list-style-type: none"> <li>• For amending provisions not within the first category.</li> <li>• Majority of total membership of each House and</li> <li>• Majority of 2/3rd of the members of each House present and voting.</li> </ul>
<b>Special majority + States ratification</b>	<ul style="list-style-type: none"> <li>• It is related to the federal structure of the polity</li> <li>• Amendment-Special majority of Parliament</li> <li>• Half of the state legislatures consent by simple majority</li> </ul>

### States Ratification in the U.S.

- The U.S. Constitution **does not specify** any such time period. However, in **Dillon v. Gloss (1921)**, the U.S. Court held that State ratification must take place within 'reasonable time'.
- The US Court held that a State can ratify an amendment even if it has rejected it previously.

- **Federal structure**- Specifically listed in Article 368(2) and are commonly referred to as 'entrenched provisions'

Entrenched Provisions	Article
Election to the President of India	Article 54 and 55
Extend of the executive power of the Union or State government	Article 73 and 162
Union judiciary	Article 124-147
High court	Article 214-231
Distribution of legislative powers between the Union and the states	Article 245 to 255
Any of the lists mentioned in 7 <sup>th</sup> schedule	Union list, State list, Concurrent list
Representation of states in the Parliament	Article 82
Goods and Services Tax Council	Article 279-A
Power of Parliament to amend the Constitution and its procedure	Article 368 itself

### 2.13 Legislators Immunity from Bribery Charges

Recently, Supreme Court referred to a 7-judge bench to question whether the legal immunity of legislators under Articles 105(2) and 194(2) protects them from bribery charges.

#### Parliamentary Privileges

- It provides immunities & exemptions to the 2 houses of the Parliament, their committees and their members.
- Without these privileges the Houses can neither maintain their authority, dignity and honour nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities.

- **Extension-** To those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees. These include Attorney General of India and Union Ministers.
- **Exception-** The parliamentary privileges do not extend to the President who is an integral part of the Parliament.
- **Article 121-** Restricts members from discussing the conduct of judges of the Supreme Court and the High Court.
- Freedom of speech in Parliament is subject to the provisions of the Constitution and the rules regulating the procedure of the Houses.
- **Rajya Sabha Rulebook-** An essential pre-requisite for the efficient discharge of their Parliamentary duties, in the absence of which, they may not be able to speak out their mind and express their views in the House without fear.
- **Classification**
  - **Collective privileges-** Those privileges that are enjoyed by each house of Parliament collectively.
  - **Individual privileges-** Those privileges that are enjoyed by the members individually.

### Provisions that grant legislators immunity from prosecution

- **Article 105** – Deals with the powers, privileges, etc. of the Houses of Parliament and of the members and committees thereof.
- **Article 105(2)** – No MP shall be liable to any proceedings in any court in respect of anything said or vote given by him in Parliament and no person shall be liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- **Article 194(2)** extends this immunity to MLAs.
- **Defamation** – The defamation suit cannot be filed for a statement made in the House
- **Role of Speaker-** In cases where a member oversteps or exceeds the contours of admissible free speech, the Speaker of the House will deal with it, as opposed to the court.

### 2.14 Article 310 and Article 311

*Recently President terminated services of Army Major posted with Strategic Forces Command under the powers conferred upon him under the article 310.*

- **Article 310** – The following members work at the **pleasure of the President**:
  - Members of the defence services, Civil services of the Centre and All-India services or persons holding military posts or civil posts under the Centre.
- The following members work at the **pleasure of the Governors** of the respective state:
  - Members of the civil services of a state or persons holding civil posts under a state.
- **Article 311** – It places 2 restrictions on the above ‘doctrine of pleasure’.
  - A civil servant cannot be dismissed or removed **by an authority subordinate** to that by which he was appointed.
  - A civil servant cannot be dismissed or removed or reduced in rank except **after an inquiry** in which he has been informed of the charges against him.
- The above 2 safeguards are available only to the members of the civil services of the Centre, the all-India services, the civil services of a state or to persons holding civil posts under the Centre or a state.

### 2.15 Governor’s grant of assent to Bills

*The Supreme Court recently said that the constitutional deadlock created by Governors was a serious concern.*

- **Article 200** – Gives Governor the power to decide on bills passed by the State legislature.
- **Ordinary Bills** – The Governor has 4 alternatives, when he is presented with the ordinary bills which includes:
  1. He may give his assent to the bill, the bill then becomes an act.
  2. He may withhold his assent to the bill, the bill then ends and does not become an act.

3. He may **return the bill** for reconsideration of the House.
  4. He may **reserve the bill** for the consideration of the President.
- If the ordinary bills returned by the governor to the legislative assembly is passed again by the legislative assembly with or without amendments then the governor must give his assent to the bill.
  - The Governor *enjoys only a 'suspensive veto'*.
  - **Money Bills** – He has 3 alternatives when a Money bill is presented to him that includes:
    1. He may give his assent to the bill, the bill then becomes an act.
    2. He may withhold his assent to the bill, the bill then ends and does not become an act.
    3. He may reserve the bill for the consideration of the president.
  - The governor **cannot return a money bill** for the reconsideration of the state legislature.
  - When the Governor reserves a money bill for the consideration of the President, he will not have any further role in the enactment of the bill. President cannot return a money bill for the reconsideration of State legislature.

Governor	
About	Description
Articles 153	There shall be a Governor for each State.
Executive authority	Governor is a nominal executive head (titular or constitutional head)
7 <sup>th</sup> Constitutional Amendment Act, 1956	It facilitated the appointment of the same person as a Governor for two or more States
Office of Governor	The Governor is appointed by the Centre (Canadian Model)
Appointment (Article 155)	By President under his seal and warrant
Oath of office	Administered by the Chief Justice of the concerned State High Court. In his/her absence, the oath is administered by senior-most judge of that court available
Tenure	5 years, subject to the pleasure of the President
Resignation	Addressed to President of India
Legal immunity (Article 361)	Governor cannot be summoned for questioning except on his/her voluntary willingness to testify in the court in support of his/her controversial deeds.

## 2.16 Governor's Position on dismissal of Ministers

*The Governor of Tamil Nadu, R.N. Ravi, has dismissed a Minister in the Council of Ministers of Tamil Nadu.*

### Position of Governor

- Under Indian constitutional system, a **Governor** is a mere **constitutional head** whereas the real power lies with the Chief Minister of the State.

*There is no executive function which a Governor can perform independently under the Constitution.*

*-B.R.Ambedkar*



- He can **act only on the aid and advice of the Council of Ministers headed by the Chief Minister**.
- **Powers** - He is the vital link between the Union and State government.
- He enjoys both the constitutional as well as situational discretionary powers.
- He has Constitutional discretionary powers under Article 167, [Article 200](#) and Article 356.
- The Governor promulgate [ordinances](#) during recess of the state legislature under Article 213.

## Dismissal of Ministers

- Under **Article 164**, the Chief Minister is appointed by the Governor without any advice from anyone.
- Appointment** - The Governor appoints the individual Ministers **on the advice of the Chief Minister**.
- The Article implies that the Governor cannot appoint an individual Minister according to his discretion.
- Dismissal** - Logically, the Governor can dismiss a Minister **only on the advice of the Chief Minister**.
- The Constitution has not transferred the discretion of the Chief Minister to the Governor.

### 2.17 Governor's role as Chancellor

Recently, a Supreme Court bench reiterated that the governor acting as Chancellor are not bound the aid and advice of Council of Ministers.

- The Governor** has been designated as the Chancellor of most of the State public universities created by state legislature.
- Powers** – The Chancellor, by virtue of his office is a **Head of the University**, and vested with power to
  - Appoint the Vice-Chancellors**.
  - Annul decisions** of the various university bodies.
  - Conduct inspections** in the university in some states (such as Bihar, Gujarat, and Jharkhand).
  - Preside over the convocation** of the university, and confirms proposals for conferring honorary degrees.
- Controversies** – In 2022, West Bengal tried to replace the Governor with the Chief Minister as the Chancellor, while Tamil Nadu tried to transfer the power of appointing the Vice-Chancellor to the State government.
- Supreme Court** – Governor as a chancellor are **not bound by the aid and advice** of the council of ministers and shall **act only on his personal capacity**.
- The powers as a Chancellor have no relation to the exercise of the powers and duties as the State Governor.

### 2.18 Mercy Petition

The **Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023**, the replacement for the Criminal Procedure Code (CrPC), contains a provision on mercy petitions in death sentence cases.

About	Union	State
<b>Authority</b>	President	Governor
<b>Constitutional Provision</b>	<b>Article 72</b> -The President shall have the power to grant pardons, reprieves, respites or remissions of punishment.	<b>Article 161</b> - It covers pardoning powers on the governor
<b>Death sentence</b>	They can suspend, remit or commute the sentence of any person convicted of any offence for death sentence.	Governor <b><u>can't pardon</u></b> death sentence. He can suspend, remit or commute a death sentence.
<b>Jurisdiction</b>	The pardoning power of the President is applicable to the offence against Central law	It is applicable for the offence committed against State law
<b>Court Martial</b>	He can grant pardon, reprieve, respite, suspend, remit or commute sentences by a court-martial (military court).	Governor doesn't possess such powers.

### 2.19 Role of Deputy Chief Minister

Recently, Ajit Pawar was sworn in as Deputy Chief Minister (CM) in Maharashtra.

- Constitutional provisions**- Deputy CM is a political post, and it's **not a constitutional post** like Vice President of India.

- Its origin can be traced to the post of Deputy Prime Minister which was appointed in 1947 post-independence, **Sardar Vallabhai Patel** is the first Deputy PM of India.
- **Appointment and removal**- The appointment and removal of Deputy CM is entirely at the discretion of Chief Minister.
- Chief Minister can appoint **more than one** Deputy CM.
  - For example: Maharashtra has two Deputy CMs and Andhra Pradesh has 5 Deputy CMs.
- **Tenure** - There is **no fixed tenure** as Chief Minister may reshuffle the portfolio or remove a deputy CM at any point of time.
- As of Feb, 2024, **14 out of 28 states** have deputy CMs, with Andhra Pradesh leading the pack with five deputy CMs

## DID YOU KNOW?

- Anugrah Narayan Sinha from Bihar was the first leader after independence to hold the post of deputy CM.
- As of Feb, 2024, 14 out of 28 states have deputy CMs, with Andhra Pradesh leading with 5 deputy CMs

### Powers of Deputy CM

- **Rank**- Deputy CM rank is **equivalent to the rank of cabinet minister** in the state, and has same pays and perks as Cabinet Minister.
- The post is considered as **second highest ranking Executive officer** of the State Council of Ministers.
- **Financial Powers**- The deputy CM **does not enjoy** any specific financial power and holds the same financial powers as other cabinet ministers.
- Even for his own portfolio, the Deputy CM has to take approval of the chief minister for any expenditure over and above the allocated budget.
- Deputy CM has no authority to see the files earmarked for CM and the portfolios allotted to Deputy CM are routed to CM via Deputy CM.

### Deputy Prime Minister

- Deputy Prime Minister is the 2<sup>nd</sup> highest ranking minister of the Union Council of Ministers, which is not a constitutional post.
- The **first and longest served Deputy PM** of Independent India is **Sardar Vallabhai Patel**.
- Since 1947, India has 7 deputy PMs, of which none having at least one full term.
- **Lal Krishna Advani** was the **7<sup>th</sup> and last person** to serve as the Deputy PM of India.

## 2.20 Role of Opposition Party

Many Opposition political parties from across India have formed the INDIA coalition for the 2024 Lok Sabha election.

- **INDIA coalition** - The Indian National Developmental, Inclusive Alliance (INDIA) is a coalition of certain Opposition political parties from across India to take on the ruling National Democratic Alliance (NDA) for the 2024 Lok Sabha election.
- **Opposition party** - The first general elections to the Lok Sabha after independence were conducted in 1952 and the Congress won the elections. None of the opposition parties could win one-tenth of the number of seats.
- In the first general election, CPI won 16 seats and emerged as the **largest opposition party**.
- In 1969, the Congress Party's (O) Ram Subhag Singh was recognised as the **opposition leader** for the first time.
- **Leader of opposition** - Leader of largest opposition party which is having **at least 1/10th seats** of the house is appointed as the Leader of opposition.
- It is **not mentioned in the Constitution** but mentioned in Parliamentary statute.
- Coalition is not possible in the opposition party. The post is recognised by the speaker.
- Leader of opposition (LoP) in Lok Sabha and Rajya Sabha has statutory status through Salaries and allowances of Leaders of opposition in Parliament Act of 1977 (both RS and LS).
- They receive salary and allowances equivalent to Cabinet Minister.
- **Present status** - The post of Leader of Opposition in Lok Sabha is vacant since 2019 parliamentary election as none of the opposition party could fulfil 10% quorum.

Unlike India, in the British parliament, the leader of opposition is referred to as the '**shadow prime minister**' and form a **shadow cabinet** to balance ruling cabinet. They not only oppose and criticise the government but always in a state of readiness to take over the government if the government falls.

### Role of opposition in a democracy

- Plays a crucial role in maintaining the democratic character of the system.
- Negates one-party dominance in Parliamentary houses.
- Provide a democratic political alternative in a Parliamentary system.
- Offer a sustained and principled criticism of the policies and practices of the ruling party.
- This kept the ruling party under check and balances the power.
- Uphold accountability of government in the legislature.
- Put forth the public opinion in the Parliament.
- **Conventionally Deputy Speaker of Lok Sabha is from opposition.**
- From 1967, **Chairman of Public Accounts committee** is from opposition by convention.
- Opposition or LoP is part of the appointment committees of **NHRC, Lokpal, CIC, CVC, CBI**, etc.

### 2.21 Tussle between Union and Delhi Government

The Supreme Court has ruled unanimously in favour of Delhi government on the issue of who controls the bureaucracy in the national capital.

- **Constitutional provision - Article 239AA** that was inserted in the Constitution by the **69<sup>th</sup> Amendment Act, 1991** contains special provisions with respect to Delhi.
- Article 243 AA conferred special status upon Delhi based on the recommendations of **Balakrishnan Committee (1987)** that was set up to look into Delhi's demands for Statehood.

Articles	Provisions
<b>Article 239AA (1)</b>	<ul style="list-style-type: none"> <li>• The Union territory of Delhi shall be called the National Capital Territory of Delhi (NCTD) and the administrator appointed shall be designated as Lieutenant Governor (L-G).</li> </ul>
<b>Article 239AA (2)</b>	<ul style="list-style-type: none"> <li>• There shall be a Legislative Assembly for the NCT and the seats shall be filled by members chosen by direct election.</li> </ul>
<b>Article 239AA (3)</b>	<ul style="list-style-type: none"> <li>• It states that the legislative assembly shall have power to make laws for the whole or any part of the NCTD in any matters enumerated in the State list or in the Concurrent list <b><u>except on the subjects of police, public order, and land.</u></b></li> </ul>
<b>Article 239AA (4)</b>	<ul style="list-style-type: none"> <li>• There shall be a Council of Ministers consisting of not more than 10% of the total number of members in the Legislative Assembly, with the Chief Minister (CM) at the head to aid and advise the Lieutenant Governor.</li> <li>• In the case of difference of opinion between the L-G and his Ministers on any matter, the L-G shall refer it to the President for decision and act accordingly.</li> </ul>
<b>Article 239AA (5)</b>	<ul style="list-style-type: none"> <li>• The Chief Minister shall be appointed by the President and other Ministers shall be appointed by the President on the advice of the CM.</li> <li>• The Ministers shall hold office during the pleasure of the President.</li> </ul>

### Interpretations of Article 239AA by the Supreme Court

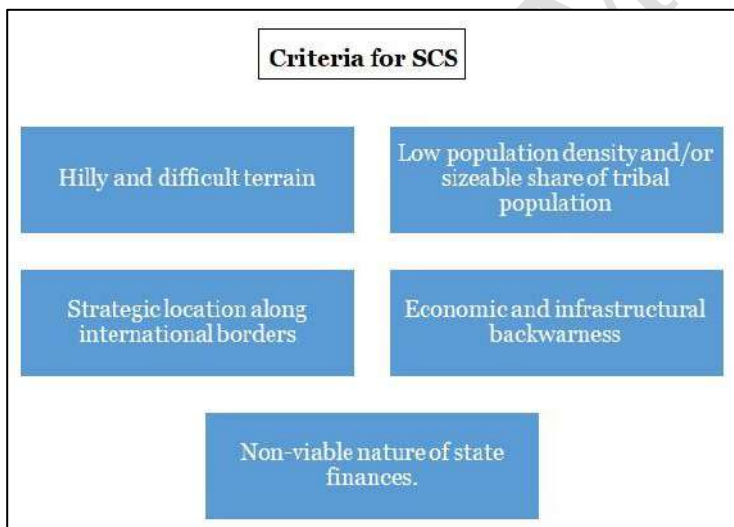
- Delhi government has the power to make laws and administer civil services in the national capital.
- The court limited the role of the Lieutenant Governor (LG) over bureaucrats in the capital to three specific areas such as public order, police and land.
- **Role of Lieutenant Governor** - The LG's role is to either **act on the aid and advice** of the Council of Ministers or implement their decisions.

- LG should not act in a mechanical manner and refer every decision of the Council of Ministers to the President.
- **Executive Power** - Lies under the exclusive executive power of the Delhi government except for police, land and public order.
- The court held that LG does not possess independent decision-making power and must act on the aid and advice of the Council of Ministers, subject to sound rationale.
- **Legislative Powers** - The court clarified that the Legislative Assembly of Delhi has the power to make laws on subjects in the Concurrent List and all but three excluded subjects in the State List.

## 2.22 Bihar's demand for Special Category Status

In light of the "Bihar Caste-based Survey, 2022" which showed that almost 33% of Bihar's people are poor, the State government seeks Special Category Status.

- **Special Category Status (SCS)** - It is a classification granted by the **Centre** to assist the development of States that face geographical or socio-economic disadvantages.
- **Launch year**- Introduced in 1969 on the recommendation of the 5<sup>th</sup> Finance Commission (FC).
- **Gadgil formula**- It was named after the then Deputy Chairman of the Planning Commission, Dr Gadgil Mukherjee which earmarked nearly 30% of the total central assistance for States to the SCS States.
- **Authority to grant SCS status**- National Development Council.
- **Discontinuation**- It was discontinued in 2015 after the 14<sup>th</sup> Finance Commission recommendations.



### Benefits of SCS

- **Centre-State funding**- Centrally sponsored schemes is divided in the ratio of **90:10**, far more favourable than the 60:40 or 80:20 splits for the general category States.
- **Preferential treatment in getting Central funds** - **30% of the Centre's gross budget** goes to special category.
- **Incentives**- These States can avail the benefit of debt-swapping and debt relief schemes.
- **Tax exemption**- States with special category status are exempted from customs duty, corporate tax, income tax and other taxes to attract investment. Concession is provided to excise duty for attracting industries.
- **Carry forward**- If they have unspent money in a financial year, it does not lapse and gets carry forward for the next financial year.
- **Increased devolution**- Assistance to SCS states has been subsumed in an increased devolution of the divisible pool funds for all States (increased to 41% in the 15th FC from 32%).

About	Special Category Status	Special Status
<b>Provision</b>	It is granted by the <u>National Development Council</u> , an administrative body of the government	The <b>Constitution (Article 371 to 371-J)</b> provides special status through an Act that has to be passed by 2/3 <sup>rd</sup> majority in both the houses of Parliament
<b>Powers</b>	Deals only with economic, administrative and financial aspects.	Empowers them with legislative and political rights.
<b>Applicable States</b>	<b>11 States</b> - Assam, Sikkim, Manipur, Nagaland, Himachal Pradesh, Mizoram Meghalaya, Tripura, Arunachal Pradesh, Uttarakhand, Telangana.	<b>12 States</b> - Maharashtra, Gujarat, Nagaland, Goa, Assam, Manipur, Andhra Pradesh, Arunachal Pradesh, Telangana, Sikkim, Mizoram and Karnataka.

## 2.23 Special Provisions of States

After Supreme Court upheld the validity of abrogation of Article, certain features of asymmetric federalism like Article 371 and Article 239A in Indian Constitution have come to limelight.

- **Asymmetric federalism** – Several states enjoy varying degrees of autonomy and relationship with the Centre.
  - **Article 371** – It deals with 12 states for better governance and political administrations.
  - **Article 239A** – It deals with the creation of local legislature for Union territory of Puducherry.
  - **Article 239AA** – It deals with national capital territory of New Delhi (NCT) which has the powers to legislate upon subjects in the state and concurrent lists in the 7<sup>th</sup> Schedule.

### Special provisions under Article 371

- **History** – It did not exist in the original constitution but was incorporated by amendments.
- **Incorporation** – Like Article 370, Article 371 also became a part of the Constitution since January 26, 1950.
- Articles 371(A-J) were incorporated through amendments under Article 368, which lays down the power of the Parliament to amend the Constitution and procedure therefor.
- **Constitution** – Article 371 to 371-J in Part XXI of the constitution titled 'Temporary, Transitional and Special Provisions'.
- **Validity** – All these exceptions would be operable till the crisis, either secessionist sentiments or war ceases.
- Despite the 'temporary' tag, there isn't any explicit expiry date.

Article	State	Provision
Article 371	Maharashtra and Gujarat	Governor has special responsibility to establish separate development boards for Vidarbha, Marathwada, and the rest of Maharashtra, and Saurashtra and Kutch in Gujarat.
Article 371A (13th Amendment Act, 1962)	Nagaland	No act of Parliament would apply in matter relating to religious and social practices, ownership and transfer of resources unless the state government pass a resolution of the same and the governor has special responsibilities with respect to law and order.
Article 371B (22nd Amendment Act, 1969)	Assam	The President may provide for the constitution and functions of a committee of the Assembly consisting of members elected from the state's tribal areas.
Article 371C (27th Amendment Act, 1971)	Manipur	The President may provide for the constitution of a committee of elected members from the Hill areas in the Assembly, and entrust "special responsibility" to the Governor to ensure its proper functioning.
Article 371D (32nd Amendment Act, 1973)	Andhra Pradesh and Telangana	It is substituted by The Andhra Pradesh Reorganisation Act, 2014. President must ensure equitable opportunities and facilities in public employment and education to people from different parts of the state.
Article 371E	Andhra Pradesh	Allows for the establishment of a university in Andhra Pradesh by a law of Parliament but this is not a "special provision" in the sense of the others in this part.
Article 371F (36th Amendment Act, 1975)	Sikkim	The members of the Legislative Assembly of Sikkim shall elect the representative of Sikkim in the House of the People and parliament may provide for seats in the Assembly, which may be filled only by candidates from certain sections of people.
Article 371G (53rd Amendment Act, 1986)	Mizoram	Parliament cannot make laws on religious or social practices, customary law, and administration of justice, ownership and transfer of land unless the state Assembly so decides.

Article 371H (55th Amendment Act, 1986)	Arunachal Pradesh	The Governor has a special responsibility with regard to law and order, and “he shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken”.
Article 371J (98th Amendment Act, 2012)	Karnataka	A provision for a separate development board for the Hyderabad-Karnataka region and there shall be equitable allocation of funds and equitable opportunities and facilities for people in government jobs and education.

## 2.24 Uniform Civil Code

Prime Minister Narendra Modi had called for the enactment of a Uniform Civil Code (UCC), pointing out the anomaly of having varying laws for different categories of citizens.

- Uniform Civil Code (UCC) provides for **one law for the entire country** across all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.
- UCC is defined in **Article 44** as part of the **Directive Principles of State Policy** (DPSP), in part of **Part IV** of the Constitution.
- Article 44** - It states that “The State shall endeavour to secure for the citizens a **Uniform Civil Code** throughout the territory of India”.
- UCC aims to enforce a uniform legal framework to all citizens, irrespective of their religion.
- UCC aims to safeguard the fundamental rights of all citizens and reduce social inequalities and gender discrimination.
- Legality** - The legality of UCC is rooted in the Constitution of India, Constituent Assembly debates and also Supreme Court of India judgments.
- Though DPSP is fundamental to the country’s governance, it is not enforceable or justiciable in a court of law.

### DID YOU KNOW?

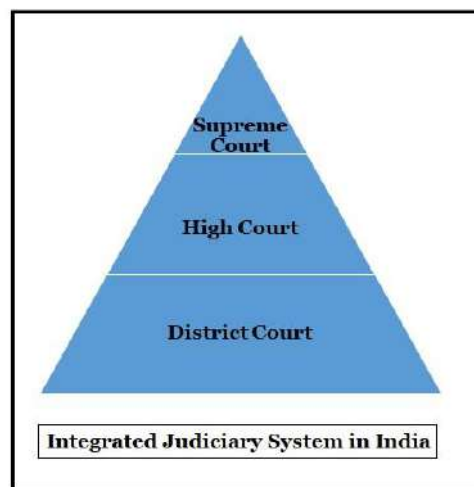
Uttarakhand Assembly is the first state to pass the UCC Bill after independence. So far, only Goa had UCC, which was enacted by the Portuguese in 1867

## 3. JUDICIARY

### 3.1 Supreme Court

The Supreme Court needs a structural overhaul to transform the Constitutional setup.

- India has a single integrated system of judiciary in view of a single Constitution.
- Establishment**- It was inaugurated on January 28, 1950.
- It succeeded the Federal Court of India and enforces both Central as well as the State laws.
- Constitutional provision**- Articles 124 to 147 in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures etc., of the Supreme Court (SC).
- It acts as the custodian of the Indian Constitution and the protector of the Fundamental Rights.
- Jurisdictions**- Supreme Court has 3 jurisdictions namely original, appellate and advisory.
- It serves as a Constitutional Court as well as a Court of Appeal.
- Article 145** – It says that a special bench of SC that comprises of at least 5 judges and deals with matters involving substantial question of law as to interpretation of the Constitution or the power of the President to consult the Court (Article 143).



Justice M. Fathima Beevi, the first woman judge of the Supreme Court passes away

- **Article 137**- It empowers the Supreme Court with the judicial review through which it can declare any law as void when it is unconstitutional or in derogation with the Fundamental Rights.
- **Article 13**- The laws which are contrary to the Fundamental Rights are declared as void by the judiciary.
- **Article 50** – It ensures the separation of Judiciary from Executive.

### Steps taken to simplify Legal Process

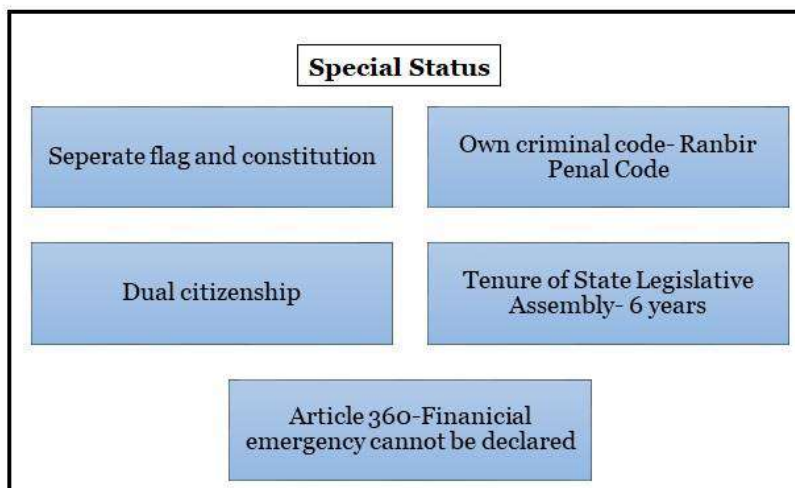
- **National Judicial Data Grid**- It is a web-based platform that provides case status, pendency, and disposal data of district and subordinate courts across the country.
- **eCourts Mission Mode Project**- Launched by the Department of Justice in collaboration with the Supreme Court to provide e-filing, digital case management, citizen-centric services etc.
- **Scheme for Action Research and Studies on Judicial Reforms**- It is implemented by the National Mission for Justice Delivery and Legal Reforms and provides financial assistance for conducting research, evaluation, monitoring, capacity building, and innovation in the areas of justice delivery, legal research and judicial reforms.
- **FASTER 2.0**- Fast and Secure Transmission of Electronic Records - Launched by the Supreme Court e-Committee to digitize all the judicial records and enable their online transmission between courts, tribunals, and other stakeholders.

### 3.2 Abrogation of Article 370

A Constitution Bench of the Supreme Court unanimously upheld the power of the President to abrogate Article 370 of the Constitution, which granted special status to the former State of Jammu and Kashmir (J&K).

#### Article 370

- **Origin**- Article 370 is derived from **Part XXI** of the Constitution under the title “Temporary, Transitional and Special provisions”.
- **Features** – Article 370 gave Kashmir its autonomy in internal administration and in all matters except for 3 subjects - **defence, external affairs, and communication**.
- Except for Article 1 (India is a Union of States) and Article 370 (Temporary provisions with respect to the State of J&K) of the Constitution of India, other provisions do not apply to J&K.
- Clause (1) (d) of Art 370 empowered the President of India to extend other provisions of the Constitution through an executive order with the **concurrence of the government of J&K**.
- Article 370(3) empowered the President to ‘declare Article 370 shall cease to be operative’ completely or partially but only if the **Constituent Assembly of J&K recommended** such an action.
- **Delhi agreement**, signed in 1952, extended the provisions of Indian Constitution regarding citizenship, fundamental rights to the State, in addition to the jurisdiction of the Supreme Court of India.
- The provision came into force as a result of the **Instrument of Accession** signed by erstwhile ruler of J&K Maharaja Hari Singh in **1947**.
- **Changes to Article 370** - Any changes to the Article 370 can be made in two ways -
  - **Clause (1)(d) of Article 370** empowered the President of India to extend other provisions of the Constitution through an executive order with the **concurrence of the government of J&K**.
  - **Clause 3 of Article 370** empowered the President to ‘declare that this article shall cease to be operative’ completely or partially but only if the **Constituent Assembly of J&K recommended** such an action.



- **Abrogation of Article 370** – The Constituent Assembly of J&K and no state government either in J&K and the President had no way to acquire the concurrence of the state government.
- The Centre, used the President's powers under Article 370(1)(d) to amend **Article 367**, which provides guidelines to interpret the Constitution.
- A new clause was added to Article 367, replacing "Constituent Assembly of the State" referred to in Article 370(3) by "Legislative Assembly of the State".
- On August 5, 2019, the President of India under Article 370(1), promulgated [the Constitution \(Application to Jammu and Kashmir\) Order, 2019](#).
- Thus, the presidential order route under Article 370(1)(d) was used to amend Article 370 itself.

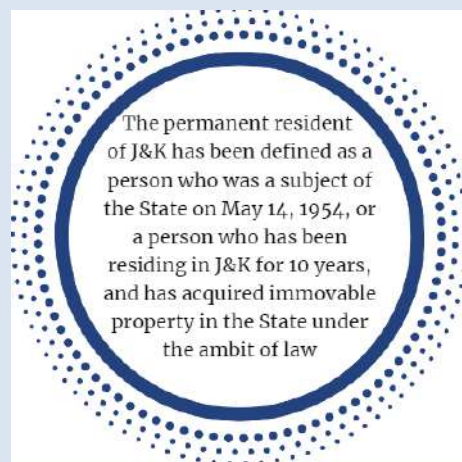
### Karan Singh's Proclamation of 1949

Supreme Court cited Karan Singh's Proclamation of 1949 while upholding the abrogation of Article 370. Yuvraj Karan Singh was the heir to the throne of Jammu and Kashmir after his father 'Maharaja Hari Singh'.

- **Repeal of Government of India Act, 1935** – It was until then governed the constitutional relationship between J&K and the dominion of India.
- **Applicability of Indian Constitution** – It shall govern the constitutional relationship between J&K and Union of India which shall be enforced by the king, his heirs and successors in accordance with the tenor of its provisions.
- **Supremacy of Indian Constitution** - It shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which were in force in J&K.
- Thus, the paragraph 8 of the Instrument of Accession ceased to be of legal consequence reflecting the full and final surrender of J&K's sovereignty to India.

### Article 35A

- **Origin-** Inserted as part of the amendments made through a **1954 Presidential order** under Article 370.
- **Features-** It grants the J&K assembly complete freedom to decide or define the **permanent residents** of the State. It allows J&K to confer special rights and privileges to permanent residents in
  - Public employment
  - Acquisition of immovable property in J&K
  - Settlement in different parts of the State
  - Access to scholarships
  - Other such aids that the State government provides
- It exempts the legislation with respect to permanent residents from being annulled on the ground that they infringe on any of the fundamental rights.
- It also **bars female residents of J&K from property rights** in the event that they marry a person from outside the state.
- It **forbids outsiders** from permanently settling, buying land, holding local government jobs or education scholarships in the region.



### 3.3 Divorce under Article 142

A five-judge Constitution Bench of the Supreme Court held that it can directly grant divorce to couples on irretrievable breakdown of marriage under Article 142 of the Constitution.

- **Procedure for divorce under the Hindu Marriage Act** - The Hindu Marriage Act, 1955 lays down the law for divorce which applies to Hindus, Buddhists, Jains, and Sikhs.
- **Divorce by mutual consent** - Provided under Section 13B of the Act.

#### Article 142 of the Constitution

##### Article 142

- Article 142 of the Constitution titled 'Enforcement of decrees and orders of the Supreme Court and orders as to discovery, etc.' has two clauses - Article 142 (1) and Article 142 (2).

##### Article 142(1)

- It reads the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing **complete justice** in any cause or matter pending before it.

- **Filing** - Both parties to the marriage must together file a petition to the district court on the ground that they have been living separately for a period of 1 year or more and have mutually agreed on divorce.
- The parties must move a second motion before the court between 6-18 months after the date of the presentation of the first petition.
- **Six-month period** - The mandatory six-month wait is intended to give the parties time to withdraw their plea.
- **Condition for mutual divorce** - A petition for divorce by mutual consent can be moved only after a year of the marriage.
- In case of 'exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent', the petition can be moved earlier under Section 14 of HMA.

### 3.4 ASI Survey of Gyanvapi Premises

Regarding the Gyanvapi case, the Archaeological Survey of India (ASI) report said that it can be said there existed a Hindu temple prior to the construction of the existing structure, that is the mosque.

#### Places of Worship Act

- **Aim**- The Places of Worship Act, 1991, seeks to prohibit the conversion of a place of worship and maintain its religious character as was at the time of India's Independence on August 15, 1947.
- **Features**- It bars the conversion, in full or part, of a place of worship of any religious denomination into a different religious denomination or even a different segment of the same religious denomination.
- Any suit or legal proceeding regarding the conversion of the religious character of any place of worship existing on August 15, 1947, pending before any court shall end and no fresh suit shall be instituted.
- **Exemptions**- Section 5 stipulates that the Act shall not apply to the Ramjanmabhoomi-Babri Masjid case.
- It exempts any place of worship, which is an ancient and historical monument or an archaeological site covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

#### Gyanvapi Mosque

- The Gyanvapi Mosque is believed to have been built in 1669 during the reign of Aurangzeb, who ordered the demolition of the existing Vishweshwar temple and its replacement by a mosque.
- This is also mentioned in the 1937 book History of Benares: From the Earliest Times Down to 1937 by AS Altekar.
- The name of the mosque is said to have derived from an adjoining well, the Gyanvapi, or Well of Knowledge.
- The plinth of the temple was left untouched, and served as the courtyard of the mosque.
- One of the walls of the temple became the qibla wall, the most ornate and important wall in a mosque that faces Mecca.
- Material from the destroyed temple was used to build the mosque.
- An old sculpture of the Nandi bull inside the compound of the present Kashi Vishwanath Temple faces the wall of the mosque instead of the sanctum sanctorum of the temple.
- It is believed that Nandi is in fact, facing the sanctum sanctorum of the original Vishweshwar temple.



*The mosque is not an ASI-protected site, and the ASI has no role in its maintenance or upkeep.*

#### Kashi Vishwanath Temple

- Details about the Shiva temple is described in the Kashi Khanda of Skanda Purana.
- The temple was constructed by the Hari Chandra in the 11th century.
- The present Kashi Vishwanath Temple was built in the 18th century by Rani Ahilyabai Holkar of Indore, immediately to the south of the mosque.

- The temple stands on the western bank of the holy river Ganga, and is one of the twelve Jyotirlingas, the holiest of Shivatemple.
- The main deity is known by the name Vishvanatha or Vishveshvara meaning Ruler of The Universe.
- The two domes of the temple were covered by the gold offered by the Punjab Kesari Maharaja Ranjeet Singh in 1839.
- Many Hindus have long believed that the original lingam of the erstwhile Vishweshwar temple was hidden by the priests inside the Gyanvapi well during Aurangzeb's raid.



### 3.5 Civil Union

A five-judge bench of the Supreme Court has ruled against legalising same sex marriage in India and raised divided opinions on adoption rights and civil unions.

- Civil Union is the **legal status that grants same-sex couples certain rights and responsibilities** which are normally given to married couples.
- Civil Union resembles a marriage and brings with it employment, inheritance, property and parental rights.
- **Civil Union vs Marriage** - Civil Union is similar to a marriage like legal sanction given to two individuals of same sex.
- Marriage is a religious institution recognized by law that allow two individuals (generally from opposite sex) to marry each other.
- Same sex marriage is outside the scope of religion-based definition of marriage.
- Civil Union is the tool devised to grant such similar legal protection to the couples of same sex marriage.

#### The Special Marriage Act, 1954 (SMA)

- It was enacted to facilitate the marriage of couples professing different faiths and preferring a civil wedding.
- **Conditions** - The marriage of any two persons may be solemnised under the SMA, subject to the man having completed 21 years of age and the woman 18. Neither should have a spouse living.
- Both should be capable of giving valid consent and should not suffer from any mental disorder that renders them unfit for marriage.
- They should not be within the degrees of prohibited relationship in such a way that their religion does not permit such marriages.
- **Procedure** - Parties to an intended marriage should give notice to the marriage officer of the district in which one of them had resided for at least 30 days.
- The marriage has to be solemnised within 3 months of the notice.
- **Objections** - Any person can object to the marriage within 30 days of the publication of the notice on the ground that it contravenes one of the conditions for a valid marriage.
- The marriage officer has to inquire into the objection and give a decision within 30 days.
- If he refuses permission for the marriage, an appeal can be made to the district court and the court's decision will be final.
- **Severance** - When a member of an undivided family who professes Hindu, Buddhist, Sikh or Jaina religions, gets married under SMA, it results in his or her severance (breaking off) from the family.

### 3.6 Supreme Court Handbook

The Supreme Court (SC) recently released a handbook meant to be used by the judges as a guide to gender-just language.

- It is a 30-page booklet launched to assist judges and the legal community in identifying, understanding and combating stereotypes about women.

- It contains a glossary of gender-unjust terms and suggests alternative words or phrases which may be used while drafting pleadings as well as orders and judgments.
- **Aim-** To identify the language that promotes gender stereotypes and offering alternative words and phrases
- To identify common reasoning patterns that are based on gender stereotypes particularly about women and discussing why they are incorrect.
- To highlight binding decisions of the Supreme Court that have rejected these stereotypes and can be utilised by judges to dispel gender stereotypes.
- **Delhi gang rape case-** In the 2017 Supreme Court ruling awarding the death penalty for the convicts in the Delhi gang-rape case, the verdict repeatedly uses the word “ravished” to say raped.

### 3.7 Fast Track Special Court (FTSCs)

*The Union Cabinet has approved the continuation of Fast Track Special Court (FTSCs) till March 2026.*

- It is a dedicated court to strengthen the deterrence framework for sexual offenders and to ensure the swift disposal of cases related to rape and the POCSO Act.
- **Launch– 2019**
- **Mandate** – Exclusively handle pending cases of Rape and POCSO Act.
- **Implemented by** – Department of Justice, Ministry of Law & Justice which has an online monitoring framework for monthly monitoring of case statistics.
- **Financing-** Centrally Sponsored Scheme (CSS)
- **Coverage** – A total of 1023 Fast Track Special Courts will be set up all over the country
- **Members** – 1 Judicial Officer and 7 Staff Members in each court.
- FTSCs will be linked to [National Judicial Data Grid](#).
- **Evaluation** – The Scheme will be evaluated by an independent external agency.

### 3.8 Nari Adalat

- It is a woman only court that address individual cases and also raise awareness about social schemes.
- It **does not hold any legal status** and primarily focused on reconciliation, grievance redressal and creating awareness of rights and entitlements.
- It is an initiative of Ministry of Women and Child Development under the **Sambal sub-scheme of Mission Shakti**.

### 3.9 Judges' post-retirement assignments

*Parliamentary panel recommends increasing retirement age of judges in High Courts, Supreme Court.*

- The committee tabled a report, titled Judicial Processes and Their Reform, in the Parliament.
- Representation of Scheduled Castes, Scheduled Tribes, women, and minorities in the higher judiciary is far below the desired levels.
- The Committee underscored the need for reassessing post-retirement assignments of judges.
- **Age increase** – While increasing the age of retirement for judges, performance of judges should be reassessed based on their health conditions, quality of judgments, and number of judgments delivered.
- **A proper system** – For this, a system of appraisal may be devised and put in place by the SC collegium before any judge is recommended for enhancement in tenure.

#### RAISING THE CEILING

▶ Panel said the retirement age needs to be increased since longevity has increased due to advancements in medical sciences

▶ Performance of judges should be reassessed based on their health conditions, quality of judgments, and number of judgments delivered

▶ Adequate representation of various sections of Indian society will further strengthen the trust, credibility, and acceptability of the judiciary

▶ Said collegiums, while making recommendations for appointments to the higher judiciary, should give an adequate number of women and candidates from the marginalised sections

- **Court leaves** – It bemoaned the colonial legacy of judges going on leave en masse.
- **Regional benches** – The panel felt that the demand for having regional Benches of the SC is about access to justice.
- **Article 130** – The committee recommended the SC invoke Article 130 of the Constitution to establish its regional Benches at four or five locations in the country.

### 3.10 Judicial Recusal

*The Supreme Court judge Justice MR Shah refused to recuse himself from hearing a plea by former Indian Police Service (IPS) officer Sanjiv Bhatt.*

- Judicial recusal is when a **judge withdraws from a case** due to a conflict of interest or a reasonable apprehension of bias.
- This is done to ensure that the case is decided fairly and that the outcome is not influenced by the personal biases of the judge.
- The practice of judicial recusal stems from the cardinal principle of ***due process of law***, which requires that all parties to a case be ***treated fairly and impartially***.

### 3.11 Forum Shopping

*The Chief Justice of India (CJI) DY Chandrachud condemns 'forum shopping' or 'bench hunting'.*

- **Forum shopping** as the practice of choosing the court which is likely to provide the most favourable outcome.
- Litigants or lawyers attempt to deliberately move their case to a particular judge or Court where they think the judgment could be more favourable.

### 3.12 All India Judicial Services (AIJS)

*In the inaugural session of Constitution Day celebrations at the Supreme Court, President Droupadi Murmu put forth a proposal for the establishment of an All-India Judicial Service examination.*

- **All India Judicial Service (AIJS)** - It is a proposal to create a centralized service for recruiting judges at the level of additional district judges and district judges for all States, similar to the UPSC civil service exam.
- **Article 312- 42nd Constitutional Amendment**, amended this article to confer power on the Rajya Sabha to initiate the process for setting up an AIJS.
- Rajya Sabha passes a resolution by **two-thirds majority** to declare it necessary or expedient in national interest.
- **Parliament's role**- It makes a law to create one or more all India services, including AIJS, and regulates their recruitment and service conditions.
- **Scope**- AIJS covers posts of district judge and above, as defined in **Article 236**. It will centralize the recruitment of judges at the level of additional district judges and district judges for all States.

#### History of AIJS

- **1st Law Commission, 1958**- In its 14th Report on Reform of Judicial Administration recommended creating a separate all-India service for judicial officers.
- **42nd Amendment Act, 1976**- It provided for AIJS in Article 312 which empowers the Parliament to create one or more all-India services common to the Union and the States.
- **Chief Justices Conferences**- In 1961, 1963, and 1965 favoured the creation of an AIJS.
- **Law Commission Report, 1978**- It discussed delays and arrears of cases in the lower courts and proposed the idea of AIJS.
- **Parliamentary Standing Committee, 2006**- The Committee on Personnel, Public Grievances, Law and Justice in its 15th Report backed the idea of a pan-Indian judicial service, and also prepared a draft Bill.
- **All India Judges Association vs Union of India**- In 1992 the Supreme Court directed the Centre to set up an AIJS.

- In a 1993 review of the judgment, however, the court left the Centre at liberty to take the initiative on the issue.
- **Centralized recruitment-** In 2017, the Supreme Court took Suo moto cognizance of the issue of appointment of district judges, and mooted a “Central Selection Mechanism”.

### Present system of selection

- **Constitutional provision- Articles 233 and 234** of the Constitution of India deal with the appointment of district judges and place it in the domain of the States.
- **Selection procedure-** It is conducted by the State Public Service Commissions and the concerned High Court, since High Courts exercise jurisdiction over the subordinate judiciary in the State.
- Panels of HC judges interview candidates after the exam and select them for appointment.
- **Provincial Civil Service (Judicial) exam-** It is commonly referred to as the judicial services exam, all judges of the lower judiciary up to the level of district judges are selected through this exam.

### 3.13 Article 226

*The recent verdict says that High Courts not empowered to issue a direction under Article 226 (its writ jurisdiction) of the Constitution for invocation of Article 355 of the Constitution.*

- **Article 226(1)** - High Courts has the ability and power to issue orders, instructions, and writs for the enforcement basic fundamental rights and other legal rights within its own jurisdiction.
- The writs include Habeas corpus, Mandamus, Prohibition, Quo warranto, Certiorari.
- **Article 226(2)** – It empowers High Courts outside their own local jurisdiction in circumstances when the cause of action is completely or partially within their local jurisdiction.
- **Article 226(3)** - When an interim order is issued against the respondent under Article 226 in the form of an injunction or a stay without:
  - Providing the respondent with a copy of the petition and any relevant evidence; and
  - Providing the respondent with an opportunity to be heard.
- **Article 226(4)** - The jurisdiction granted to the High Courts under Article 226 does not preclude the Supreme Court from using its powers under Article 32(2).

Writ	Purposes
<b>Habeas corpus</b>	It is used to enforce the fundamental right of individual liberty against unlawful detention
<b>Mandamus</b>	It is used for enforcing the performance of public duties by public authorities of all kinds.
<b>Prohibition</b>	It is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess.
<b>Certiorari</b>	It is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or to squash the order of the latter in a case.
<b>Quo Warranto</b>	It is issued by the court to enquire into the legality of the claim of a person to a public office.

### Comparison with Supreme Court's writ

- **Articles 32 and Article 226** provide the Supreme Court and the High Courts to issue writs if any citizen's rights and freedoms are violated.
- The High Court has broad powers to issue orders and writs to any person or authority under Article 226 of the Indian Constitution.
- The jurisdiction of the Supreme Court to issue writs extends all over the country. The jurisdiction of the High Court to issue writs is limited only to the state or the union territory which comes under the jurisdiction of the concerned High Court.
- The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside its territorial jurisdiction if the cause of action arises within its territorial jurisdiction.

- Thus, the territorial jurisdiction of the Supreme Court for the purpose of issuing writs is **wider than** that of a high court.
- A high court **may refuse** to exercise its writ jurisdiction.

### 3.14 Suswagatam Portal

*CJI Chandrachud announces the launch of 'Suswagatam' portal for e-passes to enter Supreme Court.*

- Suswagatam is a web-based and mobile-friendly application that allows users to register themselves online.
- The app enables advocates, visitors, interns to register themselves online and get e-passes to enter apex court.
- The users can request for e-passes for various purposes such as attending court hearing, meeting etc.

### 3.15 Advocate-on-Record system (AOR)

*Recently, the Supreme Court (SC) pulled up an Advocate-on-Record (AoR) for filing a frivolous case before the court.*

- AORs are a pool of elite Delhi-based lawyers whose legal practice is **mostly before the SC** but they can appear before other courts too.
- **Need for AORs** – A lawyer with special qualifications, picked by the Supreme Court itself, is equipped to appear for a litigant as the SC is a court of the last opportunity for the litigant.
- **Eligibility** – It is prescribed by **Supreme Court Rules, 2013**. They are
  - To have **at least 4 years of practice** and **at least 1 year training** with a court approved AoR.
  - Securing at least 60% score in the exam set by the Court itself with at least 50% in each subject.
  - Having **an office in Delhi within a 16 km radius of the SC** and to give an undertaking to employ, within 1 month of being registered as an AoR, a registered clerk.
- **Role** – In Supreme Court, **only an AoR can file cases** and thus forms an essential link between the litigant and the Court.
- An AoR might engage other lawyers including senior counsels to argue before the highest court of the country.
- **Governing Rules** – According to **Section 30 of the Advocates Act**, any lawyer enrolled with the bar council is entitled to practice law before any Court or tribunal in the country.

### 3.16 Justice Clock

*Recently, Justice Clocks have been installed across the court complexes of high courts.*

- Justice Clock is a **LED display message sign board system** (electronic signage system).
- It is to make effective use of database created through **National Judicial Data Grid (NJDG)** and to make the information available to public.
- Initiative of **Ministry of Law and Justice** to bring awareness to the public about justice sector, advertising the various schemes of the department and to give status of various fields to the public.
- **Contents displayed** - The clock will display the schemes of the Department of Justice and how citizens can benefit from the projects such as e-Courts, Access to Justice and Legal Aid to Poor.
- A total of 39 Justice Clocks are functional in 25 High Courts.

### 3.17 Truth and Reconciliation Commission (TRC)

*One of the Justice of Supreme Court recommended setting up a Truth and Reconciliation Commission to look into alleged violations of human rights in J&K and to recommend measures for reconciliation.*

- It is an official mechanism to acknowledge and **reveal the wrongdoings by both state and non-state**.
- **Aim** – To address and resolve the conflicts of the past.
- It focusses on putting together information and evidence from both the victims and the perpetrators of violence, rather than on prosecution and punishment for crimes.

- **Definition** – According to the Priscilla B. Hayner, a TRC
  - Focuses on the past, rather than ongoing events
  - Investigates a pattern of events over a period of time
  - Engages directly and broadly with the affected population, gathering information on their experiences
  - Acts as a temporary body, with the aim of concluding with a final report.
  - Is officially authorized or empowered by the state under review

**Countries with TRC** – Kenya, Uganda, South Africa, Canada, Australia, Sri Lanka and Nepal

### 3.18 Justice Gita Mittal Committee

*Supreme Court panel flags reconstruction of lost essential documents of victims as the first healing step in Manipur.*

- The committee was constituted to supervise, intervene and monitor relief and rehabilitation, restoration of homesteads, religious places of worships, better relief work, etc. in **Manipur**.
- The committee is led by former Jammu & Kashmir High Court Chief Justice Gita Mittal, the committee includes Justices (retd) Shalini P Joshi and Asha Menon.
- The primary goal behind the committee is to restore public confidence, reinforce faith in the rule of law, and rebuild trust within the affected community.
- The committee has filed three separate reports in the Supreme Court after meeting stakeholders.

### 3.19 Pro Bono Legal Service Programme

- It is an initiative of the Department of Justice, launched in April 2017.
- It aimed at enhancing "access to justice" for marginalised sections of the society and the state's constitutional obligation of providing "free legal aid" for all.
- Pro bono is a Latin phrase that means "for the good of the people".

## 4. CONSTITUTIONAL & NON-CONSTITUTIONAL BODIES

### 4.1 UPSC Chairman

*Educationist Manoj Soni became the chairman of Union Public Service Commission (UPSC).*

- UPSC is a Constitutional Body under **Article 315-323 Part XIV** of the Constitution.
- UPSC is the central recruiting agency of India. It conducts examinations for appointments to the All-India Services and various **Group A and Group B Services** of the Union.
- The Chairman and other members of UPSC shall be appointed the **President** of India (**Article-316**)
- The Chairman and members can be removed only by the **President**.
- They hold office for a term of **5 years or until they attain the age of 65 years**, whichever is earlier.
- Their salary is charged from the Consolidated Fund of India.
- **Acting Chairman** - President can appoint one of the members of the UPSC as an acting Chairman when,
  - The office of the Chairman falls vacant or
  - The Chairman is unable to perform his/her functions due to absence or some other reason.
- **Members** - The Commission can have a maximum of 10 members. The number of members is decided by the President under his discretion.
- The members of the commission are **not eligible for the reappointment to the same commission**.

## 4.2 16<sup>th</sup> Finance Commission

Centre appoints former NITI Aayog Vice Chairman Arvind Panagariya as Chairman of 16th Finance Commission and four other members which includes 3 full time members.

- **Finance Commission - Article 280** of the Constitution of India provides for a quasi-judicial body, the Finance Commission.
- It is constituted by the **President** of India every fifth year or at such earlier time as he considers necessary.
- The recommendations made by the Finance Commission are **only advisory** in nature and hence, **not binding** on the government.
- **15<sup>th</sup> Finance Commission** - It was constituted in 2017 by President under the chairmanship of **N.K.Singh**.
- **Tenure**- 5 years (2021-22 to 2025-26)
- **Vertical Devolution**- It is the devolution of taxes to the states by Union.
  - 41% of the divisible pool is recommended (1% adjustment is made due to bifurcation of Jammu and Kashmir into Union Territories).
- **Horizontal Devolution**- It is devolution of taxes between states.
  - Demographic performance- 2.5%
  - Income-45%
  - Population and area- 15% each
  - Forest and ecology-10%
  - Tax and fiscal efforts-2.5%
- **Other grants provided**
  - Revenue deficit grants
  - State specific grants
  - Grant to local bodies
  - Disaster risk management

Performance based incentives and grants to States	
Themes	Focus
Social sector	Health and education
Rural economy	Agriculture and maintenance of rural roads
Governance and administration	Judiciary, statistics, Aspirational districts and blocks
Power sector	Performance based incentive

## 4.3 Comptroller and Auditor General of India (CAG)

CAG is one of the most important institutions of the country to ensure public accountability of the executive.

Feature	Comptroller and Auditor General	
<b>Constitution</b>	<b>Article 148</b> provides for an independent office of the CAG.	
<b>Financial administration</b>	<ul style="list-style-type: none"> <li>• CAG is the head of <u>Indian Audit and Accounts Department</u></li> <li>• He/She is the <u>guardian of the public purse</u> and controls the entire financial system of the country at the Centre and the State level.</li> </ul>	<div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>CAG, Supreme Court, Election Commission and Union Public Service Commission - <b>bulwarks of democratic system of government</b></p> </div>
<b>Appointment</b>	<u>President</u> by a warrant under his hand and seal	
<b>Core Values</b>	<ul style="list-style-type: none"> <li>• <b>Institutional values</b>- Maintaining professional standards, objective and balanced approach, independence and transparency.</li> <li>• <b>People values</b>- Ethical behaviour, integrity, professional competence, fairness and social awareness</li> </ul>	
<b>Tenure</b>	6 years or up to age of 65 years whichever is earlier	

<b>Resignation</b>	CAG can resign any time from his office by addressing the resignation letter to President
<b>Removal</b>	<ul style="list-style-type: none"> <li>Same manner as <u>a judge of Supreme Court</u></li> <li>Can be removed by the <u>President</u> on the basis of a resolution passed to that effect by both the Houses of Parliament with <u>special majority</u>.</li> <li>Reason for removal - Proved misbehaviour or incapacity</li> </ul>
<b>Reappointment</b>	Not eligible for further office, either under the Government of India or of any State
<b>Salary &amp; service</b>	<ul style="list-style-type: none"> <li>Determined by Parliament.</li> <li>Salary is equal to judge of Supreme Court.</li> </ul>
<b>Administrative expenses</b>	Charged upon Consolidated Fund of India (CFI)
<b>Success stories</b>	2G spectrum scandal, Commonwealth games corruption scandal, Coal mine allocation scam etc.,

#### 4.4 Withdrawal of general consent for CBI

Tamil Nadu announced that it has withdrawn the general consent given to the Central Bureau of Investigation.

- Central Bureau of Investigation (CBI)** - It was set up in 1963 by a resolution of the Ministry of Home Affairs based on the recommendations of Santhanam Committee.
- It is now under the Ministry of Personnel, Pension & Public Grievances.
- It is a non-constitutional body.
- CBI is governed by The Delhi Special Police Establishment (DSPE) Act, 1946.
- Section 6 of the DPSE Act authorises the central government to direct CBI to probe a case within the jurisdiction of any state on the recommendation of the concerned state government.
- The Supreme Court and High Courts, however, can order CBI to investigate such a crime anywhere in the country without the consent of the state.
- There are 2 types of consent for a probe by the CBI. These are: general and specific.
- General Consent** - When a state gives a general consent to CBI for probing a case, the agency is not required to seek fresh permission every time it enters that state in connection with investigation or for every case.
- Specific Consent** - When a general consent is withdrawn, CBI needs to seek case-wise consent for investigation from the concerned state government.
- If specific consent is not granted, the CBI officials will not have the power of police personnel when they enter that state.
- States that have withdrawn the general consent** – Tamil Nadu, Mizoram, West Bengal, Chhattisgarh, Rajasthan, Maharashtra, Kerala, Jharkhand, Punjab and Meghalaya.

#### 4.5 Enforcement directorate

There is a spike in the activity of the Enforcement Directorate (ED) in Tamil Nadu which can be seen in the arrest and investigation of two Ministers from the state.

- Enforcement Directorate (ED)** – It is a premier **financial investigation agency** and economic law enforcement agency of the Government of India. **Headquarter** - New Delhi
- History** - In 1956, an 'Enforcement Unit' was formed in the Department of Economic Affairs.
- In 1957, this Unit was renamed as 'Enforcement Directorate'. In 1960, its administrative control was transferred from the Department of Economic Affairs to the Department of Revenue.
- It was regulated under Foreign Exchange Regulation Act (FERA) of 1973 (repealed later). The ED currently draws its statutory powers from 3 different acts -

1. Foreign Exchange Management Act, 1999 (FEMA)
2. Prevention of Money Laundering Act, 2002 (PMLA)
3. Fugitive Economic Offenders Act, 2018 (FEOA)

- **Director** - Director is the head of the Enforcement Directorate assisted by special directors.
- The [director is appointed](#) in accordance with the provisions of the *Central Vigilance Commission Act 2003*.
- The Centre appoints the director on recommendation of a high-level committee headed by the Central Vigilance Commissioner.
- The director has a fixed tenure of 2 years and a maximum 3 annual extensions.

Police Investigation	ED Investigation
First Information Report (FIR) is required for a cognizable offence before conducting an investigation.	They undertake their investigation for the purpose of gathering materials and tracing the 'proceeds of crime' by issuing summons.
Statement made by an accused to the police is inadmissible as evidence in court.	A statement made to an ED authority is admissible.
A copy of the FIR is accessible to the accused.	The Enforcement Case Information Report is seldom available.

### Powers and functions of ED

- ED is mandated with investigation of offence of money laundering and violations of foreign exchange laws.
- Enforces the provisions of the PMLA
  - Conducts investigation to trace the assets derived from proceeds of crime and provisionally attach the property.
  - Ensure prosecution of the offenders.
  - Confiscation of the property by the Special court.
- Enforces the provisions of the FEMA
  - Conduct investigation into suspected violations of foreign exchange laws.
  - Adjudicate and impose penalties on those adjudged violations.
- Enforces the provisions of the FEOA
  - ED is mandated to attach the properties of the fugitive economic offenders and confiscate their properties for the central government.
- It is also a sponsoring agency under Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA).
- **Quasi-judicial powers** - Section 50 of the PMLA provides powers of a civil court to the ED authorities for summoning persons suspected of money laundering and recording statements.
- Section 19 and Section 45 of the PMLA permits ED authorities to arrest and grant bail.

	CBI	ED
<b>Nature</b>	Not a statutory body	Statutory body
<b>Ministry</b>	Ministry of Personnel, Ministry of Personnel, Pension & Public Grievances	Department of Revenue under the Ministry of Finance
<b>Acts governing</b>	Derives powers from the <u>Delhi Special Police Establishment Act of 1946</u>	Foreign Exchange Management Act, 1999 (FEMA) Prevention of Money Laundering Act, 2002 (PMLA)
<b>Investigates</b>	Anti-Corruption crimes and special crimes under IPC apart from economic crimes.	Only economic crimes. Can carry out searches and confiscate assets.
<b>Economic Crimes</b>	Investigates crime of corruption, economic offences	Investigates offences of money laundering and foreign exchange laws violation
<b>Central Government's role</b>	Needs Central Government notification to initiate investigation	Does not need such notification.

#### 4.6 Interpol Global Academy Network (IGAN)

CBI Academy joins Interpol Global Academy Network as the 10<sup>th</sup> Member through virtual signing ceremony organized between CBI and Interpol Global Complex for Innovation at Singapore.

- **IGAN** - Launched in 2019 to support Interpol in leading a global approach to Law Enforcement Training.
- It is a network of trusted law enforcement education institutions, both regional and national in scope.
- Members of the Global Academy support the creation and delivery of select digital and face-to-face training courses, covering INTERPOL's tools and services, crime areas, and other law enforcement topics.
- **CBI Academy** - The Academy is situated in district **Ghaziabad, Uttar Pradesh**.
- The Academy is the focal point of training activities within the organization.
- It is responsible for identification and conducting suitable training programmes, regulation of nominations of trainees and preparation of the Annual Training Calendar.
- It conducts on-line training programmes for personnel from CBI and other central and local law enforcement agencies.

#### 4.7 Autonomous District Councils in Manipur

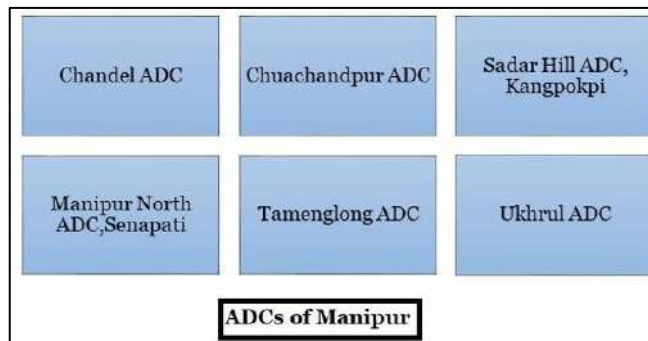
The Manipur State has proposed the Centre to give more autonomy to the existing autonomous hill councils in solving the ongoing [conflict in Manipur](#).

##### Autonomous District Councils

- **Article 244**- The Sixth Schedule was adopted under Article 244 of the Constitution. It has the provisions for formation of autonomous administrative divisions within a state.
- **Autonomy**- The ADCs were granted certain legislative, judicial and administrative autonomy within the state.
- **Composition**- ADCs within a state have 30 members with a term of 5 years.
- **Powers**- It can make laws, rules and regulations with regard to land, forest, water, agriculture, village councils, health, sanitation, village and town level policing, inheritance of property, marriage and divorce, social customs, and mining, among other issues.
- They have the judicial power to form court to hear cases where
  - Both parties are members of Scheduled Tribes
  - Maximum sentence is less than 5 years in prison
- **Exception**- The Bodoland Territorial Council in Assam is an exception to this with more than 40 members and rights to make laws on 39 issues.
- **Purpose**- To protect the tribal life which was free from gender inequality, castesim and communalism, etc.

##### Autonomous District Councils

- **Bardoloi committee**- It recommended to adopt GoI Act 1935 with improvements into the Sixth Schedule of the Constitution.
- It had recommended creation of autonomous district councils (ADCs) in the 6 hill districts of Assam.
- The Committee recommended creation of regional councils under ADCs to cater to the needs of minor tribes in the jurisdiction of those ADCs.
- **Sixth Schedule**- It contains provisions related to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.
  - Currently, there are 10 ADCs under the Sixth Schedule in the North East.



##### Manipur Hill Council

- Manipur has 6 ADCs, these came into existence in 1971 under an act of Parliament.
- **The Manipur (Hill Areas) District Council Act 1971**- It paved the way for creation of ADCs in Manipur's hill areas. At that time Manipur was a Union Territory.
- **Aim**- To grant the hill people a chance at self-governance, protect their identity and culture, and to give them rights over the management of their resources.

- **Composition-** The councils are to have not more than 18 members who are to be elected.
- **Power-** Powers of taxation, maintenance of properties, allotment of land, management of forest, regulation of cultivation, legislative authority on matters of marriage, inheritance, social customs and appointment of chiefs.

About	Manipur ADCs	6 <sup>th</sup> Schedule ADCs
<b>Power</b>	They are dependent on the state assembly due to provision of the act.	They derive power from Article 244 of the Constitution.
<b>Legislative powers</b>	Their power is limited to personal matters of marriage, divorce and social customs	They have far wider legislative powers spanning several matters of governance
<b>Financial powers</b>	It is dependent on the state government for financial devolution.	They get central grants through the state
<b>Role of Deputy Commissioner (DC)</b>	DC is appointed by the state government. In almost all matters, the DC's decision is final unless overruled by the Governor. The DC can even dissolve the ADCs with Governor's assent.	They are not dependent on Deputy Commissioner

#### 4.8 Cauvery Water Management Authority

- **Origin** - In exercise of the powers conferred by **section 6A of the Inter-State River Water Disputes Act, 1956**, Cauvery Water Management Scheme is introduced on 1st June, 2018.
- The 'Cauvery Water Management Authority' (CWMA) is constituted under this scheme.
- **Ministry** - Ministry of Jalshakti.
- **Composition**
  - Chairman (5 years or till 65 years of age whichever is earlier).
  - 2 whole time members (3 years extendable upto 5 years)
  - 2 part time members from centre's side,
  - 4 part time members from party states.
- **Functions** - The Authority shall exercise such power and shall discharge such duty as modified by the Hon'ble Supreme Court vide Order in relation to storage, appointment, regulation and control of [Cauvery river](#).
- It also envisages the planning, construction and maintenance of the projects will be carried out by each State or Union territory administration through its own agencies.
- It will also prepare an annual report covering the activities of the authority for the preceding year.

#### 4.9 Central Empowered Committee (CEC)

*The Supreme Court recently hands over its green watchdog committee, the Central Empowered Committee (CEC) to the Environment Ministry.*

- **Setup** - It was set up in 2002, and reconstituted in 2008 by the Supreme Court.
- It served as a watchdog for issues pertaining to environmental conservation and compliance.
- **Recent notification** - Instead of an ad hoc body, CEC should be instituted as a permanent statutory body on environmental issues under the administrative control of the Environmental ministry.
- The notification completely removes non-governmental members from the committee.
- In the revised structure all (chairperson, a member secretary and three expert members) will now be civil servants appointed by the Ministry of Environment Forest and Climate Change (MoEFCC).

- **The chairperson**
  - A minimum of 25 years of experience in environmental, forestry, or wildlife fields or substantial administrative expertise in government.
  - **Term** - 3 years.
- **The member secretary**
  - He must hold a rank not lower than deputy inspector general or director in the government and
  - Possess at least 12 years of experience in environmental, forestry, or wildlife matters.
- **The three expert members** - One each from the environment, forest, and wildlife sectors, should have a minimum of 20 years of expertise.

#### 4.10 Central Adoption Resource Authority (CARA)

*The increasing delay in CARA was questioned by the Supreme Court.*

- CARA was set up in 1990 under the **Ministry of Women and Child Development**.
- It is the nodal body for adoption of Indian children that is mandated to monitor and regulate **in-country and inter-country adoptions**.
- **Aim** - To oversee child adoption procedures, in the best interest of the child, for **Indians and non-resident Indians** living abroad.
- To regulate inter-country adoptions, CARA became a signatory to the **Hague Convention on Protection of Children and Co-operation of 1993** that facilitates adoption beyond borders to help find a permanent family for a child for whom a suitable family cannot be found in his or her State of origin.
- CARA monitors and regulates bodies such as:
  - State Adoption Resource Agency (SARA)
  - Child Welfare Committees (CWCs)
  - District Child Protective Units (DPUUs)
  - Specialised Adoption Agency (SAA), Authorised Foreign Adoption Agency (AFAA)
- Adoption is governed by 2 laws in India:
  - **Hindu Adoption and Maintenance Act, 1956 (for Hindus, Jains, Sikhs and Buddhists)**.
  - **Juvenile Justice (Care and Protection of Children) Act, 2015**.

*India ratified the Hague convention in 2003*

## 5. ELECTIONS

### 5.1 Simultaneous Elections

*The Central government set up a panel headed by former President Ram Nath Kovind to explore the feasibility of the 'one nation, one election' (ONOE) plan.*

- **Simultaneous Elections** refers to structuring the Indian election cycle by synchronizing the elections to Lok Sabha and State Assemblies.
- **One nation One election-** It means that the voters will cast their vote for electing members of the Lok Sabha and the state assemblies *on a single day*, at the same time or in a phased manner as the case may be.
- **Current scenario-** The elections to the state assemblies and the Lok Sabha are *held separately* (whenever the incumbent government's 5-year term ends or whenever it is dissolved).
- Lok Sabha and State Legislatures went to polls together in 1952 and 1957.
- **Article 356-** In 1959, the synchronized cycle was first broken in Kerala when the Centre invoked Article 356 of the Constitution to dismiss the Kerala Government. This was followed by state elections in 1960.

**Article 324** constitutes Election Commission which is responsible for conducting polls to the offices of the President and Vice-President of India, Parliament, the state assemblies and the legislative councils.

## 5.2 Electronic Voting Machines

*The Election Commission denies Congress' claim on EVMs being brought from South Africa for Karnataka elections.*

- Electronic Voting Machine (EVM) is an electronic device for recording votes. It consists of 2 units – a Control Unit and a Balloting Unit – joined by a five-meter cable.
- Capacity** - An EVM can record a maximum of 2,000 votes and a Balloting Unit has a provision for 16 candidates.
- Designed by** - Technical Experts Committee (TEC) of the Election Commission in collaboration with Bharat Electronics Ltd., Bangalore and Electronic Corporation of India Ltd., Hyderabad
- Discarding** - ECI has laid down a Standard Operating Procedure to discard EVMs and its chip.
- The process of destruction of EVM & its chip is carried out in the presence of the Chief Electoral Officer of the state or his representatives inside the factory of manufacturers.
- Abroad connections** - India does not use any EVMs produced abroad, but many countries used EVM machines made in India in their elections, like Bhutan, Nepal and Namibia.
- The chip is manufactured abroad because India does not have the capability of producing semi-conductor microchips within the country.
- Time line of EVMs** - EVMs were first used in 70-Parur Assembly Constituency of Kerala in the year 1982.
- EVMs are used from 1989 after the 1988 amendment to the Representation of the People Act of 1951.
- By 2001, all State Assembly elections saw EVM usage. In 2004's Lok Sabha election, all 543 constituencies had EVMs.
- The **VVPAT** was first introduced on 4th September, 2013 in the bye-election for 51-Noksen (ST) Assembly Constituency of Nagaland.

### Voter Verifiable Paper Audit Trail (VVPAT)

- It is an independent system attached to an EVM.
- It acts as a second line of verification and allows the voters to verify that their votes are cast as intended.
- When a vote is cast, a slip is printed on the **VVPAT** printer containing the *serial number, name and symbol* of the candidate voted.
- This remains visible through a *transparent window* for **7 seconds**.
- The printed slip automatically gets cut and falls into a sealed drop box which can be counted if needed.

## 5.3 Postal Ballot

*Recently, in Madhya Pradesh, an opposition party confronted election officials for opening the strong room where postal ballots had been stored.*

### Options available for voting in India

- Visiting the poll booth** - A person will visit the polling booth to exercise his/her franchise.
- Postal ballots** - A voter exercises his/her franchise through post.
- Proxy voting** - The person can authorize another residing in the same polling booth area to cast a vote on his/her behalf.

Features	Postal Vote Ballot
<b>Postal ballot voting</b>	<ul style="list-style-type: none"> <li>Distribution of ballot papers to registered voters by post instead of people coming to the polling booth directly to vote. These votes are returned in the post or handed in person in the elections office or at a polling station</li> </ul>
<b>Applicable to</b>	<ul style="list-style-type: none"> <li>Service voters</li> <li>Special voters</li> <li>Absentee voters</li> <li>Voters on election duty</li> <li>Electors under preventive detention</li> </ul>

<b>Service voters</b>	<ul style="list-style-type: none"> <li>Service voter includes a member of the Armed Forces of the Union, Armed Police Force of a State or employed under the Government of India.</li> <li>They can cast their votes either through postal ballot or through a proxy voter.</li> <li>A voter who opts to vote through a proxy is called a <i>Classified Service Voter</i>.</li> </ul>
<b>Special voters</b>	<ul style="list-style-type: none"> <li>President of India, Vice President, Governors, Union Cabinet ministers, Speaker of the House and government officers on poll duty.</li> </ul>
<b>Absentee voters</b>	<ul style="list-style-type: none"> <li>These are voters employed in <i>essential services</i> and unable to cast their vote due to their service conditions.</li> <li><b>Notified voters</b>- Delhi Metro Rail Corporation, Northern Railway (Passenger and Freight) Services and media persons.</li> <li>Senior citizens <i>above 80 years of age</i> and those belonging to the category of physically disabled (<i>PWD</i>).</li> <li>COVID-19 infected or suspected patients.</li> </ul>

### Electronically Transmitted Post Ballot System (ETPBS)

- Through this system, the service voters cast their vote on an electronically received postal ballot, from anywhere outside their constituency.
- It is a fully secured system, having 2 security layers - *OTP and PIN*.
- Launched by** - ECI with the help of Centre for Development of Advanced Computing (C-DAC).
- Applicable for** - Service voters
- Motto** - "No voter to be left behind"

## 5.4 Exit Poll and Opinion Poll

Recently the exit polls were conducted in the 5 states such as Telangana, Madhya Pradesh, Rajasthan, Mizoram, and Chhattisgarh for the state assembly elections.

- An opinion poll is a **pre-election survey** to gather voters' views on a range of election-related issues.
- An exit poll is a **post-election survey** that is conducted immediately after people have voted and assesses the support for political parties and their candidates.
- The first exit polls in India was conducted in 1957 during the second Lok Sabha elections by the Indian Institute of Public Opinion.
- In 2010, restrictions were imposed only on exit polls through the introduction of Section 126(A) in the RPA.

*Election Commission has powers to regulate Exit Polls.*

## 6. GOVERNANCE

### 6.1 POCSO Act 2012

The 283<sup>rd</sup> report of the Law Commission of India favours retaining the age of consent at 18 years, to criminalise both abuse and non-coercive consensual sex, even when this occurs between peers.

- The Protection of Children from Sexual Offences (POCSO) Act, 2012** was enacted in consequence to India's ratification of the UN Convention on the Rights of the Child in 1992.
- It is the first comprehensive law in the country dealing specifically with sexual abuse of children.
- Aim**- To address offences of sexual exploitation and sexual abuse of children
- Gender neutral**- The Act defines a child as "any person" under the age of 18.

- **Offences** - Storage of child pornography material has been made an offence.
- **Non-reporting**- If a person in charge of an institution who fails to report the commission of a sexual offence will face punishment excluding children.
- **Time limit**- A victim may report an offence at any time, even years after the abuse has occurred.
- **Privacy**- The Act forbids the disclosure of the victim's identity in any form of media unless authorised by the special courts established by the Act.
- **Procedure**- It also defined the procedure for reporting of cases, including a provision for punishment for failure to report a case or false complaint.
- **Child-friendly manner**- The procedures for recording of the statement of a child by the police and court should be done in a child-friendly manner.

## 6.2 Extension of PMGKAY

Prime Minister Narendra Modi has announced an extension of the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), the free ration scheme for another 5 years.

- **PMGKAY** - It is the world's largest food security welfare scheme.
- **Launch year**- 2020.
- **Aim**- To provide free food grains to the poor and needy through the Public Distribution System (PDS).
- **Eligibility**- Around 80 crore beneficiaries covered under both categories of National Food Security Act, 2013
  - **Antyodaya Anna Yojana (AAY)**- 35 kg food grains per household per month
  - **Priority Householders (PHH)**- 5 kg per person per month
- Also provides an additional 5 kg of food grains per person per month for free, over and above the existing entitlements. The scheme can be availed through the [One Nation One Ration Card \(ONORC\) plan](#).
- **Merger**- The government subsumed the PMGKAY under the NFSA Act and the entire quantity of entitlement under the NFSA would be available free of cost.

Features	About
<b>Coverage</b>	Around 66% of the Indian population is covered under the scheme
<b>Food security</b>	Each one of them receives double of their current entitlement. This additionality is at free of cost.
<b>Protein availability</b>	As per regional preferences 1 kg of pulses is provided to families.

## NFSA 2013

- **Aim**- To provide for *food and nutritional security* in the human life cycle approach, by ensuring access to adequate quantities of quality food at affordable prices to people to live a life with dignity.
- **Coverage**- Nearly 2/3rd of the country's total population based on the basis of Census 2011.
  - Rural population- 75%
  - Urban Population- 50%
- **Eligibility**-
  - **Priority Households (PHH)** - Covered under Targeted Public Distribution System (TPDS), according to State government guidelines
  - **Existing Antyodaya Anna Yojana (AAY) Households**

*The Act marks the paradigm shift in the approach of food security from welfare to rights-based approach.*

Category	Entitlements
<b>AAY Households</b>	35 kg of food grains

<b>PHH</b>	5 kg of food grain per person per month will be given at Rs 3/2/1 per kg for rice/ wheat/coarse grains
<b>Maternity benefit</b>	Meals and monetary support of not less than Rs 6000 to pregnant women and lactating mothers during pregnancy and 6 months after the child birth
<b>Children</b>	Meals is provided up to 14 years of age

- **Special provisions** - Special provisions have been made for pregnant women and lactating mothers and children (6 months to 14 years of age), by entitling them to receive nutritious meal free of cost through Integrated Child Development Services (ICDS).
- **Responsibility**- NFSA defines the joint responsibility of the Centre and State/UT Government.

Government	Functions
<b>Central Government</b>	<ul style="list-style-type: none"> <li>• Allocation of required food grains to State/UTs</li> <li>• Transportation of food grains to State/UTs</li> <li>• Providing central assistance to State/UTs for delivery of food grains from designated Food Corporation of India godowns to the doorstep of Fair Price Shops (FPS)</li> </ul>
<b>State Government</b>	<ul style="list-style-type: none"> <li>• Identification of eligible households and issuing ration cards to them</li> <li>• Distribution of food grains to eligible households through FPS, issuance of licenses to FPS shops</li> <li>• Setting up effective grievance redressal mechanism</li> <li>• Necessary strengthening of TPDS</li> </ul>

- **Direct Benefit Transfer**- It reduces the need for huge physical movement of food grains.
- **Food security allowance**- Governed through the *Food Security Allowance Rules, 2015*, it is provided to beneficiaries in case of non-supply of entitled food grains or meals.
- **Grievance redressal mechanism**- It is provided at State and district levels.
- **Social audit**- It is authorized by State government to conduct periodic social audits on the functioning of FPS, TPDS and other welfare schemes.
- **Vigilance committee**- It is appointed by State government for ensuring transparency and accountability of the TPDS.

### 6.3 Political Clearance

*Delhi Education Minister who was invited by Cambridge University to speak at a conference, has been cleared by the Centre to travel to the UK.*

- It is required for any government servant including public servants who is seeking to go abroad.
- The **Ministry of External Affairs (MEA)** issues political clearance.
- **Process** - The decision on political clearance is taken based on several factors, including
  - The nature of the event
  - Level of participation from other countries
  - Nature of the invitation
  - India's relations with the host country
- **Rejection** - The requests by CMs (and ministers) for political clearance can be denied based on above such factors by the MEA.
- **Public Servants** - All Chief Ministers and Ministers of states and Union Territories are required to obtain political clearance from the Centre before their travel abroad.

- **Judges** - For official visits, a judge of the Supreme Court or a state High Court has to obtain clearance from the Chief Justice of India.
- However, the personal travel of judges of the higher judiciary do not require such clearances.
- **Ministers** - Union ministers need clearance from the Prime Minister's Office in addition to the political clearance from the MEA for both official and personal trips.
- **Non-executive MPs** - Only for the *official trips*
  1. Members of Lok Sabha need clearance from the Speaker
  2. Rajya Sabha need clearance from the Chairperson (Vice President of India)
- **Bureaucrats** - For government employees, all foreign trips, official or personal, need approval.
- For officers up to the rank of Joint Secretary, clearance is given by the Minister concerned, after the MEA's political clearance.
- For officers above that rank, the proposal is approved by a screening committee of secretaries.
- **FCRA** - If the visiting Indian official is hosted by organisations other than those of the United Nations, Foreign Contribution Regulation Act (FCRA) clearance is needed from the Home Ministry.

#### 6.4 Civil Services Conduct Rules

*Being a civil servant comes with many perks and benefits, but it also brings with it its own limitations and various rules surrounding an officer's conduct.*

All India Services	Central Civil Services
<ul style="list-style-type: none"> <li>• The Indian Administrative Service, the Indian Police Service and the Indian Forest Service.</li> <li>• They are governed by <b>Article 312</b> of the Constitution of India.</li> <li>• These services are selected by the central government with officers allotted to various state cadres.</li> <li>• The bureaucrats who work directly for the Centre are from each state on central deputation</li> </ul>	<ul style="list-style-type: none"> <li>• Indian Foreign Service, the Indian Revenue Service, Customs and Central Excise Service and several others.</li> <li>• These services are under the central government itself with no state cadre system.</li> </ul>

- Conduct rules for civil servants are the set of rules for the standards of behaviour of people working in the civil services.
- Civil servants are governed under
  - The All India Services (AIS) Conduct Rules, 1968
  - Central Civil Services (CCS) Conduct Rules, 1964
- These rules were framed based on recommendations of the Committee on Prevention of Corruption, headed by K.Santhanam.
- **Political neutrality** - Rule 5(1) states civil servants are not allowed to be part of or assist political parties.
- While members can hold personal political beliefs, these rules restrict the degree to which they can act on them.
- **Personal opinion** - Expressing personal opinions also has similar restrictions.
- Rule 7 of AIS Rules restricts expressing personal opinion over public media in any form which has adverse criticism on government activities is restricted.
- **Dowry** - Both giving and receiving dowry is strictly prohibited under rule 11 (1-A) of the AIS Rules on 'Giving or taking of dowry'.
- **Gifts** - Rule 11(1) deals with the receiving of gifts under certain conditions.
- Any gift whose value exceeds Rs.25, 000 by a civil servant needs to be reported to the Government.
- **Newly added rules** - In 1979, the government added that, 'The direction of the official superior shall ordinarily be in writing.'

- In 1998, the government added that 'No member of the Service shall employ to work any child below the age of 14 years.'
- In 2014, few sub-rules were added to the Conduct Rules. Every member of the Service shall maintain -
  1. High ethical standards; Political neutrality
  2. Integrity and honesty; Accountability and transparency
  3. Responsiveness to the public; Courtesy and good behaviour with the public.
- The threshold of Rs 25,000 for receiving gifts was last fixed in 2015.
- **Coverage** - Officers are covered under the rules as soon they join training and certain rules continue to apply post-retirement as well.
- **Penalty** - Failing to comply by the rules invite penalties and transgressions can attract two kinds of penalties - major and minor and major penalties can include 'dismissal' from the service as well.

Civil servants are recruited by Union Public Service Commission (UPSC)

## 6.5 Compulsory Retirement

Recently, the IAS officer who got transferred for allegedly misusing the facilities at the stadium in Delhi, now compulsorily retired by Government.

- **Fundamental Rules** – Union Government has the power to retire any government officials prematurely on the ground of lack of integrity and ineffectiveness and in public interest.
- **Power to retire** – The power has been conferred under Fundamental Rules 56(j) and rule 48 of Central Civil Services (CCS) Pension Rules, 1972.
- **FR 56 (j)** – Appropriate authority have absolute right to retire any government servant by giving him notice of not less than 3 months in writing or 3 months' pay and allowances in lieu of such notice.
- **Rule 48** – Retirement on completion of 30 years qualifying service either voluntarily or by an order of appropriate authority.
- **Issuing authority** – By Department of Personnel and Training (DOPT), as it is the cadre controlling authority for IAS officers in general.
- However, the power to retire is vested with the Union Ministry of Home Affairs for officers from the Arunachal Pradesh, Goa, and Mizoram and Union Territories (AGMUT) cadre.
- **Central Civil Services (CCS) Pension Rules, 1972** – It was 1<sup>st</sup> drafted in 1972 and have been amended 47 times.
- It regulates the pension and gratuity of the employees retiring from Central Government Departments.

## 6.6 Central Vista Project

In the 75th year of Independence, India has a new Parliament building, built by Indians, and embodying the culture, pride and spirit of the entire nation.

- It is the project of revamping the Central Vista area from Rashtrapati Bhavan to India Gate with a budget outlay of Rs. 20,000 crores.
- The plan includes the construction of a new parliament, Prime Minister and Vice-President's residences along with 10 building blocks to accommodate all government ministries and departments.
- **Ministry** - Ministry of Housing and Urban Affairs. (Launched in 2019 & estimated to be completed by 2024)

## 6.7 RTI Act 2005 and Information Commissions

For 13 years, the Right to Information Act (RTI), 2005, helped citizens obtain information and data from the Government and State institutions that are not readily available in public domain.

- **Fundamental right**- RTI is a part of
  - **Article 19(1)** - Freedom of speech and expression.
  - **Article 21**- Right to life and Personal liberty

- It has been made a statutory right through the Parliament's enactment, the Right to Information Act, 2005.

- Responses-** It mandates *timely* response to citizens' requests for government information.

- Definition-** Section 2(j) of the RTI Act defines RTI as the right to information accessible under this Act which is held by or under the control of any public authority.

Hierarchy	Institution
Central level	Central Information Commission (CIC)
State level	State Information Commission (SIC)

- Objective-**

- To secure access to information for the citizens.
- To empower citizens, promote transparency and accountability in the working of the Government,
- To contain corruption, and make our democracy work in the real sense

- Nodal agency-** Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions.

- Application - Only those private bodies or organizations** which are owned, controlled, or substantially financed by the Government are directly covered.

- If government department is allowed to access information by means of any other act, then the same can be accessed under the RTI Act through that government department.

- Information Commissions-** Constituted as the supreme authority and the highest decision-making body under the Act.

- RTI Amendment Act 2019-** It gave Central government, the power to decide the tenure and salary of commissioners.

Rights under RTI act
<ul style="list-style-type: none"> <li>Seek any information which is held by any public authority.</li> <li>Take copies of government documents.</li> <li>Inspect works, documents, and records of government.</li> <li>Take notes, extracts, or certified copies of government documents or records.</li> <li>Take certified samples of Government work.</li> <li>Obtain information in the form of diskettes, floppies, tapes, video cassettes, or in any other electronic mode or through printouts.</li> </ul>

About	CIC	SIC
<b>Constituted by</b>	Central Government	State Government
<b>Composition</b>	Consists of a Chief Information Commissioner and not more than 10 Information Commissioners	Consists of a State Chief Information Commissioner and not more than 10 State Information Commissioners
<b>Appointment</b>	<u>President</u> on the recommendation of select committee	<u>Governor</u> on the recommendation of select committee
<b>Select Committee</b>	Prime Minister, Leader of Opposition in the Lok Sabha, Union Cabinet Minister nominated by the Prime Minister	Chief Minister, Leader of Opposition in the Legislative Assembly, State Cabinet Minister nominated by the Chief Minister
<b>Tenure of the members</b>	As prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier	
<b>Salary, allowances, other service conditions</b>	As per the RTI Amendment Act 2019, it shall be as prescribed by the Central Government	

## 6.8 NIRF India Rankings 2023

The National Institutional Ranking Framework (NIRF) recently released the 8<sup>th</sup> edition of India Rankings for 2023.

- The **Ministry of Education** in 2015 drafted and implements the NIRF and releases the NIRF Ranking every year since 2016.
- The NIRF rankings also known as the **India Rankings**, evaluates the 'quality' of educational programs offered by higher education institutions in colleges and universities in India.
- **Criteria** - NIRF ranks higher education institutions in 5 categories and 8 subject domains.
- The NIRF evaluates institutions on five parameters and 16-18 sub-parameters.
- Ranks are assigned based on the sum of marks secured by institutions on each of these parameters.
- **Distinct additions of the 2023 edition**
  1. Introduction of a new subject namely Agriculture & Allied Sectors
  2. Integration of the 'Innovation' ranking previously executed by the Atal Ranking of Institutions on Innovation Achievements (ARIIA) into the India Rankings.
  3. Expansion of scope of 'Architecture' to 'Architecture and Planning'
- The new additions have increased portfolio of India Rankings to 13 categories and subject domains.

Categories (5)	Subject Domains (8)	Parameters (5)
<ul style="list-style-type: none"> <li>• Overall</li> <li>• Universities</li> <li>• Colleges</li> <li>• Research institutions</li> <li>• <b>Innovation</b></li> </ul>	<ul style="list-style-type: none"> <li>• Engineering</li> <li>• Management</li> <li>• Pharmacy</li> <li>• Medical</li> <li>• Dental</li> <li>• Law</li> <li>• Architecture and <b>planning</b></li> <li>• <b>Agriculture and allied sectors</b></li> </ul>	<ul style="list-style-type: none"> <li>• Teaching, learning and resources</li> <li>• Graduation outcome</li> <li>• Research and professional practices</li> <li>• Outreach and inclusivity</li> <li>• Perception</li> </ul>

## 6.9 National Curriculum Framework for School Education

The Education Ministry has announced a new National Curriculum Framework for School Education, which promises to usher in greater curricular flexibility and choice for students.

- NCF-SE is the curriculum framework for the 5+3+3+4 design of schooling as proposed by the National Education Policy 2020 (NEP 2020).
- It has been drafted by the National Steering Committee headed by **Mr. K Kasturirangan**.
- **Coverage** - The framework covers all the 4 stages of schooling – Foundational Stage, Preparatory Stage, Middle Stage, and Secondary Stage.
- **Board exams** - Board exams are to be conducted twice a year.
- **Class 11 and 12** - The NCF suggests that at least two languages, one of them being an Indian language, will be offered to students in classes 11 and 12.
- It recommended a semester system for classes 11 and 12, and no hard separation between arts, humanities, and sciences.
- **Linguistic proficiency** - It aims at developing linguistic proficiency for academic use in 3 languages by age 15 (Class 10).
- At least 2 out of these 3 languages should be languages native to the student.
- **Social science** - It proposes social science in class 6-8. Students from class 9 onwards will study history, geography, political science and economic life as separate units.
- **Mandatory subjects** – The number of mandatory subjects for Class 9 and 10 is seven and it is six for Classes 11 and 12.
- **Software to set question paper** - The National Council of Educational Research and Training (NCERT) has suggested the creation of a "comprehensive test item bank."
- It will serve as a repository of test questions that can be utilized to develop exams using appropriate software.
- **Optional subjects** – They have been grouped into 3 parts.
  - 1<sup>st</sup> group - Vocational education, art education, and physical education
  - 2<sup>nd</sup> group – Social science, Humanities, inter disciplinary areas
  - 3<sup>rd</sup> group – Science, Maths and computational thinking
- **Weightage of marks** - For 1<sup>st</sup> group, the weightage of the assessment is

National Curriculum Framework was last revised in 2005.

- 75% - demonstration-based assessment (practicals)
- 25% - written examination
- For subjects like sciences, demonstration-based assessment will have 20-25% weightage in the overall certification of the subject.
- **Term based systems** – The NCF has recommended that in the long term, all Boards should change to semester or term based systems.

## 6.10 National Higher Education Qualification Framework (NHEQF)

The University Grants Commission (UGC) has finalized the National Higher Educational Qualification Framework (NHEQF), a regulatory reform proposed by [National Education Policy 2020](#).

### Historical background of formulating NHEQF

- The idea was deliberated at the 60th meeting of the Central Advisory Board of Education in 2012
- The University Grants Commission (UGC) was assigned the responsibility to prescribe two separate frameworks – the NHEQF and the National Credit Framework.
- Higher educational institutions are separately required to implement the Academic Bank of Credits as a mandated modality for recognising, accepting, and transferring credits across courses and institutions.
  - **NHEQF** - National Higher Education Qualification Framework aims to bring changes in the education system right from the school to the higher education levels.
  - **NCrF** – National Credit framework was jointly developed by the Regulators of School, Skill and Higher Education for accumulation of credit from academics and skill programmes.
  - **Academic Bank of Credit (ABC)** - It is a digital or virtual or online store-house of academic credit data base of Higher Education Institution.

The Ministry of Labour & Employment developed the National Vocational Qualifications Framework (NVQF) & the Ministry of Education developed the National Vocational Education Qualifications Framework (NVEQF).

### The draft NHEQF

- Based on a set of performance criteria, the NHEQF represents a comprehensive framework that specifies qualification types and framework levels and the expected learning outcomes.
- **Levels** - The framework divides education into **8 levels** - first 4 (school levels), last 4 (higher education).
- The first four levels will be taken up under the National School Education Qualification Framework (NSEQF), while the NHEQF includes Level 4.5 to 8 (4.5, 5, 5.5, 6, 7 and 8).
- **Qualification type** - It refers to the broad discipline-free nomenclature such as a certificate, diploma, bachelor's degree, master's degree, and PhD.
- The NHEQF also incorporates the qualifications from technical and vocational education and training and professional and technical education programmes, except medical and legal education under one qualifications framework.
- **Parameters for assessing** – It include generic learning outcomes, constitutional, ethical, and moral values, employment ready skills, entrepreneurship mindset, application of knowledge and skills, etc.
- **Credit system under NHEQF** - A credit is a unit by which the coursework done by a student will be measured.
- To obtain a four-year undergraduate programme, students will have to earn a minimum of 160 credits, with a minimum of 40 credits each at level 4.5, 5, 5.5, and 6 of the NHEQF.

## 6.11 Education in Regional Languages

The importance of using mother tongue in the teaching-learning process and creating educational materials has been emphasized in the New Education Policy (NEP) and initiatives like the NIPUN Bharat Mission.

- **Regional language** - It is a term used to refer to a language that is spoken by a sizeable number of people but it is not the de facto language of communication in the rest of the country.
- The language is used by people who have a population less than the majority of the state or nation.
- It is not the official language of the country.
- **Article 350A**- It facilities for instruction in mother-tongue at primary stage.
- It shall be the endeavour of every State and local authority to provide adequate facilities for instruction in mother-tongue at the primary stage of education to children belonging to linguistic minority groups.
- The President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

**Article 29** - Protection of interests of minorities- Any section of the citizens having a distinct language, script or culture of its own shall have the right to conserve the same.

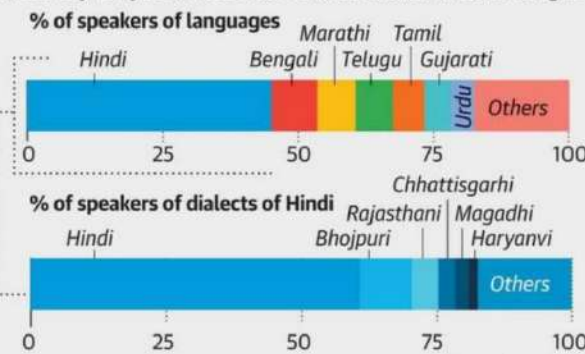
India has over 22 officially recognized languages and hundreds of dialects, each with its own unique cultural and historical significance.

### Initiatives Taken to Promote Regional Languages

- **National Education Policy 2020**- It states that wherever possible, the medium of instruction must in the mother tongue or local languages.
- This must be done until at least class 5, but preferably till class 8.
- **NIPUN Bharat**- National Initiative for Proficiency in Reading with Understanding and Numeracy is launched under National Education Policy 2020.
- It promotes mother tongue-based instruction as an integral aspect of achieving Foundational Literacy and Numeracy (FLN) goals.
- **Bhasha Sangam**- It is an initiative under the 'Ek Bharat Shresht a Bharat' mission implemented by NCERT.
- It aims to teach 100 sentences in 22 scheduled vernacular languages sentences in 22 scheduled vernacular languages in Devnagri script with translation in English language.
- **Publication grant**- The Commission for Scientific and Technical Terminology is providing publication grant towards the publications of University Level Books in regional languages.
- **National Translation Mission**- It is implemented by the Central Institute of Indian Languages (CIIL), Mysore.
- The text books of various subjects prescribed in universities and colleges are being translated in all languages of the 8th Schedule of the Constitution of India.
- **Centre for Endangered Languages in Central Universities**- It is implemented by University Grants Commission (UGC) to promote regional languages in higher education courses and supports 9 Central Universities.

#### One language, many dialects

Only 60% of total Hindi-speakers speak the native Hindi dialect. Effectively, only 26% have native Hindi as their mother tongue



## 6.12 Gender Equality in Education

In Lok Sabha, the Minister of Education has highlighted several key initiatives taken by the government in promoting the gender quality in education.

- **Samagra Shiksha** – To bridge gender and social category gaps at all levels of school education.
  - Opening schools for easier access to girls and separate toilets for girls.
  - Appointing additional teachers including women teachers.
  - Teacher's sensitization programmes like gender-sensitive teaching-learning materials.
- **NISHTHA** – To cover relevance of gender dimensions in teaching and learning process.

- Help teachers to use and adopt learning activities that foster gender sensitive classroom environment.
- Orient teachers on provisions of POCSO Act, Juvenile Justice Act, School Safety guidelines, etc.
- **Rani Laxmi Bai Aatma Raksha Prashikshan** – To ensure safety and security of girls and empowering girls to tackle risk of assault and boost their self-confidence.
  - Self Defence training is imparted to girls of classes VI to XII, studying in Government Schools and in Kasturba Gandhi Balika Vidyalayas (KGBVs).

### 6.13 Vidya Samiksha Kendras

*The Ministry of Education is pushing States to open Vidya Samiksha Kendras (VSKs) under the National Digital Education Architecture (NDEAR) recently.*

- Vidya Samiksha Kendra (VSK) is a data repository which will have data from all schemes run by the Ministry of Education (MoE).
- VSK control rooms will collect data to track key performance indicators as well as analyse data collated from govt schemes 'using AI & machine-learning'.
- The operations of VSK centres are managed by an open-source platform run on **C-Qube software**.
- **Advisory role** – By EkStep Foundation (non-profit organisation co-founded by former Chairman of Unique Identification Authority of India, Nandan Nilekani)
- **Funding** - The Centre has allocated funds ranging from Rs.2 to Rs.5 crore to each State for adopting and establishing VSK.
- **Features** – The repository will include regularly updated data from
  - PM-POSHAN mid-day meal programmes;
  - Teacher training data from National Initiative for School Heads' and Teachers' Holistic Advancement portal;
  - Textbook content from Digital Infrastructure for Knowledge Sharing ([DIKSHA](#));
  - School dropout and attendance-related data on Unified District Information System for Education ([UDISE+](#));
  - Students' learning outcomes from National Achievement Survey;
  - [Performance Grading Index](#) which evaluates school education system at the State/U.T. level.
- **Function**- Multiple platforms at Centre, State and district levels can communicate with each other using requests and responses to seamlessly integrate data at all levels on the platforms.
- This is in line with the **National Education Policy, 2020** talking about developing operational standards for making data open source.

*The 1<sup>st</sup> VSK was inaugurated in 2021 in Gujarat's Gandhinagar.*

### 6.14 Anti-Ragging Measures in India

*Recently, an 18-year-old student was dead in Jadavpur University due to ragging.*

- Ragging is defined as an act that involves an activity violating the dignity of a student.
- Ragging is done in the name of fresher's welcome i.e. shows that what extent a person or human imagination can fall to prove his supremacy
- It includes any act
  - That generates a sense of shame, torment or embarrassment adversely affecting the physique or psyche of a student.
  - That affects mental health and self-confidence of student.
  - That would prevent, disrupts or disturbs the regular academic activity of any student
  - Of financial extortion or forceful expenditure burden put on other students by students

*In 1997, Tamil Nadu became the first state where ragging was completely banned.*

- Of physical abuse, sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing any kind of bodily harm or any other danger to health or person.
- **Unny committee-** It was formed by University Grants Commission (UGC) to examine and submit a report on ragging. It put forward a Prohibition, Prevention and Punishment proposal.
- **R K Raghavan committee-** It was appointed by Supreme Court in 2006 to suggest means and methods to prevent ragging.
- Its recommendations were subsequently formalised by the UGC.
- UGC adopted guidelines in 2009 under “The Regulations on Curbing the Menace of Ragging in Higher Educational Institutions” that includes 9 explanations of what could constitute ragging.
- UGC requires universities to take measures for prevention of ragging.

*UGC is a statutory body set up under UGC Act 1956 under the Ministry of Education.*

### Laws on Ragging

- **Prohibition of Ragging Act 1997-** Ragging is defined as “any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student”
- **Section 339 of IPC-** It criminalizes the offence as wrongful restraint.
- Wrongful restraint is an offence when a person is prevented from proceeding in any direction in which that person has a right to proceed.
- **Section 340 of IPC-** It criminalizes wrongful confinement which is defined as wrongfully restraining any person in such a manner as to prevent that person from proceedings beyond certain circumscribing limits
- **Separate regulations** - All India Council for Technical Education (AICTE) and the Medical Council of India have made their own regulations under their respective acts.

### 6.15 Obscenity Laws in India

*The Kerala High Court's recent decision in the Rehana Fathima obscenity case draws attention to the definition, or lack thereof, of obscenity in Indian law.*

- There is no comprehensive definition of obscenity in law. Until 2014, the judiciary used the Victorian-era ‘Hicklin test’ to determine if something is obscene or not.
- In 2014, the apex court applied the ‘community standards test’ instead of the Hicklin Test while hearing the case of Aveek Sarkar & Anr vs State Of West Bengal and Anr.
- In ‘community standards test’ obscenity has to be judged from the point of view of an average person, by applying contemporary community standards. A nude picture cannot be called obscene unless it has the tendency to arouse the feeling of an overt sexual desire.

### Obscenity Laws in India

- **Section 292** of the IPC stipulates that any content is deemed obscene if it is lascivious or appeals to the prurient interest, or if its effect tends to deprave and corrupt persons likely to read, see or hear the content.
- This provision prohibits the sale or publication of any obscene pamphlet, book, paper, painting, and other such materials.
- **Section 293** of the IPC criminalises the sale or distribution of obscene objects to anyone who is under the age of 20, or an attempt to do so.
- **Section 294** of the IPC prohibits obscene acts and songs in public spaces.
- **Section 67 of the IT Act, 2000** says that anyone who publishes or transmits obscene material in electronic form can be punished.

## 6.16 One year of Tele-MANAS

India's round-the-clock mental health helpline - Tele-MANAS that was launched in World Mental Health Day, October 10, 2022 has completed one year.

- **Tele MANAS** - Tele Mental Health Assistance and Networking across States (Tele MANAS) is the National Tele Mental Health Programme of India.
- It is conceptualised as the “digital arm of the National Mental Health Programme”.
- **Announced in** - Union Budget 2022
- **Nodal agency**- Ministry of Health and Family Welfare (MoHFW)
- **Aim**- To provide universal access to equitable, accessible, affordable and quality mental health care through 24X7 tele-mental health services.
- **Objectives**-
  - To scale up the reach of mental health services to anybody who reaches out, across India, any time
  - To implement a full-fledged mental health-service network
  - To extend services to vulnerable groups of the population and difficult to reach populations.
- **Technology partner**- International Institute of Information Technology, Bengaluru
- **Nodal centre**- NIMHANS, Bengaluru
- **Health system domain**- National Health Systems Resource Centre
- **Helpline numbers**- 14416 and 18008914416
- **Institutional mechanism**- MoHFW formed a National Technical Advisory Group (NTAG) and 3 technical advisory sub-committees to achieve specific goals and objectives of Tele MANAS.
- **Two tier system**-
  - **Tier 1**- State Tele MANAS cells, which include trained counsellors and mental health specialists
  - **Tier 2**- District Mental Health Program (DMHP)/Medical college resources

### Government Initiatives to tackle Mental Health

- KIRAN toll-free 24/7 helpline
- MANAS Mitra mobile app
- National Institute of Mental Health and Neurosciences (NIMHANS), Bengaluru
- iGOT platform - for online capacity building of health workers by NIMHANS
- National Mental Health Programme (NMHP), 1982
- Mental Health Act, 2017
- National Mental Health Policy, 2014

## 6.17 Restrictions on New Medical Colleges

Recently National Medical Commission (NMC) unveiled new guidelines that cap the number of MBBS seats in existing government and private medical colleges.

### National Medical Commission (NMC)

- It is India's premier regulatory body overseeing medical education and practice.
- It has been constituted by an act of Parliament known as National Medical Commission Act, 2019.
- **Aim**- To improve access to quality and affordable medical education.

Public health is a State Subject under 7<sup>th</sup> Schedule

### Functions

- To ensure availability of adequate and high-quality medical professionals
- To promote equitable and universal healthcare services
- To encourage medical professionals to adopt latest medical research in work
- To objectively assess medical institutions periodically in a transparent manner

### Autonomous Boards

- UG Medical Education Board
- PG Medical Education Board
- Medical Assessment and Rating Board

<ul style="list-style-type: none"> <li>To maintain a medical register for India</li> <li>To enforce high ethical standards in all aspects of medical services</li> <li>To have an effective grievance redressal mechanism</li> </ul>	<ul style="list-style-type: none"> <li>Ethics and Medical Registration Board</li> </ul>
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### World Federation for Medical Education (WFME)

- Status** - National Medical Commission (NMC), India achieves the status of World Federation for Medical Education (WFME) Recognition for a tenure of **10 years**.
- Recognized Entities** - As part of this recognition, all the existing medical colleges and the new medical colleges in India will become WFME accredited.
- Significance** - The recognition will further enhance the quality and standards of medical education in India by aligning them with the global best practices and benchmarks.
- Eligibility** - It enables Indian medical graduates to pursue postgraduate training and practice in other countries that require WFME recognition.
- With NMC being WFME accredited all the Indian students become eligible to apply for Education Commission on Foreign Medical Education and United States Medical Licensing Examination.

#### World Federation for Medical Education (WFME)

- It is a global organization dedicated to enhancing the quality of medical education worldwide.
- WFME's accreditation program plays a pivotal role in ensuring that medical institutes meet and uphold the highest international standards of education and training.

### 6.18 Digitisation of Land Records

Recently, while presenting Bhoomi Samman Award 2023, President Draupadi Murmu said that land digitisation will curb land-linked illegal activities.

- Land digitisation is the process of converting analogue or physical information about land into digital data.
- It involves capturing, storing, and managing land-related information in a digital format.
- It involves the use of Geographic Information Systems (GIS), satellite imagery, aerial photography, and other technologies to capture spatial data and attribute information about the land.

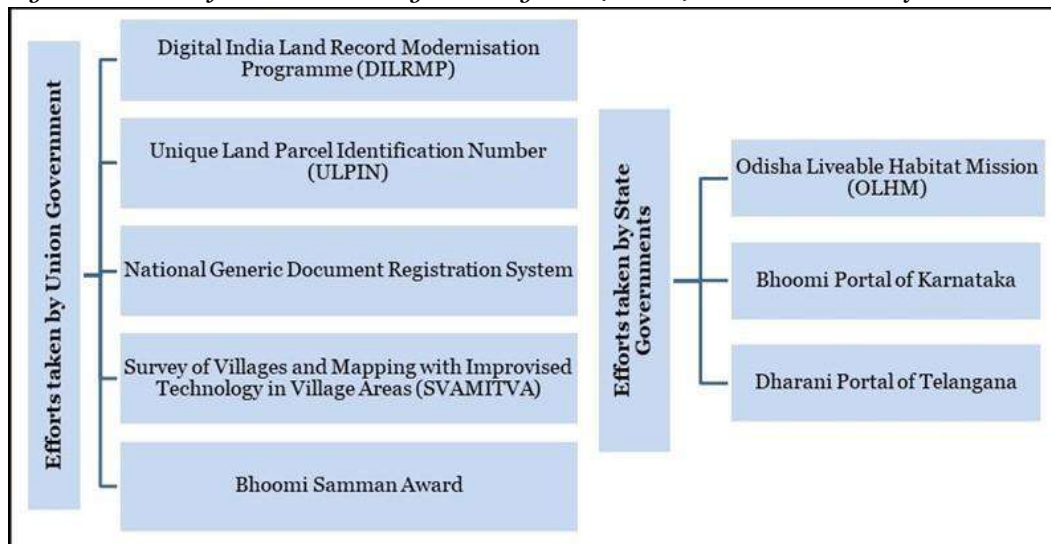
The subject of 'Land' and its management falls under the **State List** provided under Entry 18 and Entry 45 of List II of Seventh Schedule of Indian Constitution.

#### Efforts were taken to promote land digitisation

- Digital India Land Record Modernisation Programme (DILRMP)** - It is a Central sector scheme with 100 % funding by centre that was launched in 2016.
- It aims to develop Integrated Land Information Management System (ILIMS) across the country.

The Government has achieved **94% digitization** targets pan-India, as per the Digital Indi Land Records Modernization Programme- MIS 2.0.

- Implemented by Ministry of Rural Development and its sub-components include ULPIN, NGDRS, etc.
- ULPIN**- Unique Land Parcel Identification Number is a unique **14-digit authentication number** that will be assigned for



every plot or parcel of land in the whole country.

- It is classified as Aadhar for Land, which contains ownership information, area and size of the plot.
- **National Generic Document Registration System** - It is a “One-Nation One-Registration Software”. It is a common, generic and configurable application developed for registration departments across the country.
- **Bhoomi Samman Award**- It aims to acknowledge and encourage outstanding performance in the implementation of the DILRMP. It aims to achieve 100% saturation of the core components of digitization of land records in all districts of the country by March 31, 2024.
- Platinum Grading Excellence is given to districts that successfully achieve 100% target in the core components of the DILRMP.
- **SVAMITVA** - Survey of Villages and Mapping with Improved Technology in Village Areas was launched in 2020. It aims to provide the ‘Record of Rights’ to village household owners possessing houses in inhabited areas in villages.

## 6.19 Selective Banning of OTT Services

Recently, Telecom Regulatory Authority of India (TRAI) released a consultation paper on ‘Regulatory Mechanism for Over-The-Top (OTT) Communication Services, and Selective Banning of OTT Services’.

- **OTTs** are Over-The-Top media services that provides audio-visual streaming services directly to customers over the web/internet.
- Examples- Disney+, Hulu, HBO Max, Amazon Prime Video, etc.
- **Selective Banning** is the concept of blocking certain OTT services in specific regions or geographies during times, such as that of public unrest or public disorder.

### Legality of internet shutdowns in India

- **Section 144 of CrPC** - Till 2017, shutdowns were imposed largely under Section 144 of Code of Criminal Procedure (CrPC).
- It gave the police and the District Magistrate the powers in order to prevent unlawful gathering of people and to direct any person to abstain from a certain activity.
- **The Telegraph Act** - The method to suspend telecom services in case of public emergency or public safety and suspension of Internet services in India was notified under Section 7 of Telegraph Act, 1855, in 2017.
- The rules were named Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
- Authorities to order such directions are
  - The Secretary in the Ministry of Home Affairs (Central Government)
  - The Secretary of the Home Department to the concerned State Government (State Government)

### Significance of OTT

#### No pauses

- OTT technology will adjust to the network performance of the entire chain in real-time so that the video and audio are delivered without pauses caused by buffering.

#### Multitude of options

- With OTT video delivery technology, people have the ability to view content on a variety of platforms such as: Smart TVs, Roku, computers, tablets, mobile phones, or gaming consoles.

#### Control over choosing the content

- They also have the option to access multiple distributors for specialized programs and view channels by “app switching”.

#### Overcomes the limitations of STB

- OTTs overcome the limitations of the single operator set top box (STB) technology required by IPTV.

### Telecom Regulatory Authority of India (TRAI)

- Statutory body established by the TRAI Act, 1997.
- **Aim** - To regulate telecom services, including fixation/revision of tariffs for telecom services which were earlier vested in the Central Government.
- The TRAI Act was amended in 2000 to establish Telecommunications Dispute Settlement and Appellate Tribunal (TDSAT).
- TDSAT adjudicates dispute between a licensor and a licensee, between two or more service providers, between a service provider and a group of consumers, and hear and dispose of appeals against any direction, decision or order of TRAI.

- **Section 69 of the IT Act, 2008** - It allows the government to issue content-blocking orders to online intermediaries such as Internet Service Providers (ISPs), telecom service providers, etc.

## 6.20 Copyrights and Intellectual Property

*The Bombay high court ruled that FM radio channels must pay royalties to composers and lyricists for the copy righted music that they use in the channel.*

- **Royalties** - Although 'royalty' has not been defined under the [Copyright Act 1957](#), the Income Tax Act 1961 defines royalty as payments to the copyright owners made by the user in exchange for the right to use, broadcast, or communicate their music to the public.
- These royalties are administered by numerous copyright societies like the IPRS, the Indian Singer Rights Association (ISRA), Novex, and Phonographic Performance Limited (PPL).
- **Copyright** - It is a type of [intellectual property right](#) and Authors who have original works such as works of literature dramatic, musical, and artistic works, cinematographic films, and audio recordings are all awarded copyright safeguards under Indian law.
- **Copyrights act 1957** - Governs the law pertaining to copyright in India.
- The original authors were not entitled to claim royalty once their original works became part of a film.
- India's first copyright law and six amendments have been made since then.
- **Indian Performing Right Society Limited (IPRS)** - A society registered under the Copyright Act 1957.
- **IPRS v Eastern India Motion Pictures** - The court held that, once the underlying original works of the authors became part of a cinematograph film, the producer enjoys the exclusive right of the said work.
- **2012 amendment of copyright act 1957** - Recognized **performers' rights** under the copyright framework.
- Performers' rights cannot be transferred or sold through an agreement. The 2012 amendment ensured that the rights of the original authors could not be overridden.
- The amendment also mentions that if an author's work is used for new formats he should be compensated for it.
- **WIPO Copyright Treaty (WCT)** - The 2012 amendment of copyrights act 1957 is in line with WCT.

### Indian Performing Right Society Limited (IPRS)

- IPRS is a **representative body** of Owners of Music, viz. Composers, Lyricists (or Authors) and the Publishers of Music and is also the sole authorized body to issue licenses for usage of Musical Works & Literary Music within Indian.
- IPRS legitimize use of copyrighted Music by Music users by issuing those licenses and collect Royalties from Music Users for and on behalf of IPRS members.
- IPRS members include Authors, Composers and Publishers of Music.
- IPRS came into existence on August **1969**.

### WIPO Copyright Treaty (WCT)

- The WIPO Copyright Treaty (WCT) is a special agreement under the Berne Convention.
- **Berne Convention** for the Protection of Literary and Artistic Works adopted in 1886.
- WCT deals with two subject matters to be protected by copyright.
- Computer programs, whatever the mode or form of their expression and Compilations of data or other material (databases).

## 6.21 Cauvery Water Sharing Issue

*The Tamil Nadu government has sought the Supreme Court's intervention to make Karnataka immediately release 24,000 cubic feet per second (cusecs) from its reservoirs.*

- **Pre- independence period**- There were two agreements entered in 1892 and 1924 with respect to sharing of river water between the states of erstwhile Madras Presidency and the kingdom of Mysore.
- **1924 agreement**- Karnataka and Tamil Nadu signed an agreement effective for 50 years.
- **Post Independence**- On completing 50 years, the accord lapsed in 1974.
- Subsequently, Karnataka claimed that the agreement restricted its ability to develop farming activities along the Cauvery basin.

- It attempted to expand farming activities in the Cauvery basin by building reservoirs that has become a major water sharing dispute among **Tamil Nadu, Karnataka, Puducherry and Kerala.**

- Tribunal** - By Tamil Nadu's demand, the Union government formed the *Cauvery Water Disputes Tribunal* (CWDT) in 1990 that adjudicated the dispute in 2007.

- New Bodies**- The following bodies were created in 2018, as per Supreme Court guidelines.

- Cauvery Water Management Authority**- Ministry of Jal Shakti
  - Cauvery Water Regulation Committee**

- Article 262**- Adjudication of disputes relating to water of inter- State rivers or river valleys.

- Power of Parliament**- Parliament can provide for adjudication of any dispute or complaint with respect to the use, distribution or control of the waters in inter-state river or river valley by law.

- It can provide by law that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.

- Inter State Water Dispute Act, 1956**- Any State may request the Centre to refer an inter-State River dispute to a tribunal for adjudication.

- If the Centre feels that negotiations cannot settle the dispute, it may setup a Water Disputes Tribunal *within 1 year* of the complaint.

- Cauvery Water Dispute Tribunal was formed through this act in 1990.

- Dispute resolution** - Tribunals has the *power of civil court* and its verdict is equivalent to *Supreme Court verdict* when pronounced under the ambit of the Inter State Water Dispute Act.

- The verdict of the tribunal can be challenged in Supreme Court via civil suits.

- Amendment**- Tribunal award post 2002 can be altered by new tribunals.

### About Cauvery River

- 3rd largest river** in South India.
- Ponni** was another name for it in Tamil literature.
- Origin**- Talakaveri on Brahmagiri range in Western ghats.
- States**- Karnataka, Tamilnadu, Kerala, Puducherry
- Right tributaries**- Lakshmana Tirtha, Kabini, Bhavani, Noyyal, Amaravati, Moyar.
- Left tributaries**- Harangi, Hemavati, Shimsha, Arkavathi
- Basin**-
  - Tamilnadu**- 44,000 square kms
  - Karnataka** - 32,000 square kms
- Drains**- In Bay of Bengal at Poompuhar in Tamil Nadu



**Mekedatu**, a multipurpose balancing reservoir project at the confluence of the River Cauvery and its tributary River Arkavathi in Karnataka has been contentious for years between Tamilnadu and Karnataka.

## 6.22 Krishna Water Dispute

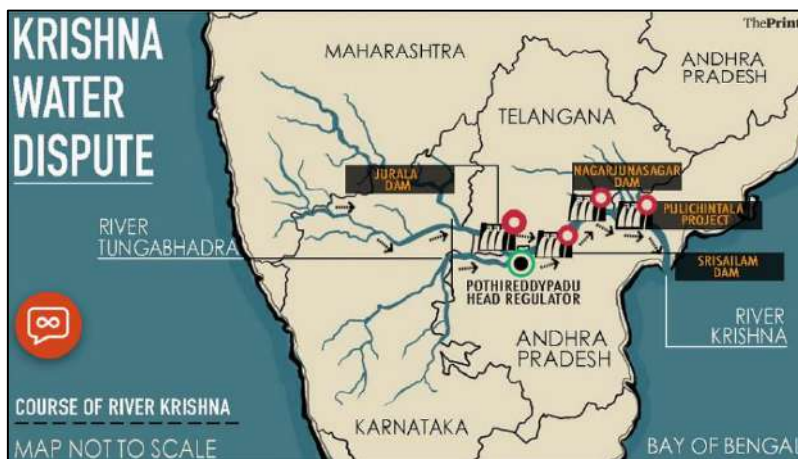
The nagging dispute over the water share of the Krishna River between Andhra Pradesh (A.P.) and Telangana remains unresolved, even nine years after the bifurcation of the combined State.

- History of the dispute** - 1,400-km Krishna River flows east from Mahabaleshwar in Maharashtra to the Bay of Bengal. It passes through Karnataka, and forms part of border between Telangana & Andhra.
- The Telangana-Andhra Pradesh water dispute has its roots in the formation of Andhra Pradesh in 1956.
- The dispute centers on the sharing of water from the Krishna River, **which flows through both states.**

### Krishna River

- The Krishna is the second-largest east-flowing river of the Peninsula.
- Krishna River rises at Mahabaleshwar at an altitude of 1336 m near the Jor village in the extreme north of district Satara, Maharashtra in the west, and meets the Bay of Bengal in Andhra Pradesh, on the east coast.
- It is bounded by the Balaghat range on the north, by the Eastern Ghats on the south and the east, and by the Western Ghats on the west.

- Bachawat Tribunal was constituted to settle the [dispute](#) and it allocated 811 tmcft of water to Andhra Pradesh, which was then a single state.
- The Tribunal also recommended that the water be shared in the ratio of 512:299 tmcft between Andhra and Telangana, respectively and to share water in the ratio of 34:66.
- However, the Andhra Pradesh government did not implement the Tribunal's recommendations. Instead, it continued to divert water from the Krishna River to areas in Andhra Pradesh that were outside of the Krishna River basin.
- Water sharing** - Krishna Water Disputes Tribunal (KWDT) was set up in 1969 in keeping with the Inter-State River Dispute Act 1956.
- In 1976 the states entered into an agreement to divide the estimated 2,060 thousand million cubic feet (tmc ft) of Krishna water into three parts
  - 560 tmc feet for Maharashtra, 700 for Karnataka and roughly 800 for erstwhile Andhra Pradesh (before bifurcation).
- Andhra Pradesh during bifurcation asked the union ministry to include Telangana as a separate state and divide the Krishna River into 4 states instead of 3.
- In 2014, the two Telugu states agreed to split the water on a temporary or ad hoc basis in a 66:34 ratio.
- Of the total 811 tmc feet allotted to the combined state, Telangana would receive about 299 tmc feet of water, while residual Andhra Pradesh would get 512 tmc feet.
- Projects in the Krishna River includes **Jurla, Nagarjuna Sagar, Pulichintala and Srisailem**.



### 6.23 e - Cabinet System

*Tripura has launched an e-cabinet system to promote digital infrastructure development and digitisation of government services and information.*

- E - Cabinet** - A software portal for state governments to conduct Cabinet meetings electronically.
- Developed by** - National Information Centre (NIC), Ministry of Electronics & IT (MeitY).
- Unique Features-**
  - Automate work flow activities before, during and after Meetings.
  - Enhanced level of Security, with Push & Pull features.
  - Build institutional memory & knowledge repository, enabling quick search & retrieval.

*Tripura has become the 4<sup>th</sup> state - and 2<sup>nd</sup> in the Northeast - after Uttarakhand, Uttar Pradesh and Arunachal Pradesh, to have introduced an e-cabinet system.*

### 6.24 Fiscal Responsibility and Budget Management (FRBM) Act

*A close look at the government's accounts highlights that fiscal deficit is owing to low revenues and not high spending.*

- India achieved fiscal prudence by enacting the **Fiscal Responsibility and Budget Management (FRBM) Act** in 2003, which set targets for reducing its fiscal deficit and debt-GDP ratio.
- Aim-** To ensure fiscal discipline for the Centre by setting targets including reduction of fiscal deficits and elimination of revenue deficit.
- Main objectives**
  - To introduce transparent fiscal management systems
  - To introduce a more equitable and manageable distribution of the country's debts over the years

- To aim for fiscal stability in the long run
- **Key features-** The FRBM Act made it mandatory for the government to place the following along with the Union Budget documents in Parliament annually.
  - Medium Term Fiscal Policy Statement
  - Macroeconomic Framework Statement
  - Fiscal Policy Strategy Statement

Key terms
<b>Fiscal prudence</b> <ul style="list-style-type: none"> <li>• It means managing government finances in a responsible and sensible way to ensure the nation's sustainable growth, stability, and welfare.</li> <li>• Indicators- Fiscal Deficit, Debt-GDP ratio and quality of expenditure.</li> </ul>
<b>Fiscal Deficit</b> <ul style="list-style-type: none"> <li>• It occurs when a government spends more than it earns in a given fiscal year.</li> <li>• Fiscal deficit = Total Expenditure - Total Revenue (Excluding the borrowings).</li> </ul>
<b>Debt-GDP ratio</b> <ul style="list-style-type: none"> <li>• It is the ratio of the government's outstanding debt to its gross domestic product which measures the size of the economy.</li> </ul>
<b>Tax buoyancy</b> <ul style="list-style-type: none"> <li>• It measures the responsiveness of tax mobilisation to economic growth.</li> <li>• A tax is said to be buoyant if the tax revenues increase more than proportionately in response to a rise in national income or output.</li> </ul>

- **Escape clause-** In grounds of national security, calamity, etc, the set targets of fiscal deficits and revenue could be exceeded.
- **NK Singh Committee-** In the Union Budget 2016-17, it was proposed to constitute a committee to review the implementation of the FRBM Act and give its recommendation.

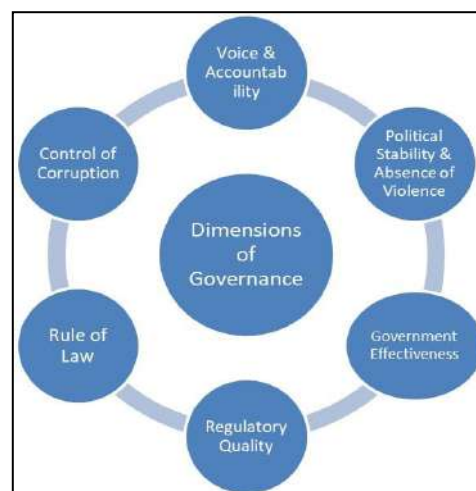
#### Quick facts

- **Credit rating** - It is an assessment of the creditworthiness of a borrower (individual, corporation, state or provincial authority, or sovereign government) in general terms or with respect to a particular debt or financial obligation.
- **Credit rating agency (CRA)** - It is a company that assigns credit ratings and there are 6 credit rating agencies registered under SEBI namely, CRISIL, ICRA, CARE, SMERA, Fitch India and Brickwork Ratings.

### 6.25 Worldwide Governance Indicators (WGI)

Recently, Chief Economic Adviser of India stressed on the need for the World Governance Index to be more transparent and less subjective as it has been used for ratings assessment by credit ratings agencies.

- The WGI is developed in 1999 by 2 World Bank researchers and the data will be updated annually every September.
- It is released by the **World Bank (WB)**.
- **Objective** - To help researchers and analysts assess broad patterns in perceptions of governance across countries and over time.
- It provides a **ranking of 215 countries** territories.
- **Criteria** - It is based on **6 dimensions of governance**
- **Data Source** - Its aggregate data from more than 30 think tanks, international organizations, NGOs, and private firms across the world selected on the basis of **3 key criteria**
  - They are produced by credible organizations.
  - They provide comparable cross-country data.
  - They are regularly updated.
- **Issues** - Data are based on subjective opinions of some institutions which might be erroneous or manipulated.



### 6.26 Tech Saksham Program

- It is a top-up program that uses experiential learning to develop employability skills amongst underserved female students pursuing higher education.

- Introduced by - All India Council for Technical Education (AICTE).
- This program will be delivered in a blended mode - a) instructor led face to face workshops/ classrooms and project work, and b) self-paced online learning modules.

## 7. BILLS, ACTS AND POLICIES

### 7.1 Women Reservation Act, 2023

President has given her assent to the Nari Shakti Vandan Adhiniyam (128th Amendment) Bill, 2023 and now it will be known as the Constitution (106th Amendment) Act, 2023.

#### Constitutional Provisions for Women empowerment

- **Part III**- It guarantees the fundamental rights for both men and women.
  - **DPSP**- It ensure economic empowerment by providing for equal pay for equal work by both men and women, humane conditions of work, and maternity relief.
  - **Right to contest election**- Any Indian citizen who is registered as a voter and is over 25, can contest elections to the Lok Sabha or the SLAs; for Rajya Sabha the minimum age is 30.
  - **Article 243 D**- Provides for reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Panchayats.
  - **Article 243 T**- Provides for reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Urban Local Bodies.
  - **Article 325**- No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
  - **Article 326**- The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage.
- **Local governance**- Reservation for women in Panchayats and Municipalities were provided by
    - **Article 243D**- 73<sup>rd</sup> Amendment Act 1992
    - **Article 243T**- 74<sup>th</sup> Amendment Act 1992

Bill	About	Reason for lapse
<b>81<sup>st</sup> Amendment Bill, 1996</b>	To reserve not less than 1/3 <sup>rd</sup> of the total number of seats filled by <i>direct election</i> in the House of the People and in the State Legislative Assemblies (SLAs) for women.	Due to the dissolution of 11 <sup>th</sup> Lok Sabha
<b>84<sup>th</sup> Amendment Bill, 1998</b>	To provide reservation for women in Lok Sabha, SLAs and National Capital Territory of Delhi for 15 years from the commencement of the proposed enactment	Due to the dissolution of 12 <sup>th</sup> Lok Sabha
<b>85<sup>th</sup> Amendment Bill, 1999</b>	To provide reservation for women in legislatures.	Due to lack of consensus amongst the political parties
<b>108<sup>th</sup> Amendment Bill 2008</b>	To reserve 1/3 <sup>rd</sup> of all seats for women in Lok Sabha and SLAs. The allocation of reserved seats shall be determined by such authority as prescribed by Parliament.	Due to the dissolution of 15 <sup>th</sup> Lok Sabha.
<b>128<sup>th</sup> Amendment Bill, 2023</b>	Proposes 33% reservation for women in Lok Sabha, SLAs and the Legislative Assembly of the National Capital Territory of Delhi.	Both Lok Sabha and Rajya Sabha passed the bill

#### Key features of the bill

- **Reservation for women**- The Bill proposes 33% *reservation* for women in Lok Sabha, SLAs, and the Legislative Assembly of the National Capital Territory of Delhi.

- This will also apply to the seats reserved for SCs and STs in Lok Sabha and states legislatures.
- **Introduction of new articles-** *Article 330A and Article 332A* to be introduced in the Constitution to propose changes for Lok Sabha and Assemblies respectively.
- **Commencement** - The reservation will be effective after the [census](#) conducted after this Bill has been published.
- Based on this, [delimitation](#) will be undertaken to reserve seats for women for a period of *15 years*. However, it shall continue till such date as determined by a law made by Parliament.
- **Rotation of seats-** Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.

### Delimitation Exercise

- **Delimitation** – The act of redrawing boundaries of Lok Sabha and State Assembly seats to represent changes in population.
- It is conducted periodically to reflect both increase in population and changes in its distribution.
- **Objective-** To provide equal representation to equal segments of a population.
- **Article 82-** Provides for readjustment of constituencies of Lok Sabha and State Assemblies after every Census.
- **42nd Amendment Act-** It froze delimitation exercise until the first Census after 2000 is published.
- In 2001, this was further extended for 25 years. So now, delimitation would happen on the results of the first Census *after 2026*.
- **Delimitation commission (Boundary Commission)** - It carries the delimitation exercise, appointed by the Government of India under the *Delimitation Commission Act*.
- The Commission is appointed by the *President* and works in collaboration with *Election Commission of India*.
- **Composition**
  - Retired Supreme Court judge
  - Chief Election Commissioner of India
  - Respective State Election Commissioners
- The Commission's orders are *final* and cannot be questioned before any court as it would hold up an election indefinitely.

## 7.2 Bharatiya Nyaya Sanhita Act, 2023

President gives assent to [3 Criminal Law amendment bills](#), the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Bill, 2023.

### Major changes in the new act

- **New definitions** – It defines 'child' and also defines 'beggary' as a form of exploitation for trafficking.
- **Modifications** – The definition of 'movable property' is widened to include property of every description.
- In the definition of grievous hurt, the number of days has been reduced from 20 days to 15 days.
- **New chapter** - On offence against woman and child and on 'inchoate offences' (attempt, abetment and conspiracy).
- **Sedition** – Under new name '*deshdroh*' with wider definitions.
  - It covers acts of subversive activities, and those encouraging feelings of separatist activities.



- **Gender neutrality** – While rape laws continue to operate only for women, some children related laws were modified.
  - For the offences dealing with illicit intercourse.
  - For the offence dealing with kidnapping of minors, it is 18 years for both the genders.
- For adults, the offence of outraging the modesty of women (354A of the IPC) and voyeurism (354C) now has gender neutrality for the accused, which means that women can also be booked.
- **Inclusion** – It includes transgender in the definition of 'gender' and includes electronic and digital records in the definition of 'document'.
- **Deletion** – Unnatural sexual offences under Section 377 of IPC, the provisions related to thugs and adultery.
- **Community service** – It is introduced as a punishment for theft of less than Rs 5,000.
- **Attempt to suicide** – It criminalises 'suicide attempts with the intent to compel or restrain any public servant from discharging his official duty'.
  - Jail term which may extend to 1 year with community service.
  - It could be invoked to prevent self-immolations and hunger strikes during protests.
- **Damage to public property** - It now carry a graded fine, which means the fine corresponds to the amount of damage caused.
- **Mob Lynching and hate-crime murders** – It is for cases when a mob of 5 or more individuals commits murder based on factors such as race, caste, community, or personal belief.
  - Punishment extends from life imprisonment to death.
- **Organised crime** – It prescribe vast powers of surveillance and relax standards of evidence and procedure in favour of the state.
  - The punishment for attempt to commit and for committing is the same, but a distinction is based on whether a death is caused or not by the alleged offence.
- A separate category of petty organised crime criminalises 'theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers.
- **Terrorist act** – While it imports larger parts from UAPA act, the offence involving terror financing is broader than in UAPA.
- **False Promises to Marry** - Clause 69 seems to ostensibly tackle the "love jihad" narrative by criminalising "deceitful" promise to marry.
  - It also essentially criminalises consensual sexual activity too.
- **Death due to negligence** - Currently, under Section 304A of the IPC, the punishment for causing death by negligence is **2 years** imprisonment and fine or both.
- The BNSS increases the punishment for such acts to **5 years**, however, specifies that doctors will still get the lower punishment of 2 years jail time if convicted.
- **Hit and Run** – The new law prescribes stringent punishment, a jail term of 10 years and a fine, for somebody who causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide.
- Section 106 (2) is also applicable to persons who escapes without reporting it to a police officer or a Magistrate soon after the incident.

*In 2018, the Supreme Court has struck down the section 377 of the IPC which criminalised homosexuality and the offence of adultery as unconstitutional.*

#### **New offences included under Bharatiya Nyaya Sanhita (BNS)**

- Organised crime
- Petty organised crime
- Mob lynching
- Terrorism acts
- Hit and run
- Hiring child to commit offence
- Snatching
- Abetment outside India
- Acts endangering the sovereignty, integrity and unity of India.
- Publication of false or fake news etc.

**Registered medical practitioner** - Person who possesses any medical qualification recognised under the National Medical Commission Act, 2019 and whose name has been entered in the National Medical Register or a State Medical Register under that Act.

### Minor changes in the new act

- **Removal of archaic expressions** – At 9 places, expressions like 'lunatic', 'insane' and 'idiot' have been done away with.
- **Deletion of colonial remnants** – Terms like 'British calendar', 'Queen', 'British India', 'justice of the peace' have been deleted.
- **Replacement of terminologies**
  - At 44 places 'Court of Justice' has been replaced with 'Court'.
  - At 12 places 'denotes' has been replaced with 'means'.
  - At 3 places and 'that is to say' is replaced with 'namely'.
- **Uniformity** – The expression 'child' is same throughout the BNS.
- Contemporary style of drafting has been used.

### Committees for reform of criminal laws so far

- **Malimath committee**- It was formed in 2003 to bring reforms in the criminal justice system.
- The Committee recommended that the victim should be allowed to participate in cases involving serious crimes and also be given adequate compensation.
- **Justice Verma panel**- It was formed to ensure quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. It submitted its report in 2013.
- **Ranbir Singh committee**- It was formed in 2020 to review three codes of criminal law
  - Indian Penal Code (IPC), 1860
  - Code of Criminal Procedure (CrPC), 1973 and
  - Indian Evidence Act, 1872.

## 7.3 Bharatiya Nagarik Suraksha Sanhita Act, 2023

The Bharatiya Nagarik Suraksha Sanhita, 2023 seeks to replace the Criminal Procedure Code, 1973 (CrPC) was granted assent by the President of India.

### Key provisions of the Act

Key aspects	About
<b>Forensic investigation</b>	<ul style="list-style-type: none"> <li>• It is mandated for offences punishable with 7 years of imprisonment or more.</li> <li>• If a state does not have forensics facility, it shall utilise such facility in another state.</li> </ul>
<b>Use of technology</b>	<ul style="list-style-type: none"> <li>• All trials, inquiries, and proceedings may be held in electronic mode.</li> <li>• Production of electronic communication devices, likely to contain digital evidence, will be allowed for investigation, inquiry, or trial</li> </ul>
<b>Evasion of trail</b>	<ul style="list-style-type: none"> <li>• If a proclaimed offender has absconded to evade trial and there is no immediate prospect of arresting him, the trial can be conducted and judgement pronounced in his absence.</li> </ul>
<b>Samples for investigation</b>	<ul style="list-style-type: none"> <li>• Along with specimen signatures or handwriting, finger impressions and voice samples may be collected for investigation or proceedings.</li> <li>• Samples may be taken from a person who has not been arrested.</li> </ul>
<b>Timelines for procedures</b>	<ul style="list-style-type: none"> <li>• Medical practitioners who examine rape victims- Submit report to investigation officer within 7 days.</li> <li>• Giving judgements within 30 days of completion of arguments (extendable up to 45 days)</li> <li>• Informing the victims of progress of investigation within 90 days.</li> </ul>
<b>Use of handcuffs</b>	<ul style="list-style-type: none"> <li>• Handcuffs may only be used to arrest                             <ul style="list-style-type: none"> <li>○ A habitual or repeat offender who has escaped custody, or</li> <li>○ A person who has committed offences such as rape, acid attack, organised crime, drug related crime, or offence against the State.</li> </ul> </li> </ul>

## Difference between CrPC and BNSS

Key aspect	CrPC	BNSS
<b>Detention of undertrials</b>	<ul style="list-style-type: none"> <li>If an accused has spent half of the maximum period of imprisonment in detention, he must be released on personal bond.</li> <li>This does not apply to offences punishable by death.</li> </ul>	<ul style="list-style-type: none"> <li>This provision will also not apply to offences punishable by life imprisonment and persons against whom proceedings are pending in more than one offence.</li> </ul>
<b>Medical examination</b>	<ul style="list-style-type: none"> <li>Allowed in certain cases, including rape cases.</li> <li>Such examination is done by a registered medical practitioner on the request of <u>at least a sub inspector level police officer</u>.</li> </ul>	<ul style="list-style-type: none"> <li>It provides that <u>any police officer</u> can request such an examination.</li> </ul>
<b>Samples for investigation</b>	<ul style="list-style-type: none"> <li>It empowers a <b>Magistrate</b> to order any person to provide specimen signatures or handwriting.</li> </ul>	<ul style="list-style-type: none"> <li>It expands this to include finger impressions and voice samples and allows these samples to be collected from a person who has not been arrested.</li> </ul>
<b>Hierarchy of Courts</b>	<ul style="list-style-type: none"> <li><b>Magistrate's Courts</b>- Subordinate courts responsible for the trial of most criminal cases.</li> <li><b>Sessions Courts</b>- Presided over by a Sessions Judge and hear appeals from Magistrate's Courts.</li> <li><b>High Courts</b>- Have inherent jurisdiction to hear and decide criminal cases and appeals.</li> <li><b>Supreme Court</b>- Hear appeals from High Courts and also exercise its original jurisdiction in certain matters.</li> <li>It empowers the State governments to notify any city or town with a population of more than 1 million as a metropolitan area. Such areas have <b>Metropolitan Magistrates</b>.</li> </ul>	<ul style="list-style-type: none"> <li>It removes the classification of metropolitan areas and Metropolitan Magistrates.</li> </ul>
<b>Procedure of police custody</b>	<ul style="list-style-type: none"> <li>The Constitution and CrPC prohibit detention in police custody beyond 24 hours.</li> <li>The Magistrate is empowered to extend it up to 15 days in case investigation cannot be completed within 24 hours.</li> <li>The overall detention cannot exceed 60 or 90 days depending on the offence.</li> </ul>	<ul style="list-style-type: none"> <li>It adds that the police custody of 15 days can be authorised in whole or in parts at any time during the initial 40 or 60 days out of the 60 or 90 days period</li> </ul>

## Negatives of BNSS

- Police custody procedure**- Extension in the police custody may lead to **denial of bail** for the entire period if the police has not exhausted the 15 days custody.
- Power to use handcuffs**- The Supreme Court has held that the use of handcuffs is inhumane, unreasonable, arbitrary, and repugnant to Article 21.
  - It has ruled that no prisoners undergoing trial can be handcuffed without obtaining judicial consent.
  - The use of handcuffs is permitted in the range of cases including organised crime, contradicting Supreme Court directions.
- Data collection**- The need for retaining data collection provisions and expanding them in the BNSS2 is unclear.

- **Scope for bail-** The CrPC provides for bail for an accused who has been detained for half the maximum imprisonment for the offence. The BNSS2 denies this facility for anyone facing multiple charges.
- The power to attach property from proceeds of crime does not have safeguards provided in the Prevention of Money Laundering Act.
- **Public order-** The BNSS2 retains provisions of the CrPC related to maintenance of public order.
  - Since trial procedure and maintenance of public order are distinct functions, the question is whether they should be regulated under the same law or be dealt with separately.

#### 7.4 Bharatiya Sakshya Act, 2023

Bharatiya Sakshya Bill, 2023, a transformative legislation introduced to amend the Indian Evidence Act (IEA) of 1872 was granted assent by the President.

##### Provisions retained from the Indian Evidence Act 1872

- **Admissible evidence-** It can be classified as either facts in issue or relevant facts.
  - **Facts in issue-** It refer to any fact that determines the existence, nature or extend of any right, liability or disability claimed or denied in a legal proceeding.
  - **Relevant facts-** They are facts that are pertinent to a given case.
- **Proved fact-** Based on the evidence presented, the Court believes it to either exist, or its existence so likely that a prudent man should act as if it exists in circumstances of the case.
- **Police confession-** Any confession made to a police officer is inadmissible. Confessions made in police custody are also inadmissible, unless recorded by a Magistrate.
- However, if a fact is discovered as a result of information received from an accused in custody, that information may be admitted if it distinctly relates to the fact discovered.

##### Difference between IEA and BSB

Key features	Indian Evidence Act, 1872 (IEA)	Bharatiya Sakshya Act, 2023 (BSB)
<b>Documentary evidence</b>	A document includes writings, maps, and caricatures.	It adds that electronic records will also be considered as documents
<b>Classification of documentary evidence</b>	<ul style="list-style-type: none"> <li>• <b>Primary evidence</b> includes the original document and its parts, such as electronic records and video recordings.</li> <li>• <b>Secondary evidence</b> contains documents and oral accounts that can prove the contents of the original.</li> </ul>	<ul style="list-style-type: none"> <li>• It retains the classification of documentary evidence.</li> <li>• It expands secondary evidence to include                             <ul style="list-style-type: none"> <li>○ Oral and written admissions,</li> <li>○ Testimony of a person who has examined the document and is skilled to examine the documents.</li> </ul> </li> </ul>
<b>Oral evidence</b>	<ul style="list-style-type: none"> <li>• It includes statements made before Courts by witnesses in relation to a fact under inquiry.</li> </ul>	<ul style="list-style-type: none"> <li>• It allows oral evidence to be given electronically.</li> <li>• It permits witnesses, accused persons, and victims to testify through electronic means.</li> </ul>
<b>Admissibility of electronic or digital records as evidence</b>	<ul style="list-style-type: none"> <li>• Documentary evidence includes information in electronic records that have been printed or stored in optical or magnetic media produced by a computer.</li> <li>• Such information may have been stored or processed by a</li> </ul>	<ul style="list-style-type: none"> <li>• It provides that electronic or digital records will have the same legal effect as paper records.</li> <li>• It expands electronic records to include information stored in semiconductor memory or any communication devices including records on emails, server logs,</li> </ul>

	combination of computers or different computers.	smartphones, locational evidence and voice mails.
<b>Joint trial</b> (trial of more than one person for the same offence)	<ul style="list-style-type: none"> <li>In a joint trial, if a confession made by one of the accused affects other accused is proven, it will be treated as a confession against both.</li> </ul>	<ul style="list-style-type: none"> <li>It adds an explanation to this provision.</li> <li>It states that the trail of multiple persons, where an accused has absconded or has not responded to an arrest warrant, will be treated as a joint trial.</li> </ul>

### Negatives of BSB

- Tampering of electronic records-** There are no safeguards to prevent the tampering and contamination of electronic records during the investigation process.
  - In 2014, the Supreme Court recognised that electronic records are susceptible to tampering and alteration.
- Ambiguity-** Electronic records must be authenticated by a certificate to be admissible as documents.
- The Act also classifies electronic evidence as documents which may not need certification, thus creating contradiction.
- Facts discovered in police custody-** In IEA, a fact discovered due to information received from an accused in police custody may be provable. BSB2 retains this provision.
- Courts and Committees have noted that facts may be discovered in police custody by coercion, without adequate safeguards.
- Admissibility of facts-** Both IEA and BSB2 allows information to be admissible if it was obtained when the accused was in police custody, but not if he was outside. The Law Commission recommended to remove this distinction.
- Recommendations of Law Commission-** Provisions like the presumption that the police officer caused the injuries if an accused was injured in police custody was not incorporated.

## 7.5 The Chief Election Commissioner Act, 2023

A bill introduced to regulate the appointment of Chief Election Commissioner & Election Commissioners gets Presidential assent.

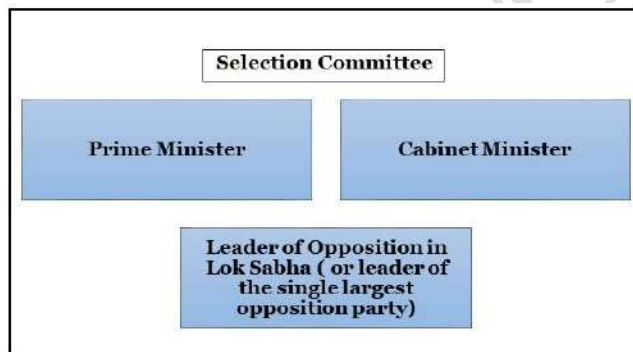
### Current Setup of Election Commission

- Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country.
- Articles (324-329) in Part XV of the Constitution deals with Election.
- Article 324-** The appointment of the CEC and other ECs shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.
- The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the president may from time-to-time fix.
- Appointment-** The Law Minister suggests suitable candidates to the Prime Minister for consideration.
- The President makes the appointment on the advice of the PM.
- The President may also appoint after consultation with the Election Commission such regional commissioners as he may consider necessary to assist the election commission.
- Term of office** - CEC and other ECs will hold office for a term of 6 years or until they reach the age of 65 years, whichever is earlier.
- Conditions of service-** The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be determined by the President.
- Removal** – The Chief Election Commissioner can be removed from office in a manner similar to that of a Supreme Court judge.

- This is done by an order of President, based on a motion passed by both Houses in the same session by
  - majority support of total membership of each House, and
  - at least two-thirds support from members present and voting.
- An EC can only be removed from office on the recommendation of the CEC.

### Key features of the bill

- The Chief Election Commissioner and Other Election Commissioners Bill 2023 replaces the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991.
- **Appointment-** It adds that the CEC and other ECs will be appointed by the President on the recommendation of a Selection Committee.
- **Selection Committee-** The Selection Committee will consist of
  - Prime Minister as Chairperson
  - Leader of the Opposition in Lok Sabha as member,
  - Union Cabinet Minister nominated by the Prime Minister as member.
- If the Leader of Opposition in Lok Sabha has not been recognised, the leader of the single largest opposition party in Lok Sabha will assume the role.
- **Search Committee-** A Search Committee will prepare a panel of 5 persons for the consideration of the Selection Committee.
- The Search Committee will be headed by the Cabinet Secretary. It will have 2 other members, not below the rank of Secretary to the central government, having knowledge and experience in matters related to elections.
- The Selection Committee may consider any person other than those suggested by the Search Committee.
- **Eligibility criteria-** The CEC and ECs must
  - Be a person of integrity,
  - Have knowledge and experience in the management and conduct of elections, and
  - Be or have been Secretary (or equivalent) to the government.
- **Salary and allowances -** The Bill provides that salary, allowance, and service conditions of the CEC and other ECs will be the same as that of the Cabinet Secretary.
- **Tenure-** The bill retains the same tenure and the Members of the Election Commission will hold office for six years, or until they attain the age of 65 years, whichever is earlier.
- **Conduct of business-** All business of the Election Commission is to be conducted unanimously.
- In case of difference of opinion between the CEC and the other ECs on any matter, it shall be decided through majority.
- **Reappointment-** Members of the Commission cannot be re-appointed. If an EC is appointed as a CEC, the overall period of the term may not be more than six years.
- **Pension provisions-** They will have an option to draw pension and other retirement benefits from the service that they belonged to previously.
- **Removal-** It retains the manner of removal of CEC and ECs as specified in the Constitution.
  - **CEC-** He/She may be removed in the same manner and on the same grounds as a Supreme Court Judge.
  - **EC-** They may be removed only upon the recommendation of CEC.
- **Resignation-** The Bill has the same provision of the 1991 Act in which the CEC and other ECs may submit their resignation to the President.



## 7.6 The Digital Personal Data Protection Act, 2023

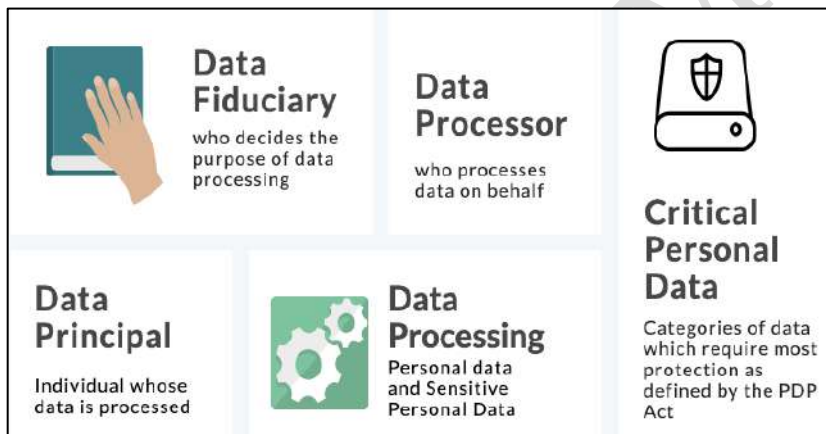
The President of India has granted her assent to the highly anticipated Digital Personal Data Protection Act, 2023.

- Based on the recommendation of the **B.N.Srikrishna Committee**, the Personal Data Protection Bill, 2019 was introduced in Lok Sabha.
- It is formulated based on the data regulation of **European Union (General Data Protection Regulation (GDPR))** which empower citizens to have a greater say in how their online data is used.

India does not have a standalone law on data protection. Use of personal data is regulated under Information Technology (IT) Act, 2000.

### Key features of the bill

- Applicability-** The Bill applies to the processing of digital personal data within India where such data is
  - Collected online, or
  - Collected offline and is digitised.
- It will also apply to the processing of personal data *outside India* if it is for offering goods or services in India.
- Consent-** Personal data may be processed only for a lawful purpose after obtaining the consent of the individual.
- For individuals below 18 years of age, consent will be provided by the parent or the legal guardian.
- Consent may be withdrawn at any point in time.
- Rights of data principal-** Data principal will have the right
  - To obtain information about processing
  - To seek correction and erasure of personal data
  - To nominate another person to exercise rights in the event of death or incapacity and
  - Grievance redressal
- Duties of Data Principals-** Data Principals must not
  - Register a false or frivolous complaint
  - Furnish any false particulars or impersonate another person in specified cases
  - Violation of duties will be punishable with a penalty of up to Rs 10,000.
- Obligations of data fiduciaries-** Data fiduciary is the entity determining the purpose and means of processing.
- Data fiduciary must
  - Make reasonable efforts to ensure the accuracy and completeness of data
  - Build reasonable security safeguards to prevent a data breach
  - Inform the Data Protection Board of India and affected persons in the event of a breach
  - Erase personal data as soon as the purpose has been met and retention is not necessary for legal purposes
- In case of government entities, storage limitation and the right of the data principal to erasure will not apply.
- Personal data outside India-** It allows transfer of personal data outside India, except to countries restricted by the central government through notification.



Personal data is defined as any data about an individual who is identifiable by or in relation to such data.

Penalty	Reasons
Rs 200 crore	Non fulfilment of obligations for children
Rs 250 crore	Failure to take security measures to prevent data breaches

- **Exemptions-** Rights of the data principal and obligations of data fiduciaries will not apply in specified cases such as
  - Prevention and investigation of offences
  - Enforcement of legal rights or claims
- The Central government may exempt certain activities
  - In the interest of the security of the state and public order
  - Research, archiving, or statistical purposes
- **Data Protection Board of India-** It will be established by the Central Government. Key functions of the Board include
  - Monitoring compliance and imposing penalties
  - Directing data fiduciaries to take necessary measures in the event of a data breach
  - Grievance redressal
- **Appeal-** To Telecom Dispute Settlement and Appellate Tribunal.

**Right to data portability-** The right to data portability allows data principals to obtain and transfer their data from data fiduciary.

- It is obtained for their own use, in a structured, commonly used, and machine-readable format.
- It gives the data principal greater control over their data.

**Right to be forgotten-** It refers to the right of individuals to limit the disclosure of their personal data on the internet.

## 7.7 National Research Foundation (NRF) Act, 2023

President has given her assent to the Anusandhan National Research Foundation Bill, 2023

### Features of NRF Bill, 2023

- **NRF** - The bill will establish National Research Foundation as an apex body.
- **SERB** - The bill will repeal the *Science and Engineering Research Board (SERB)*, a statutory body that was established in 2008 to promote basic research in Science and Engineering and to provide financial assistance to persons engaged in R&D.
- SERB will be subsumed into NRF which has an expanded mandate and covers activities over and above the activities of SERB.

### National Research Foundation

- NRF is one of the key recommendations of the National Education Policy (NEP), 2020.
- It is modelled on the lines of the hugely successful *National Science Foundation of the United States*.
- **Aim** - The NRF intends to act as a *coordinating agency* between researchers, various government bodies and industry, thus bringing industry into the mainstream of research.
- The NRF plans to seed, grow and facilitate research in India's universities, especially State universities, by funding research infrastructure and researchers.
- **Governance** - NRF will be administrated by the **Department of Science and Technology (DST)** and governed by a Governing Board.
- **Composition of Governing Board** -
  - Ex-Officio President - Prime Minister
  - Ex-Officio Vice Presidents
  - Minister of Science and Technology and
  - Minister of Education
  - Executive Council will govern the functioning of NRF
  - Executive Council will be chaired by the Principal Scientific Advisor to the Government of India.

### Department of Science and Technology

- Established in 1971, it functions under the Ministry of Science and Technology.
- Its flagship programs are National Initiative for Developing and Harnessing Innovations (NIDHI), Vigyan Jyoti, INSPIRE etc.,

- **Funding** – The NRF will operate with a budget **of Rs 50,000 crore** for five years, of which 28% will be the government's share, and the remaining 72% will come from the private sector.

## 7.8 Biological Diversity (Amendment) Act, 2023

The Biological Diversity (Amendment) Bill, 2021 was given assent by the President of India, bringing in a number of changes to the over 20-year-old Biological Diversity Act of 2002.

- Biological diversity refers to all kinds of life forms - animals, plants and micro-organisms, their gene pools, and the ecosystems that they inhabit.
- The 2002 Act was a response to the global need to protect and conserve biological resources, which are under threat due to human activities.
- **Biological Diversity Act 2002**- It was enacted by the Parliament for
  - Conservation of biological diversity
  - Sustainable use of its components
  - Fair and equitable sharing of the benefits arising out of the use of biological resources.
- The Act provides for a 3 tier structure.
- **National Biodiversity Authority**- It is established as a regulatory body under the Act, which prescribes the conditions, purposes for which biological resources could be utilised.

Authority	Jurisdiction
National Biodiversity Authority (NBA)	At National level
State Biodiversity Boards (SBA)	At State level
Biodiversity Management Committees	At Local level

Features	Existing Act	New Bill
<b>Approval from NBA for access to biological resources</b>	Foreign individuals, non-resident Indians, companies not registered in India, and companies registered in India and having non-Indian participation in share capital or management	Approval is not needed for companies registered in India and controlled by Indians
<b>Exemption for prior intimation to State Biodiversity Boards regarding biological resources access</b>	Use by local people and communities including growers and cultivators of biodiversity	Codified traditional knowledge, cultivated medicinal plants and their products and AYUSH practitioner
<b>Approval of Intellectual Property rights</b>	Approval of NBA is required before applying for IPR involving biological resources obtained from India, or sealing of patent.	Approval will be required before the grant of IPR instead of before the application itself.
<b>Benefit sharing provision</b>	Applicable to research, commercial utilisation, as well as bio-survey and bio-utilisation for certain entities. NBA is required to determine terms of benefit sharing while granting approvals for various activities.	Removes applicability to research, bio-survey and bio-utilisation. SBB will determine benefit sharing while granting approvals to domestic entities as per the regulations by NBA.
<b>Offences and penalties</b>	Offences are punishable with imprisonment of up to 5 years or fine or both.	Decriminalises the offences and makes offences punishable with a penalty between Rs 1 lakh - Rs 50 lakh.

## 7.9 Forest (Conservation) Amendment Act, 2023

President has given her assent to the Forest (Conservation) Amendment Bill, 2023.

### Forest Conservation Act, 1980

- The Forest (Conservation) Act was passed in 1980, which contain regulations concerning forest conservation and matters related to it.
- **Restriction on de-reservation of forests** –No State Government or other authority shall convert forest land for non-forest purpose except with the prior approval of the Central Government.
- **Non-forest purposes**- It includes use of land for cultivating horticultural crops or for any purpose other than reafforestation.
- **Appeals** - Any person aggrieved, by an order or decision of the State Government or other authority may file an appeal to the National Green Tribunal established under NGT Act, 2010.
- **Advisory Committee** - The Central Government may constitute a committee consisting of such number of persons as it may deem fit to advise the Government.
- **Power to make rules** - The Central Government can make rules for carrying out the provisions of this Act.
- The Act has been amended only once before, in 1988.

### Key features of the bill

- **Restrictions on activities in forest** - The Bill adds more activities to the list of activities that will be excluded from non-forest purposes such as
  - Zoos and safaris under the Wild Life (Protection) Act, 1972 in forest areas other than protected areas
  - Eco-tourism facilities
  - Silvicultural operations
  - Any other purpose specified by the central government; it may specify exclusion of any survey.
- **Land under the Act** - The bill provides for 2 types of land to be under the purview of the Act.
  - Land declared/notified as a forest under the Indian Forest Act, 1927 or any law
  - Land not covered in the first category but notified as a forest on or after October 25, 1980 in a government record
- **Exempted land** – The Bill exempts
  - Forest land along a rail line or a public road maintained by the government up to a maximum size of 0.10 hectare
  - Land situated within 100 km along the international borders, Line of Control, or Line of Actual Control
  - Land proposed to be used for constructing security infrastructure and defence related projects (not exceeding 5 hectares in a left wing extremism affected area)
- **Assigning Forest land** - Requires prior approval of the central government to direct the assigning of forest land to any organisation not owned by the government.
- **Delegation of power** - The Central government may issue directions for the implementation of the Act to any other authority.

*In 1976, forests were included in List III (Concurrent List) under the Seventh Schedule of the Constitution.*

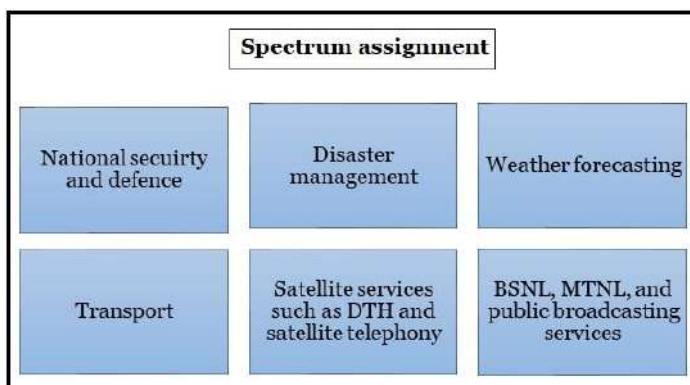
## 7.10 Telecommunication Act, 2023

Recently the Telecommunication Bill 2023 was granted assent by the President of India.

About	Description
<b>Aim</b>	To update and unify the existing laws on telecommunication services, networks, and spectrum.
<b>Replaces outdated laws</b>	It repeals the <ul style="list-style-type: none"> <li>○ Indian Telegraph Act, 1885</li> <li>○ Indian Wireless Telegraphy Act, 1933 and</li> <li>○ Telegraph Wires (Unlawful Possession) Act, 1950.</li> </ul>

<b>Regulate activities</b>	It amends the Telecom Regulatory Authority of India (TRAI) Act, 1997.
<b>Authorisation for telecom related activities</b>	<p>Prior authorisation from the central government will be required to</p> <ul style="list-style-type: none"> <li>○ Provide telecommunication services,</li> <li>○ Establish, operate, maintain, or expand telecommunications networks, or</li> <li>○ Possess radio equipment.</li> </ul>
<b>License authorisation</b>	Existing licences will continue to be valid for the period of their grant, or for 5 years
<b>Power of interception</b>	<p>Messages between two or more persons may be intercepted, monitored or blocked on grounds</p> <ul style="list-style-type: none"> <li>○ Security of the state</li> <li>○ Prevention of incitement of offences</li> <li>○ Public order</li> </ul>
<b>Power to search</b>	An officer authorised by the government may search premises or vehicles for possession of unauthorised telecom network or equipment.
<b>Power to specify standards</b>	The central government may prescribe standards and assessments for telecom equipment, infrastructure, networks, and services.
<b>Right of way</b>	<ul style="list-style-type: none"> <li>• Facility providers may seek a right of way over public or private property to establish telecom infrastructure.</li> <li>• Right of way must be provided on a <i>non-discriminatory and non-exclusive basis</i> to the extent possible.</li> </ul>
<b>Users protection</b>	<ul style="list-style-type: none"> <li>• The central government may provide for measures to protect users which include <ul style="list-style-type: none"> <li>○ Prior consent to receive specified messages such as advertising messages,</li> <li>○ Creation of <i>Do Not Disturb registers</i>, and</li> <li>○ Mechanism to allow users to report <i>malware or specified messages</i>.</li> </ul> </li> <li>• Entities providing telecom services must establish an online mechanism for registration and redressal of grievances.</li> </ul>
<b>Appointments of TRAI</b>	<ul style="list-style-type: none"> <li>• The Bill amends TRAI Act to allow individuals with <ul style="list-style-type: none"> <li>○ At least 30 years of professional experience to serve as the chairperson</li> <li>○ At least 25 years of professional experience to serve as members.</li> </ul> </li> </ul>
<b>Digital Bharat Nidhi</b>	<ul style="list-style-type: none"> <li>• <a href="#">Universal Service Obligation Fund</a> under 1885 Act has been retained in the Bill.</li> <li>• It will provide telecom service in underserved areas, further the fund is allowed to use for research and development.</li> </ul>
<b>Offences and penalties</b>	The Bill specifies various <i>criminal and civil</i> offences.
<b>Adjudication process</b>	<ul style="list-style-type: none"> <li>• The central government will appoint an <i>adjudicating officer</i> to conduct inquiries and pass orders against civil offences under the Bill.</li> <li>• Orders of the adjudicating officer may be appealed before the <i>Designated Appeals Committee</i> within 30 days.</li> <li>• Appeals against the orders of the Committee, in connection to breach of terms and conditions, may be filed with <i>Telecom Dispute Settlement and Appellate Tribunal</i> (TDSAT) within 30 days.</li> </ul>

- It gives the government the power to take over or control telecom services and networks in case of emergencies or for national security reasons.
- **Public order**- The government the government can also intercept, detain, or disclose messages sent or received by any telecom service or network, if it deems it necessary for the country's interests or public order.
- **Press messages**- If it is from accredited correspondents, it shall not be intercepted or detained, unless they are prohibited by the rules.
- **Public interest**-The government can also direct any telecom service or network to transmit specific messages in the public interest.
- **Assignment of spectrum**- It will be assigned by auction, except for specified uses, where it will be allocated on an administrative basis.
- The Central government may re-purpose or re-assign any frequency range and may permit sharing, trading, leasing, and surrender of spectrum.



## 7.11 Inter-Services Organization Act, 2023

The Presidential assent to the Inter-Services Organization (Command, Control & Discipline) Bill, 2023 is a step closer towards realizing the long-awaited reform of thematicization of the Armed Forces in India.

### Key features of the bill

- **Inter-services Organisation**- It places under the command of an Officer-in-Command. It includes
  - Andaman and Nicobar Command
  - Defence Space Agency
  - National Defence Academy
- **Power of central government**- Central government may constitute an Inter-services Organisation which has personnel belonging to at least 2 of the three services.
- Central government may also issue directions to such organisations on grounds of national security, general administration, or public interest.
- The central government may notify any force (in addition to the three forces) raised and maintained in India to which the Bill will apply.
- **Joint Services Command**- It is constituted under Inter Service Organisation which may be placed under the command of a Commander-in-Chief.
- **Control of Inter-services Organisations**- The Bill empowers the Commander-in-Chief or the Officer-in-Command of an Inter-services Organisation to exercise command and control over the personnel serving in or attached to it.
- **Commander-in-Chief**- The officers eligible to be appointed as the Commander-in-Chief or Officer-in-Command are
  - A General Officer of the regular Army (above the rank of Brigadier)
  - A Flag Officer of the Navy (rank of Admiral of the Fleet, Admiral, Vice-Admiral, or Rear-Admiral)
  - An Air Officer of the Air Force (above the rank of group captain)
- The Commander-in-Chief will be empowered to exercise all disciplinary and administrative powers vested in
  - General Officer Commanding the Army
  - Flag Officer Commanding-in-Chief of a Naval Command
  - Air Officer Commanding-in-Chief of an Air Command,
  - Any other officer/authority specified in the service Acts or by the Government.

### Current setup of armed forces in India

**Service Acts**- Armed forces personnel in India are governed separately by

- The Army Act, 1950
- The Navy Act, 1957
- The Air Force Act, 1950

- **Commanding officer-** It provides for a Commanding Officer who will be in command of a unit, ship, or establishment.
- The officer will perform duties assigned by the Commander-in-Chief or Officer-in-Command of the Inter-services Organisation.
- The officer will be empowered to initiate all disciplinary or administrative actions over the personnel appointed, deputed, posted, or attached to that Inter-services Organisation.

## 7.12 Indian Institute of Management Act, 2023

*The Indian Institutes of Management (Amendment) Bill, 2023 was given assent by the President of India.*

### Indian Institute of Management Act, 2017

- **Institutes of national importance-** It declared 20 existing IIMs as “institutions of national importance.
- **Aim-** To empower IIMs to attain standards of global excellence in management, management research and allied areas of knowledge”.
- **Autonomy-** The legislation seeks to grant greater administrative, academic and financial autonomy to these IIMs.
- The institutes will be made free of government interference and will be board-driven.
- **Offer degrees-** The legislation would grant IIMs power to award full-fledged degrees instead of diplomas.
- **Board of Governors-** It is the executive body of each IIM, comprising up to 19 members.
- In 19 members, 2 members will be nominees from the central and state governments, respectively. The Board appoints its own Chairperson.
- **Director-** It is appointed by the Board of Governors for each IIMs, A search committee will recommend names for the post of the Director.
- **Functions of Academic council-** It shall be the principal academic body of each institute which will determine the
  - Academic content
  - Criteria and process for admission to courses
  - Guidelines for conduct of examinations.
- **Coordination forum-** It is the representation from the 20 IIMs which is set up to discuss matters of common interest to all IIMs.

Hierarchy	
Authority	Jurisdiction
Registrar General of India	At central level
Chief Registrar	At state level
District Registrar	At district level
Registrars	At local level

Features	Existing Act	New Bill
<b>Visitor</b>	No such provision	It designates the <u>President of India as Visitor</u> of every Institute
<b>Appointment of IIM directors</b>	Appointed by the Board of Governors on the recommendations of a Search-cum-Selection Committee	Mandates the Board to obtain the prior approval of the Visitor before appointing an Institute Director
<b>Composition of Search Committee</b>	Chairperson of the Board, and 3 members from amongst eminent administrators, industrialists, educationists	Reduces 3 members to two, and adds another member to be nominated by the Visitor
<b>Removal of director</b>	Removed due to insolvency, mental and physical incapacity, conflict of interest	Requires prior approval of the Visitor before removing a Director. Visitor has the authority to terminate the services of the Director

Chairperson of the Board of Governors	Appointed by the Board of Governors	Nominated by the visitor
Power of inquiry against IIMs for non-compliance with law	A retired High Court judge conducts inquiries, then the Board may take any action that it deems fit.	Conferred upon visitor who may appoint persons to review the work of any Institute. The visitor then issue directions to the institute which is also recommended by the board
Chairperson of coordination forum	Selected by the search cum selection committee constituted by the forum	Nominated by the visitor. The Chairpersons of all Institutes will be ex-officio members of the Forum
Incorporation of institute	If existing institution converts to an IIM, every employee of such institution will retain the same tenure, salary, pensions	The Bill excludes the Director of such institutions from this provision

### Other amendments

- **Functions of visitor-** It prescribes the primary roles for the visitor
  - To make appointments,
  - To audit the working of institutions,
  - To conduct an inquiry.
- **Dissolution of Board-** The central government prescribes the conditions and procedure for dissolving or suspending an Institute's Board.
- If a Board is suspended or dissolved, the central government will constitute an interim board for six months or until a new Board is constituted.
- **IIM classification-** The National Institute of Industrial Engineering (NITIE), Mumbai is classified by the bill as IIM, Mumbai.

### Institute of National Importance (INI)

- A status conferred to a premier public higher education institution in India by an Act of Parliament.
- It is conferred on an institution which "serves as a pivotal player in developing highly skilled personnel within the specified region of the country/state".
- INIs receive special recognition and funding.
- All IITs, NITs, AIIMS, School of Planning and Architecture and Indian Institutes of Science Education and Research are considered INI

## 7.13 The Jan Vishwas (Amendment of Provisions) Act, 2023

The Jan Vishwas (Amendment of Provisions) Bill, 2022 was given Presidential assent.

### Key features of the proposed Bill

- **Decriminalization of offences-** It aims to decriminalize around 180 offences across 42 laws governing environment, agriculture, media, industry, trade, publication, and others.
- It seeks to completely remove or replace imprisonment clauses with monetary fines.
- **Periodic Revision** - The fines and penalties will be increased by 10% of the minimum amount every 3 years.
- **Grievance redressal mechanism-** The central government may appoint Adjudicating Officers to determine penalties to summon individuals for evidence and conduct inquiries into violations of the respective Acts.
- **Appellate mechanism-** It is provided for orders against adjudicating officers.
  - For Example- In Environment (Protection) Act, 1986, appeals against the Adjudicating Officer's orders may be filed with the National Green Tribunal within 60 days.

Act	Proposed amendments
The Environmental Protection Act, 1986	Penalty of 1 lakh to 15 lakh for inadvertent compliance breaches
The Copyright Act, 1957	It omits the penalty for making false statements for deceiving or influencing an authority or officer

The Motor Vehicles Act 1988	The bill proposes a person using a motor vehicle without a valid permit faces the jail term up to 6 months but omits the compulsion of paying a fine of Rs 10,000.
Indian Forest Act 1927	The bill removed imprisonment for trespassing, permitting cattle to trespass, cutting timber etc., in reserved forest but attracts a fine up to Rs 500
The Air (Prevention and Control of Pollution) Act, 1981	It replaced imprisonment for lapses with heavier penalties up to 15 lakh.
The Information Technology Act, 2000	For breach of confidentiality and privacy, the Bill proposes a penalty of Rs 5 lakh.

#### 7.14 Mediation Act, 2023

President has given her assent to [The Mediation Bill, 2023](#), to promote mediation as a means of dispute resolution.

Alternate Dispute Resolution (ADR)	
<ul style="list-style-type: none"> <li>It denotes a wide range of dispute resolution processes and techniques that parties can use to settle disputes with the help of a third party.</li> <li><b>Coverage-</b> ADR offers to resolve <u>all type of matters</u> including civil, commercial, industrial and family etc., where people are not being able to start the negotiation and reach the settlement.</li> <li>It utilises a neutral third party to help the parties to communicate, discuss the differences and resolve the dispute.</li> <li><b>Methods of ADR-</b> Arbitration, Mediation, Conciliation.</li> </ul>	
<b>Arbitration</b>	The resolution parties refer their dispute to one or more persons called <u>arbitrators</u> whose decision (award) is <u>bound on the parties</u> .
<b>Mediation</b>	A <u>third neutral party</u> aims to assist two or more disputants in reaching agreement.
<b>Conciliation</b>	It is the process of facilitating an amicable resolution between the parties, whereby the parties to the dispute use <u>conciliator</u> to settle their dispute.
<ul style="list-style-type: none"> <li><b>Legal provisions</b> <ul style="list-style-type: none"> <li>Arbitration and Conciliation Act 1996</li> <li>Mediation Act 2023</li> </ul> </li> </ul>	

#### Salient features of the Act

- Aim-** To foster a link between the mediation and the arbitration of commercial disputes, thus reducing the burden on Indian Courts.
- Pre-litigation mediation-** Parties must attempt to settle civil or commercial disputes by mediation before approaching any court or certain tribunals.
- Even if they fail to reach a settlement through pre-litigation mediation, the court or tribunal may at any stage refer the parties to mediation if they request for the same.
- Prohibition-** It contains a list of disputes which are not fit for mediation. These include disputes
  - Related to claims against minors or persons of unsound mind,
  - Involving criminal prosecution, and
  - Affecting the rights of third parties.
- The central government may amend this list.
- Applicability-** It will apply to mediations conducted in India
  - Involving only domestic parties,
  - Involving at least one foreign party and relating to a commercial dispute (i.e., international mediation)

- If the central or state government is a party, the Act will apply to commercial disputes, and other disputes as notified.
- **Mediation process-** Mediation proceedings will be confidential, and must be completed within 180 days (may be extended by 180 days by the parties). A party may withdraw from mediation after two sessions.
- **Court annexed mediation-** It must be conducted as per the rules framed by the Supreme Court or High Courts.
- **Mediators-** Mediators may be appointed by
  - The parties by agreement, or
  - Mediation service provider (an institution administering mediation).
- **Mediation Council of India-** It will be established by the Central government. Its functions are to
  - Register, recognize and regulate mediation institutions and mediators in India
  - Promote international and domestic mediation in India
  - Facilitate and conduct continuous training, education and certifications in mediation
  - Maintain a depository of mediation settlement agreements made in India
- **Nature of the mediation-** Agreements resulting from mediation (other than community mediation) will be final, binding, and enforceable in the same manner as court judgments.
- It may be challenged on grounds of Fraud, Corruption, Impersonation, or Relating to disputes not fit for mediation.
- **Community mediation-** It will be conducted by a panel of 3 mediators to resolve disputes likely to affect the peace and harmony amongst residents of a locality.

About	Arbitration and Conciliation Act 2021	Mediation Act 2023
<b>Institutional mechanism</b>	Arbitration Council of India (Yet to be implemented)	Mediation Council of India
<b>Service providers</b>	Arbitral Institutions which provide mediation services that are on par with global best practices	Mediation service providers to provide not only the service of mediator but also facilities, secretarial assistance and infrastructure
<b>Verdict</b>	Arbitral award	Mediated settlement agreement
<b>Similarities</b>		
<ul style="list-style-type: none"> <li>• <b>Timelines-</b> Both Act provides stringent timelines for the conduct of proceedings.</li> <li>• <b>Privacy-</b> Both mandates confidentiality and ensures public trust.</li> <li>• <b>Procedure -</b> Indian courts to refer the parties to mediation or arbitration, provide a default mechanism for the appointment of a mediator or arbitrator, and prescribe the procedure for the termination of their mandate.</li> </ul>		

### 7.15 Jammu and Kashmir (Amendment) Act, 2023

President has given her assent to the Jammu and Kashmir Reorganisation (Amendment) Bill and Jammu and Kashmir Reservation (Amendment) Bill.

#### Jammu and Kashmir Reorganisation (Amendment) Bill, 2023

- It amends the Jammu and Kashmir Reorganisation Act, 2019.
- **J&K Reorganisation Act, 2019-** It provides for the reorganisation of the state of Jammu and Kashmir into the union territories of Jammu and Kashmir (with legislature) and Ladakh (without legislature).
- **Number of seats in Legislative Assembly-** 2019 Act amended the 2nd Schedule of the 1950 Act to specify the total number of seats in the Jammu and Kashmir Legislative Assembly to be 83.

*The 2nd Schedule of the Representation of the People Act, 1950 provides for the number of seats in legislative assemblies.*

- It reserved six seats for Scheduled Castes. No seats were reserved for Scheduled Tribes.
- **Increase in seats**- The bill increases the total number of seats to 90. It also reserves 7 seats for SC and 9 seats for ST.
- **Nomination**- *Lieutenant Governor* may nominate two members from the *Kashmiri migrant community* and one representing the displaced persons from Pakistan-occupied Kashmir (PoK) to the legislative assembly.
- **Social inclusion**- One of the nominated members must be a woman.

### Jammu and Kashmir Reservation (Amendment) Bill, 2023

- It amends the Jammu and Kashmir Reservation Act, 2004.
- **J&K Reservation Act, 2004**-It provides for reservation in jobs and admission in professional institutions to members of Scheduled Castes, Scheduled Tribes, and other socially and educationally backward classes.
- **SEBC**- Under the Act, Socially and Educationally Backward Classes (SEBCs) include
  - People residing in villages declared as socially and educationally backward by the Union Territory of Jammu and Kashmir.
  - People residing in areas adjoining the Actual Line of Control and International Border, and
  - Weak and under-privileged classes (social castes)
- **Amendment**- It seeks to change the nomenclature of a section of people who are eligible for quotas in appointments and admissions.
- **Power of the government**- It may make *inclusions or exclusions* from category of weak and under-privileged classes, on the recommendations of a Commission.
- **Substitution**-The Bill substitutes weak and under-privileged classes with other backward classes as declared by the UT of Jammu and Kashmir. The definition of weak and under-privileged classes is deleted from the Act.

*The Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2023- It seeks to revise the list of Scheduled Tribes in J&K to include the Pahari community.*

*The Constitution (J&K) Scheduled Castes Order (Amendment) Bill, 2023- It seeks to include the Valmiki community in J&K's Scheduled Castes list by adding it as a synonym to Chura, Bhangi, Balmiki, & Mehtar.*

### 7.16 Advocates Amendment Act, 2023

Advocate amendment bill 2023 which amends the Advocates Act 1961 and Legal Practitioners Act 1879 was granted assent by the President of India.

#### Legal Practitioners Act 1879

- **Aim**- To consolidate and amend the law relating to Legal Practitioners in certain provinces.
- **Application**- The Act initially extended to areas in West Bengal, Uttar Pradesh, Punjab, Bihar, Madhya Pradesh, Assam, Orissa, and Delhi.
- Any state government could, by notification in the Official Gazette, extend it to their States.
- **Legal practitioner**- Section 2 of the 1879 Act defined the term “legal practitioner” to include advocates, vakils, or attorneys of any High Court.
- **Tout**- It also introduced a new definition of the term “tout”.

*A tout is someone who procures clients for a legal practitioner in exchange for payment. The definition also included people who frequented civil or criminal courts, revenue offices, railway stations, etc. for such procurement purposes.*

#### Advocates Act 1961

- **Aim**- To create a single class of legal practitioners known as “advocates.”
- **All India Bar Council**- It established the council consisting of the Attorney General of India, the Solicitor General of India, and one representative from each State Bar Council, elected by its members.

- **Bar Council of India-** It empowers the body to make rules on matters such as legal education, professional conduct, legal aid, and recognition of foreign qualifications.
- **Advocates-** It defines an advocate as a person who is enrolled in any State Bar Council and who is entitled to practice law before any court or authority in India.
- **Tout provisions-** The Act repealed a majority of the 1879 Act but left behind provisions relating to its extent, definitions, and powers to frame and publish lists of touts.

#### Key provisions of the bill

- **Touts-** The Bill provides that every High Court, district judge, sessions judge, district magistrate, and revenue officer (not below the rank of a district collector) may frame and publish lists of touts.
- **Conduct inquiry-** The authorities empowered to frame and publish the list of touts may order subordinate courts to hold an inquiry into the conduct of persons alleged or suspected to be touts.
- **Publish the list-** If proven to be a tout, such person's name will be included in the list of touts that will be published by the authority and hung in every court.
- **Exclusion-** The court or judge may exclude from the premises of the Court any person whose name is included in the list of touts.
- No person will be included in such lists without getting an opportunity of showing cause against his inclusion.
- **Penalty-** Any person who acts as a tout while his name is included in the list of touts will be punished with
  - Imprisonment up to 3 months,
  - Fine up to Rs 500, or both.
- **Illegal practise-** The bill inserts a new provision in Section 45 of the Advocates Act, 1961, which prescribes 6 months of imprisonment for persons illegally practising in courts and before other authorities.

#### 7.17 The Post Offices Act, 2023

President has granted her assent to the Post Office Bill, which repeals and replaces the Post Office Act, 1898.

Features	Existing Provisions (Post Office Act, 1898)	New Provisions (Post Office Bill, 2023)
<b>Exclusive privileges</b>	Central government will have the exclusive privilege of conveying letters wherever it establishes posts.  Stamps be issued as per the Rules prescribed by the Centre.	It <u>removed the exclusive privilege</u> of central government in conveying letters.  It also made the post office to have the exclusive privilege of issuing postage stamps.
<b>Services</b>	Services provided by post office includes the delivery of postal articles including letters, postcards, and parcels and money orders.	Post Office will provide services prescribed by the central government.
<b>Powers to intercept shipments</b>	<p><b>Grounds</b></p> <ol style="list-style-type: none"> <li>Any public emergency</li> <li>Interest of public safety or tranquillity.</li> </ol> <p><b>Authority</b> - Such interceptions may be carried out by the central government, state governments, or any officer specially authorised by them.</p> <p><b>Powers</b> - An intercepted shipment can be detained or disposed of by the officer in charge.</p>	<p>The bill <u>retains the power to intercept</u> shipments</p> <p><b>Grounds</b></p> <ol style="list-style-type: none"> <li>Security of the state</li> <li>Friendly relations with foreign states</li> <li>Public order, emergency, or public safety</li> <li>Contravention of the provisions of the Bill or any other law</li> </ol> <p><b>Authority</b> - An officer empowered by the central government through a notification may carry out an interception.</p>

<b>Examination of shipment</b>	An officer in charge of the Post Office may examine if he suspects any items prohibited, or are liable to be paid duty upon.	The bill <u>removes the powers of examination</u> . In such case, Central government may empower an officer of the Post Office to deliver the shipment to the <u>customs authority</u> who will then deal with the item in question.
<b>Offences and penalties</b>	The Act specifies various offences and penalties.	The Bill does not provide for any offences or consequences, except one. Amounts not paid or neglected by a user will be recoverable as arrears of land revenue.
<b>Exemptions from liability</b>	The government is exempted from any liability of loss, mis delivery, delay or damage to a postal article but does not apply where the liability is undertaken by the central government in express terms. Officers are also exempt from such liability unless they have acted fraudulently or wilfully.	It <u>retains exemption</u> provided to the central government and the officer in charge. The Post Office may prescribe the liability regarding its services which was earlier prescribed by the central government.

## 7.18 Press and Registration of Periodicals Act, 2023

The Press and Registration of Periodicals Bill, 2023 that seeks to repeal the Press and Registration of Books Act, 1867, was granted assent by the President of India.

### Key features of the bill

- **Press Registrar General (PRG)** – It creates a new position who is entrusted with tasks like
  - Issuing certificates of registration to periodicals
  - Maintaining records of registered periodicals
  - Collecting application fees
  - Disbursing the Centre's funds for the Act's implementation
- **Registration** – A simple online mechanism has been put in place to apply for title verification and grant of certificate of registration.
- **Facsimile edition of a foreign periodical** – Foreign periodicals can be printed in India with prior approval of the Central Government and its registration with the Press Registrar General (PRG).
- **Role of District magistrate/local authority** – It reduced their role with regard to grant of Certificate of Registration and title allotment.
- **Suspension** – It allows the PRG to suspend a periodical's registration for a minimum period of 30 days which can extend to 180 days for
  - Registration obtained by furnishing false information
  - Failure to publish periodicals continuously
  - Giving false particulars in annual statements
- **Cancellation** – The PRG may cancel the registration if
  - The publisher does not correct defects that lead to suspension
  - A periodical has the same title as any other periodical
  - The owner/ publisher has been convicted of a terrorist act or unlawful activity, or for acting against the security of the State
- **Penalties** – If a periodical is published without registration, the PRG may direct its publication to be stopped and non-compliance within 6 months will be punishable with imprisonment of upto 6 months.

**A periodical** means any publication, barring books or journals that is printed at regular intervals and contains public news or comments on public news.

- **Press and Registration Appellate Board** – It will be *headed by the Chairman of the Press Council of India* (PCI) and comprise *2 PCI members*.
- It will hear appeals against refusal of registration, imposition of penalties, suspension or cancellation of registration.

*PCI is an autonomous, statutory, quasi-judicial body which governs the conduct of the print media and is also empowered to hold hearings on receipt of complaints and take suitable action where appropriate.*

	Press and Registration of Books Act 1867	Press and Registration of Periodicals Bill 2023
<b>Books</b>	They were part of it.	They are not a part as they are administered by Ministry of Education.
<b>Printing presses</b>	Need to file declaration before the DM.	Only an online intimation has to be filed before the PRG and the DM.
<b>Publisher of the periodical</b>	Need to file declaration before the District authority	No need of filing such declaration.
<b>Title allotment and grant of Certificate</b>	Sequential application to be sent to PRG and the district authority.	Simultaneous application can be sent.
<b>Decision of approval</b>	By both PRG and the District authority.	Only by the PRG.
<b>Title allotment process</b>	At times it took 2-3 years.	60 days.
<b>Penalties for violation</b>	Conviction and imprisonment up to 6 months.	Decriminalized but it can be given in extreme cases.
<b>Power to cancel the declaration of a periodical</b>	Only by the DM.	Empowers the PRG to suspend/cancel the certificate of registration.

## 7.19 Mines and Minerals (Amendment) Act, 2023

Recently, the *Mines and Minerals (Development and Regulation) Amendment Bill, 2023, (MMDR)* which aims to attract private sector investment in the exploration of critical and deep-seated minerals, was given assent by the President of India.

- **Omission of minerals**- It omits of 6 minerals from the list of 12 atomic minerals specified in Part-B of the First Schedule of the Act.
- **Central Government**- It empowers the Central Government to exclusively auction mineral concessions for critical minerals.
- Revenue from these auctions will accrue to concerned State Government.
- **Exploration license**- It introduces exploration licence for *deep-seated and critical minerals*.
- The blocks explored by the Exploration Licence holder can be directly auctioned for mining lease, which will fetch better revenue to the State Governments.
- The exploration agency would also benefit by getting a share in the auction premium payable by the lease holder.

### Minerals Omitted in MMDR Amendment Bill

Lithium bearing minerals	Titanium bearing minerals and ores	Beryl and other beryllium bearing minerals
Niobium	Tantalum bearing minerals	Zirconium bearing minerals

*Australia produces almost half of the world's lithium, is the second-largest producer of cobalt and the fourth-largest producer of rare earths elements.*

## Status of Critical and Deep-Seated Minerals in India

- World Bank study suggests that the demand for critical metals such as lithium (Li) and cobalt is expected to rise by nearly 500% by 2050.
- Critical minerals-** Minerals which are essential for *economic development and national security*, the lack of availability of these minerals, extraction or processing of these minerals in few geographical locations may lead to *supply chain vulnerability and disruption*.
- India is endowed with and produces over 85 minerals. Some of the required critical mineral assets are not yet ready to be mined.
- India is dependent on China and other countries to meet its requirement of critical minerals including Rare Earth Elements (REE).
- Recently, the Ministry of Mines came out with a list of 30 minerals critical to the country's economic development.
- India has joined the elite critical minerals club, [Mineral Security Partnership](#) to secure critical mineral supply chains.
- Deep seated minerals-** Minerals which occur at a *depth of more than 300 meters* from the surface of land with poor surface manifestations.
- Deep-seated minerals such as gold, silver, copper, zinc, lead, nickel, cobalt, platinum group of minerals, diamonds, etc. are high value minerals.
- It is difficult and expensive to explore and mine these minerals as compared to surfacial/ bulk minerals.

### CRITICAL MINERALS: INDIA'S NET IMPORT RELIANCE (2020)

Critical Mineral	%age	Major import sources
Lithium	100%	Chile, Russia, China, Ireland, Belgium
Cobalt	100%	China, Belgium, Netherlands, US, Japan
Nickel	100%	Sweden, China, Indonesia, Japan, Philippines
Vanadium	100%	Kuwait, Germany, South Africa, Brazil, Thailand
Niobium	100%	Brazil, Australia, Canada, South Africa, Indonesia
Germanium	100%	China, South Africa, Australia, France, US
Rhenium	100%	Russia, UK, Netherlands, South Africa, China
Beryllium	100%	Russia, UK, Netherlands, South Africa, China
Tantalum	100%	Australia, Indonesia, South Africa, Malaysia, US
Strontium	100%	China, US, Russia, Estonia, Slovenia
Zirconium (zircon)	80%	Australia, Indonesia, South Africa, Malaysia, US
Graphite (natural)	60%	China, Madagascar, Mozambique, Vietnam, Tanzania
Manganese	50%	South Africa, Gabon, Australia, Brazil, China
Chromium	2.5%	South Africa, Mozambique, Oman, Switzerland, Turkey
Silicon	<1%	China, Malaysia, Norway, Bhutan, Netherlands

Source: 'Unlocking Australia-India Critical Minerals Partnership Potential', Australian Trade and Investment Commission, July 2021

## 7.20 Prevention of Cruelty (Animal Birth Control) Rules, 2023

The growing population of street dogs has posed increasing challenges for municipalities and cities across the country.

The Prevention of Cruelty (Animal Birth Control) Rules 2023 rules was notified by the central government under Prevention of Cruelty to Animal Act, 1960 and supersedes the Animal Birth Control (Dog) Rules, 2001.

- It provides guidelines on how to deal with the human and stray dog conflicts without relocating the dogs in an area.
- **Implementation** - The burden of ABC implementation will fall on the Animal Birth Control Monitoring Committees at the State, district and municipality levels.
- The Municipal Corporations need to implement the ABC and Anti Rabies Program jointly.
- The Programme needs to be carried out by Animal Welfare Board of India (AWBI) recognized organizations that are specifically recognised for Animal Birth Control programme.
- **Maintenance** - It is the duty of the local authorities to maintain and control the population of stray animals. They will be held responsible for any violation and animal-human conflicts.
- **Euthanasia** - The Rules also suggest euthanasia for 'incurably ill and mortally wounded dogs' as diagnosed and declared by the Local Animal Birth Control Monitoring Committee.
- It should be done in a humane manner by a qualified veterinarian.
- **Complaint Centre** - It also suggests establishment of an Animal Help Centre where complaints about dog or cat bites can be registered.
- **Feed Spots** - The Rules want the Resident Welfare Associations (RWAs) to designate feed spots for dogs which shall be least frequented by children and senior citizens.

## 7.21 Model Law on Adventure Tourism

The Union Tourism Ministry has circulated the model law on adventure tourism to all States and Union Territories for feedback.

- **Adventure tourism** – A niche tourism where exploration or travel involves some degree of risk.
- It includes at least 2 among the 3 elements (physical activity, natural environment, and cultural immersion)
- **Types** – Hard adventure and soft adventure covering land, air and water based activities.
- **Model law** – It is a part of the National Strategy for Adventure Tourism covering aspects of obligations, institutional framework, registration, penalties and insurance coverage.
- Adventure tourism is considered a **sunshine sector for India**.

### National Strategy for Adventure Tourism (2022)

- **Aim** – To develop adventure destinations, promote safety in adventure tourism, skill development, capacity building and marketing.
- **Vision** - To position India as a preferred destination for adventure tourism globally.
- **National Board for Adventure Tourism** – It is to guide the operationalization and implementation of the strategy.
- **Indian Mountaineering Foundation** - IMF has a critical role in promoting adventure tourism particularly mountaineering and trekking in the Himalayas.

#### India's Geographical Advantage in Adventure Tourism

- 70% of the Himalayas
- 7,000 km of coastline
- One of the 3 countries in the world with both hot and cold deserts
- Ranks 10<sup>th</sup> in total area under forest cover
- Ranks 6<sup>th</sup> in terms of number of recognized UNESCO Natural Heritage sites

## 7.22 Model Prisons Act, 2023

The Ministry of Home Affairs (MHA) prepared the Model Prisons Act, 2023 to replace the colonial-era prison laws.

### Key features of Model Prisons Act 2023

- **Security assessment and segregation** - Security assessment of all prisoners to determine their risk level.

- Prisoners who are considered to be a threat to themselves or others will be segregated from the general population.
- Individual sentence plan** – The plan outlines their rehabilitation goals and will be developed in consultation with the prisoner, their family, and the prison staff.
- Grievance redressal mechanism** - For prisoners to file complaints about their treatment in prison.
- Prison development board** - To oversee the implementation of the Act and to make recommendations for improvements to the prison system.
- Separate accommodation** - For women prisoners and transgender and prisoners with disabilities.
- Technology in prison administration** - The Act allows for the use of technology in prison administration such as video conferencing with courts and electronic monitoring of prisoners.
- Different types of jails** - To establish and manage high security jails, open jails, and semi-open jails.
- Legal aid** - To prisoners who cannot afford to hire a lawyer.
- Awards inmates with good conduct** - Provides for [parole](#), furlough, and premature release to prisoners who have demonstrated good conduct.
- Reintegration into society** - The Act emphasizes the need for vocational training and skill development for prisoners to help them reintegrate into society after they are released from prison.
- Humane** – The Act will help to create a more humane prison system helping to reduce recidivism.
- Guiding document** – The Act may serve as a guiding document for the States so that they may benefit from its adoption in their jurisdictions.

Prisons in the country and persons detained therein are a state subject

### 7.23 Section 6A of the Citizenship Act, 1955

The Centre has defended the constitutional validity of Section 6A of Citizenship Act, 1955 before the Supreme Court.

- It is added into the Citizenship Act of 1955 only **in 1985**.
- Applicability** – Only to Assam.
- Agreement between** – The Indian government and the leaders of the Assam Movement.
- Purpose** – To preserve and protect the Assamese culture, heritage, linguistic and social identity.
- To furtherance of a Memorandum of Settlement, **Assam Accord**.

**Citizenship Act, 1955** provides the conditions for getting citizenship by birth, by descent, or by registration. 26<sup>th</sup> January, 1950 is the cut-off date for establishing citizenship by birth or descent.

**Assam Accord** was signed in 1985 between the Union government and the All Assam Students' Union to determine who is a foreigner in the state of Assam. **Clause 5** of the Accord states that **1<sup>st</sup> January, 1966** shall serve as the base cut-off date for the detection and deletion of 'foreigners'.

- Suspended citizenship** – This is for illegal migrants from **1<sup>st</sup> January, 1966 to 25<sup>th</sup> March, 1971**, and who have been found as foreigners, can become full citizens only 10 years from the date of declaration of foreigner status.
- No citizenship** – For illegal migrants **after 25<sup>th</sup> March, 1971**.
- Challenges** – Having a different cut-off date for Indian citizenship in Assam than in the rest of India.

### 7.24 Emblems and Names Act, 1950

Delhi HC sought responses from the Centre, the Election Commission of India, and an alliance of 26 opposition parties in a public interest litigation against these parties' use of the acronym I.N.D.I.A.

- It prevents the improper use of emblems and names for professional and commercial purposes.
- Restrictions** – It prohibits the improper usage of the name, emblem, seal of the Government of India or of any state, the World Health Organisation, or the United Nations Organisation.

- It also bars such usage of the national flag, the Prime Minister, the President, and the Governor's seal, name, and emblem.
- Besides this, using names, emblems, or seals of historical figures like Mahatma Gandhi, Jawaharlal Nehru, Lal Bahadur Shastri, and Indira Gandhi is also prohibited.
- **Section 2** – Section 2 of the Act defines emblem as any emblem, seal, flag, insignia, coat-of-arms, or pictorial representation specified in the Schedule.
- Name includes any abbreviation of a name.
- **Section 3** – Section 3 of the Act prohibits the improper use of certain emblems and names.
- It stipulates that except in cases prescribed by the Central Government, no person shall use or continue to use, any name or emblem specified in the Schedule or any colorable imitation.
- **Section 4** – It prohibits the registration of certain companies by a competent authority, if it bears a title containing any name or emblem in contravention of Section 3.

### 7.25 Public Safety Act, 1978

*Recently Jammu and Kashmir (J&K) High Court granted bail to journalist, who was held for 21 months under Public Safety Act (PSA), 1978.*

- Public Safety Act (PSA), 1978, also called as The Jammu And Kashmir Public Safety Act, 1978 is similar to the National Security Act that is used by other State governments for preventive detention.
- The act extends **only to Jammu and Kashmir.**
- It is a **preventive detention law** where a person can be held under preventive detention **up to 2 years.**
- A person can be detained for the following reasons:
  - Threat to the maintenance of the public order to the state.
  - Smuggling or abetting the smuggling of liquor.
  - Transporting/concealing/keeping smuggled liquor.
- When a person is detained under PSA, the District Magistrate or Divisional Commissioners communicates the reason in writing, within 5 days. In exceptional circumstances, the DM can take 10 days to communicate these grounds.

*Article 22(a) of the Constitution states that no person who is arrested shall be detained in custody without being informed.*

## 8. OTHERS

### 8.1 Article 3 of the Constitution

*The resolution moved by Kerala CM was passed unanimously to change the name of a state to Keralam, requires the approval from the Union Ministry of Home Affairs.*

- **Origin of the names** - The earliest epigraphic record that mentions Kerala is Emperor Asoka's Rock Edict II of 257 BC.
- The inscription refers to the local ruler as Keralaputra, and also son of Chera referring to the Chera dynasty.
- The state of Kerala came into being on November 1, 1956.
- **Article 3 of the Constitution** - Under Article 3, the Parliament may take the following actions:
  1. It can form a completely new State by separating the territory from any State by uniting two or more states or parts of states or by uniting any territory to a part of any state.
  2. It can increase or decrease the area of any State.
  3. It can change/alter the name of any State.
  4. It can also make changes to the boundaries of a State.

## 8.2 Sikkim Integration

The 22<sup>nd</sup> Sikkim day was celebrated on May 16 2023, recalling the history of the former kingdom's integration with India in 1975.

- 'Sikkim day' or 'Sikkim Statehood Day' is celebrated annually on May 16 to commemorate the day on which Sikkim's kingdom's integrated with India in 1975.
- **Sikkim Kingdom** - The kingdom of Sikkim was established in 1642. Phuntsong Namgyal was the first ruler or Chogyal (king) of Sikkim.
- Sikkim's Chogyal dynasty was of Tibetan origin.
- Sikkim often saw conflicts over land with Bhutan and Nepal.
- The Namgyal dynasty came to an end with the statehood of Sikkim and the position of Chogyal was abolished.
- **Sikkim in British era** - The British saw Sikkim as a **buffer state** against China and against Nepal, with whom they fought in the Anglo-Gorkha war of 1814-16.
- The Treaty of Tumlong in 1861 gave the British control over Sikkim but the Chogyals continued to hold onto power.
- **Post-Independence** - After India's independence, princely states had the option to accede to India or Pakistan.
- In 1950, the Indo-Sikkim Treaty was signed, making Sikkim an Indian protectorate.
- India controlled Sikkim's defence, external affairs and strategic communications.
- In 1974, a new constitution for Sikkim was adopted, which restricted the role of the monarch to a titular post.
- A referendum was held in Sikkim in 1975 where majority people voted in favour of joining India.
- The **36<sup>th</sup> Constitutional Amendment Act** was passed in the Parliament to recognise Sikkim as a state in the Union of India. Sikkim became the **22<sup>nd</sup> Indian state** on May 16, 1975.

## 8.3 Adverse Possession

The 22<sup>nd</sup> Law Commission has said in its recent report that there is no justification for introducing any change in the law relating to adverse possession.

- It is a legal concept that allows a person who has unlawfully occupied someone else's land for a certain period of time to claim legal ownership of that land.
- In India, adverse possession has been a part of the legal framework for a long time and is rooted in the idea that land must not be left vacant and instead be put to judicious use.
- The law on adverse possession is contained in the Limitation Act, 1963.
- **Limitation Act, 1963** - Under the Act, any person in possession of private land for over 12 years or government land for over 30 years can become the owner of that property.

## 8.4 Kui Language

The state cabinet of Odisha, recently approved a proposal to recommend the inclusion of the Kui language in the 8<sup>th</sup> schedule of the Constitution of India.

- Kui is also known as Kandh, Khondi, Khond, Khondo, Kanda, Kodu, Kodulu, Kuinga, Kuy.
- It is a South-Eastern Dravidian language spoken by the Khond tribes of Odisha.
- It is mostly spoken in Odisha, and written in the Odia script.
- It is closely related to the Gondi and Kuvi languages.
- According to UNESCO, the Kui language status is **potentially vulnerable**.
- **Significance** - Inclusion of Kui in the 8<sup>th</sup> schedule will help in the preservation, promotion and propagation of the language and culture because there are 7 lakh Kui-speaking indigenous people in Odisha.

## 8.5 Gun Jumping

*The Competition Commission of India (CCI) has imposed a penalty on Platinum Trust for Gun Jumping.*

- Gun Jumping is all about **competition and merger control**.
- Gun Jumping in competition jurisprudence occurs when parties to an M&A deal go ahead and consummate a transaction without keeping the competition authorities, the CCI in the loop.
- Most competition regimes, including India, requires pre-merger notification (in India it is the CCI),
- In the process of investigation, CCI expects parties not to proceed with merger till the standstill period is over.
- The term 'Gun Jumping' has **not been defined anywhere in the Competition Act**.
- The law requires parties to a deal satisfying certain monetary thresholds, to first notify the CCI about the impending transaction.
- **Standstill point** – Parties are then obligated to conform to the standstill provisions, wait for 210 days from the date of notifying or till CCI approval happens, whichever is earlier.
- During the standstill period, the parties are required to continue to operate their businesses as independent entities.
- If the parties fail to notify CCI before the consummation of the deal or violate standstill obligations, this is typically referred to as gun jumping.
- **Punishment** – The Competition Commission of India (CCI) has the power to penalize parties for Gun Jumping under Section 43A of the Competition Act 2002.
- **Penalty** – The penalty can be as high as 1 per cent of the total turnover or 1 per cent of the assets, whichever is higher, of the combination.
- **Two forms** – Gun jumping may occur in two forms, Procedural Gun Jumping (failure to notify) and Substantive Gun Jumping.

*The word 'Meo' is used to describe those who might have been the aboriginal population from the hills and may have links to the Meena tribal group.*

## 8.6 Meo Muslims

*Communal violence erupted recently between a group of young men in the Meo muslims and the Vishwa Hindu Parishad during a religious procession spotlights the Nuh district of Haryana.*

- The Meos are the inhabitants of Mewat, a region spread across the states of Haryana, Rajasthan and a few areas of western Uttar Pradesh.
- **History** - They were appointed chieftains by the rulers of Delhi during the Mughal period.
- The Meos have been actively participated in the 1857 revolt and the entire community was declared a "criminal tribe" under the Criminal Tribes Act of 1871, as a punishment.
- **Habitat** - The Meos, originally settled in the hills, ravines, and dense forests of the Aravali range.
- **Religion** - Meos follow syncretic religious traditions. They even celebrate Hindu festivals like Diwali, Holi and Teej along with festivals of Islam.
- The reason for that is Meos converted from Hinduism in phase's centuries ago.

*Mergers and acquisitions (M&A) is a generally used term to describe the process of combining companies through various types of transactions.*

## 8.7 Shinon Meeras

*The Dard community in Jammu & Kashmir gets its own museum Shinon Meeras in Gurez Valley recently.*

- **Museum** - Shinon Meeras, a centre to highlight the Dard-Shina tribes was thrown open at the Gurez Valley in north Kashmir's Bandipora district.
- It is a unique tribute to preserve and promote the glorious artistic heritage of the Dard-Shin tribal community.
- India's first museum for Dardis traces the journey of Shina culture, language, and the Gurezi way of life.

## 8.8 Status of NCERT

National Council of Educational Research and Training (NCERT) has been granted the deemed-to-be-university status by the Ministry of Higher Education recently.

- The National Council of Educational Research and Training (NCERT) is an autonomous organization.
- **Origin** - It was set up in 1961 by the Government of India.
- **Aim** - To assist and advise the Central and State Governments on policies and programs for qualitative improvement in school education.
- **Deemed-to-be-university Status** – It is a recognition to higher education institutions that excel in specific areas of study.
- **Advantages of the status** – It will now be able to award its own graduate, postgraduate and doctoral degrees.
- It also can decide their own fees structure for their courses instead of following the structure or approach given by the Government.
- It has established a formidable presence in research, actively shaped school education, teacher training and adult literacy.

**Jadui Pitara** is a play-based learning-teaching material tailored by NCERT for children between the age group of 3 and 8 years and it has been developing educational material in all 22 languages with the help of software like **Anuvadini** and **Bhashini**.

## 8.9 Operation Polo

Operation Polo, the military action launched by the Indian Army on September 13, 1948 commemorated 75th anniversary recently.

- **Background** - Sardar Vallabhai Patel the then States department secretary in 1947, approached the princely states to accede to the Indian Union in **3 subjects**, namely foreign relations, defense and communications.
- All states except **Kashmir, Hyderabad, and Junagarh** had signed an '**instrument of accession**' with the Indian government.
- **Hyderabad's stand** - The Nizam of Hyderabad state, Mir Osman Ali Shah, had the intention of keeping his state as an independent entity and did not join India or Pakistan after Independence.
- The Nizam signed a standstill agreement with India in November 1947.
- This means that status quo should be maintained between Indian dominion and Hyderabad.
- The agreement was signed for a period of 1-year, Indian government could not exercise any authority over Hyderabad.
- **Operation Polo** - Operation Polo was the code name for the **police action against the Princely State of Hyderabad** in September 1948 by the newly independent republic of India.
- The landlocked state had a majority Hindu population with the state administration almost entirely run by its Muslim rulers.
- The Nizam's administration in Hyderabad had taken advantage of the standstill agreement & it increased the number of its irregular force called Razakars.
- The Indian Army marched into Hyderabad following the outbreak of hostilities, overwhelming the Hyderabad military and annexed Hyderabad into the Indian Union.
- The Nizam of Hyderabad and Razakars surrendered to the Indian army in September 13, 1948.
- Thus, the princely state of Hyderabad was attached to the Indian dominion.

Instrument of accession is an agreement by which the ruler of the princely states agreed to the accession of his kingdom to independent India.

## 8.10 Munshi-Ayyangar formula

September 14 is observed as Hindi Diwas, or Hindi Day, to commemorate the Constituent Assembly of India making Hindi the official language of the Union government.

- The Munshi-Ayyangar formula is named after Drafting Committee members K M Munshi and N Gopalaswamy Ayyangar.
- The Munshi-Ayyangar Formula was proposed in 1950, which **recommended Hindi in Devanagari Script to be the Official Language in India along with English** for a period of 15 years.
- This formula faced opposition from non-Hindi speaking states, who demanded the use of their respective regional languages.
- As part of the Munshi-Ayyangar formula, **Article 343 of the Constitution was adopted in 1950.**
- **Article 343** - The official language of the Union shall be Hindi in Devanagari script.
- The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.
- For a period of 15 years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union.
- When the 15-year period came to an end, protests broke out over the fear of imposition of Hindi in large parts of non-Hindi-speaking India, particularly in Tamil Nadu.
- **The outcome** - The resistance resulted in the Centre passing the **Official Languages Act**, which stated that English would continue to be upheld as an official language along with Hindi.
- Hence there is **no national language** for India.

*English, alongside Hindi, is one of the two official languages of the central government, but it is not among the 22 languages in the 8th Schedule.*

### 8.11 Dynamic Injunction

The Delhi High Court passed a “dynamic injunction” in favour of ‘Star India Private Limited’, the official broadcaster of ICC Men’s Cricket World Cup 2023.

#### 1957 Copyright Act

- Section 37 deals with broadcasting reproduction rights which is a “special right” extended to every broadcasting organization.
- Section 37 (2) enlists infringement categories of this right.
- Section 39 provides exceptions when the reproduction can be considered as ‘fair dealing and not as copyright infringement’.

- The court restrained 9 websites from illegally broadcasting the matches even before the start of 1<sup>st</sup> match.
- **Injunction** – An order by court, to stop someone from doing something and which are granted only after establishing any infringement of copyrighted works.
- **Dynamic injunction** – It is passed even before the infringed works are publicly released, distributed, or created.
- It is to ensure no loss is caused to its authors and owners.

#### Case laws related to dynamic injunction

- **UTV vs. 1337x.to** – For the 1<sup>st</sup> time, the concept of “dynamic” injunctions was introduced.
- **Universal City Studios LLC v. Dotmovies.baby 2023** – It protect works generated during the case’s pendency and which might be created in the future until the court rescues.
- To take action against the rogue websites that indulge in illegalities of uploading the videos of newly released film or series.

### 8.12 Halal

Recently, Uttar Pradesh government has ordered a state-wide ban on products being sold with halal certificates.

- An Arabic word meaning **‘permissible’ in English**. In India, it mostly refers to the slaughtering technique of Muslims.

- As per Islamic dietary laws, it refers to food that is procured, processed, and traded in compliance with Islamic belief.
- Coverage** – Consumables (meat, fish, shellfish and vegetarian food) including medicines, personal care products, packaging materials, animal feed, etc.
- Criteria** – In case of meats, it must satisfy requirements relating to their **source, the way of animal killing and processing.**
  - For example, animals must be alive and healthy at the time of slaughter and it must be done through a **single cut** to the jugular vein, carotid artery and the windpipe.
  - Carotid artery** carries blood from the brain to the heart and vice versa.
- Halal certificates** – It assures the legitimacy of product and doesn't have anything to do with meat.
- India does not have an official regulator for the certification** but various halal certifying agencies provides companies, products, or food establishment's halal certifications.
- Halal India's certification** is recognised by Qatar's Ministry of Public Health, the UAE's Ministry of Industry and Advanced Technology, and Malaysia's Department of Islamic Development, among others.

*Kashrut dietary rules are followed by orthodox Jews.*

*In the Quran, 'halal' refers to lawful (and allowed) and the term 'haram refers to unlawful (and forbidden). Anything that are associated with pig and intoxicants (alcohol) are considered as non-halal (haram).*

### 8.13 Anarcho-Capitalism

*It has recently gained popularity with Javier Milei, who calls himself an anarcho-capitalist, won the race to become the President of Argentina last month.*

- Anarcho-Capitalism is a political philosophy which calls for the **abolition of the State** and for the provision of law and order to be controlled by private companies in a free market.
- Anarcho-capitalism is a radical **left-wing movement** that promotes libertarian socialist economic theories.
- It challenges other forms of anarchism by supporting private property and private institutions with significant economic power.
- The term was coined by American libertarian economist ***Murray Rothbard***.
- The Belgian political economist Gustave de Molinari is considered to be the first anarcho-capitalist.

### 8.14 73rd Samvidhan Diwas (Constitution Day)

- It commemorates the adoption of the Constitution of India by the Constituent Assembly of India on **November 26, 1949.**
- The Constitution came into effect on **January 26, 1950.**

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