



CAP2024

CURRENT AFFAIRS FOR PRELIMS

Crisp and Comprehensive Coverage of One Year Current Affairs for Prelims 2024

Polity & Governance



volume **01**

KEY FEATURES OF CAP 2024

- Interactive classes with live doubt resolution by faculties.
- Comprehensive yet concise study material.
- Lectures that promote both conceptual clarity and interlinkage with Current Affairs.

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CONSTITUTIONAL ASPECTS

RIGHT TO SILENCE

About:

- The **right to silence** emanates from **Article 20(3)** of the Indian Constitution, which states that no one can be compelled to be a witness against himself. The **privileges** under this law are:
 - The accused is presumed to be innocent.
 - The prosecution has to prove him guilty.
 - He cannot be compelled to give any witness.

CONSTITUTIONAL PROVISIONS

Article 20(1):

- No person **shall be convicted of any offence** except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

Article 20(2):

- No person shall be prosecuted and punished for the same offence more than once.
- Section 313 of CrPc:** provides the accused with the '**right to silence**' at the stage of trial.
 - The Section stipulates the power of the Court to question the witness at any stage of the trial about circumstances appearing in the evidence against him.
- Section 161 of CrPc:** grants the right to remain silent during interrogation by police.
- Section 315 of CrPc:** It provides protection of the accused against self-incrimination.
- Section 24 of the Indian Evidence Act, 1872** excludes confession caused by any threat or promise.

ORIGIN OF RIGHT TO SILENCE

- The origin of the **right to silence** goes back to the middle ages in England during the 16th Century.
- The **English Courts of Star Chamber and High Commission** developed the practice of compelling suspects to take an oath known as the "**ex-officio oath**" and the accused had to answer questions, without even a formal charge, put by the judge and the prosecutor.

- If a person refused to take an oath, he could be tortured.
 - These Star Chambers and Commissions were later abolished in 1641.
 - This event is regarded as an important landmark event in the evolution of 'right to silence'.

Notable Judgements on Right To Silence

- The M.P. Sharma case (1954):** Clarified that silence during police interrogation cannot be used against an accused.
- Yusufali v. State of Maharashtra(1967):** In this case Bombay High court held that an individual who is blamed for an offence isn't constrained to give any such explanation or proof which later betrays the blame as it were. The **option to quietness** exists for blame.

When Right to Silence is not applicable

- Civil Cases:** The right is available **only to an accused person** and the right can be invoked **in criminal proceedings only and not in civil cases**.
- Witness testimony:** The right to silence primarily protects accused individuals. Witnesses summoned to testify in court are legally obligated to answer questions truthfully and cannot invoke the right to silence to avoid responding.
- National Security Concerns:** In exceptional circumstances involving threats to national security or terrorism, specific laws like the **Terrorist and Disruptive Activities (Prevention) Act (TADA) or the National Security Act (NSA)** may temporarily curtail the right to silence.
- Limitations in Customs/Foreign Exchange Cases:** Individuals interrogated under the Customs Act, 1962, or the Foreign Exchange Management Act, 1999 do not have Right to Silence. This is due to the fact that such individuals are not yet classified as "**accused of an offence**" and thus lack the right to consult legal counsel.

BASIC STRUCTURE DOCTRINE

About

- In 1973, a landmark Supreme Court judgement in the **Kesavananda Bharati case**, decided by a **narrow 7-6 majority**, established the **Basic Structure Doctrine**.
- The **Basic Structure Doctrine** asserts the existence of fundamental structures and foundational principles within the constitution that form its backbone.

- Put simply, these are constitutional ideologies crucial for the constitution's sustenance.
 - Examples** include Free and Fair Elections, the Nation's Federal Nature, Judicial Review, and the Separation of Powers.

Amendment to Indian Constitution

- Part XX** of the Constitution, **Article 368**, outlines Parliament's authority and process for amending the Constitution.
- President has no Veto power in Constitutional amendment bills
- There are 3 ways to amend the Indian Constitution by Indian Parliament:**
 - 1. Simple Majority Amendments:**
 - These amendments only require a simple majority vote in both houses of Parliament (Lok Sabha and Rajya Sabha).
 - They typically deal with procedural matters or minor changes to non-controversial parts of the Constitution.
 - Examples include altering the number of judges in the Supreme Court or changing the remuneration of MPs.

- Amendments done in this way **do not come under article 368.**
- 2. Special Majority Amendments:**
 - It requires the bills to be passed by the **majority of the total membership of the house** and by a majority of **not less than 2/3rd of the members of that house present and voting.**
 - Example:** 52nd Amendment act (1985), 73rd and 74th Amendments act (1992) etc.
- 3. Special Majority with Ratification Amendments:**

It requires the bill to be 1st passed with special majority amendments by both houses of the parliament and then to be **ratified by the Legislatures** of not less than one-half of the States by simple resolutions to that effect passed by those Legislatures in following **5 cases:**

 - Article 54, article 55, article 73, article 162 or article 241,
 - Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI of the constitution
 - Any of the Lists in the Seventh Schedule.
 - The representation of States in Parliament.
 - The provisions of this article 368 itself.

Challenges to Constitutional Amendments after 1973 Judgement

| CASE | Amendment Challenged | Ground For Allowing Challenge | Provisions Struck Down |
|--|----------------------|--|---|
| Indira Gandhi vRaj Narain, 1975 | Thirty Ninth, 1975 | Free and fair elections is a basic feature | Article 329-A(4) |
| Minerva Mills vs Union of India, 1980 | Forty second, 1976 | Judicial review is a basic feature | Article 368(4) and Article 368(5) |
| P. Sambamurthy vs state of A.P., 1987 | Thirty second, 1973 | Judicial review is a basic feature | Article 371-D(5) |
| Kihoto Hollohan vs Zachilhu, 1992 | Fifty second, 1985 | Procedure under Article 368 proviso is not satisfied | Paragraph -7 |
| L. chandra Kumar vs Union of India, 1997 | Forty Second, 1976 | Judicial review is a basic feature | Article 323A(2)(d) and Article 323B(3)(d) |

WHAT COMES UNDER BASIC STRUCTURE OF THE CONSTITUTION

Through various judgements SC has highlighted various parts of the constitution which can be considered to be part of the basic structure of the constitution. These are:

- Supremacy of the Constitution
- Republican and democratic form of government

- Secular character of the Constitution
- Separation of powers between the legislature, Executive and the judiciary
- Federal character of the Constitution.
- The mandate to build a welfare state contained in The Directive Principles of State Policy
- Unity and integrity of the nation

- Essential features of the individual freedoms Secured to the citizens
- Sovereignty of India
- Three organs of the State.
- Equality of status and opportunity of an individual
- Secularism and freedom of conscience and religion
- Government of laws and not of men' i.e. the rule of law.

- **Clause:** Article 101(2) and Article 190(2) of the Constitution
- **Details:** Prohibits individuals from holding dual offices simultaneously, such as being a member of both houses of Parliament or a member of both a state legislature and Parliament.

Criminal Convictions:

- **Law:** Representation of the People Act, 1951
- **Clause:** Various sections, including Section 8, 8A, and 8B
- **Details:** A lawmaker convicted of a crime punishable by **imprisonment for two years or more** is disqualified from holding office for the duration of their sentence and **for six additional years.**

DISQUALIFICATIONS OF LAWMAKERS

Constitutional Provisions

- **Tenth Schedule of the Constitution:** It provided Articles 102(2) and 191(2) of the Constitution.
 - ♦ While **Article 102 originally contained provisions** for grounds of disqualification of members of the Parliament, **Clause (2) gave authority to the 10th Schedule as holding legitimate grounds of disqualification.**
 - ♦ **Article 191** spoke about the same but for **State Legislatures.**
 - ♦ **Defection:** Disqualifies a Member of Parliament (MP) or Member of Legislative Assembly (MLA) if they **voluntarily give up the membership** of their political party, **vote or abstain from voting against the party's whip**, or join another party.

Undue Influence:

- **Law:** Representation of the People Act, 1951
- **Clause:** Section 123
- **Details:** Prohibits the use or promotion of corrupt practices during elections, leading to disqualification.

Office of Profit:

- **Law:** Articles 102(1) and 191(1) of the Constitution
- **Clause:** Parliament (Prevention of Disqualification) Act, 1959
- **Details:** Disqualified individuals holding an office of profit under the government without the legislature's approval.

Unsoundness of Mind:

- **Law:** Representation of the People Act, 1951
- **Clause:** Section 8
- **Details:** Allows disqualification if a lawmaker is declared of unsound mind by a competent court.

Some Notable laws on Disqualification of Legislators

Dual Office:

- **Law:** Representation of the People Act, 1951

KEY DIFFERENCE BETWEEN 52ND AMENDMENT AND 91ST AMENDMENT

| Feature | 52 nd Amendment Act, 1985 | 91 st Amendment Act, 2003 |
|----------------------|---|--|
| Provisions | Introduced Tenth Schedule with basic anti-defection rules | Strengthened & clarified Tenth Schedule provisions |
| Ground for Defection | Defined defection for groups & individuals | Made individual defection actionable |
| Exceptions | Allowed party splits with 1/3rd members | Tightened split & merger conditions to 2/3rd members |
| Decision-making | Speaker/Chairman had primary say | Allowed greater judicial review |
| Ministerial Limit | No limit | Imposed 15% cap on strength of council of ministers |

MONEY BILL

About

- **Article 110(1)** of Indian Constitution provides definition of Money Bill.
- As per **Article 110(1)**, a **Bill shall be deemed to be a Money Bill** if it contains only provisions dealing with all or any of the following matters, namely:
 - ♦ The imposition, abolition, remission, alteration or regulation of any tax;
 - ♦ The **regulation of the borrowing of money** or the **giving of any guarantee** by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
 - ♦ The **custody of the Consolidated Fund or the Contingency Fund of India**, the payment of moneys into or the withdrawal of moneys from any such Fund;
 - ♦ The **appropriation of moneys out of the Consolidated Fund of India**;
- ♦ The declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
- ♦ The **receipt of money on account of the Consolidated Fund of India or the public account of India** or the custody or issue of such money or the audit of the accounts of the Union or of a State; or
- ♦ Any matter incidental to any of the matters specified in sub-clauses (a) to (f)
- **Article 110(2)** of Indian Constitution also provides what shall not be deemed to be a money bill.
 - ♦ **A Bill shall not be deemed to be a Money Bill by reason only that** it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

Differences between Various kinds of Bills

| Subject | Ordinary Bill | Money Bill | Financial Bill | Constitutional Amendment Bill |
|---|--|--|--|--|
| Meaning | Bills other than the remaining 3 bills | Bills as mentioned under article 110(1) of constitution | Non money bills plus money bills(article 117 of constitution) | As mentioned in Article 368 of constitution |
| House in which Introduced 1 st | It can be introduced either in Lok Sabha or Rajya Sabha | It can be introduced only in Lok Sabha | It can be introduced only in Lok Sabha | It can be introduced either in Lok Sabha or Rajya Sabha |
| Recommendation of President | Not required | Required | Required | Not required |
| Legislature power to pass or reject the bills | Power of Lok sabha and Rajya sabha are equal here. | Power of Lok sabha is more. | Power of Lok sabha and Rajya sabha are equal here. | Power of Lok sabha and Rajya sabha are equal here. |
| Majority required to pass bills | Simple majority is needed to pass the bills. | Simple majority is needed to pass the bills. | Simple majority is needed to pass the bills. | Special majority is needed to pass the bills. |
| Status of Bill in case of deadlock between two houses | A Joint sitting of Lok Sabha and Rajya Sabha is held | No deadlock is possible in this case. | A Joint sitting of Lok Sabha and Rajya Sabha is held | Bill will come to an end in case of a deadlock between the two houses. |
| Assent by President | May give his/her assent or apply veto(absolute, Pocket and Suspensive) | Gives assent as per convention or apply absolute veto on the advice of COM | May give his/her assent or apply veto(absolute, Pocket and Suspensive) | Will have to mandatorily give assent. |

- ◆ **Article 110(4)** makes it mandatory to endorse every bill when **it is being sent to Rajya Sabha**.

Role of Speaker in Money Bill

- **Article 110(3) says that** If any question arises **whether a Bill is a Money Bill or not**, the **decision of the Speaker** of the House of the People thereon shall be final.
- **Speaker's decision** on whether a bill is a money bill or not **cannot be questioned** in any court of law or in either the House of Parliament or even the president.
- The **Speaker is not obligated to seek advice** from anyone before making a decision whether a bill is a money bill or not.

Procedure of Introducing Money Bill

- A money bill **can only be introduced in Lok Sabha on the recommendation of the President**. It **cannot be referred** to any **joint committee** of the houses.
- **Rajya Sabha is required to return a Money Bill** passed and transmitted by Lok Sabha **within a period of 14 days from the date of its receipt**.
- Rajya Sabha **may return** a Money Bill transmitted to it **with or without recommendations**.
 - ◆ It is **open to Lok Sabha to accept or reject all or any of the recommendations** of Rajya Sabha.
- If Rajya Sabha **does not return a Money Bill** within the prescribed period of **14 days**, the **Bill is deemed to have been passed by both Houses of Parliament at the expiry of the said period of 14 days in the form in which it was passed by Lok Sabha**.
- While **all Money Bills are Financial Bills, all Financial Bills are not Money Bills**.
 - ◆ For example, the Finance Bill which only contains provisions related to tax proposals would be a Money Bill.
 - ◆ However, a Bill that contains some provisions related to taxation or expenditure, but also covers other matters would be considered as a Financial Bill.

CREATION OF NEW DISTRICTS

About

- The **power to create** new districts or alter or abolish existing districts rests with the **State governments**.
- Changes to district boundaries can happen in **two ways: by the state Assembly passing a law, or by the governor issuing an executive order**.

- The **Central government does not have any powers** related to alteration of districts.
- **Currently India has more than 775 districts**.
- **Uttar Pradesh** has the **highest number** of districts among states in the country (**75 districts**).
- **Goa** has the **lowest number** of districts among states in the country (**2 Districts**).
- **Mahe(Under Puducherry UT)** is the smallest district in India in terms of area.
- **Kachchh district of Gujarat** is the largest district of the country in terms of area. **It covers 23.27% of the total geographical area of Gujarat**.
- **As per census 2011, Thane District** is the **most Populous district** of the country. It has a population of more than **1.1 crore** as per 2011 census.
- As per Census 2011, **Dibang valley District** in Arunachal Pradesh is the **least populated district** in the country with a population of around 8000 people.

CHANGING NAMES OF DISTRICTS

- The **central government** plays an important role when the state wants to change the name of a district or railway station.
- The state government will have to **send requests to several central government departments** like the Railway Ministry, Ministry of Earth Sciences, the Intelligence Bureau, the Department of Posts and the Geographical Survey of India, seeking clearance to the proposed name change by states.
- The Central government issues a no-objection certificate after reviewing the replies of these departments.

Delimitation

- **Delimitation** refers to the process of **redrawing the boundaries** of electoral constituencies.
- **Article 82:** Upon the **completion of each census**, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as **Parliament may by law determine**.
- **Current delimitation** of Parliamentary and Assembly constituencies was done according to the procedure laid down in the **Delimitation Act, 2002**.
- **84th Amendment Act, 2001:** It **froze the allocation of seats in the House of the People** to the States as readjusted on the basis of the **1971 census till 2026**.

- ♦ It also provided that the division of each **State into territorial constituencies** as may be readjusted on the basis of the **2001 census**.
- **Article 170:** Upon the **completion of each census**, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner **as Parliament may by law determine**.
- **Article 330 and Article 332** of the Constitution mandate the revision of the allocated seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and state Legislative Assemblies respectively, utilising the **data from the 2001 census**.

Delimitation Commission

- The Parliament has passed the Delimitation Commission Acts in **1952, 1962, 1972, and 2002** to address the objective of delimitation of constitutional boundaries.
- **Constitution of Commission:** It consists of **3 members appointed by the Central Government**.
 1. **Chairperson of the committee** will be a **sitting or retired judge** of the Supreme Court.
 2. **CEC or EC nominated by CEC** will be an ex officio member of the committee.
 3. **State election commissioner of the concerned state** will be the ex-officio member of the committee.
- **Associate members:** The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, **ten persons- five of whom shall be members of the House of the People representing that State and five shall be members of the Legislative Assembly of that State**.
 - ♦ These members are **nominated** by the speaker of the Lok Sabha and Speaker of Legislative assembly respectively.
- **The Commission shall have power to call upon—** (a) the Registrar-General and Census Commissioner, India or his nominee; or (b) the Surveyor General of India or his nominee; or (c) any other officer of the Central Government or State Government; or (d) any expert in geographical information system; or (e) any other person whose expertise and knowledge are considered necessary by the Commission to provide assistance to it.
- The Commission's orders are presented to the Lok Sabha and the relevant legislative assemblies, **they cannot be altered or amended by them**.
- The decisions of the Commission carry legal authority and **cannot be challenged in any court**.

RIGHT TO CHANGE ONE'S NAME

About:

- The Delhi HC stating that the right to identity is an **"intrinsic part"** of the right to life under Article 21.
- the Allahabad HC on May 25 said the fundamental right to keep or change one's name is vested in every citizen under Articles 19(1)(a), 21, and 14 of the Constitution.
- The Allahabad HC also said that a name is an indispensable component of a person's identity and falls within the realm of the right to privacy.
- **Restrictions:** Although the right to change or keep one's name is a fundamental right **"by virtue of Article 19(1)(a) and Article 21"**, it is not an absolute right and is subject to various reasonable restrictions, as the Allahabad High Court clarified in Sameer Rao's case.

ARTICLE 299

About:

- **Article 298** grants the Centre and the state governments the power to carry on trade or business, acquire, hold, and dispose of property, and make contracts for any purpose.
- **Article 299** delineates the manner in which these contracts will be concluded.
- Article 299 of the Constitution provides that "all contracts made in the exercise of the executive power of the Union or of a State shall be expressed to be made by the President or by the Governor of the State".
- However, **Article 299 (2)** says that essentially, neither the President nor the Governor can be personally held liable for such contracts.

LADAKH'S DEMAND FOR INCLUSION IN 6TH SCHEDULE AREAS

About

- **Ladakh** has been demanding inclusion into the 6th schedule to protect its cultural Identity.

What is 6th Schedule

- **Article 244(2)** states that the provisions of sixth schedule areas shall apply to administration of the tribal areas in the states of **Meghalaya, Tripura, Assam & Mizoram**.

- It provides for creation of **Autonomous Districts and Autonomous regions** in the tribal areas of these states.
 - If there are **different tribes in a district** then the Governor may by public notification **divide the areas** inhabited by different tribal groups into **autonomous regions**.
 - **Sixth Schedule** also provides that there shall be a district council for each autonomous district consisting of **not more than thirty members**, of whom **not more than four persons shall be nominated by the Governor** and the **rest shall be elected** on the basis of adult suffrage.
 - It also provides an **exception to Bodoland Territorial council** to have **46 members**, out of which **40 will be elected and 6 will be nominated by the Governor** having the same rights and privileges including voting rights.
- ♦ Out of 40 elected, **30 seats will be reserved for ST, 5 reserved for non-Tribal communities and 5 remaining open for all communities**.
 - ♦ For the **Autonomous region** it provides for a **separate regional council**.
 - ♦ **The term of office** of elected members of the House is **5 years** from the date appointed for the first meeting of the council.
 - ♦ **Nominated members** of the councils hold office at the **pleasure of the government**.
 - ♦ **The 6th Schedule** also provides some **additional powers to North Cachar Hills Autonomous council, Karbi Anglong Autonomous council & Bodoland Territorial council to make laws**.
 - ♦ It also provides for creation of **District funds for each autonomous district** and **regional funds for each autonomous region**.

DIFFERENCE BETWEEN 5TH AND 6TH SCHEDULE AREAS

| Feature | 5 th Schedule Areas | 6 th Schedule Areas (North-Eastern States) |
|--------------------------------------|---|---|
| Geographical Scope | Scheduled areas across India (excluding Assam, Meghalaya, Tripura, Mizoram) | Autonomous districts and regions within Assam, Meghalaya, Tripura, Mizoram |
| Tribal Population Requirement | At least 50% Scheduled Tribe population | No specific % requirement, but predominantly tribal population |
| Administration | State Governor oversees tribal affairs, assisted by Tribal Advisory Councils. | Autonomous District Councils and Regional Councils directly administer the areas |
| Legislative Powers | Limited legislative powers granted to state legislatures for specific matters related to Scheduled Tribes | Extensive legislative powers granted to Autonomous District Councils over subjects like land, local governance, social customs, etc. |
| Financial Control | State government controls finances | Autonomous District Councils have independent sources of revenue (land taxes, royalties, etc.) and receive grants from the state and central government |
| Judicial System | Existing state judicial system | Customary and tribal courts exist alongside the state judicial system |
| Amendment Procedure | Regular legislative process of the state legislature | Requires Presidential approval, consultation with Tribal Advisory Councils and Governor's report |
| Focus | Protection of tribal culture, customs, land rights | Self-government and autonomy for tribal communities |

Parliament and Legislature

RULE 267 VS RULE 176 OF RAJYA SABHA

Rule 267

- This rule has been mentioned under **Rules of Procedure and conduct of the business in the council of states.**
- Function:** It allows any member of Rajya Sabha to move a motion to suspend rules and discuss an urgent matter of national importance not on the day's agenda.
- Procedure:** It **requires the consent of the Chairman** and support of a simple majority of the members present.
 - If approved, the listed business is suspended, and the urgent matter is discussed for the remaining time of the session.
- Changes in Rule 267:** In 2000, the Rules Committee of Rajya Sabha amended this Rule to allow the suspension of a Rule for a matter "related to the business listed before the Council of that day".

ADJOURNMENT MOTION IN LOK SABHA

- The Rajya Sabha Rule Book does not provide for an **adjournment motion.**
- Adjournment motion** is to take up for **discussion a subject of urgent nature**, not just discussion; the adjournment motion has an **element of censure.**
- Censure** is a privilege of Lok Sabha because Lok Sabha can bring down a government which the Rajya Sabha cannot do, that is why there is no adjournment motion in Rajya Sabha.

Rule 176

- Function:** It facilitates short duration discussions on matters of public interest.
- Procedure:** It requires a member to **give prior notice to the Chairman**, who then decides whether to admit the issue for discussion based on its importance and time availability.
 - If admitted, the member makes a short statement, followed by a brief response from the relevant minister. No **formal motion or voting takes place.**
- Rule 176 in its entirety says that:**
 - Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary-General specifying clearly and precisely the matter to be raised:

- Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question:
- Provided further that the notice shall be supported by the signatures of at least two other members.
- When discussion will take place:** A short-duration discussion under Rule 176 can be taken up immediately, a few hours later, the next day or can be fixed for a later date and time.

Comparison of Rule 267 and Rule 176

| Feature | Rule 267 | Rule 176 |
|---|--|---|
| Purpose | Urgent matters of national importance | Matters of public interest |
| Procedure | Formal motion requires Chairman's consent and then support by majority of the members of the house | Prior notice to Chairman, Chairman decides on admission |
| Disruption to scheduled business | Suspends listed business | No disruption to scheduled business |
| Impact | High potential for impactful debate and government action | Raises awareness, limited potential for concrete action |

JAN VISHWAS ACT

About

- The Jan Vishwas (Amendment of Provisions) Act, 2023 decriminalises and rationalises various offences across **42 central acts administered by 19 ministries/ Departments.**
- This act **aims to promote trust-based governance** and make it easier for citizens and businesses to comply with the law.

Key Facts about the act

- Decriminalisation of Minor Offences:** The act decriminalises **183 offences** across various central acts, primarily focusing on minor procedural lapses.
 - These offences typically involve **penalties like fines or imprisonment for minor errors in paperwork**, record-keeping, or reporting.

- ◆ By decriminalising these offences, the **act reduces the burden on individuals and businesses** and promotes self-compliance
- **Rationalisation of Penalties:** The act also rationalises penalties for various offences, reducing the severity of punishments for minor violations.
- **Balancing act:** This act establishes a balance between the severity of the offence/violation committed and the gravity of the prescribed punishment.
- **Penalties and fines:** A triennial revision mechanism in penalties has been provided into the act, ensuring a **10% increase in minimum fines and penalties** for certain offences **every three years**.

DIGITAL PERSONAL DATA PROTECTION ACT 2023

About

- Government brought this law with an aim to empower individuals with rights like access, correction, deletion, and portability of their personal data.
- This enables them to actively manage and decide how their data is used by organisations.

APPLICABILITY OF THIS LAW

- **Within National Territory:** It is applicable to the processing of digital personal data within the territory of India where the personal data is collected— (i) in digital form; or (ii) in non-digital form and digitised subsequently;
- **Outside national territory:** It is also applicable to **processing of digital personal data** outside the territory of India, if such **processing is in connection with any activity** related to **offering of goods or services** to Data Principals within the territory of India.

Non applicability of this law

This act is **not applicable** in following cases:

- **Personal data** processed by an individual for any personal or domestic purpose.
- **Personal data** that is made or **caused to be made publicly available** by
 - ◆ the Data Principal to whom such personal data relates.
 - ◆ any other person who is under an obligation under any law for the time being in force in India to make such personal data publicly available.

- **Example:** X, an individual, while blogging her views, has publicly made available her personal data on social media. In such a case, the provisions of this Act shall not apply.

IMPORTANT DEFINITIONS PROVIDED IN THE ACT

- **Data Fiduciary** means any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data.
- **Data Principal** means the individual to whom the personal data relates and where such individual is— (i) a child, includes the parents or lawful guardian of such a child; (ii) a person with disability, includes her lawful guardian, acting on her behalf.
- **Data Processor** means any person who processes personal data on behalf of a Data Fiduciary.
- **Significant Data Fiduciary:** A Significant Data Fiduciary (SDF) is a **specific designation** within the Digital Personal Data Protection Act, 2023 (DPDP Act) of India. It applies to organisations **that process the largest volumes of sensitive personal data** and pose potentially higher risks to individuals' privacy.
 - ◆ **The DPDP Act** does **not explicitly define** the threshold for becoming an SDF. Instead, it **empowers the Central Government** to determine which organisations fall under this category based on specific factors.

Key provisions of this law

- **Lower age of consent:** The act allows lowering the internet **consent age under 18** if platforms prove "verifiably safe" data handling.
- **Data Protection Board of India (DPBI):** The legislation establishes the Central **government-appointed DPBI** to oversee data privacy in the country. Its members will **serve two-year terms with potential for renewal**, and their decisions can be appealed to the Telecom Disputes Settlement and Appellate Tribunal (**TDSAT**).
- **Data Principal:** While individuals have enhanced rights, they are equally accountable for responsible data management, facing potential fines **up to Rs. 10000** for **false complaints or inaccurate information**.
- **Duty of Data fiduciaries:** They ultimately control how data is used, and are tasked with safeguarding it. This includes **guaranteeing accuracy**, implementing robust security measures, promptly reporting breaches to **DPBI**, and **deleting data when no longer needed**.

- **Appointing a Data Protection Officer**, based in India, who shall represent the SDF under the Act, be accountable to the governing body, and serve as the focal point for grievance redressal.
 - ♦ **Engaging an independent data auditor** to evaluate compliance with the Act's provisions.
 - ♦ Conducting periodic Data Protection **Impact Assessments** to identify and manage risks to the rights of Data Principals.
 - ♦ **Undergoing periodic audits** and implementing other measures as prescribed by the Act.
- **Penalties:** Data fiduciaries who fail to meet their obligations under the Act risk severe financial penalties.
 - ♦ These include fines of up to **₹250 crore for security breaches**, up to **₹200 crore for violations involving children's data**, and up to **₹150 crore** for non-compliance by Significant Data Fiduciaries.
- **Duty of Secretaries:** The Act allows departmental secretaries to flag concerns to the Lieutenant Governor, Chief Minister, and Chief Secretary if they believe actions might spark controversy with the Central Government.
- **Disposal of Matters by Ministers:** Ministers must submit certain matters to the **LG, via the Chief Minister and Chief Secretary**, for their opinion before issuing orders.
 - ♦ These include issues related to peace, relations with central government, state governments, supreme court and other authorities, Legislative Assembly procedures, and other matters requiring the LG's sole discretion.
 - ♦ The Act **does not define** what **constitutes controversial matters** that must be brought to the LG's attention.

GNCTD (AMENDMENT) ACT, 2023

About

- In 1956, the **States Reorganisation Act** established Delhi as a Union Territory.
- The **69th Constitutional Amendment in 1991 (Article 239AA)** then elevated it to a Union Territory with a Legislative Assembly, paving the way for the **1991 Government of National Capital Territory of Delhi (GNCTD) Act**.

Key provisions of the Act

- **National Capital Civil Service Authority (NCCSA):** Act provides for establishment of NCCSA consisting of the **Chief Minister (Chairperson), Chief Secretary, and Principal Home Secretary**.
 - ♦ It makes decisions by **majority vote** and the **Member-Secretary (Principal Home secretary)** authenticates its recommendations on **transfer postings and disciplinary actions**.
 - ♦ The Act grants the **LG the final say** on matters pertaining to the NCCSA.
 - ♦ He **may accept their recommendations**, or alternatively, **refer them back** for reevaluation.
 - ♦ In situations where their **opinions diverge**, the **LG decision shall prevail**.

TRIPLE CHAIN OF ACCOUNTABILITY

The "triple chain of accountability" is a concept within democratic governance that describes the **interconnected relationship between three entities** responsible for making and implementing decisions:

1. **Bureaucracy:** Public servants and government officials who execute policies and manage day-to-day operations.
2. **Elected Government:** Politicians chosen by the people to represent their interests and formulate policies.
3. **Electorate:** The citizens who vote for the elected government and hold them accountable for their actions.

Each link in the chain is responsible to the other two:

- **Bureaucracy to Elected Government:** Public servants must answer to the elected government for their performance and compliance with policies.
- **Elected Government to Electorate:** Politicians are accountable to the people for their decisions and their effectiveness in addressing the needs of the public.
- **Electorate to Bureaucracy:** While less direct, the people can indirectly influence the bureaucracy through their choice of elected officials and by holding them accountable for their oversight of the public services.

| ARTICLE 239, 239-A & 239AA COMPARISON | | | |
|---|---|---|---|
| Feature | Article 239 (All Union Territories) | Article 239A (Specific Union Territories) | Article 239AA (National Capital Territory of Delhi) |
| Legislative Assembly | Appointment of Governor by President in UT and is silent on Legislative assembly creation. | Through article 239-A(1) legislative assembly has been provided to Puducherry. | Yes, established under Article 239AA(2) |
| Legislative Power | LG exercises his functions as such administrator independently of his Council Of Ministers. | The Government of Union Territories Act, 1963 says that legislative assemblies may make laws for the whole or any part of the Union Territory with respect to any of the matters enumerated in the State List or the Concurrent List. | Legislative powers are limited by no power over Public Order, Police and Land |
| Executive Head | Administrator appointed by President (Article 239(1)) | Administrator appointed by President (Article 239(1)) | Lieutenant Governor appointed by President (Article 239(1)) |
| Relationship with Central Government | Parliament has plenary legislative power | Parliament has plenary legislative power | Parliament retains some legislative power for national interest. |
| Amendment procedure | Does not require constitutional amendment | Requires regular law by parliament. | Regular law |

NO CONFIDENCE MOTION (NCM)

About

- A no-confidence motion is a formal proposal moved by a member against the government in **Lok Sabha under Rule 198** of the **Rules of Procedure and Conduct of Business** in Lok Sabha.
- **Under Article 75(3)** of the Indian Constitution, “the Council of Ministers shall be collectively responsible to the House of People (Lok Sabha).”
- **Grounds of Motion:** Unlike other motions, it doesn't require detailed justifications or grounds for its initiation. Even if grounds are mentioned, they don't bind the House during the vote.
- **Proposal:** Any member of the Lok Sabha can propose a No Confidence motion against the Council of Ministers. To do this, they need to give a written notice to the Speaker of the Lok Sabha stating the reasons for their lack of confidence.
 - ♦ Under rules 198(1) and 198(5) of the Lok Sabha, it can be introduced only after the **Speaker has called upon it.**
 - ♦ To introduce a motion of no confidence against the Council of Ministers in the Lok Sabha, a Member of Parliament (MP) needs the **backing of at least 50 fellow MPs.**
- ♦ This means that any Lok Sabha MP who can gather support from 50 of their colleagues has the right to introduce such a motion at any time.
- **Discussion:** Once the motion is admitted, it is usually taken up for discussion after a stipulated period, allowing time for members to prepare and debate the motion.
- **Debate:** During the debate, members are given the opportunity to present their arguments for or against the motion.
 - ♦ The Prime Minister or a representative from the Council of Ministers also has the opportunity to respond and defend their government's position.
- **Voting:** After the debate, a vote is conducted, and members are asked to vote either in favour of the motion (expressing no confidence) or against it (expressing confidence in the government).
- **Outcome:** If the No Confidence motion is passed by a majority of the members present and voting, it indicates that the Lok Sabha has lost confidence in the government.
 - ♦ In such a case, the Council of Ministers is expected to resign, and the government may collapse. If the motion is not passed, the government remains in power, and its mandate is reaffirmed.

COLLECTIVE RESPONSIBILITY

- This principle says that all ministers, headed by the Prime Minister, **collectively support and present decisions taken by the Cabinet**, even if they may have personally disagreed with them during internal discussions.
- This principle **ensures solidarity and accountability** of the government to the Parliament and the public.
- Constitutional Provisions: Article 75(3) of the constitution** says that the Council of Ministers shall be collectively responsible to the House of the People.
 - Also **Article 164(2) of the constitution** says that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

IMPORTANT FACTS ON NO CONFIDENCE MOTION

- It can be moved against the council of ministers only, **not against a single minister**.
- If it is **passed** in the Lok Sabha, the **Council of Ministers must resign from office**.

- 1st No confidence motion (NCM): Acharya JB Kripalani** moved the 1st no-confidence motion against the Jawaharlal Nehru government on **August 19, 1963**.
- The **highest number of no-confidence** motions - 15 - in the history of independent India was moved against governments led by **Indira Gandhi**.
- Lal Bahadur Shastri** faced the most No Confidence Motion **per year of office**, and **Narasimha Rao** won with the **narrowest margin (265 vs 251)**
- July 1979** - A no-confidence motion was moved against Morarji Desai government by YB Chavan.
 - Even though the debate remained inconclusive, Desai resigned from his post and retired from politics.
 - This was the only time a government fell following a no-confidence motion, even as there was no voting on the motion.
- Till today **28 No confidence** motion has been held after independence.

Censure Motion vs No Confidence Motion

| Feature | Censure Motion | No-Confidence Motion |
|-------------------|--|--|
| Reason for Moving | Must state specific reasons for adoption in the Lok Sabha. This motion can be introduced only in Lok Sabha and not in Rajya Sabha. | No need to state reasons for its adoption in Lok Sabha. Cannot be introduced in Rajya Sabha. |
| Target | Individual minister(s), group of ministers, or entire council of ministers | Entire council of ministers only |
| Purpose | Criticises specific policies or actions of the government | Determines whether Lok Sabha has confidence in the government |
| Outcome if Passed | Council of ministers does not need to resign | Council of ministers must resign |

NO-CONFIDENCE MOTION

➤ **First-ever** no-confidence motion was moved in **1963**

➤ **Total 26** so far (the one on July 20 will be 27th)

➤ **Indira Gandhi** govt had faced **maximum number** of no-confidence motion | **15**

Three in last 25 years

July 1993 | Against the Narasimha Rao govt after Babri Masjid demolition (Govt won confidence vote)

April 1999 | Against the Vajpayee govt (Govt lost by one vote)

August 2003 | Against the Vajpayee govt (Govt won confidence vote)

July 2008 | It was a trust vote after CPM-led Left Front withdrew support from the Manmohan Singh govt over the Indo-US nuclear deal. Govt proved its majority

OTHER IMPORTANT MOTIONS OF THE PARLIAMENT

- Calling Attention Motion:** It is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.
- Closure Motion:** It is a motion moved by a member to cut short the debate on a matter before the House. If the motion is approved by the House, debate is stopped forthwith and the matter is put to vote
- Question Hour:** The **first hour** of every parliamentary sitting is slotted for this. During this time, the members ask questions and the ministers usually give answers.

- The questions are of **three kinds, namely, Starred, unstarred and short notice.**
 - ♦ **A starred question** (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
 - ♦ **An unstarred question** on the other hand, requires a written answer and hence, supplementary questions cannot follow.
 - ♦ **A short notice question** is one that is asked by giving a notice of less **than ten days**. It is answered orally.
- **Zero Hour:** Unlike the question hour, the **zero hour is not mentioned in the Rules of Procedure.**
 - ♦ Thus it is an informal device available to the members of the Parliament to raise matters without any prior notice.
 - ♦ The zero hour **starts immediately after the question hour** and lasts until the agenda for the day (ie, regular business of the House) is taken up.

clause (3) of article 332 shall be reserved for women belonging to the **Scheduled Castes or the Scheduled Tribes.**

- ♦ **Article 332A (3):** As nearly as may be, **one-third** (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Legislative Assembly of **every State shall be reserved for women.**
- It has amended **article 239AA** by introducing one third reservation for women in the Delhi state assembly.
- **Insertion of a new article 334A** for guiding how reservation of seats for women will come into the effect.
 - ♦ The reservation will come into effect after the **delimitation done after the next census.**
 - ♦ The reservation will be **valid for 15 years** and it may continue subject to law made by the Parliament.
 - ♦ **Rotation of seats** reserved for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi **shall take effect after each subsequent exercise of delimitation** as the Parliament may by law determine.
 - ♦ Notwithstanding the provisions of this Act, the **existing representation** in the State Legislatures and the Lok Sabha **shall not be altered** until the dissolution of these bodies.

NARI SHAKTI VANDAN (106TH CONSTITUTIONAL AMENDMENT ACT)

About

This landmark amendment grants **one-third reservation for women in the Lok Sabha** (lower house of Parliament) and the **State Legislative Assemblies.**

Key provisions of the Act

- **Insertion of new article 330A** for reservation of seats for women in the House of the People.
- **Article 330A(2):** As nearly as may be, one-third of the total number of seats reserved under clause (2) of article 330 shall be reserved for **women belonging to the Scheduled Castes or the Scheduled Tribes.**
- **Article 330A(3):** As nearly as may be, **one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)** of the total number of seats to be filled by direct election to the House of the People shall be reserved for women.
- **Insertion of new article 332A** for reservation of seats for women in the Legislative Assemblies of the States.
 - ♦ **Article 332A(1)** Seats shall be reserved for women in the Legislative Assembly of every State.
 - ♦ **Article 332A (2)** As nearly as may be, one-third of the total number of seats reserved under

AMENDMENT AND ALTERATION OF THE CONSTITUTION

- **Alteration of the constitution:** This term is used more broadly to encompass any change to the constitution, **but it may not necessarily imply a formal amendment process.**
 - ♦ Alterations can include **reinterpretations of existing provisions by courts or through legal precedents.**
 - ♦ **Example:** SC reinterpreting the scope of an existing right could be considered an alteration. This will lead to **informal changes in practice or convention**, even if the written text of the constitution remains the same.
- **Amendment of the constitution:** This refers to the process of changing, adding, or deleting provisions in the Constitution through a formal procedure outlined in the Constitution itself.
 - ♦ Article 368 of the Constitution lays down the procedure for amending the Constitution.

- **Key differences:**
 - ♦ **Formality:** Amendments are typically formal changes with defined procedures, while alterations can be more informal and gradual.
 - ♦ **Specificity:** Amendments usually target specific provisions, while alterations can have broader implications.
 - ♦ **Example:** Right to privacy recognised as fundamental right without amending the constitution by SC.
 - ♦ **Intent:** Amendments aim to modify the constitution itself, whereas alterations might not necessarily imply a change to the fundamental legal document.

IMPORTANT FACT ON WOMEN REPRESENTATION

- The current Lok Sabha has the **highest-ever percentage** of women MPs, nearly **15 percent**, which is lower than the global average of 24 percent.
- **Article 243D** of the Constitution provides for reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Panchayats.
 - ♦ As per the provisions of Article 243D, **not less than one-third** of the total number of seats reserved for SCs and STs shall be reserved for women.

History of attempts to increase women representation in legislature:

- **1989:** It was former prime minister Rajiv Gandhi who first planted the seed of women reservation in elected bodies by introducing the Constitution Amendment Bill to provide one-third reservation for **women in rural and urban local bodies**.
 - ♦ The Bill was passed in Lok Sabha but failed to get passed in Rajya Sabha.
- **1993:** In 1992 and 1993, then prime minister P.V. Narasimha Rao reintroduced the **Constitution Amendment Bills 73rd and 74th**, which reserved one third (33%) of all seats and chairperson posts for women in rural and urban local bodies.
 - ♦ The Bills were passed by both the houses and became the law of the nation.

- **1996:** In 1996, then Deve Gowda-led United Front government for the first time introduced the 81st Constitution Amendment Bill in Lok Sabha for reservation of women in the Parliament.
 - ♦ After the Bill failed to get approval in Lok Sabha, it was referred to a Joint Parliamentary Committee **chaired by Geeta Mukherjee**.
 - ♦ The Mukherjee committee presented its report in 1996.
 - ♦ However, the Bill lapsed with the dissolution of the Lok Sabha.
- **1999-2003:** The Atal Bihari Vajpayee-led NDA government pushed the WRB Bill in the 12th Lok Sabha in 1998.
 - ♦ However, this time too, the **Bill failed to get support, and lapsed again**.
- **2008:** The government tabled it in 2008, this time in Rajya Sabha to prevent it from lapsing again.
 - ♦ **Five of the seven recommendations** made by the **1996 Geeta Mukherjee Committee** were included in this version of the Bill.
 - ♦ The Bill was eventually passed in the **Rajya Sabha with 186-1 votes on March 9, 2010**.
 - ♦ However, the Bill was never taken up for consideration in the Lok Sabha and **eventually lapsed in 2014**.

NEW CRIMINAL LAWS

About:

- **The President of India** gave her assent to the **three new criminal code bills**, which were cleared by Parliament in the winter session. With her assent, these bills have now become law.

| NAME OF NEW LAWS AND EXISTING LAWS THEY REPLACED | |
|--|--|
| Old Law | Replaced By |
| Indian Penal Code(IPC), 1860 | Bharatiya Nyaya Sanhita Act, 2023 |
| Indian Evidence Act(IEA), 1872 | Bharatiya Sakshya Act, 2023 |
| Code of Criminal Procedure(CrPc), 1973 | Bharatiya Nagarik Suraksha Sanhita Act, 2023 |

| BHARATIYA NYAYA SANHITA(BNS) VS IPC | | |
|-------------------------------------|--|---|
| Criteria | BNS | IPC |
| Sections | It has only 358 sections. | It had 511 sections. |
| Definition of terrorism | The BNS defines terrorism as an act that intends to threaten the unity, integrity, security, or economic security of the country, or strike terror in the people. | Definition of terrorism was limited and only covered acts that intend to threaten the state. |
| Punishment for terrorism | Stricter punishment for terrorism including life imprisonment and death | Punishment was less stringent. |
| Decriminalisation of minor offences | The BNS de-criminalizes a number of minor offences, such as begging, vagrancy, and petty theft. These offences will now be considered civil offences, punishable by fines or other non-custodial penalties | These acts were considered as criminal activities under IPC. |
| Restorative justice | The BNS allows for the use of restorative justice in certain cases, such as minor offences and cases involving victims who are willing to participate. | IPC was based on Retributive justice. Punishment severity matches crime seriousness, deterring future wrongdoing. |
| Mob Lynching | Maximum penalty increased from life imprisonment to death. | Maximum penalty was life imprisonment. |
| Language | BNS simplifies the language and terminology of the IPC. | Language and terminology used in IPC was more complex. |
| Murder vs. Culpable Homicide | The BNS clarifies the distinction between murder and culpable homicide, allowing for differentiated sentencing based on intent and premeditation. | IPC had no distinction for murder and culpable homicide. |
| Defamation | The BNS introduces a tiered system for defamation, distinguishing between intentional and unintentional acts and considering the harm caused, potentially mitigating harsh punishments for minor slips. | IPC had no such features. |
| Changes in minimum sentences | While some offenses like mob lynching and rash driving face harsher minimum sentences. | IPC had less harsher punishment for these offences. |
| Organised crime | It has been added as an offence. Petty organised crime is also an offence now. | This was lacking in IPC |

| BHARATIYA NAGRIK SURAKSHA SANHITA (BNSS) LAW VS CRPC | | |
|--|---|--|
| Criteria | BNSS | CrPc |
| Procedures for investigation | The BNSS streamlines procedures for investigation and trial, such as by reducing the number of steps required and by providing for electronic filing of documents. | Procedure for investigation and trial was too lengthy and complex in CrPc which often led to benefit of doubt for many criminals in courts on the basis of lapses in procedures. |
| Witness protection | The BNSS strengthens witness protection by providing for more comprehensive measures, such as witness anonymity and relocation. | CrPc had paid less emphasis on witness protection. |
| Deadlines for prosecutions | The BNSS implements time-bound deadlines for prosecutions, such as requiring cases to be filed within 30 days of arrest. | Lack of time bound deadlines often leads to overcrowding jails. |
| Use of technology | The BNSS allows for the increased use of technology in court proceedings , such as by allowing for video conferencing and electronic evidence . | Low use of technology was seen under this. |

BHARATIYA SAKSHYA LAW(BSL) VS INDIAN EVIDENCE ACT (IEA), 1872

| | | |
|-------------------------------|--|---|
| Electronic Evidence | The BSL recognizes electronic records as primary evidence, making emails, server logs, documents on computers, and even messages and voicemails stored on digital devices admissible in court. | It lacked such clauses. |
| Technology Integration | It encourages utilising video conferencing for witness testimony. This reduces logistical hurdles and protects sensitive individuals . | Witnesses before COVID-19 often had to mandatorily appear before courts which increases risk to their life. |
| Witness protection | The BSL introduces stricter penalties for witness intimidation and tampering. It mandates witness anonymity in specific cases like sexual assault or terrorism, safeguarding vulnerable individuals from potential repercussions. | Less emphasis was given on witness safety which often led to many witnesses turning hostile into courts. |
| Secondary evidence | The BSL clarifies and expands the definition of secondary evidence, making written admissions and certain electronic records like WhatsApp messages and call recordings admissible under specific conditions. | These were often not accepted by courts due to lack of clarity on them. |

PARLIAMENTARY PRIVILEGES OF LAWMAKERS

About

- Parliamentary privileges are **special rights and immunities** granted to members of Parliament (MPs) in India to enable them to discharge their duties without fear or favour.
- These privileges are **enshrined in the Constitution of India, Various Act, 1955**, and various rulings by the Supreme Court and High Courts.

Types of Parliamentary Privileges

There are **two main categories of parliamentary privileges** in India:

- **Individual privileges:** These privileges are enjoyed by each MP individually and include freedom of speech, freedom from arrest, and immunity from legal proceedings for anything said or done in Parliament.
 - ♦ Members of Parliament enjoy **immunity from arrest in Civil Cases** as per Code of civil Procedures while Parliament is in session, **extending 40 days** before and after each session.
 - ♦ While citizens generally enjoy freedom of speech under **Article 19(2)**, members of Parliament (MPs) have a **distinct and more expansive version of this right**, as enshrined in **Article 105** of the Indian Constitution.
 - **Article 194** of the constitution provided the same immunity to **state legislatures**.

- ♦ Parliament holds the right to be **promptly notified of any MP's arrest**, detention, conviction, imprisonment, or release related to criminal charges or offences.
- ♦ **Detained member's right to attend session:** If a member is arrested under Preventive Detention Act and is lawfully detained even without actual trial, **he cannot claim that his detention** should be subordinated to his right to attend the session of Parliament.
- **Collective privileges:** These privileges are enjoyed by Parliament as a whole and include the **power to punish for contempt of Parliament**, the power to regulate its own proceedings, and the **power to exclude strangers** from its sittings.
 - ♦ Members or officers of the Parliament **cannot be compelled to give evidence or to produce documents** in courts of law, relating to the proceedings of the House **without the permission of the House**.
 - ♦ If any individual or authority violates or disregards any of the privileges, powers and immunities of the House or members or committees thereof, he may be punished for **"breach of privilege" or "contempt of the House"**.
 - ♦ **Right to exclude strangers:** The right of the Houses to exclude strangers from the House is a necessary concomitant of the privilege of freedom of speech on the floor of the House.

- ◆ **Publication of expunged proceedings:** It is a **breach of privilege and contempt of the House** to publish expunged proceedings of the House.
- ◆ **Misrepresentation of proceedings:** Misrepresenting or misreporting the proceedings of Parliament have been found to be the gross **violation of privilege and contempt of the House**.
- ◆ **Right of the House to regulate its proceedings:** Each House of Parliament enjoys an inherent and exclusive authority to conduct and regulate its proceedings in the manner it deems proper (**Article 118**).
- ◆ **Clause (2) of Article 122** provides that the Presiding Officer of each House or any other officer or the Member of Parliament, who for the time being, is vested with the power to regulate the proceedings, conduct of business or maintenance of order in the House of Parliament, shall not be **subject to jurisdiction of the courts in the exercise of those powers**.
- ◆ When the **oral evidence** of an officer of the House is required, **the court should request the House** stating precisely the matter and the date on which his evidence is required.
- ◆ **No arrest can be made** within the **precincts of the House nor a legal process, civil or criminal, served without obtaining the permission of the Chairman or Speaker**, and this permission is necessary whether the **House is in session or not**.

ETHICS COMMITTEE IN PARLIAMENT

- **Genesis:** It traces back to a resolution passed during the Presiding Officers Conference held in 1996.
- **Composition:** Each house of the Parliament has its own ethics committee.
 - ◆ **Ethics Committee in Lok Sabha:**
 - First constituted in 2000.
 - Consists of not more than fifteen members nominated by the Speaker.
 - Members hold office for a term not exceeding one year.
 - ◆ **Ethics Committee in Rajya Sabha:**
 - Constituted in 1997.
 - Comprises 10 members nominated by the Chairman of Rajya Sabha.
 - Members also hold office for a term not exceeding one year.

Functions:

- ◆ Overseeing the moral and ethical conduct of Members.
- ◆ Examining cases referred to it regarding ethical and other misconduct of Members.
- ◆ Any person or member can lodge a complaint regarding the unethical conduct of a member to the committee.

PARLIAMENTARY PRIVILEGES

- **Use of handcuffs** for a member under arrest on a criminal charge **does not constitute** a breach of privilege.
- Currently, the powers, privileges, and immunities of Parliament and State legislatures, as well as their members and committees, **are derived from various sources**, including the Constitution, rules of procedure, and precedents, **rather than a single, comprehensive piece of legislation**.

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

About

- It is popularly known as **Forest Rights Act, 2006**.
- **Implementing Agency for the Act:** Ministry of Tribal Affairs.

Key Provisions of the act

- It **recognizes the rights** of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs.
- The Act encompasses **Rights of Self-cultivation and Habitation** which are usually regarded as **Individual rights**.
- **Community Rights** as Grazing, Fishing and access to Water bodies in forests, Habitat Rights for PVTGs, Traditional Seasonal Resource access of Nomadic and Pastoral community, access to biodiversity are provided through the act.
- **Community right to intellectual property and traditional knowledge**, recognition of traditional customary rights and right to protect, regenerate or conserve or manage any community forest resource for sustainable use are available through this act.

- In conjunction with the **Right to Fair Compensation and Transparency** in Land Acquisition, Rehabilitation and Settlement Act, 2013 **FRA protects the tribal population from eviction** without rehabilitation and settlement.
- Rights under the act are implemented by **concerned UT/State Governments**.
- **Conversion of Forest Villages Into Revenue Villages: Section 3(h) of the act provides for** rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages.
- **As per section 4(4), forest rights shall be heritable but not alienable or transferable** and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

NISTAR RIGHTS

- The term Nistar has been mentioned in the act under **section 3(b)**.
- **Nistar rights, also known as concession rights**, refer to a system in India where forest dwellers and villagers are granted permission to access specific forest resources at subsidised rates for their bona fide domestic use.
- This permission, typically **granted by the forest department**, aims to provide basic necessities for communities residing near forests without jeopardising the sustainability of the resources.

Duties of Holders of Forest Rights:

Gram Sabha and village level institutions in areas where there are holders of any forest right **under this Act are empowered to–**

- **Protect the wild life, forest and biodiversity.**
- Ensure that adjoining catchment areas, water sources and other ecological sensitive areas are adequately protected.
- Ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage.
- Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and **stop any activity which adversely affects the wild animals, forest and the biodiversity** are complied with.

Who can determine Forest Rights Under the Act

- **Gram Sabha** is the authority to **initiate the process** for determining the nature and extent of individual or community forest rights.
 - ♦ They will **receive and verify the claims** from individuals and forward it to the **Sub divisional Level Committee(SDLC)**
- Any **person aggrieved** by the decision of Gram Sabha can **appeal to SDLC within 60 days** after the passing of resolution by the Gram Sabha.
- Any **person aggrieved** by the decision of the **SDLC** may prefer a petition to the **District Level Committee(DLC) within sixty days** from the date of decision of the Sub-Divisional Level Committee.
- The decision of the **DLC** on the record of forest rights shall be **final and binding**.
- **SDLC and DLC** are constituted by the state governments.

SPECIAL AND LOCAL LAWS (SLL)

Special Laws

- Special laws in India refer to legal provisions that are enacted to **address specific subjects or categories of matters**. These laws are tailored to meet unique circumstances or challenges that may not be adequately covered by general laws.
- **Example:** The Right to Information Act, The Juvenile Justice (Care and Protection of Children) Act, IT act, etc.
- These laws may **allocate resources** across multiple regions. E.g.- IPR laws, Income Tax Act etc.
- **Scope of Special Laws:** Special laws, relatively recent in origin, possess a more recent formulation and a more **limited jurisdiction compared to general laws**.

Local Laws

- Local laws are laws that apply only to a **specific geographical area or region within the country**.
 - ♦ These laws cater to the unique needs and circumstances of a particular locality.
- **Example:** Municipal laws that govern local self-government bodies, MCOCA in Maharashtra etc.
- Local laws are to address the **specific needs of a particular locality**.
- Their impact is mainly on the local community, influencing governance and policies within that particular region.

Key Facts:

- A **staggering 39.9% of all cognizable crimes** in India in 2021 were governed by SLLs, highlighting their substantial footprint in the legal landscape.

| Key Difference Between Special Laws and Local Laws | | |
|--|---|--|
| Aspect | Special Laws | Local Laws |
| Scope | Applicable to distinct groups, circumstances, or sectors. | Applicable to designated geographical regions. |
| Legislative Authority | Enacted by higher authorities. | Formulated and enforced by local governments. |
| Applicability | Possesses more extensive applicability. | Tailored for specific geographical areas. |
| Amendments | Require higher-level legislative procedures. | Offer more flexibility and simplicity in modifications. |
| Enforcement | Involves both local and higher-level agencies. | Mainly falls under the purview of local law enforcement. |

PRESS AND REGISTRATION OF PERIODICALS BILL, 2023

Key Features of the Bill include:

- It repeals the **Press and Registration of Books Act, 1867**.
- **Registration of periodicals:** The Act provides for the registration of newspapers, periodicals, and books.
 - ♦ It also provides for the cataloguing of books.
 - ♦ The Bill provides for the registration of periodicals, which include any publication containing public news or comments on public news.
 - ♦ Periodicals do not include books or scientific and academic journals.
- **Registration Certificate:** The Act provides that a declaration specifying the printer/ publisher be made to the District Magistrate (DM).
 - ♦ The DM sends the declaration to the Press Registrar, who then issues a certificate of registration.
 - ♦ The Bill allows the publisher of a periodical to obtain a registration certificate by filing an online application with the Press Registrar General and specified local authority.
- **Restrictions:** A person who has been convicted of a terrorist act or unlawful activity, or have acted against the security of the State will not be allowed to publish a periodical.
- **Foreign periodicals:** An exact reproduction of a foreign periodical may be printed in India only with the prior approval of the central government.
- **Press Registrar General:** The Bill provides for the Press Registrar General of India whose functions include:
 - (i) Issuing registration certificates for all periodicals,
 - (ii) Maintaining a register of periodicals,
 - (iii) Making guidelines for the admissibility of title of periodicals,
 - (iv) Verifying circulation figures of prescribed periodicals, and
 - (v) Revising, suspending, or cancelling registration.
- **Registration of a printing press:** The Act requires a printing press to be declared before the DM.
 - ♦ The Bill allows for information regarding printing presses to be submitted to the Press Registrar General through an online portal.
- **Suspension of registration:** The Bill allows the Press Registrar General to suspend a periodical's registration for a minimum period of 30 days which can extend to 180 days.
 - ♦ **The registration may be suspended due to:** (i) registration obtained by furnishing false information, (ii) failure to publish periodicals continuously, and (iii) giving false particulars in annual statements.
- **Cancellation of Registration:** The Press Registrar General may cancel the registration if the publisher does not correct such defects.
 - ♦ **Registration may also be cancelled if:** (i) a periodical has the same or similar title as any other periodical, (ii) the owner / publisher has been convicted of a terrorist act or unlawful activity, or for acting against the security of the state.
- **Penalties:** The Bill empowers the Press Registrar General to impose penalties for: (i) publishing periodicals without registration (up to five lakh rupees), (ii) failing to furnish annual statement within the specified time (up to Rs 20,000 on first default).

- ◆ Not complying with such direction within six months will be punishable with imprisonment of up to six months.
- **Appeal:** Any person may appeal against the refusal to issue a registration certificate, suspension/cancellation of registration, or imposition of penalty.
 - ◆ Such appeals may be filed before the Press and Registration Appellate Board within 60 days.

JAMMU AND KASHMIR REORGANISATION (AMENDMENT) BILL, 2023

About:

- **The Bill amends the Jammu and Kashmir Reorganisation Act, 2019.** The Act 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 the Legislative Assembly:** The Bill increases the total number of seats in the Jammu and Kashmir Legislative Assembly from 83 to 90.
 - ◆ It also reserves seven seats for Scheduled Castes and nine seats for Scheduled Tribes.
- **Nomination of Kashmiri migrants:** The Bill adds that the Lieutenant Governor may nominate up to two members from the Kashmiri migrant community to the Legislative Assembly. One of the nominated members must be a woman.
- **Definition of Kashmiri migrants:** Migrants are defined as persons who migrated from the Kashmir Valley or any other part of the state of Jammu and Kashmir after November 1, 1989, and are registered with the Relief Commissioner.
 - ◆ Migrants also include individuals who have not been registered due to: (i) being in government service in any moving office, (ii) having left for work, or (iii) possessing immovable property at the place from where they migrated but are unable to reside there due to disturbed conditions.
- **Nomination of displaced persons:** The Bill adds that the Lieutenant Governor may nominate to the Legislative Assembly one member representing displaced persons from Pakistan-occupied Jammu and Kashmir.
- **Definition of Displaced persons:** Displaced persons refer to individuals who left or were displaced from their place of residence in Pakistani-occupied Jammu and Kashmir and continue to reside outside such place.

- ◆ Such displacement should have taken place in 1947-48, 1965, or 1971 due to civil disturbances or fear of such disturbances.
- ◆ These include successors-in-interest of such persons.

RULES FOR PROTECTION AND PRESERVATION OF ASI MONUMENTS

About (AMASR) Act, 1958:

- The AMASR Act was passed by the Parliament in 1958 for the purpose of protection and preservation of archaeological and historical monuments and sites.
- It also provides for the regulation of archaeological excavations and for protection of sculptures, carvings and other such objects.
- The **Archaeological Survey of India** functions under the provisions of this Act.

Amendments:

- The prohibited and restricted area provision was introduced in 2010 through an amendment to the **Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958.**
 - ◆ It **prohibits and regulates** all activities like **mining and construction around 100 metres and 300 metres.**
- The AMASR Amendment Bill was introduced in Lok Sabha in 2017
 - ◆ Amendments in the Bill include allowing the construction of public works in “prohibited areas”, and the approval and impact assessment of such public works.

ANCIENT MONUMENT

What qualifies as an “ancient monument” and “archaeological sites and remains”?

- In the original Act of 1958, “**ancient monument**” is defined as “any structure, erection, or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription, or monolith which is of historical, archaeological, or artistic interest and which has been in existence for not less than 100 years”.
- “**Archaeological sites and remains**” mean “any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than 100 years”.

Concerns:

- A Parliamentary panel has observed that the provision of 100-metre prohibited and 300-metre regulated area around all monuments protected by the Archaeological Survey of India (ASI) has pitted the **local community against these heritage structures** in many places as they find it **difficult to carry out necessary repair work of their residential spaces**.
- Such a situation in many places creates a hostile scenario, pitching the local community against the monuments.

Recommendations:

- The Department Related Parliamentary Standing Committee on Transport Tourism and Culture has asked the government to revise the rules to make them realistic.
- It also recommended that the list of all 3,691 ASI-protected monuments be rationalised and categorised based on their national significance, unique architectural value and specific heritage content.

Government's Response:

- The Central government has, however, already said that it was in the process of amending the Act.

OTHER RELATED STEPS WERE TAKEN BY GOVERNMENT FOR PROTECTION OF MONUMENTS

- **Adopt Heritage Project:** It was launched in 2017 as a collaborative effort by the Ministry of Tourism, Ministry of Culture and ASI, State/UTs Governments.
- **HRIDAY Scheme:** The Ministry of Urban Development, Government of India, launched the Heritage City Development and Augmentation Yojana (HRIDAY) scheme, with a focus on the holistic development of heritage cities.
- **Archaeological Survey of India (ASI):** It is an attached office under the Department of Culture, Ministry of Tourism and Culture is the premier organization for the archaeological research and protection of the cultural heritage of the nation.
- **Adarsh Smarak Scheme:** The Ministry of Culture has taken up the scheme to develop and maintain 100 monuments protected by the ASI in the country.
- **Adopt a Heritage: 'Apni Dharohar Apni Pehchaan':** The Ministry of Tourism has launched it in 2017 on the occasion of World Tourism Day.
- **National Mission on Pilgrimage Rejuvenation and Spiritual Heritage Augmentation Drive (PRASHAD) Scheme:** Launched in 2015

- ♦ Focus on identifying and developing pilgrim sites across the country to promote religious tourism.
- **Ek Bharat Shreshtha Bharat:** Announced in 2015 on the occasion of the 140th birth anniversary of Sardar Patel.

PROCESS OF AMENDING THE CONSTITUTION

About:

- In India, **Article 368** of the Constitution deals with the power and process of amending the Constitution.
- **The Constitution can be amended in three ways:**
 - ♦ Amendment by simple majority of the Parliament,
 - ♦ Amendment by special majority of the Parliament, and
 - ♦ Amendment by special majority of the Parliament and the ratification of half of the state legislatures.

Amending by Simple Majority:

- This is done through a **majority of those present and voting and does not require a quorum**.
- **Article 368** does not directly make a list of such 'less significant' provisions.
 - ♦ However, a number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368.
 - ♦ These provisions includes:
 - Admission or establishment of new states.
 - Formation of new states and alteration of areas, boundaries or names of existing states.
 - Abolition or creation of legislative councils in states, etc.

Amending by Special Majority:

- The majority of the provisions in the Constitution need to be amended by a **special majority** of the Parliament, that is, a majority of the total membership of each House and a majority of two-thirds of the members of each House present and voting.
- The expression 'total membership' means the total number of members comprising the House irrespective of fact whether there are vacancies or absentees.
- **The provisions which can be amended by this way includes:**
 - ♦ Fundamental Rights;

- ◆ Directive Principles of State Policy; and
- ◆ All other provisions which are not covered by the first and third categories.

By Special Majority of Parliament and Consent of States:

- Those provisions of the Constitution which are **related to the federal structure** of the polity can be amended by a special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority.
- If one or some or all the remaining states take no action on the bill, it does not matter; 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. The following provisions can be amended in this way:
 - ◆ Election of the President and its manner.
 - ◆ Extent of the executive power of the Union and the states.
 - ◆ Supreme Court and high courts.
 - ◆ Distribution of legislative powers between the Union and the states.
 - ◆ Any of the lists in the Seventh Schedule.
 - ◆ Representation of states in Parliament.
 - ◆ Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

About

- The UAPA (Unlawful Activities Prevention Act) establishes a tribunal to give legal validity to government bans.
- The tribunal is led by a retired or sitting High Court judge.
- Upon receiving notification from the Central government, the tribunal summons the concerned association, giving them 30 days to justify why they should not be labelled as unlawful.
- After considering arguments from both sides, the tribunal can conduct an inquiry within 6 months to determine if there is enough evidence to declare the association unlawful.
- The Centre's notification under the UAPA does not take effect until the tribunal confirms the declaration through its official order.

UNLAWFUL ACTIVITIES PREVENTION ACT (UAPA)

About:

- The UAPA in India primarily aims to prevent and address unlawful activities that threaten the nation's integrity and sovereignty, often referred to as an anti-terror law.
- Unlawful activities encompass actions taken by individuals or associations with the intent to disrupt India's territorial integrity and sovereignty.
- This act grants significant authority to the central government, with the provision for severe penalties such as the death penalty and life imprisonment.

Key Provisions:

- **Designation as Terrorist:** The UAPA enables the central government to designate individuals or organizations as terrorists or terrorist organizations if they are involved in acts of terrorism, preparation for terrorism, promotion of terrorism, or any other form of terrorism.
- **Property Seizure:** To seize properties linked to terrorism, the investigating officer must obtain prior approval from the Director General of Police.
 - ◆ When investigations are conducted by the National Investigation Agency (NIA), approval from the Director General of NIA is required for property seizures.
- **Expanded Investigative Powers:** The UAPA empowers NIA officers with the rank of Inspector or higher to investigate cases, supplementing the authority of officers with the rank of Deputy Superintendent, Assistant Commissioner of Police, or higher.

JUDICIARY AND TRIBUNALS

APPOINTMENT AND TRANSFER OF JUDGES IN HC

Appointment of HC Judges

- **Article 217 of the constitution** provides for appointment and conditions of office for judges of a High Court.
- **As per Article 217(1)** Every Judge of a High Court shall be **appointed by the President** by warrant under his hand and seal after **consultation with the Chief Justice of India, the Governor of the State**.
- **Oath:** The Judges appointed must take an oath **before the Governor of the State** according to **Article 219**. The oath must be according to the form that is provided for the purpose in the **Third Schedule**.

- **Appointment of Acting Chief Justices** is to be made by the President under **Article 223** of the Constitution when the office of Chief Justice of the High Court is vacant or existing Chief Justice is unable to perform duty.
 - ♦ Intimation from the **Chief Justice about his proceeding on leave or being unable to perform the duties of the Office of Chief Justice** must be sent to all concerned well in advance to make arrangement for appointment of Acting Chief Justice

Qualifications to be appointed as HC judge

- Must be a citizen of India.
- Should have **held a judicial office in the territory of India for at least ten years.**
- Should have been for at **least ten years been an advocate of a High Court or of two or more such Courts in succession**
- **Age:** Should not be **older than 62 years** at the time of appointment.

ADDITIONAL INFORMATION

- The Salaries, Pension and Allowances of the **Supreme Court Judges** are charged upon the Consolidated Fund of India, whereas the **Salaries and Allowances of the High Court Judges** are charged upon the Consolidated Fund of the States and the Pension is charged on the Consolidated Fund of India.
- **Ad Hoc Judge:** It is provided under **article 127 of the constitution** and these judges are appointed to SC.
 - ♦ **Article 127 of the Constitution provides** that if at any time there should not a quorum of Judges of the Supreme Court available to hold or continue any session of the Court the CJI may, with the previous consent of the President and after consultation with the Chief Justice of the High Court concerned request, in writing, a Judge of a High Court duly qualified for appointment as a Judge of the Supreme Court to attend, for such period as may be necessary, the sittings of the Supreme Court.
- **Removal of Judge in HC & SC:** A judge may be removed from office through a motion adopted by Parliament **on grounds of 'proved misbehaviour or incapacity'**.
 - ♦ While the **Constitution does not use the word 'impeachment'**, it is colloquially used to refer to the proceedings under **Article 124 (for the removal of a Supreme Court judge) and Article 218 (for the removal of a High Court judge).**
- ♦ The Constitution provides that a judge can be removed only by an order of the President, **based on a motion passed by both Houses of Parliament.**
- ♦ The procedure for removal of judges is elaborated in the **Judges Inquiry Act, 1968.**
- ♦ Under the Act, an impeachment motion may **originate in either House of Parliament.** To initiate proceedings:
 - **At least 100 members of Lok Sabha** may give a signed notice to the Speaker, or
 - **At least 50 members of Rajya Sabha** may give a signed notice to the Chairman.
- ♦ **If the motion is admitted,** the Speaker or Chairman (who receives it) will **constitute a three-member committee** to investigate the complaint. **It will comprise:**
 - A Supreme Court judge;
 - Chief Justice of a High Court; and
 - A distinguished jurist.
- ♦ **The committee will frame charges** based on which the investigation will be conducted. A copy of the charges will be forwarded to the judge who can present a written defence.
- ♦ After concluding its investigation, the **Committee will submit its report to the Speaker or Chairman, who will then lay the report before the relevant House** of Parliament.
- ♦ The motion for removal is required to be adopted by each House of Parliament by:
 - A majority of the total membership of that House; and
 - A majority of at least two-thirds of the members of that House present and voting.
 - If the motion is adopted by this majority, the motion will be sent to the other House for adoption.
- ♦ **Once the motion is adopted in both Houses, it is sent to the President,** who will issue an order for the removal of the judge.
- Motion for removal of SC or HC judges have been initiated a total of 4 times in Indian history:
 - ♦ **V. Ramaswami J was the first and only supreme court judge against whom motion for removal proceedings were initiated.**
 - In 1993, the motion was brought up in Lok Sabha but failed to secure the required two-thirds majority.

- ◆ **Soumitra Sen J of the Calcutta High Court** resigned in 2011 after the Rajya Sabha passed a motion for removal against him.
 - He was the first judge against whom a motion for removal has been passed by the Upper House for misconduct.
- ◆ In 2015, 58 members of the Rajya Sabha moved a motion for removal notice against **J.B. Pardiwala J of the Gujarat High Court** for his “objectionable remarks on the issue of reservation.”
- ◆ In 2017, Rajya Sabha MPs moved a motion to initiate removal proceedings against **C.V. Nagarjuna Reddy J of the High Court** for Andhra Pradesh and Telangana.

Collegium System and Memorandum of Procedure (MoP)

- The procedure agreed upon by the government and the judiciary on appointment of judges, is a crucial document as the **Collegium system of appointing judges is a judicial innovation** that is not mandated through legislation or text of the Constitution.
- The MoP has evolved as the standard based on three SC decisions – **the First Judges Case (1981), Second Judges Case (1993) and the Third Judges Case (1998)** forming the basis of a peer selection process for appointment of judges.
- As per the MoP, the **proposal for appointment of a Judge of a High Court** shall be **initiated by the High Court Collegium** headed by the Chief Justice of the High Court.
- Once the recommendation is made, the **opinion of state governments and the input from the Intelligence Bureau** are sought.
- The recommendations are then processed, before they are sent to the **Supreme Court Collegium**, which in turn **recommends to the central government** who then sends it to the President for approval.

Appointment of additional Judges

- Additional Judges can be appointed by the President under **clause (1) of Article 224 of the Constitution**.
- When the need for this arises, the **State Government should first obtain the sanction of the Central Government** for the creation of such additional posts.
- The Chief Justice of the High Court **cannot make a recommendation** for appointment of an Additional Judge **when a vacancy of a permanent Judge** is

available in that High Court. Additional Judge cannot hold office after attaining the age of 62 years.

Appointment of Acting Judges

- Acting Judges can be appointed by the President under **clause (2) of Article 224** of the Constitution.
 - ◆ Such appointments will not, however, be made **for periods of less than three months** unless there are special reasons for doing so.
- An Acting Judge cannot hold office after **attaining the age of 62 years**.
- **Members of Bar** cannot be suggested for appointment as Acting Judges.

Transfer of Judges in the High Court

- **Article 222** of the Constitution makes provision for the transfer of a Judge (including Chief Justice) from one High Court to any other High Court.
- **The initiation** of the proposal for the transfer of a Judge should be made by the **Chief Justice of India** whose opinion in this regard is determinative.
- **Consent of a Judge** for his first or subsequent transfer **would not be required**.
- **All transfers are to be made in public interest** i.e. for promoting better administration of justice throughout the country.
- In the **formation of his opinion for the transfer of a Judge**, other than the Chief Justice, the Chief Justice of India is **expected to take into account the views of the Chief Justice of the High Court** from which the Judge is to be transferred, as **also the Chief Justice of the High Court to which the transfer is to be effected**.
- The **Chief Justice of India** should also take into account the views of **one or more Supreme Court Judges** who are in a position to offer his/their views which would assist in the process of deciding whether or not a proposed transfer should take place.
- In the **case of transfer of a Chief Justice**, only the **views of one or more knowledgeable Supreme Court Judges** need to be taken into account.
- The **views on the proposed transfer** of a Judge or a Chief Justice of a High Court should be **expressed in writing** and should be **considered by the Chief Justice of India and the four senior most Judges** of the Supreme Court.
- The **proposal for transfer of the Judge**, including the Chief Justice **should be referred to the Government of India** alongwith the views of all those consulted in this regard.

BAIL

About

- Bail refers to the **temporary release** of an individual accused of a crime, pending their trial or further legal proceedings.
- It also involves releasing the accused from pre-trial detention but imposing conditions requiring them to appear in court at designated times and dates.
- CrPc, 1973** talks in detail about the bail process and how it has to be obtained. However, it **does not define bail**.

Types of Bail in India

There are three broad categories of bails and they are:

- Bailable Offences: Section 436** of the Code of Criminal Procedure deals with provisions of bail in bailable offences. Under this section, bail is the right of a person, who has been accused for commission of offence, which is bailable in nature.
 - This provision casts a **mandatory duty on police officials** as well as on the Court to release the accused on bail if the offence alleged against such person is bailable in nature.
- Bail in Non Bailable Offence:** Under **section 437** of CrPc deals with release of prisoners in non Bailable Offences. At the stage of consideration of bail Courts are normally required to consider;
 - The **nature and seriousness** of the accusation.
 - Severity of the offences**
 - Nature of the evidence collected** and the character and behaviour of the accused.

- Chances of the **accused absconding** and not being available during the trial.
- Possibility of repetition** of such crime.
- Chances of the accused of **tampering** with the evidence and witnesses.
- Larger interest** of the people and the State.

| Feature | Bailable Offences | Non-Bailable Offences |
|----------------------|---|---|
| Right to Bail | Bailable offences are those offences where setting free an individual from a prison's confinement is a matter of right. In simple terms, it means that bail can be taken as a right without any prohibition. | Non-bailable offences are offences where bail is a matter of discretion . In these cases, the judge critically examines the facts and other relevant factors to decide whether to grant bail or not. |
| Granted by | Police or magistrate | Court |
| Examples | Simple theft, assault, public nuisance | Murder, rape, kidnapping, terrorism |

- Anticipatory Bail: Section 438 of Cr.P.C.** deals with anticipatory bail. The anticipatory bail is nothing but a bail in the event of arrest.
 - When any person has **an apprehension** or reason to believe that **he may be arrested** of an accusation of having committed a non bailable offence then he may apply to High Court or Court of Sessions for direction that in the event of arrest he shall be released on bail.

DIFFERENCES BETWEEN COMPOUNDABLE OFFENCES AND NON COMPOUNDABLE OFFENCES

| Criteria | Compoundable Offences | Non-Compoundable Offences |
|----------------------------------|---|--|
| Definition | Offences where the victim and accused can reach a settlement or agreement, leading to withdrawal of the case. | Offences where the victim and accused cannot reach a settlement, and the case proceeds through legal proceedings. |
| Withdrawal by Complainant | The complainant has the authority to withdraw the case by entering into a compromise or settlement with the accused. | The complainant does not have the authority to withdraw the case, and legal proceedings continue even if the parties reconcile. |
| Role of Court | The court can permit the withdrawal of the case upon the request of the complainant and the accused. | The court does not have the authority to permit withdrawal, and legal proceedings continue irrespective of the settlement between parties. |
| Impact on Bail | Accused persons in compoundable offences can often secure bail more easily if a compromise is reached with the complainant. | Bail is more challenging to obtain and the court may prioritise the seriousness of the offence and the likelihood of the accused tampering with evidence or fleeing. |

FURLOUGH AND PAROLE

About

- **Section 51 of Model Prisons Act, 2023** mentions **prison leave** in the form of Furlough and Parole.
- **Section 51(1) says that** Prison leave may be granted to eligible convicted prisoners as an **incentive for good behaviour and responsiveness** to correctional treatment with the objective of their rehabilitation, as may be prescribed under the rules.
- **Section 51(2) of Model Prisons Act, 2023** mentions three types of prison leave: (a) Regular Parole (b) Emergency Parole (c) Furlough.

Parole

- **Section 2 of Model Prisons Act defines Parole** as a temporary release of a convict for a short period of time for attending to familial and social obligations.
- As per **Model Prisons Act, 2023 Regular Parole** may be granted to eligible convicts by the competent authority under such conditions and for such purposes as may be prescribed under the rules.
 - ♦ The period spent on regular parole **may not exceed thirty days at a time** and may **not be granted more than two times in a year**.

- ♦ The **period spent on regular parole shall not be counted as part of sentence**.
- **As per Model Prisons Act, 2023 Emergency Parole** may be granted by the competent authority to eligible convicts in rare or emergent situations, **under police protection** for a **period extending upto 48 hours**, as prescribed under the rules.
 - ♦ The period spent under this parole shall be counted towards part of sentence.

Furlough

- As per **Model Prison Act, 2023 Section 2(10)**, **Furlough** means short leave granted to a convict, after undergoing a prescribed period of sentence, as an incentive for maintaining good conduct in prison.
- **As per Model Prisons Act, 2023 Furlough may be granted to eligible convicts** by the competent authority, as an **incentive for maintaining good conduct and discipline** in the prison after the **completion of three years of incarceration for a period not more than 14 days in a year**.
- The **period spent on furlough shall be counted as part of sentence** served by the prisoner.

KEY DIFFERENCE BETWEEN BAIL, FURLOUGH AND PAROLE

| Feature | Bail | Furlough | Parole |
|---------------------------|---|---|--|
| Definition | Temporary release of an accused person before or during trial, pending further legal proceedings. | Short-term release of a convicted prisoner for a specific reason, typically to attend a family event or religious function. Although furlough can be claimed without a reason, the prisoner does not have an absolute legal right to claim furlough . | Conditional release of a convicted prisoner before the completion of their sentence, based on good conduct and potential for rehabilitation. CrPc does not cover Parole . It is provided by state laws hence it differs from state to state. |
| Granted By | Court order | It is granted by the Deputy inspector General of Prison . | It is granted by the Divisional commissioner. But it differs in different states. E.g. In Delhi it is granted by LG. |
| Purpose | Ensure the accused person's appearance in court and prevent interference with trial. | Allow prisoners to maintain family ties, fulfil social obligations, or attend to urgent personal matters. | Reintegrate prisoners into society, assess their behaviour outside prison, and encourage positive change. |
| Impact on Sentence | Bail does not affect the ultimate sentence if found guilty. | Furlough counts towards the total sentence served as per Model Prisons act, 2023. | Parole does not amount to suspension of sentence as stated by the supreme court. But In case of Emergency Parole it is counted towards the sentence served . |

Important facts on Prison Leave As per Model Prison Act, 2023

- With a view to **protecting the society and the victims**, high risk prisoners, hardened criminals and habitual offenders **shall not be entitled for parole**, furlough, or any kind of prison leave **in the normal course**.
- The **release of a High-risk/Hardened/Habitual offender** convict on completion of sentence or an under-trial on bail or an inmate released **temporarily on parole/furlough**, etc. shall be informed to the **Superintendent of Police of the concerned district**, who shall keep a watch on the activities of such prisoners.
- If a **prisoner on parole or furlough fails to surrender on the due date**, upon intimation by the officer-in-charge of the Prison, the **police shall arrest** the prisoner under the provisions of **section 224 of the Indian Penal Code 1860** and take action as per the provisions of law.
- For **public safety and preventing parole jumping**, prisoners may be granted prison leave on the condition of their **willingness to wear electronic tracking devices** for monitoring the movement and activity of such prisoners.
 - ♦ **Any violation by the prisoner** shall **attract cancellation of prison leave**, in addition to **disqualification from any prison leave being granted in future**, as may be prescribed under the Rules.

ONLINE REGISTRATION OF FIR

About First Information Report (FIR)

- **Section 173(1) of Bharatiya Nagarik Suraksha Sanhita (BNSS)** provides that every information relating to the **commission of a cognizable offence, irrespective of the area where the offence is committed**.
- The **principal object** of the **FIR** from the point of **view of the informant** is to **set the criminal law in motion**.
- **Section 173(3) of BNSS** provides for **preliminary enquiry** on receipt of information relating to the commission of any cognizable offence.

CHARGESHEET

- A chargesheet is a crucial document **filed by the police or investigating agency after completing their investigation** into a criminal case.
- It **serves as a formal accusation** against the accused, outlining the specific offences they are alleged to have committed and the evidence gathered against them.

BEAT

- A "beat" refers to a **specific geographical area assigned to a police officer** or a small team of officers for regular patrolling and community engagement.
- It's typically a smaller subdivision within a police station's jurisdiction.

e-FIR(Electronic FIR)

- An e-FIR, or electronic First Information Report, is the **digital version of a traditional FIR** filed at a police station.
 - ♦ It allows you to **report a cognizable offence** (a crime considered serious enough for the police to investigate without a warrant) remotely, through dedicated online platforms.
- **Section 173(1) of BNSS** provides for e-FIR.
- As per **BNSS Section 173(1)** If the First Information is provided by electronic communication, **it shall be taken on record by him on being signed within three days** by the person giving it.

ZERO FIR

- A Zero FIR is an FIR that **can be registered at any police station**, regardless of its jurisdiction, upon receiving a complaint related to a cognizable offence.
- In response to the outcry surrounding the 2012 Nirbhaya case, **the Justice Verma Committee proposed the revolutionary Zero FIR system**, allowing victims to report crimes at any police station, regardless of jurisdiction.
- **Section 173(1) of BNSS provides for Zero FIR.**
- **Section 173 of BNSS** mandates that the **FIR be transferred to the station** which would have jurisdiction over the place **where the crime was committed, within 15 days**.
- **Section 154 of CrPc** also provided for Zero FIR.

REVIEWING 50% CAP OF RESERVATION

Caste based Reservation in India:

- It was originally conceived in 1882 by William Hunter and Jyotirao Phule, and after the independence of India, **only Scheduled Caste (SCs) and Scheduled Tribes (STs)** were included for reservation.
- **Other Backward Classes (OBCs)** were included only after the recommendations of the **Mandal Commission in 1991**.

MANDAL COMMISSION

- In 1980, the BP Mandal-led Second Backward Classes Committee, often called the **Mandal Commission**, had recommended 27% reservation for OBCs and 22.5% for the Scheduled Castes/Scheduled Tribes.
- In 1990, the Congress government had granted 27% reservation for Socially and Educationally Backward Classes.
- In 1991, the government issued another notification providing **an additional reservation of 10%** for other **economically backward** sections.
 - ◆ However, the 10% quota based on economic criteria was quashed by the Supreme Court, and **upheld the 27% quota (as per Mandal commission)**.
 - ◆ The court observed that **a backward class cannot be determined exclusively based on economic criteria** and noted that backward classes could be identified based on castes.

Indra Sawhney Judgement (1992):

- **Indra Sawhney v Union of India case**, in a **1992 nine-judge bench**, held that the Supreme Court **accepted a 50% cap on reservations** while deciding on reservations for Other Backward Classes (OBCs).
- The Supreme Court of India capped caste-based reservation, ruling that "no provision of reservation or preference can be so vigorously pursued as to destroy the very concept of equality".
 - ◆ However, the court held that this reservation **could be breached** in '*extraordinary situations*' with '*extreme caution*'.
 - ◆ The court also ruled that total reservation provided under different categories must not cross the 50%.
 - ◆ The court had also asked the government to separate creamy layers suitably.
- In May 2021, the Supreme Court had held the **reservation for Marathas** to be unconstitutional as it violated the apex court orders stating that reservation in any **State should not exceed 50%**.

CONSTITUTIONAL PROVISIONS

- **Article 15(1)** generally prohibits any discrimination against any citizen on the grounds of religion, caste, sex or place of birth.

- **Articles 15(4)** and **16(4)** state that the equality provisions do not prevent the government from making special provisions in matters of admission to educational institutions or jobs in favour of backward classes, particularly the Scheduled Castes (SCs) and the Scheduled Tribes (STs).
- **Article 16(1)** and **16(2)** assure citizens equality of opportunity in employment or appointment to any government office.
- **Article 16(4A)** allows reservations to SCs and STs in promotions, as long as the government believes that they are not adequately represented in government services.

Why is caste-based Reservation Important in India?

- **Equality of status and opportunity and tools against social oppression and injustice:** Historical injustice and discrimination faced by backward classes like Dalits and Scheduled Tribes on the basis of birth.
- **Social upliftment:** Securing employment by reserving seats in public service, and to ensure adequate representation by securing seats in Lok Sabha, State Legislatures and Panchayats.

What are the Associated Issues?

- Caste based reservations are impediments on building a casteless society.
- Reservation in India causes a 'race to backwardness' within and across the communities by strengthening casteism and ever widening quotas.
 - ◆ It loses the original purpose envisaged and by time becomes a redundant and inefficient system.

ELECTIONS

ELECTION COMMISSION OF INDIA

About

- The Election Commission was **established** in accordance with the Constitution on **25th January 1950**.
- **Part XV** of the Indian constitution deals with election.
- It consists of **ARTICLE 324 to 329**.

Article 324 of the Constitution:

- The Election Commission of India (ECI) is responsible for **managing the preparation of electoral rolls and conducting elections to Parliament, State Legislatures, and the offices of the President and Vice-President**.

- **Article 324** states that the Election Commission will comprise the Chief Election Commissioner (CEC) and such number of Election Commissioners (ECs), as **the President may decide**.
- The Constitution specifies that the **President will appoint the CEC and ECs**, subject to the provisions of an Act of Parliament.
- **As per Article 324(4)** the President may also appoint after consultation with the Election Commission such **Regional Commissioners** as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission.
- **Article 324(5)** provided that the **Chief Election Commissioner** shall **not be removed** from his office except in like manner and **on the like grounds as a Judge of the Supreme Court** and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment.

RETURNING OFFICER (RO)

- Returning officer is the head of the election conducting authority in a constituency.
 - ♦ In case of **Lok Sabha elections**, it is the **DM or DC** and in case of **Assembly elections** it is the **SDM**, acting as **ex-officio returning officer**.
- RO functions under the overall **superintendence of ECI**.
- RO is responsible for **scrutinising, accepting or rejecting** the nomination form of candidates for the elections.

IMPORTANT PROVISIONS OF THE CEC & EC APPOINTMENT ACT, 2023

- **Appointment of the Commission:** The CEC and ECs will be **appointed by the President** upon the recommendation of a Selection Committee.
 - ♦ The Selection Committee will consist of the **Prime Minister, a Union Cabinet Minister, and the Leader of Opposition/leader of the largest opposition party in Lok Sabha**.
 - ♦ Recommendations of the Selection Committee will be valid **even when there is a vacancy in this Committee**.
- A **Search Committee** headed by the **Minister of Law and Justice** and comprising **two other members not below the rank of Secretary to the Government of India** shall prepare a **panel of five persons** for consideration of the Selection Committee, for appointment as the Chief Election Commissioner and other Election Commissioners.

- ♦ The search committee will prepare a list of five names, **of current and former Secretaries to the Government of India, for the selection committee**.
- ♦ The Selection Committee may consider any person other than those suggested by the Search Committee.
- **Eligibility criteria:** The CEC and ECs must:
 - ♦ be persons of integrity,
 - ♦ have knowledge and experience in the management and conduct of elections, and
 - ♦ be or have been Secretary (or equivalent) to the government.
- **Term and reappointment:** Members of the Election Commission will hold office for **six years, or until they attain the age of 65 years**, whichever is earlier.
 - ♦ Members of the Commission **cannot be re-appointed**.
 - ♦ **If the Election Commissioner is appointed as Chief Election Commissioner**, his term of office shall not be more than six years in aggregate as the Election Commissioner and the Chief Election Commissioner.
- **Salary and pension:** The Chief Election Commissioner and other Election Commissioners shall be paid a salary that is **equal to the salary of a Judge of the Supreme Court**.
- **Removal:** The Bill retains the manner of removal of CEC and ECs **as specified in the Constitution**.
 - ♦ The CEC may be removed in the same manner and on the **same grounds as a Supreme Court Judge**.
 - ♦ ECs may be removed **only upon the recommendation of the CEC**.
 - ♦ The Chief Election Commissioner or an Election Commissioner may, at any time, by writing under his hand addressed to the President, resign his office.
- **Considered Retired from Government Service:** Anyone holding a government position appointed Chief Election Commissioner or Election Commissioner is **considered retired from their previous job on the day they begin their new duties**.
- **Section 16 of the bill:** Courts cannot hear either Civil or Criminal Cases against a current or former CEC or EC for acts done or words spoken in the discharge of official duty or function.
- **Legal Immunity for CEC and ECs:** The bill protects the Chief Election Commissioner (CEC) and Election Commissioners (ECs) by exempting them from legal proceedings concerning actions taken during their tenure.

- ◆ This safeguard applies as long as such actions were carried out in the legitimate discharge of their official duties.

Election Commissioners and Transaction of Business Act, 1991:

- The Act set the salary of the CEC and ECs at the same level as a Supreme Court judge.
- It **did not provide for their appointment process**, which continued to be decided by the President.

- ◆ The latter generally accepts the recommendations of the Commission for its budgets.
- The major expenditure on actual conduct of elections is, however, reflected in the budgets of the **Ministry of Law & Justice (for Government of India share) and the concerned States/UTs**.
- If elections are being held **only for the Parliament**, the **expenditure is borne entirely by the Union Government** while for the elections being held **only for the State Legislature**, the **expenditure is borne entirely by the concerned State**.
- In case of simultaneous elections to the Parliament and State Legislature, the expenditure is shared equally between the Union and the State Governments. For Capital equipment, expenditure related to preparation for electoral rolls and the scheme for Electors' Identity Cards too, the expenditure is shared equally.

Setup of Election Commission of India

- The Commission has a **separate Secretariat** at New Delhi, consisting of **about 550 officials, in a hierarchical set up**.
- **Five or Six Deputy Election Commissioners and Director Generals** who are the senior officers in the Secretariat assist the Commission.
 - ◆ They are generally appointed from the national civil service of the country and are **selected and appointed by the Commission with tenure**.
- **Directors, Principal Secretaries, and Secretaries**, Under Secretaries and Deputy Secretary support the Deputy Election Commissioners and Director Generals in turn.

Budget and Expenditure of ECI

- The Secretariat of the Commission has an **independent budget**, which is finalised directly **in consultation between the Commission and the Finance Ministry of the Union Government**.

KEY FACTS ON ECI

- Originally the commission had only a Chief Election Commissioner.
- For the **first time two additional Commissioners were appointed on 16th October 1989** but they had a **very short tenure till 1st January 1990**.
- Later, on **1st October 1993 two additional Election Commissioners** were appointed.
 - ◆ The concept of multi-member Commission has been in operation since then, with decision making power by **majority vote**.

| Criteria | State Election Commission | Election Commission of India |
|----------------------------------|---|--|
| Constitutional Provisions | Article 243-K provides for formation of state Election commission to conduct panchayat elections in the state. | Article 324 provides for the formation of ECI. |
| Duty | To conduct panchayat elections and prepare electoral rolls for these elections as per Article 243-K & elections to Municipalities under article 243-ZA | managing the preparation of electoral rolls and conducting elections to Parliament, State Legislatures, and the offices of the President and Vice-President. |
| Appointment | State election commissioner is appointed by the Governor. The conditions of service and duration of office for the State Election Commissioner shall be determined by rules set forth by the Governor, subject to any laws enacted by the State Legislature. | The Constitution specifies that the President will appoint the CEC and ECs , subject to the provisions of an Act of Parliament. |
| Removal | The State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court. (Article 243-K(2)) | The Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court |

FPTP VOTING SYSTEM AND MMP SYSTEM

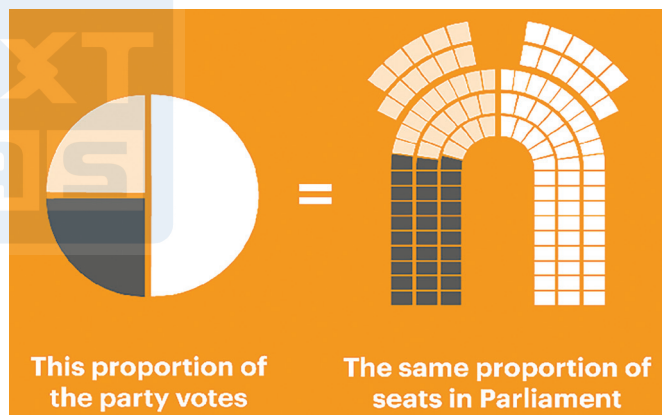
| Comparison | | |
|--|--|--|
| Aspect | MMP System | FPTP System |
| Number of Votes | Two votes - Party vote and Electorate vote | One vote - For a local candidate |
| Determination of Party Representation | Party vote determines party composition in the Parliament | The candidate who gets the most votes in a constituency wins a seat |
| Allocation of List Seats | Parties submit ranked party lists, and MPs are elected from these lists to ensure proportional representation. | No provision for party list seats; each constituency elects only one candidate. |
| Representation of Marginalized Groups | Improved representation of women, indigenous communities, etc. | May have lower representation of marginalized groups. |
| Countries with this System | New Zealand, Germany, Scotland, and other countries use variations of the MMP system. | Used in countries like the United Kingdom, the United States, Canada, and India. |

- ◆ This allows voters to **choose both a local representative and express their preference for a broader party ideology.**
- When a person votes for a candidate, he chooses who represents the electorate he lives in. This is called **electorate vote.**
 - ◆ The candidate with the most votes wins, and becomes an MP.
- When a person votes for a party, **he chooses which party he wants to see in the Parliament.**
 - ◆ The party vote largely **decides the total number of seats each political party gets.**
- Every candidate who wins an electorate gets a seat in Parliament. They are called electorate MPs.
- The **remaining seats are filled from party lists.** Every party has a party list, which is a list of candidates ranked in the order the party wants those candidates to be elected to Parliament.
 - ◆ Candidates elected from a party list are called list MPs.

MIXED MEMBER PROPORTIONAL (MMP) SYSTEM

About

- This election system is practised in **New Zealand.**
- In this election system, **Voters cast two separate votes:** one for a local candidate (**electorate vote**) in their constituency and another for a party list.



| KEY DIFFERENCE BETWEEN MMP & FPTP | | |
|-----------------------------------|---|--|
| Feature | Mixed Member Proportional (MMP) | First-Past-the-Post (FPTP) |
| Voting Mechanism | Two votes: one for a local candidate and one for a party list | Single vote for the preferred candidate in the constituency |
| Representation | Aims for proportional representation of parties in the legislature based on overall vote share | Local representation; candidate with the most votes wins, regardless of overall party vote share |
| Consequences | Encourages coalition building and diverse viewpoints; smaller parties have a chance at representation | Often leads to winner-takes-all scenarios for larger parties; marginalises smaller parties |
| Examples | New Zealand | India, United Kingdom |
| Strengths | Proportional representation, diverse viewpoints, coalition building | Local representation, simplicity |
| Weaknesses | Potential for complex coalitions, less direct link between voters and representatives | Can lead to marginalisation of smaller parties |

SECTION 8(4) OF THE REPRESENTATION OF PEOPLE ACT 1951

About:

- A sitting legislator is disqualified the moment the court orders conviction and sentence under **Section 8(3) of the Representation of People Act**.
- Under the RPA, Section 8(4) stated that the disqualification takes effect only "after three months have elapsed" from the date of conviction.
- Within that period, lawmakers could file an appeal against the sentence before the High Court.
- It had allowed a three-month period within which to appeal.
 - ♦ Disqualification was not to take effect during this period; when the appeal is admitted, disqualification would depend on the final outcome of the appeal.

Lily Thomas case Judgement:

- In the landmark 2013 ruling in 'Lily Thomas v Union of India', the Supreme Court struck down **Section 8(4) of the RPA** as unconstitutional.
- The Supreme Court invalidated Section on the grounds that the Constitution does not empower Parliament to make a special provision in favour of sitting legislators.
 - ♦ Since Article 102 makes both a candidate and a sitting member equally liable to disqualification there is no justification for making a special provision for the sitting members.
- The top court said that **Article 102(1)** does not create any difference between the sitting member and a candidate so far as disqualification is concerned
- So, the court held that the distinction made by Section 8(4) is legally not sustainable and is ultra vires the Constitution.

SECTION 8(3) OF THE REPRESENTATION OF PEOPLE ACT.

- It deals with disqualification of persons convicted and sentenced to two years imprisonment.
- This section simply says that a person who is convicted of an offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of conviction.

EXIT POLLS

About

- As per **RPA,1951 "exit poll"** means **an opinion survey** respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election
- It is **carried out with voters right after they have left the polling stations** on the day of the election.
- **Exit polls** work on the premise that if you ask a voter right outside the polling booth, their memory is fresh and they are more likely to tell you the truth.

Laws on Exit Polls in India

- **Section 126A of the Representation of People's Act 1951**, prohibits conduct of Exit poll and dissemination of their results by means of print or electronic media during the period mentioned therein, i.e. between the hour fixed for commencement of poll in the first phase and half an hour after the time fixed for close of poll for the last phase in all the States.
 - ♦ The Election Commission of India is responsible for **regulating the use of exit polls**.
 - ♦ According to the ECI, exit polls can only be conducted during a specific period
 - ♦ This **period is notified by the ECI** during elections.
- As **RPA,1951 Section 126A(2)(a)** in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories.
- The ECI also stipulates that **exit polls cannot be broadcasted or published before the voting period has ended in all parts of India**. This is to ensure that the exit polls do not influence the voting behaviour of voters who have not yet cast their vote.
- The ECI also requires that all media outlets that conduct exit polls **must register with the commission**. This is to ensure that the exit polls are conducted in a fair and unbiased manner.

Punishments in violations of above rules

- As per **RPA,1951 Section 126A(3)** any person who contravenes the provisions of this section **shall be punishable with imprisonment** for a term which **may extend to two years or with fine or with both**.

- **Section 126B of RPA,1951** If a company, whether a media organisation or otherwise, violates the rules related to exit polls, it can be held accountable for its actions.

| Difference between Opinion Polls and Exit Polls | | |
|---|---|---|
| Criteria | Exit Polls | Opinion Polls |
| Timing | Conducted after voters have cast their votes. | Conducted before the actual voting takes place. |
| Purpose | Predicts or projects the likely outcome of an election based on actual votes cast. | Seeks to gauge public opinion on political issues, parties, or candidates before the election. |
| Methodology | Surveys voters immediately after they have voted, typically outside polling stations. | Surveys a sample of the population before the election, often through telephone or face-to-face interviews. |
| Focus | Focuses on predicting the election results. | Focuses on understanding the preferences and opinions of the electorate. |
| Influence on Voting | Does not influence voting, as it occurs after the voting process is completed. | May influence voters by shaping perceptions or creating momentum for a particular party or candidate. |
| Legislation | Regulated by the Election Commission | Generally not subject to restrictions during the pre-election period. |
| Release Timing | Results are released only after the voting process is complete. | Can be released at any time leading up to the election. |
| Public Perception | May impact public perception of election outcomes, especially if widely reported. | Can influence public opinion by shaping perceptions of party popularity or candidate performance. |

CONSTITUTIONAL AND NON-CONSTITUTIONAL BODIES

COMPTROLLER AND AUDITOR GENERAL OF INDIA

About

- **Part V of Indian constitution** provides for the office of comptroller and auditor general of India. It consists of **articles 148-151**.

Constitutional Provisions On the office of CAG

- **Article 148** provides that there shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal.
 - ♦ **Article 148(3)** provides that the **salary of CAG** nor his rights in respect of leave of absence, pension or age of retirement shall be **varied to his disadvantage after his appointment**.
 - ♦ **Article 148(4)** states that the Comptroller and Auditor-General **shall not be eligible for further office** either under the Government of India or under the Government of any State after he has ceased to hold his office.

- ♦ **As per Article 148(6)** the **administrative expenses** of the office of the Comptroller and Auditor-General including all salaries, allowances and pensions payable to or in respect of persons serving in that office, **shall be charged upon the Consolidated Fund of India**.

REMOVAL OF CAG

- **Article 148(1)** of the constitution provides for both appointment and removal of the CAG from his office.
- It says that **CAG can only be removed** from office in like manner and on like **grounds as a Judge of the Supreme Court**.
- **Article 149** provides for duties and Powers of the Comptroller and Auditor-General. The Supreme Court, in **Association of Unified Tele Services Providers v. Union of India**, declared these powers to be part of the **Constitution's basic structure**.
- **Article 151** states that the reports of the CAG of India relating to the accounts of the Union shall be **submitted to the president**, who shall cause them to be laid before each House of Parliament.
 - ♦ The reports of the CAG of India relating to the **accounts of a State** shall be submitted to the

Governor of the State, who shall cause them to be laid before the Legislature of the State.

- **Article 279 states that the net proceeds of any tax or duty shall be ascertained and certified by the CAG of India**, whose certificate shall be final.
- Accounts of Districts and regional councils under 6th schedule of constitution are audited by CAG.
 - ◆ Reports on such audits are laid before the Governor of the concerned state and he lays that report before the council.

KEY FACTS OF CAG OFFICE

- **First auditor general** was appointed in 1860 under British Rule.
- **Statutory recognition** to this institution was given by the **Government of India Act of 1935**, which provided for appointment of the Auditor General by the King of England.
- **There is no laid down criteria for selection of the CAG.**
- **The current practice** adopted for the appointment of the CAG is that the **Cabinet Secretary prepares a shortlist for the finance minister who then submits it before the prime minister.**
 - ◆ The prime minister recommends one name from that list to the president.

NATIONAL CONSUMER DISPUTE REDRESSAL COMMISSION (NCDRC)

- **Act:** NCDRC is a **quasi-judicial commission** in India which was set up in 1988 under the Consumer Protection Act of 1986.
- **Headquarter:** New Delhi
- **Members:** The body consists of a **President and 11 Members.**
- **President of the Commission:** The Commission is headed by a **sitting or a retired Judge** of the Hon'ble Supreme Court of India or a **sitting or a retired Chief Justice of an Hon'ble High Court**, in terms of Rule 3(12) (a) of the Tribunal(Conditions of Service) Rules, 2021.
- **Jurisdiction:** NCDRC has original jurisdiction to entertain complaints valued more than **Rs. 2 Crores.**
 - ◆ NCDRC also has **Appellate and Revisional jurisdiction** from the orders of State Commissions or the District fora as the case may be.
 - ◆ **Appeal against NCDRC orders:** A consumer can file an Appeal before the **Supreme Court** of India against the decision of the National Commission within a **period of 30 days.**
 - ◆ The National Commissions has been functioning as per the provisions laid down in the **Consumer Protection Act, 2019.**

COMPARISON BETWEEN DCDRC, SCDRC & NCDRC

| Feature | DCDRC (District Consumer Disputes Redressal Forum) | SCDRC (State Consumer Disputes Redressal Commission) | NCDRC (National Consumer Disputes Redressal Commission) |
|---------------------------------|--|--|--|
| Jurisdiction | District level | State level | National level |
| Compensation Claim Limit | Up to ₹50 lakhs | Between ₹50 lakhs to 2 Crores | Above ₹50 lakh |
| Composition | 1 President and 2 members. It differs from district to district. | 1 President and 4 members. It differs from state to state. | Currently it is 1 President and 11 members |
| Appeal | Appealable to SCDRC within 45 days of the order by DCDRC. | Appealable to NCDRC within 30 days of the order of SCDRC | Appeal to Supreme court within 30 days. |
| Time Limit for Disposal | 3 months when the complaint does not require analysis or testing of commodities 5 months when it requires testing or analysis of commodities. | Similar to DCDRC for original jurisdiction cases. For appeal cases this period is 90 days. | Similar to DCDRC for original jurisdiction cases. For appeal cases this period is 90 days. |

NATIONAL COMMISSION FOR SCHEDULED CASTES (NCSC)

About

- The **first Commission** for SCs & STs was set up in **August, 1978** with Shri Bhola Paswan Shastri as Chairman and other four Members.
- **Nodal Ministry:** Ministry of Social Justice and Empowerment (MoSJE).
- **Constitutional Provision: Article 338** of the Constitution provides for a **Special Officer** for the Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the **President on their working**.

Changes in NCSC

- **65th Constitutional Amendment Act, 1990:** It does away with the **Special Officer** as provided under article 338 earlier and appointed a multi member body to head with following composition:
 - ♦ The Commission shall consist of a **Chairperson, Vice-Chairperson and five other Members**.
 - ♦ It also provided that there shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as **the National Commission for the Scheduled Castes and Scheduled Tribes**.
- **89th Constitutional Amendment Act, 2003:** It provided for separate National commissions for scheduled castes under article 338(1) of the constitution.
 - ♦ It also inserted a **new article 338A** which provided for the National commission for scheduled tribes.
 - ♦ Under this amendment there was a change in the composition of the NCSC. The new Commission shall consist of a **Chairperson, Vice-Chairperson and three other Members**.

Current Role of NCSC

Article 338(5) has provided following function to NCSC:

- **To investigate and monitor all matters** relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- **To inquire into specific complaints** with respect to the deprivation of rights and safeguards of the Scheduled Castes;

- **To participate and advise on the planning process** of socioeconomic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- **To present to the President, annually** and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- **To make in such reports recommendations** as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socioeconomic development of the Scheduled Castes; and
- **To discharge such other functions in relation to the protection, welfare and development and advancement** of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specified.

NATIONAL COMMISSION FOR ST (NCST)

- **Nature:** Constitutional body
- **Establishment year: 89th constitutional amendment act, 2003** provided for establishment of NCST by inserting a new **article 338A**. But the separate office of **NCST came into existence in 2004**.
- **Membership:**
 - ♦ The Commission consists of a **Chairperson, Vice-Chairperson and three other Members. At least one member must be female**.
 - ♦ The term of office of **Chairperson, Vice-Chairperson and each member is three years** from the date of assumption of charge.
 - ♦ The Chairperson has been given the **rank of Union Cabinet Minister, and the Vice-Chairperson that of a Minister of State and other Members have the rank of a Secretary** to the Government of India.
 - ♦ The Chairperson, Vice-Chairperson and other Members of the Commission are **appointed by the President** by warrant under his hand and seal.

Functions of NCST as per Article 338-A

- **To investigate and monitor all matters** relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- **To inquire into specific complaints** with respect to the deprivation of rights and safeguards of the Scheduled Tribes;

- To participate and advise on the planning process of socioeconomic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards. The President lays down this report before the parliament.
- To make in such reports recommendation as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
- To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specified.

Powers of the Commission

The Commission while investigating any matter or inquiring into any complaint referred to it have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-

- **Summoning and enforcing the attendance of any person** from any part of India and examining him on oath;
- Requiring the **discovery and production of any document**;
- Receiving **evidence** on affidavits;
- **Requisitioning** any **public record or copy** thereof from any court or office;
- **Issuing commissions** for the examination of witnesses and documents;
- Any other matter which the President may, by rule, determine.

NATIONAL COMMISSION FOR BACKWARD CLASSES (NCBC)

- **Nature:** Constitutional body.
- **Establishment Year:** NCBC was set up in 1993.
 - ♦ It was set up as a result of the **Indira Sawhney case** in which the Supreme court ordered the creation of permanent commissions across India to review the OBC list.
 - ♦ **The 102nd Amendment Act of 2018 by introducing Article 338-B in the constitution gave constitutional status to the commission.**

- **Membership:**
 - ♦ The Commission consists of a **Chairperson, Vice-Chairperson and three other Members.**
 - ♦ The term of office of **Chairperson, Vice-Chairperson and each member is three years** from the date of assumption of charge.
 - ♦ The Chairperson has been given the **rank of Union Cabinet Minister, and the Vice-Chairperson that of a Minister of State and other Members have the rank of a Secretary** to the Government of India.

DIRECTORATE OF ENFORCEMENT

About

- **Nature:** Not a Statutory body.
 - ♦ The Directorate of Enforcement (ED) is a **law enforcement agency and economic intelligence agency** responsible for **enforcing economic laws and fighting economic crime** in India.
 - ♦ **Nodal Ministry:** Department of Revenue, Ministry of Finance, Government of India.
- **Establishment year:**
 - ♦ The formation of ED goes back to **May 1, 1956**, when an '**Enforcement Unit**' was formed in the **Department of Economic Affairs**, for handling Exchange Control Laws violations under the Foreign Exchange Regulation Act (FERA).
 - ♦ After the enactment of the Prevention of Money Laundering Act, 2002 (PMLA), **ED** was entrusted with its enforcement **w.e.f. 1st July 2005**.
 - ♦ In 2018, Government passed the **Fugitive Economic Offenders Act, 2018 (FEOA)** and **ED** is entrusted with **its enforcement** with effect from **21st April, 2018**.

Structure of the organisation

- **Headquarter level:** There are **two Special Directors** at Headquarters in Delhi and **one Special Director** at Mumbai.
- **Zonal Level:** The Directorate has **10 Zonal offices** each of which is **headed by a Deputy Director**.
- **Zonal offices** Mumbai, Delhi, Chennai, Kolkata, Chandigarh, Lucknow, Cochin, Ahmedabad, Bangalore & Hyderabad
- **Sub Zonal Level:** The Directorate has **11 sub Zonal Offices** each of which is headed by an **Assistant Director**.

- **Sub Zonal offices:** Jaipur, Jalandhar, Srinagar, Varanasi, Guwahati, Calicut, Indore, Nagpur, Patna, Bhubaneswar & Madurai.

Appointment Procedure of ED director

- ED Director is appointed under **Section 25 of the CVC Act, 2003**.
- **Selection Committee:** The Central Government appoints a Director of Enforcement in the Directorate of Enforcement in the Ministry of Finance on the recommendation of a selection committee.
- **Composition of selection Committee:** The committee consists of the CVC Chairperson, Secretaries to the Ministry of Home Affairs, the Ministry of Personnel and the Ministry of Finance in the Central Government.
- **Minimum Criteria:** No person **below the rank of Additional Secretary** to the Government of India shall be eligible for appointment as a Director of Enforcement.
- **Tenure of appointment:** ED Director is initially appointed for a period of **two years** and his tenure can be **extended upto one year at a time**. In total **he can get maximum 3** extensions as per the revised Central Vigilance Commission Act, 2021.

Statutory Functions of Directorate

It involved implementation of following acts:

- **The Prevention of Money Laundering Act, 2002 (PMLA):** It is a criminal law enacted to prevent money laundering and to provide for confiscation of property derived from, or involved in, money-laundering and for matters connected therewith or incidental thereto.
- **The Foreign Exchange Management Act, 1999 (FEMA):** It is a civil law enacted to consolidate and amend the laws relating to facilitate external trade and payments and to promote the orderly development and maintenance of foreign exchange market in India.
- **The Fugitive Economic Offenders Act, 2018 (FEOA):** It is a law whereby Directorate is mandated to attach the properties of the fugitive economic offenders who have escaped from India warranting arrest and provide for the confiscation of their properties to the Central Government.
- **Sponsoring agency under COFEPOSA:** Under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA), this Directorate is empowered to sponsor cases of preventive detention with regard to contraventions of FEMA.

FINANCIAL INTELLIGENCE UNIT (FIU)

- **Established:** Under the provisions of the **Prevention of Money Laundering Act, 2002 (PMLA)**.
- **Nature:** FIU-IND is an **independent body reporting directly to the Economic Intelligence Council (EIC)** headed by the Finance Minister.
- FIU-IND is a **multi disciplinary body with a sanctioned strength of 75 personnel**.
 - ♦ These are being inducted from different organisations namely Central Board of Direct Taxes (CBDT), Central Board of Excise and Customs (CBEC), Reserve Bank of India (RBI), Securities Exchange Board of India (SEBI), Department of Legal Affairs and Intelligence agencies.

The functions of FIU-IND are:

- **Collection of Information:** Act as the central reception point for receiving Cash Transaction reports (CTRs), Non-Profit Organisation Transaction Report (NTRs), Cross Border Wire Transfer Reports (CBWTRs), Reports on Purchase or Sale of Immovable Property (IPRs) and Suspicious Transaction Reports (STRs) from various reporting entities.
- **Analysis of Information:** Analyze received information in order to uncover patterns of transactions suggesting suspicion of money laundering and related crimes.
- **Sharing of Information:** Share information with national intelligence / law enforcement agencies, national regulatory authorities and foreign Financial Intelligence Units.
- **Act as Central Repository:** Establish and maintain national data base on the basis of reports received from reporting entities.
- **Coordination:** Coordinate and strengthen collection and sharing of financial intelligence through an effective national, regional and global network to combat money laundering and related crimes.
- **Research and Analysis:** Monitor and identify strategic key areas on money laundering trends, typologies and developments.

FINANCIAL ACTION TASK FORCE (FATF)

- FATF is the **global money laundering and terrorist financing watchdog**.
 - ♦ The FATF was established in **1989 and is based in Paris**.
- The **39-member body** sets international standards to ensure national authorities can effectively go after illicit funds linked to drugs trafficking, the illicit arms trade, cyber fraud and other serious crimes.
- India has been a member of FATF **since 2010**.

GENERAL CONSENT TO CBI BY STATES

History of CBI

- The Central Bureau of Investigation traces its origin to the **Special Police Establishment (SPE)** which was set up in **1941** by the Government of India.
- The **functions of the SPE** then were to investigate cases of bribery and corruption in transactions with the War & Supply Deptt. Of India during World War II.
- **The Delhi Special Police Establishment Act** was brought into force in **1946** to investigate the cases of bribery and corruption by central government employees.
 - ♦ The **CBI's power to investigate cases is derived from this Act.**

CBI as a Body

- **Nature:** It is not a statutory body and it derives its power to investigate on the basis of Delhi special police establishment act.
- **Nodal Ministry:** Department of Personnel, Ministry of Personnel, Pension & Public Grievances, Government of India.
- It is also the **nodal police agency in India**, which **coordinates investigations** on behalf of **Interpol Member countries.**
- **Appointment of CBI Director:** The Central Government appoints the Director on the **recommendation of the Committee consisting of—**
 - (a) the Prime Minister — Chairperson;
 - (b) the Leader of Opposition recognised — Member; as such in the House of the People or where there is no such Leader of Opposition, then the Leader of the single largest Opposition Party in that House.
 - (c) the Chief Justice of India or Judge of the Supreme Court nominated by him — Member.
- **CBI director** holds office for a period of **2 years.** However his tenure can be **extended up to one year at a time and in total 3 times** he can get extension.

General consent system by states for CBI investigation

- The general consent system **empowers state governments** to control CBI investigations within their territory, potentially preventing misuse of the agency's power.

- **Under Section 6** of the **Delhi Special Police Establishment Act, 1946**, the CBI requires the consent of a state government before it can:
 - ♦ **Register** a First Information Report (FIR) within the state's territory.
 - ♦ **Conduct investigations**, including raids, arrests, and seizures.
 - ♦ **Initiate prosecutions** in state courts.

DIFFERENCE BETWEEN THE NATURE OF THE CASES INVESTIGATED BY NIA AND CBI

- The NIA was constituted after the Mumbai terror attack in **November 2008.**
- NIA mainly investigates incidents of **terrorist attacks, funding of terrorism and other terror related crime**, whereas CBI investigates **crime of corruption, economic offences** and **serious and organised crime** other than terrorism.
- National Investigation Agency (NIA), which is governed by The NIA Act, 2008, and has **jurisdiction across the country.**

Types of Consents

- There are two types of consents given by state governments:
 - ♦ **General Consent:** It is a blanket permission granted by a state government to the CBI, allowing the agency to conduct seamless enquiries within the state.
 - If a **state withdraws** general consent to CBI, then CBI will **not be able to register any fresh cases** in that state involving central government officials or private persons in that state without prior permission of the concerned state government.
 - **The CBI can** continue to investigate cases in a state registered prior to the withdrawal of general consent.
 - ♦ **Case specific consent:** It refers to permission granted by a state government for the CBI to investigate a specific case within its territory.
 - The CBI needs to request permission for **each individual case**, providing details of the alleged crime and why CBI involvement is necessary.

CENTRAL VIGILANCE COMMISSION (CVC)

- CVC is an **apex governmental body** in India that is responsible for **promoting integrity, transparency, and accountability** in the country's public administration.
 - ◆ It was **established in 1964 through a resolution** as a result of the recommendations of the **Santhanam Committee on Prevention of Corruption**.
 - ◆ **In 2003**, the Government enacted the **CVC Act** to give **statutory status** to CVC.
- **Vision Statement of CVC:** To **ensure good governance and combat corruption** by promoting the values of ethics and integrity to **foster transparent and accountable systems of public administration** that addresses the concerns and aspirations of the citizens of India.
- **Composition of CVC:** It consists of a **central Vigilance commissioner** and not more than **two vigilance commissioners(VC) and one secretary**. These two category of people can be appointed as VC or Central Vigilance Commissioner:
 - ◆ People who have been or are in an **All-India Service or in any civil service** of the Union or in a civil post under the Union having knowledge and experience in the matters relating to vigilance, policy making and administration including police administration. OR
 - ◆ People who have **held office or are holding office in a corporation established by or under any Central Act or a Government company** owned or controlled by the Central Government and persons who have expertise and experience in finance including insurance and banking, law, vigilance and investigations.
 - ◆ From amongst the Central Vigilance Commissioner and the Vigilance Commissioners, **not more than two persons shall belong to the category of persons as mentioned above**.
 - ◆ Central vigilance commissioner and VC are appointed **by the President** after obtaining the recommendation of a **committee consisting of the PM, Home Minister and Leader of Opposition in the house of the people**.
- **The Central Vigilance Commissioner** shall hold office for a **term of four years** from the date on which he enters upon his office or till he **attains the age of sixty-five years**, whichever is earlier. **The Central Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.**
- **On ceasing to hold office**, the Central Vigilance Commissioner and every other Vigilance Commissioner **shall be ineligible for—**
 - ◆ **any diplomatic assignment, appointment as administrator of a Union territory** and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;
 - ◆ **further employment to any office of profit** under the Government of India or the Government of a State.
- **The salary and allowances** payable to and the other conditions of service of the **Central Vigilance Commissioner** are same as those of the **Chairman of the Union Public Service Commission**; the **Vigilance Commissioner** are same as those of a **Member of the Union Public Service Commission**.
 - ◆ **The salary, allowances and pension payable to**, and the other conditions of service of, the Central Vigilance Commissioner or any Vigilance Commissioner **can not be varied to his disadvantage after his appointment**.

| Important Statutory Body | Important constitutional Bodies |
|---|---|
| <ul style="list-style-type: none"> • NHRC(National Human Right Commission) • SHRC(state Human Right Commission) • National Commission for women • National Commission for Protection of Child Rights. • National Commission for Minorities. • Central Information commission • State Information Commission • Central Vigilance Commission • Lokpal and Lokayuktas • National Investigation Agency(NIA). • NDMA(National Disaster Management Authority) • Bar council of India. | <ul style="list-style-type: none"> • Election commission of India • UPSC • State public service commission • Finance commission • GST council • National commission for SCs • National Commission for STs • National Commission for BCs • Comptroller and Auditor General of India • Attorney General Of India • Advocate general of State • Special Officer for Linguistic Minorities. |

NATIONAL COMMISSION FOR SCHEDULED CASTES

About:

- It is a **constitutional body** under the jurisdiction of **Ministry of Social Justice and Empowerment**.
- Its mandate is to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law

Evolution:

- The first National Commission for Scheduled Castes and Scheduled Tribes was set up in 1978.
- Consequent upon the Constitution (**Eighty-Ninth Amendment**) Act, 2003 the erstwhile Commission has been replaced by National Commission for Scheduled Castes (under **Article 338** of constitution) and National Commission for Scheduled Tribes (under **Article 338A**).
- The first National Commission for Scheduled Castes was constituted in 2004.

UNIQUE IDENTIFICATION AUTHORITY OF INDIA (UIDAI)

About:

- **Status:** It is a Statutory authority established under **Aadhaar Act 2016**. Before its establishment as a statutory authority, UIDAI was functioning as an attached office of the then Planning Commission (now NITI Aayog) vide its Gazette Notification of 2009.
- **Parent Body:** Ministry of Electronics and Information Technology (MeitY).
- **Mandate:** It issues **12-digit** Unique Identification numbers (UID), named "Aadhaar".
- **Aadhar act, 2019** allows the use of Aadhaar number for authentication on voluntary basis as acceptable KYC document under the **Telegraph Act, 1885** and the **Prevention of Money-laundering Act, 2002**.

NATIONAL ASSESSMENT AND ACCREDITATION COUNCIL (NAAC)

About:

- It was established in **1994** as an autonomous institution of the University Grants Commission (UGC).
- **Headquarter:** Bengaluru.

- The NAAC functions through its General Council (GC) and Executive Committee (EC) comprising educational administrators, policy makers and senior academicians from a cross-section of the Indian higher education system.
 - ♦ The Chairperson of the UGC is the President of the GC of the NAAC, the Chairperson of the EC is an eminent academician nominated by the President of GC (NAAC).
- **Mandates:** It conducts assessment and accreditation of Higher Educational Institutions (HEI) to derive an understanding of the 'Quality Status' of the institution.

NATIONAL COMMISSION FOR WOMEN

About:

- It was set up as **statutory body** in 1992 under the **National Commission for Women Act, 1990** to:
 - ♦ Review the Constitutional and Legal safeguards for women;
 - ♦ Recommend remedial legislative measures ;
 - ♦ Facilitate redressal of grievances and
 - ♦ Advise the Government on all policy matters affecting women.
- **Constitution of the NCW:** The **Union Government** shall constitute a body to be known as the NCW to exercise the powers conferred on and to perform the functions assigned to it under this Act.
 - ♦ The Commission shall **consist** of a **Chairperson, five Members** to be **nominated** by the Union Government from amongst persons of **ability and integrity** who have had experience in law or legislation, trade unionism, management of an industry potential of women, women's voluntary organisations, administration, economic development, health, education or social welfare;
 - ♦ Provided that **at least one** Member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively.
- **Term of office and conditions of service of Chairperson and Members:**
 - ♦ The Chairperson and every Member shall hold office for such a period, **not exceeding three years**, as may be specified by the Union Government on this behalf.

- ◆ The **Chairperson or a Member** (*other than the Member-Secretary*) may, by writing and addressed to the Union Government, **resign** from the office of Chairperson or Member **at any time**.

The Commission shall perform all or any of the following functions, namely:

- **Investigate and examine all matters relating to the safeguards** provided for women under the Constitution and other laws;
- Review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments.
- Take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- Look into complaints and take **suo-moto cognizance** of matters relating to:
 - ◆ Deprivation of women's rights;
 - ◆ Non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
 - ◆ Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;
- Inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary.

NATIONAL COMMISSION FOR SAFAI KARAMCHARIS

About:

- It was constituted as a statutory body in 1994 to ensure the rights of sanitation workers.
- Currently it is a **non-statutory body** of the Ministry of Social Justice & Empowerment.
- In the discharge of its functions, the Commission have the powers to call for information with respect to any matter from any Government or local or other authority.
- It comprises **one Chairman** (in the rank and status of the Union Minister of State) and **four members**, including **a lady member** (in the rank and status of the Secretary to the Government of India) and the Secretary (in the rank of Joint Secretary to the Govt. of India) along with other supporting staff.

MISCELLANEOUS

NEW PARLIAMENT HOUSE

- **About:** New parliament building has been built under **Central Vista Project**.
 - ◆ Other notable projects under this scheme are Kartavya Path, Common central secretariat and executive enclave.

CENTRAL VISTA

- It was inaugurated in **1931**.
- The Central Vista included the Rashtrapati Bhavan, North and South Blocks, the Parliament House, the Record Office (later named as The National Archives) along with the India Gate monument and the civic gardens on either side of the Rajpath.
- Post-Independence, the Central Vista Avenue streets were also renamed: **King's Way** became **Rajpath** and **Queen's Way** became **Janpath**.
 - ◆ The **Viceroy's House** became the **Rashtrapati Bhavan** and the **All-India War Memorial** became the **India Gate**.

DELHI TOWN PLANNING

- The **Delhi Town Planning Committee, set up in 1912**, prepared a layout, which divided the new capital into three main categories:
 - ◆ **The first category** focused on the buildings that the Government would provide before the new city became the seat of the government.
 - ◆ **The second category** focused on the buildings that the Government could add later on to the new city.
 - ◆ **The third category** included the buildings that were to be constructed by private agencies.

Features of new Parliament building(inaugurated on 28 May,2023)

- The wood used was procured from **Nagpur** and the wooden architecture design was led by artisans & craftsmen from **Mumbai, Maharashtra**, promoting authentic wooden craftwork from the State.
- The New Parliament Building has **hand knotted carpets** from **Bhadohi**, Uttar Pradesh popular for its beautiful hand knotted carpets, earning it the name of '**Carpet City**'.

- New parliament building witnessed eco-friendly green construction, and power consumption **reduction of up to 30%**, and built to meet the needs of the **next 150 years**.
 - Each desk has been **outfitted with electronic devices**. Apart from that, the new parliament's constitution hall, library, committee room, and dining area have all been modernised to reflect **India's grand heritage**.
 - The **triangular shape** of the new parliament ensures **optimal space utilisation**.
 - For ease of work, the new and existing Parliament Houses will be **used side by side**.
- Use of National symbols in New Parliament Building**
- **National Bird: Peacock-themed Lok Sabha** Hall has 888 seats.
 - ♦ In the old Lok Sabha there were 550 seats. It is **three times** bigger in size.
 - **National Flower: Rajya Sabha** Hall, based on the theme of the National Flower, the Lotus, has been prepared with a capacity of 384 seats. While in the old Rajya Sabha there were 250 seats.
- **Triangular Design:** The design of the new Parliament House is triangular, with **three stories**.
 - ♦ The design has a Lok Sabha, a Rajya Sabha, and an open courtyard.
 - **Satyamev Jayate:** Ashok Chakra is made on the gate of the new Parliament House, along with Satyamev Jayate.
 - **Materials from different states:** The white marble of Gujarat is used, along with stone work of Rajasthan. Bamboo wood flooring from Tripura.
 - This **new four-storey Parliament House** has 6 entrance doors that express its gratitude to the friendly nature of Indian civilization.
 - **Name of the doors are as follows:**
 - ♦ Makar Dwar and Hans Dwar, i.e., **salutations to water**
 - ♦ Shardul Dwar and Garud Dwar, i.e., **salutations to the sky**
 - ♦ Ashwa Dwar and Gaj Dwar, i.e., **salutations to the land**.
 - **Sengol:** It has been placed next to the Lok Sabha speaker's chair symbolising transfer of power.

Comparison between old and New PH



| | New Parliament House | Existing Parliament House |
|------------------|--|--|
| Area | 64,500 sqm | 24,281 sqm |
| Shape | Triangular | Circular |
| Seating Capacity | 1272 | 780 |
| Joint Sitting | To be held in Lok Sabha Chamber | Held in Central Hall |
| Building Style | Modern State of the Art Building | Colonial era construction |
| Architect | Bimal Patel | Sir Edwin Lutyens and Herbert Baker |
| Accessibility | Fully accessible to people with disabilities | Limited Accessibility |
| Safety | Earthquake Resistant for Seismic Zone V | Earthquake Resistant for Seismic Zone II |
| Entrance | Entrances are named Gyan Dwar Shakti Dwar and Karma Dwar | Entrance Gates are numbered 1 to 12 |

CONSTITUTIONAL PROVISIONS ON INDIAN PARLIAMENT

- **Article 79:** There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.
- **Article 80** of the Constitution lays down the **maximum strength of Rajya Sabha as 250**, out of which **12 members are nominated by the President** and 238 are representatives of the States and of the three Union Territories.
- **Article 81** of the constitution provides for not more than **530 members** chosen by direct election from territorial constituencies in the States, and not **more than 20 members** to represent the Union territories.
- **Article 82** of the constitution provides that **after the completion of each census, the allocation of seats in the House of the People** to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine.

SECRETARIAT OF PARLIAMENT

About

- The Indian Parliament Secretariat was **established in 1950**, following the adoption of the Constitution of India.
 - ♦ Initially, a **single Secretariat served both houses**.
- **In 1954, separate Secretariats** were created for the Lok Sabha and the Rajya Sabha, recognizing the distinct needs and functions of each house.

Constitutional provisions related to secretariat of parliament

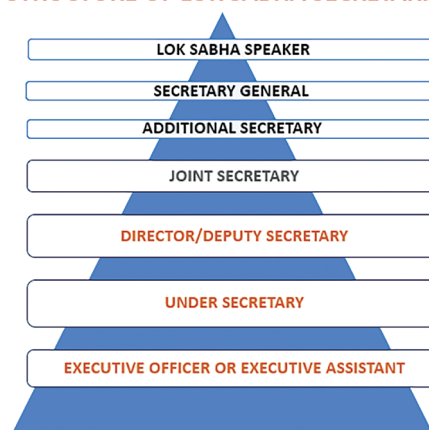
- **Article 98:** This article explicitly establishes the Secretariat, stating that each house of Parliament (Lok Sabha and Rajya Sabha) **shall have a separate secretarial staff**. It also allows for the creation of posts common to both houses.
 - ♦ It also provides that **Parliament may by law regulate the recruitment**, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament.

Lok Sabha Secretariat

- **Lok Sabha Secretariat** (Method of Recruitment and Qualifications for Appointment) **Amendment Order, 2007** governs recruitment to Lok Sabha Secretariat.

- The Lok Sabha Secretariat is an **independent body** which functions under the ultimate guidance and **control of the Hon'ble Speaker, Lok Sabha**.
- The Speaker, Lok Sabha is assisted by the **Secretary-General, Lok Sabha**, (whose pay scale, position and status etc. is equivalent to that of the highest ranking official in the Government of India i.e. **Cabinet Secretary**), functionaries of the level of the Additional Secretary, Joint Secretary and other officers and staff of the Secretariat at various levels.

STRUCTURE OF LOK SABHA SECRETARIAT



- **Clerical and Secretarial assistance** is also provided in addition to Messengers service.
- Presently, there are **ten Services categorised** on a functional basis, which cater to the **specific needs** of the House and its Secretariat.
- **The functions of each Service are supplementary to the other** and their Officers and Staff are not freely interchangeable owing to the nature of duties of each Service, which are **quite specific and distinct**.

Rajya Sabha Secretariat

- The **Vice-President of India** is the ex-officio Chairman of Rajya Sabha.
 - ♦ The Secretariat functions under the overall guidance and **control of the Chairman, Rajya Sabha**.
- Vice-President exercises the power conferred on him by the **Recruitment and Conditions of Services Rules, 1957** and its **subsequent amendments** from time to time.
 - ♦ Under these rules, the **appointing authority and the disciplinary authority** in respect of the employees of Rajya Sabha Secretariat is the Chairman, Rajya Sabha.
- **Secretary-General** is the **administrative head** of the Secretariat.

- ♦ As the administrative head of the Secretariat, he **exercises powers vested in the Chairman**, including the determination of the strength, method of recruitment and of qualifications, etc. for the various categories of posts.
- Secretary General is the **appointing, punishing and appellate authority** for certain classes of officers and staff of the Secretariat.
 - ♦ He exercises **financial powers and initiates budget proposals** relating to the **Rajya Sabha and its Secretariat**.
- In **1974**, on the basis of the recommendations of the **Parliamentary Pay Committee**, the Secretariat was restructured on the functional basis into different services, keeping in view the specialised nature of their functions and responsibilities.
 - ♦ The Secretariat is presently organised **on a functional basis into ten services**.

KEY FACTS ON PARLIAMENT SECRETARIATS

- Both the Lok Sabha and Rajya Sabha have their own Secretary-General, who enjoys a **rank equivalent to the Cabinet Secretary** of the Indian government.
- Any **new Group A or Group B** post creation for the purpose of recruitment in both the secretariat requires prior consultation with the **Ministry of Finance** due to their budgetary implications.
- **Despite their equivalent rank**, the Secretary-General of the Lok Sabha and Rajya Sabha are placed **significantly lower in the official order of precedence** than the **Cabinet Secretary**, holding the **23rd position compared to the 11th**.

OTT REGULATION IN INDIA

About

- **Lack of Dedicated Legislation:** India currently lacks a dedicated regulatory platform to oversee regulatory platforms.
- **Current Regulation:** The most important regulations governing OTT platforms in India are the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**. This comes under **section 87(2)** of IT act, 2000.
- **IT Rules, 2021** Categorize digital media into **three segments**- publishers of news, intermediaries and OTT platforms.

Regulation of OTT

- The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 has **3 parts**.
 - ♦ **Part 1:** It deals with the basic definition of the terminologies.
 - ♦ **Part 2:** Rules under this part are governed by **MeitY**. This part deals with due diligence by intermediaries and grievance redressal mechanism.
 - ♦ **Part 3:** Rules under this part are governed by the **Ministry of Information and Broadcasting(I&B)**. This part deals with code of ethics and procedure and safeguards in relation to digital media.

WHAT IS OTT (OVER-THE-TOP BROADCASTING SERVICE)

As per the Broadcasting bill 2023 **OTT broadcasting service** means a broadcasting service:

- **Made available** on-demand or live to subscribers or users in India.
- where a **curated catalogue** of programmes owned by, licensed to, or contracted to be transmitted, over the internet or a computer resource, not being a closed network.
- Where **additional hardware or software or combination** thereof including a set-top-box, or dongle and software keys may be required to access content on non-smart televisions or viewing devices.

3 Tier of Regulation under it Rules, 2021

- Under **Part 3, section 9 of the IT rules, 2021** 3 tier mechanism for regulation of OTT has been promoted as shown below:



- **3 tier for grievance redressal:** The IT rules, 2000 has 3 tier of grievance redressal mechanism:
 - ♦ **Publisher level:** Publisher has to establish a grievance redressal mechanism and shall appoint a **Grievance Officer based in India**, who shall be responsible for the redressal of grievances received by him.

- Grievance Officer will have to take a decision on the grievance and communicate the same **within 15 days** of receipt of grievance.
- ♦ **Self Regulating Body Level:** Complainant if not satisfied with the decision of Grievance officer can file **an appeal to the self regulating body** of which the publisher is a part within 15 days of receipt of response from Grievance officer.
- ♦ **Oversight Mechanism Level:** If the complainant is not satisfied with the decision of the self-regulating body, it may, **within fifteen days of such decision**, prefer an appeal to the Oversight Mechanism.
- **Article 30** provides that linguistic minorities have the right to establish and administer educational institutions of their choice.

CLASSICAL LANGUAGES

- Six languages hold the esteemed 'Classical' status in India.
- Languages and Declaration Years: Tamil (declared in 2004), Sanskrit (2005), Kannada (2008), Telugu (2008), Malayalam (2013) and Odia (2014).
- All Classical Languages are listed in the Eighth Schedule of the Constitution.
- **Guidelines for Classical Status (As per Ministry of Culture):**
 - ♦ High antiquity of early texts/recorded history spanning 1500-2000 years.
 - ♦ A significant body of ancient literature/texts cherished as a valuable heritage.
 - ♦ Original literary tradition not borrowed from another speech community.

Other laws applicable to OTT regulation

- **Cinematograph Act, 1952:** This act is potentially applicable to certain film content streamed on OTT platforms.
- **Indecent Representation of Women (Prohibition) Act, 1986:** This act prohibits the depiction of women in an **indecent or vulgar manner**, which is relevant to some OTT content portraying women inappropriately.

LINGUISTIC DIVERSITY OF INDIA

Constitutional Provisions

- **Part XVII** of the Indian constitution deals with official languages in the country. It consists of article 343 to 351.
- **Article 343(1)** provides that 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**.
- The Constitution of India has recognised **22 official languages**.
- **The twenty two languages that are recognised by the Constitution are:** Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kashmiri, Kannada, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu are included in the **Eighth Schedule of the constitution**.
- **Article 29(1)** of the constitution provides that any section of the 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.

Other Facts on Linguistic Diversity in India

- Though officially there are 122 languages across various states, **People's Linguistic Survey of India** has identified **780 languages**, of which **50 are extinct** in the **past five decades**.
- During colonial rule the **first linguistic survey** was conducted during **1894 to 1928 by George A. Grierson identified 179 languages and 544 dialects**.
- In the post-independence era **Central Institute of Indian Languages (CIIL)**, based in **Mysore** was assigned to carry out an in-depth survey of languages.
 - ♦ However this **still remains incomplete**.
- **The Language Bureau of the Ministry of Human Resource Development** is set up to implement and monitor the language policy.
- In Andaman and Nicobar Islands, **the death of Boa**, the last speaker of **Bo language** is one of those instances that have led to **extinction of Bo language** with the history of 70000 years.
- Hindi boasts the **largest native speaker base in India**, with **528 million people**, representing over **43% of the population**. **Bengali** follows with **9.7 million speakers**, accounting for around 8%.
- The share of Hindi speaking people has increased from **37% in the 1971 census to 43% in the 2011 census**.
- The number of **Hindi speaking** people in **South India** has **doubled from 1991 to 2011**.

NCERT AS DEEMED UNIVERSITY

About

- It is an **autonomous organisation** set up in **1961** under Societies Registration Act in 1961 by the **Government of India**.
- **Aim:** To assist and advise the Central and State Governments on policies and programmes for qualitative improvement in school education.
- NCERT has been granted the deemed university status under the '**De-Novo**' category.
- A '**De-novo**' institution is an institution that **focuses on innovations in teaching and research**.
- NCERT with the deemed university status will now be able to **collaborate with national and international universities** for academic exchange, research projects and faculty development.
- NCERT will now also be able to attract more **students, faculty members and funding**.
 - ♦ This will empower NCERT to play an active role in implementing the NEP 2020 and help transform the school education system in India.

DEEMED UNIVERSITY

- An institution of higher education, other than a university, doing the work of high standard in a specific area, can be declared as an institution **deemed to be university**.
- **The University Grants Commission (UGC) Act, 1956** provides that the Central Government may, on the advice of the Commission, declare any institution of higher education deemed to be a university.
- Deemed to be universities, like other universities, have the **autonomy of offering various courses** and therefore, preparing students for various examinations and awards. Now with the deemed university status, NCERT will offer **graduate, postgraduate, and doctoral degrees**.
- These institutions **design their own syllabus and courses** to prepare the students to foray into diverse fields after the completion of their study.

UNIVERSITY GRANT COMMISSION (UGC)

- **Nature:** It is a **statutory body** under the **Ministry of Education, Department of Higher Education**, constituted under the University Grants Commission Act, 1956.
- **Responsibilities:** Providing funds and coordination, determination and maintenance of standards in institutions of higher education.

ADVOCATE ON RECORD (AOR) SYSTEM

About

- An AoR is a lawyer who is **qualified to represent clients** in the Supreme Court of India.
- Only AoRs have the authority to file cases directly before the Supreme Court.

Eligibility Criteria to Become an AoR

- **Training: Minimum one year training** with a court-approved AoR, before taking the AoR examination.
- **Experience:** The advocate must have at **least four years of legal practice** before starting the training.
- **Examination:** 3 hour test covering subjects such as Practice and Procedure, Drafting, Professional Ethics, and Leading Cases.
 - ♦ To pass, the advocate needs to score a minimum of 60% (240 out of 400) with at least 50% in each subject.

Other Requirements

- An AoR must have an office in Delhi within a **16-kilometre radius** of the Supreme Court.
- Additionally, they are required to **employ a registered clerk within one month of being registered as an AoR**.

Rules Governing the AoR System

- **Article 145** of the Constitution, the Supreme Court has the authority to create rules and regulate its own procedures for hearing cases.
- **The Supreme Court Rules, 2013** outline specific eligibility criteria and a rigorous examination that an advocate must clear to become an AoR.
- **The AoR system in India** is somewhat based on the **British practice of barristers and solicitors**, with AoRs serving as the equivalent of solicitors.
 - ♦ Barristers typically argue cases in court, while solicitors handle cases from clients.
- **Senior advocates** in India are **designated by the Court and have a distinct gown**.
 - ♦ They cannot directly solicit clients and are typically briefed by other lawyers, such as AoRs.

ADVOCATE

- An advocate is a person within the legal profession who possesses a law degree and also represents his clients in the court of law.

- **The Advocates Act of 1961** offers significant protection to both advocates themselves and their various professional rights.
- The person who is an advocate **gets the authority to represent the client's case** in court after pursuing his studies in law.

LAWYER

- Anyone who has acquired their LLB (Bachelor of Legislative Law) or LLM (Master of Law) is a lawyer.
- **A lawyer can give legal advice to anyone but cannot fight a case on their behalf.**

BARRISTER

- A barrister is someone who secures a **law degree from a university or college in England.**

INDIA INTERNATIONAL INSTITUTE OF DEMOCRACY & ELECTION MANAGEMENT (IIIDEM)

About:

- **IIIDEM was established in 2011** as the training and capacity-building arm of the Election Commission of India.
- It **trains election officials in India for delivery of free and fair elections.**
 - ♦ It also organizes training programs for Election Management Bodies (EMBs) world over.
- IIIDEM in association with Tata Institute of Social Sciences (TISS) has also commenced the first batch of **Master's Program in International Electoral Management and Practices (MIEMP)**, in online mode.

NATIONAL CENTRE FOR GOOD GOVERNANCE (NCGG)

About:

- **Parent Body:** It is an autonomous institution under the Ministry of Personnel, Public Grievances and Pensions.
- **Governance:** The affairs of the NCGG are managed under the overall direction of the Governing Body, which is headed by the Cabinet Secretary.
- **Mandate:** NCGG deals with a gamut of governance issues from local, state to national levels, across all sectors.

- ♦ It also works as a think tank and works for capacity building and training of civil servants and technocrats of India and other developing countries.
- **Timeline:** NCGG was set up in 2014 by the Government of India.
 - ♦ The Centre traces its origin to the National Institute of Administrative Research (NIAR), which was set up in 1995 by the Lal Bahadur Shastri National Academy of Administration (LBSNAA).
 - ♦ NIAR was subsequently rechristened and subsumed into NCGG.
- **Head Office:** New Delhi.

PRAGATI

About:

- **Background:** It was launched in 2015.
- **PRAGATI** (Pro-Active Governance and Timely Implementation) is the ICT-based multi-modal platform which uses three latest technologies: Digital data management, video-conferencing and geo-spatial technology.
- **Objectives:** It aims at addressing the common man's grievances and bringing e-accountability by monitoring important programmes of the Government of India and State Governments.
- **Stakeholders:** It promotes cooperative federalism since it brings on one stage the PMO, Union Government Secretaries, and Chief Secretaries of the States.
- **Structure:** Using PRAGATI, Prime Minister (PM) will hold a monthly programme on Fourth Wednesday at 3.30 PM-to be known as PRAGATI Day.
 - ♦ In this programme, PM will interact with the Government of India Secretaries, and Chief Secretaries through Video-conferencing enabled by data and geo-informatics visuals.

DAKSHTA FOR YOUNG PROFESSIONALS

About:

- It seeks to build functional, domain and behavioural competencies of Young Professionals & Consultants engaged in Government.
- This collection consists of 18 courses such as Data-Driven Decision Making for Government, Orientation Module on Mission LiFE, Yoga Break at Workplace, Advanced Excel (Microsoft) etc.

iGOT (Integrated Government Online Training) Karmayogi Platform:

- It is a comprehensive online portal to guide government officials in their capacity building journey.
 - ♦ The portal combines 6 functional hubs for online learning, competency management, career management, discussions, events and networking.
- It is managed by **Karmayogi Bharat**, a government-owned, not-for-profit Special Purpose Vehicle (SPV), which has been established by DoPT, Ministry of Personnel, Public Grievances, and Pensions.
- It is in line with the “**National Programme for Civil Services Capacity Building (NPCSCB) - Mission Karmayogi**”, which aims to create a competent civil service rooted in Indian ethos for efficient public service delivery.

NYAYA VIKAS PORTAL

About:

- The Department of Justice has been implementing the Centrally Sponsored Scheme (CSS) for **Development of Infrastructure Facilities for Districts and Subordinate Judiciary since 1993-94**.
- Under the Scheme, central assistance is provided to the State Government / UT Administrations for construction of court halls and residential units for Judicial Officers / Judges of District and Subordinate Courts.
- With further extension of the scheme beyond 2021, some new features like Lawyers Hall, Toilet complexes and Digital computer rooms have been added to the scheme for the convenience of lawyers and litigants, besides court halls and residential units.
- The funds sharing pattern under the Scheme for Center and State is 60:40 in respect of States other than North Eastern and Himalayan States.
 - ♦ The funds sharing pattern is 90:10 in respect of North Eastern and Himalayan States; and 100% in respect of Union Territories.
- Nyaya Vikas Portal portal has been created for **monitoring the implementation of this Scheme**.

eSEWA KENDRAS

About:

- eSewa Kendras have been rolled out to bridge the digital divide by providing e filing services to lawyers

and litigants. Covering all High Courts and one District Court as pilot project, it is being expanded to cover all court complexes.

- The eSewa Kendras are being set up at the entry point of the court complexes with the intention of facilitating the lawyer or litigant who needs any kind of assistance ranging from information to facilitation and e filing.
- In 2020, India's first e-Resource Center was inaugurated at Nagpur in Maharashtra.
 - ♦ The e-Resource Centre “**Nyaya Kaushal**” will facilitate e-filing of cases in Supreme Court of India, High Courts and District Courts across the country.
 - ♦ It will also assist the lawyers and litigants to access online e-Courts services.

PRIME MINISTERS MUSEUM AND LIBRARY

About:

- Built in **1929-30** as part of **Edwin Lutyens'** imperial capital, Teen Murti House, then known as Flagstaff House, was the official residence of the Commander-in-Chief of the British armed forces in India.
- In August 1948, it became the official residence of India's first Prime Minister, Jawaharlal Nehru, who lived there for 16 years until his death on May 27, 1964.
- On Nehru's 75th birth anniversary, President S Radhakrishnan dedicated the Teen Murti House to the nation and inaugurated the Nehru Memorial Museum.
 - ♦ Two years later, the NMML Society was set up to manage the institution.
- In 2016, PM Modi mooted the idea of setting museum dedicated to all PMs on the premises; **Pradhanmantri Sangrahalaya** was inaugurated by PM Modi in 2022.

MERI MAATI, MERA DESH CAMPAIGN

About:

- It is envisaged as a **culminating event of the Azadi Ka Amrit Mahotsav celebration**.
- Under the campaign, soil collected from different parts of the country will be used to **develop a garden along the Kartavya Path in Delhi**.
- Events have been planned at the panchayat, village, block, urban local body, and State and national levels, respectively.

- The five-point agenda includes the installation of a **shilaphalakam** (memorial plaque), bearing the names of those who have made the supreme sacrifice.
 - For this purpose, veers (bravehearts) include freedom fighters, defence personnel, CAPF personnel, and State Police.

SECTION 69A OF IT ACT

What is Section 69 (A) of the IT Act?

- It allows the government to **issue content-blocking orders to online intermediaries** such as Internet Service Providers (ISPs), telecom service providers, web hosting services, search engines, online marketplaces, etc.
- The Section requires the **information or content being blocked to be deemed a threat to India's national security, sovereignty, or public order**.
- Both centre and state governments may direct agencies to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information generated, transmitted, received or stored in any computer resource.
- As per rules that govern these blocking orders, any request made by the government is sent to a review committee, which then issues these directions.

Supreme Court stand on Section 69 (A):

- In a landmark 2015 ruling, the Supreme Court in **Shreya Singhal vs Union of India** struck down Section 66A of the Information Technology Act of 2000, which entailed punishment for sending offensive messages through communication services, etc.
- The plea had also challenged **Section 69A of the Information Technology Rules 2009, but the SC held this to be "constitutionally valid"**.
- It will be noticed that **Section 69A unlike Section 66A** is a narrowly drawn provision with several safeguards.
 - First, blocking can only be resorted to where the Central Government is satisfied that it is necessary to do so.
 - Secondly, such necessity is relatable only to some of the subjects set out in Article 19(2).
 - Thirdly, reasons have to be recorded in writing in such blocking order so that they may be assailed in a writ petition under Article 226 of the Constitution.

GITA MITTAL COMMITTEE

About:

- It will be **headed by Justice Gita Mittal**, former Chief Justice of the Jammu & Kashmir High Court and **Justice S P Joshi** and **Justice Asha Menon** will be the members of the committee.
- This will be a broad-based committee to supervise, intervene and monitor relief and rehabilitation, restoration of homesteads, religious places of worship, better relief work, etc.

BY ORDER OF THE SUPREME COURT

A Bench, headed by the Chief Justice of India, took the following decisions to help out the affected people in Manipur.

- To appoint three former women High Court judges to provide a 'healing touch'.
- To order DGPs of six States to name six DIG- rank officers to take charge of six SITs each.
- To enforce multiple layers of monitoring of the investigation.
- To make five officers of the rank of DSP or SP from other States part of the CBI.
- To make the officers carry on the investigation under supervision of a CBI Joint Director.

SARNA RELIGIOUS CODE FOR TRIBALS

About:

- Followers of Sarna faith regard themselves as **belonging to a distinct religious group, and are nature worshippers**.
- The holy grail of the Sarna faith is **"Jal (water), Jungle (forest), Zameen (land)"** and its followers pray to the trees and hills while believing in protecting the forest areas.
- Believers of Sarna faith **do not practice idol worship, nor do they adhere to the concept of the Varna system, heaven-hell, etc.**
- The followers are largely concentrated in the **tribal belt states of Odisha, Jharkhand, Bihar, West Bengal, and Assam**.
- Seeking Sarna code as a separate religious code in the next Census **has been a long-standing demand of tribal groups**. In 2021, the Jharkhand Assembly had unanimously passed a resolution for 'Sarna' code.

Need for Recognition:

- As per the state government, the tribal population in the state **had declined to 26 % from 38 % in the last eight decades**.

- The declining trend of tribal population was worrying as it would also **affect the development policy for the fifth and sixth schedule areas.**
- Tribal community that are on the verge of extinction, and if they are not protected on the principle of social justice, **their existence along with the language and culture will come to an end.**

IGOT KARMAYOGI PLATFORM LAUNCHES ASPIRATIONAL BLOCKS PROGRAMME MODULE

About:

- The curated module, now accessible on the **iGOT Karmayogi platform**, comprises ten comprehensive courses tailored to meet the specific needs of Block officials.
- These courses cover a wide range of subjects, including time management, communication for citizen-centricity, leadership, sustainable development goals, problem-solving, self-leadership, stress management, yoga at the workplace, and team building.

Significance:

- It will enhance the functional, domain, and behavioral competencies of 5000 Block-level officials.
- By equipping them with the necessary tools, this initiative intends to improve their effectiveness in fulfilling their duties and responsibilities.

Aspirational Blocks Programme:

- **NITI Aayog** has launched the **Aspirational Blocks Programme**, building on the success of the **Aspirational Districts Programme**.
- The Programme is aimed at improving the performance of areas that are lagging on various development parameters. It was **announced in the Union Budget 2022-23.**

Aspirational District Programme:

- Launched in January 2018, it aims to quickly and effectively transform 112 most under-developed districts across the country.
- The broad contours of the programme are Convergence (of Central & State Schemes), Collaboration (of Central, State level Nodal Officers & District Collectors), and Competition among districts through monthly delta ranking; all driven by a mass movement.

NATIONAL INSTITUTION FOR TRANSFORMING INDIA (NITI AAYOG)

- It was set up in 2015 to **replace the Planning Commission.**
- It is an **Executive Body** (acts as a **think tank** and **advisory** body)
- **Objective:** To foster the spirit of Cooperative and Competitive federalism through structured support initiatives on a continuous basis.
- **Full-time organizational framework:**
 - ♦ Prime Minister as the Chairperson
 - ♦ Vice-Chairperson (appointed by the Prime Minister)
 - ♦ **Members:**
 - Full-time
 - **Part-time members on a rotational basis:** Maximum of 2 members from foremost universities, leading research organizations, and other innovative organizations in an ex-officio capacity.
 - ♦ **Ex Officio members:** Maximum of 4 members of the Council of Ministers which is to be nominated by the Prime Minister.
 - ♦ **Chief Executive Officer:** The CEO will be appointed by the PM for a fixed tenure. He will be in the rank of Secretary to the Government of India.
- **Key Initiatives and Recent Achievements:**
 - ♦ Aspirational Districts Scheme.
 - ♦ **3 Documents:** 3-year action agenda, 7-year medium-term strategy paper and 15-year vision document.
 - ♦ Monitoring and Analysing Food and Agricultural Policies (**MAFAP**) programme in India
 - ♦ Promote **Zero Budget Natural Farming.**
 - ♦ Promoting 'Bhartiya Prakritik Krishi Paddhati' programme under Paramparagat Krishi Vikas Yojana (**PKVY**).
 - ♦ Village Storage Scheme

'AYUSHMAN BHAVA' CAMPAIGN

About:

- The **'Ayushman Bhav'** campaign is a comprehensive nationwide healthcare initiative that aims to provide saturation coverage of healthcare services, reaching every village and town in the country.

- **The campaign is a collaborative effort** spearheaded by gram panchayats in coordination with the Department of Health, other government departments, and local elected bodies in the rural and urban areas.
- **Significance:** this would ensure that patients getting screened at the Health Melas can access timely treatment at the Health Melas.

Components of 'Ayushman Bhava' Campaign:

- Ayushman Bhava is an umbrella campaign comprising three key components:
 - ♦ **Ayushman Apke Dwar 3.0:** It is aimed at creation and distribution of Ayushman cards to all remaining eligible beneficiaries;
 - ♦ **Ayushman Mela:** weekly **Health Melas** will be held at the level of Ayushman Bharat (AB)-Health and Wellness Centres (HWCs) and Community Health Centres (CHCs) and
 - ♦ **Ayushman Sabha:** A village/ward level sabha to be held to enhance awareness about various health care schemes and services.

SHREYAS SCHEME

About:

- The umbrella scheme of "SHREYAS" comprises **4 central sector sub- schemes** namely "Top Class Education for SCs", "Free Coaching Scheme for SCs and OBCs", "National Overseas Scheme for SCs" and "National Fellowship for SCs".
- The scheme has been implemented over the past **nine years**, from **2014-15 to 2022-23**.

Free Coaching Scheme for SCs and OBCs:

- **Objective:** To provide coaching for economically disadvantaged Scheduled Castes (SCs) and Other Backward Classes (OBCs) candidates to enable them appear in competitive and entrance examinations for obtaining appropriate jobs in Public/Private Sector as well as for securing admission in reputed technical and professional higher education institutions.
- **Eligibility criteria:** The ceiling of the total family income under the scheme is **8 lakhs per annum**.
- **Per annum 3500 slots** are allotted.
 - ♦ **The ratio of SC: OBC students is 70:30** and **30% slots** are reserved for females in each category.

Top Class Education for SCs:

- **Objective:** The Scheme aims at recognizing and promoting quality education amongst students belonging to SCs, by providing full financial support.
 - ♦ The Scheme will cover SC students for pursuing studies beyond 12th class.
- **Eligibility criteria:** The ceiling of the total family income under the scheme is **8 lakhs per annum**.

National Overseas Scheme for SCs:

- **Objective:** Under this scheme financial assistance is provided to the students for pursuing masters and Ph.D. level courses abroad.
 - ♦ Under the scheme, total tuition fee, maintenance and contingency allowance, visa fee, to and fro air passage etc. are provided to the awardees.
- The **Eligibility criteria** is as:
 - ♦ The total family income including the candidate should be less than **Rs. 8 lakhs per annum**,
 - ♦ The students should have more than **60% marks** in the qualifying examination, **below 35 years of age** and secured admission in top 500 QS ranking foreign Institutes/ Universities.
 - ♦ The students will be selected from SCs; De-notified, Nomadic and Semi-Nomadic Tribes; landless agricultural laborers and traditional artisan categories.

SAMMAKKA SARAKKA CENTRAL TRIBAL UNIVERSITY

About:

- It is to **amend the Central Universities Act, 2009** for setting up of **Sammakka Sarakka Central Tribal University**.
- The university is to be set up at **Mulugu District in the State of Telangana** as provided in the Thirteenth Schedule to the Andhra Pradesh Reorganisation Act, 2014.

CENTRAL UNIVERSITY ACT, 2009

- It was passed by the Parliament in 2009, which **aims to establish and incorporate universities directly governed by the federal government** for teaching and research purposes, across all the States in India.
- **Visitor: The President of India** shall be the Visitor of the University.

- The following shall be the **officers of the University**, namely: The Chancellor; The Vice-Chancellor; The Pro-Vice-Chancellor; The Deans of Schools, etc.
- **Chancellor and Vice-Chancellor:** The Chancellor and Vice-Chancellor shall be **appointed by the Visitor** in such manner as may be prescribed by the Statutes.
 - ♦ The Chancellor shall be the **head of the University** and preside at the Convocations of the University held for conferring degrees and meetings of the Court.
- **Central Universities (Amendment) Act, 2014** changed the name of the Central University of Bihar (CUB) to **Central University of South Bihar (CUSB)** and the new central university was proposed to be called **Mahatma Gandhi Central University**.

- **The Aim are to:**
 - ♦ improve access to quality and affordable medical education,
 - ♦ ensure availability of adequate and high quality medical professionals in all parts of the country;
 - ♦ promote equitable and universal healthcare that encourages community health perspective and makes services of medical professionals accessible to all the citizens;
 - ♦ encourages medical professionals to adopt latest medical research in their work and to contribute to research;
 - ♦ objectively assess medical institutions periodically in a transparent manner;
 - ♦ To maintain a medical register for India;
 - ♦ to enforce high ethical standards in all aspects of medical services.

ONE NATION, ONE REGISTRATION PLATFORM

About:

- The NMC will unveil a patch pilot of the **National Medical Register (NMR)** in the next six months where doctors will be **allotted a unique identification number** and then can also **apply for their license to work** in any **State depending** on where they are.
- The commission had earlier this year issued a gazette notification titled **“Registration of Medical Practitioners and Licence to Practice Medicine Regulations, 2023”** announcing the move.
- The data of nearly 14 lakh doctors presently registered in the system will be transferred to the NMR.

Broad Objectives:

- The idea is to provide a masked ID to undergraduate students on the NMR and depending on when they complete their course the ID is unmasked and allotted.
- It will eliminate duplication, red tape and allow the public to access information on any physician working in India.

THE NATIONAL MEDICAL COMMISSION (NMC)

- It has been constituted statutory body by an act of Parliament known as National Medical Commission Act, 2019.
- The Board of Governors in supersession of Medical Council of India constituted under section 3A of the Indian Medical Council Act, 1956 stands dissolved thereafter.

OTHER INITIATIVES

- **One Nation One Ration Card (ONORC):**
 - ♦ To enable portability of food security benefits across the country.
 - ♦ Allows beneficiaries to access their Public Distribution System (PDS) ration from any Fair Price Shop (FPS) across states.
- **One Nation One Health Card:**
 - ♦ To create a unified health card system for citizens, integrating their health records.
 - ♦ Aims to provide seamless access to health services and reduce the need for repetitive medical tests.
- **One Nation One Tax:**
 - ♦ Introduced through the Goods and Services Tax (GST) to replace the complex tax structure with a unified tax system.
- **One Nation One FASTag:**
 - ♦ To streamline toll collection on national highways using electronic toll collection systems.
 - ♦ FASTag is a prepaid tag affixed on the vehicle's windscreen, enabling automatic deduction of toll charges.
- **One Nation One Standard Mission**
 - ♦ It is a noteworthy endeavor aspiring to establish India as a world leader in defining quality standards.
 - ♦ This initiative strives to achieve consistency in the standards of goods and services, ultimately bolstering their international credibility.

- **One Nation One Student ID initiative:**
 - ◆ Every student will be assigned a lifelong APAAR ID, facilitating seamless tracking of academic advancements from early education to higher levels by learners, schools, and governments.
 - ◆ Additionally, APAAR will serve as an entry point to Digilocker, a digital platform enabling students to securely store essential documents and accomplishments, including exam results and report cards.

AGNI INITIATIVE

Objectives of AGNI:

- **Platform for Ayurveda Practitioners:** AGNI provides a platform for Ayurveda practitioners to report innovative practices and experiences in various disease conditions.
- **Promoting Evidence-Based Practice:** Aims to promote the culture of evidence-based practice among Ayurveda practitioners.
- **Database Creation:** To document successful therapeutic regimens for various disease conditions, involving single drugs, formulations, and procedures.
- **Capacity Building:** Training in research methods and good clinical practices for interested practitioners.
- **Research and Mainstreaming:** Undertake research for mainstreaming pragmatic practices through scientific validation and evidence-based appraisal.

MEDIATION BILL

About:

- Mediation is a form of alternative dispute resolution (ADR), where parties attempt to settle their dispute (outside courts) with the assistance of an independent third person (mediator).
- The Bill seeks to promote mediation (including online mediation), and provide for enforcement of settlement agreements resulting from mediation.

Key Features of the Bill include:

- **Applicability:** The Bill will apply to mediation proceedings conducted in India where:
 - ◆ All parties reside in, are incorporated in, or have their place of business in India,

- ◆ the mediation agreement states that mediation will be as per this Bill, or
- ◆ there is an international mediation. In these cases, if the central or state government is a party, the Bill will only apply to: (a) commercial disputes, and (b) other disputes as notified by such government.
- **Pre-litigation mediation:** In case of civil or commercial disputes, a person must try to settle the dispute by mediation before approaching any court or certain tribunals as notified.
 - ◆ Even if the parties fail to reach a settlement through pre-litigation mediation, the court or tribunal may at any stage of the proceedings refer the parties to mediation if they request for the same.
- **Disputes not fit for mediation:** Disputes not fit for mediation include those:
 - ◆ Relating to claims against minors or persons of unsound mind,
 - ◆ Involving prosecution for criminal offences,
 - ◆ Affecting the rights of third parties, and
 - ◆ Relating to levy or collection of taxes. The central government may amend this list of disputes.
- **Mediation process:** Mediation proceedings will be confidential. A party may withdraw from mediation after the first two mediation sessions.
 - ◆ The mediation process must be completed within 180 days (even if the parties fail to arrive at an agreement), which may be extended by another 180 days by the parties.
 - ◆ In case of court annexed mediation (i.e., mediation conducted at a mediation centre established by any court or tribunal), the process must be conducted in accordance with directions or rules framed by the Supreme Court or High Courts.
- **Mediators:** Mediators only assist the parties to settle their dispute, and cannot impose a settlement on the them. Mediators may be appointed by:
 - ◆ The parties by agreement, or
 - ◆ A mediation service provider (an institution administering mediation).
 - Mediators must disclose any conflict of interest that may raise doubts on their independence. Parties may then choose to replace the mediator.
- **Mediation Council of India:** The central government will establish the Mediation Council of India.

- ◆ The Council will consist of a chairperson, two full-time members (with experience in mediation or ADR), three ex-officio members (including Secretaries in the Ministries of Law and Justice and Finance), and one part-time member (from an industry body).
- ◆ **Functions of the Council include:** (i) registration of mediators, and (ii) recognising mediation service providers and mediation institutes (providing training, education and certification of mediators).
- **Community mediation:** Community mediation may be attempted to resolve disputes likely to affect the peace and harmony amongst residents of a locality.
 - ◆ It will be conducted by a panel of three mediators (may include persons of standing in the community, and representatives of RWAs).
- **Interface with other laws:** The Bill will override other laws on mediation (except certain laws such as the Legal Services Authorities Act, 1987, and the Industrial Relations Code, 2020).
 - ◆ The Bill also makes consequential amendments in certain laws (such as the Indian Contract Act, 1872, and the Arbitration and Conciliation Act, 1996).

GOVERNOR'S DELAYING BILL

About:

- Allegations have been raised against the Governors, accusing them of withholding bills, especially in states such as Punjab, Tamil Nadu, Kerala, and Telangana.
- In Tamil Nadu particularly, 10 bills are pending with the Governor.
 - ◆ As a result, the state government has approached SC against the Governors in-action to which the court has expressed displeasure.

Governor:

- **Governor as an Institution:** The Governor of the state has a dual role to perform i.e., the Constitutional head of the State (as mentioned in Article 153 and Article 154) and the link between the Union Government and state governments, thus a tool to achieve Cooperative Federalism.
- **Appointment:** By the President on the recommendation of the Council of Ministers (Article 155).
- **Qualification:** Citizen of India, Minimum 35 years of age.
- **Tenure/Removal:** Pleasure of President (No ground mentioned in Constitution).
- **Legislative Powers:**
 - ◆ Summon, Prorogue, and Dissolve the State Legislative Assembly.
 - ◆ Address the 1st session after each election and 1st Session of each year.
 - ◆ Nominates 1/6th member of State Legislative Council (Expert in Cooperative, Literature, Academic, Science and Social Service).
 - ◆ Under Article 200, When a Bill is sent by the state legislature to the Governor he/she can:
 - Give **assent** to the bill.
 - **Reserve** the bill for the President's assent (Bills amending HC powers need to be reserved compulsorily).
 - **Reject** the bills except bills amending HC powers.
 - **Return** the bill (not money bill and bills amending HC powers).
 - There is no time frame fixed in the Constitution for any of these functions.
 - ◆ Promulgate Ordinances when the state legislature is not in session. (Article 213).

ALTERNATIVE DISPUTE RESOLUTION

- ADR refers to the methods of resolving a dispute, which are alternatives for litigation in Courts.
- Generally, it uses a neutral third party who helps the parties to communicate, discuss the differences and resolve the dispute.
- It offers to resolve all types of matters related to civil disputes, as explicitly provided by the law.
- It is capable of providing a substitute for the conventional methods of resolving disputes.



- **Executive Powers:**
 - ♦ Article 154 vests the executive powers of the State in the Governor who exercises it either directly or through officers subordinate to him in accordance with the Constitution.
 - ♦ Under Article 163, the Governor as the Constitutional Head exercises all powers under the Constitution on the aid and advice of the Council of Ministers.
 - ♦ It includes summoning and proroguing the Session of the State Legislature, Promulgation of Ordinances, giving assent to the Bills and appointing the Council of Ministers.
- **Judicial Powers:**
 - ♦ Grant Pardon, reprieves, respites, and remissions from State and Concurrent laws.
 - ♦ Disqualify state legislatures on the advice of the Election Commission.

KEYWORDS

- **Money Bill:** Article 199 defines money bills in the case of states. In simple words, it refers to a specific type of legislation that deals exclusively with matters related to taxation, public expenditure, government borrowing and matters incidental to these subjects.
 - ♦ Once a Money Bill is passed by the State Legislature, it is presented to the Governor for assent.
 - ♦ The Governor's role at this stage is limited to giving assent without the power to withhold it.
 - ♦ Unlike other bills, he/she is not allowed to return a Money Bill, whether with or without recommendations.
- **Cooperative Federalism:** In this model, there is a collaborative and interdependent relationship between the Union and state governments, aiming to work together for the common good and effective governance.
 - ♦ Rather than a strict division of powers, cooperative federalism emphasizes mutual support and assistance between different levels of government.
- **Summon:** To summon means to officially call or convene a session of the legislative body.
- **Prorogue:** To prorogue means to suspend or terminate a session of the legislative body without dissolving it. It is a temporary discontinuation of parliamentary proceedings.

- **Dissolve:** To dissolve means to formally terminate legislature existence before the completion of its full term.
 - ♦ Dissolution leads to the end of the current legislative assembly, and new elections are called.
- **Pardon:** It is official forgiveness for a crime. When a person is granted a pardon, it generally implies that they are fully forgiven for the offense.
- **Reprieves:** It refers to the temporary suspension or postponement of the execution of a sentence.
- **Respite:** Respite is a term similar to reprieve, the purpose of a respite is to provide a brief period of relief or reprieve, typically to allow for further consideration of the case or for humanitarian reasons.
- **Remission:** It refers to the reduction or mitigation of a sentence without completely canceling it.
 - ♦ It may involve reducing the severity or duration of a sentence based on factors such as good behavior, rehabilitation efforts, etc.
- **Doctrine of Pleasure:** It refers to the principle that certain constitutional officials hold their offices at the pleasure of the President at the national level or the Governor at the state level.
 - ♦ These officials serve at the discretion of the President or Governor, and they can be removed from their office by the President or Governor without assigning any specific reason.

- **Discretionary Powers:**
 - ♦ Article 163(1) explicitly states that the Governor has discretionary power and in case of any ambiguity, the Governor's decision shall prevail.
 - ♦ Under Article 200 he/she has the discretion to reserve the bill for the President's assent.
 - ♦ Under Article 356, he/she can recommend Presidential rule in the state imposing an Emergency in the state.
 - ♦ Under 371(A), the Governor of Nagaland has special powers to maintain law and Order.

| | President | Governor |
|-------------------------|-------------------------------------|---|
| Nature | Nominal Head of the Nation. | Nominal head of state and Representative of the Union Government. |
| Appointment/ Elected | Indirectly Elected by MPs and MLAs. | Appointed by the President on the advice of the Union Council of Ministers (CoM). |

| Removal | By Impeachment | Pleasure of President |
|----------------------|---|---|
| Discretionary Powers | CoM advice binding on the President (42 nd Constitutional Amendment Act) | CoM advice not binding according to the Constitution. |

SUPREME COURT VERDICTS

- In **Shamsher Singh vs. State of Punjab (1974)** Court held that the governor does not enjoy any executive powers and that he can act only on the aid and advice of the council of ministers.
- In **Rameshwar Prasad and Ors vs. Union of India (2006)**: Court held that despite the immunity granted to the Governor, the Governor's reason for refusal of withholding assent to bills is subjected to judicial scrutiny.
- In **SR Bommai vs. Union of India (1994)**: The SC ruled that the State Government majority should be tested on the floor of the House and shouldn't be based on the subjective assessment of the Governor.
- In **Nabam Rebia and Bamang Felix vs. Dy. Speaker (2016)** Court held:
 - ♦ The Governor exercises discretion only with regard to whether a Bill ought to be reserved for consideration by the President or not.
 - ♦ Governors can not summon the House, determine its legislative agenda or address the legislative assembly without consultation.
- In **Keisham Meghachandra Singh vs. The Hon'ble Speaker Manipur (2020)**: Court clarified that "reasonable time" within which the Speaker must act on defection cases would mean a three months time period.
- In the **State of Tamil Nadu vs. the Governor of Tamil Nadu (2023)**:
 - ♦ The Chief Justice of India (CJI) held that the Governors should not be unaware of the fact that they are not elected by the people and are only titular heads of the state.
 - ♦ Further, CJI held that once the bills have been re-passed, they are put on the same footing as Money Bills and then the Governor cannot reject it.

with the Chief Minister of the State and further, he/she should be eminent in some walk of life and must be from outside the State.

- ♦ **Punchhi Commission** reiterated the recommendation of the Sarkaria Commission and held that the person shouldn't be active in politics.
- ♦ **National Commission to Review the Working of the Constitution (NCRWC)** held that the Governor should be appointed by a Committee comprising the Prime Minister, Home Minister, Speaker of the Lok Sabha, and the Chief Minister of the State concerned.
- **Removal:**
 - ♦ **Sarkaria Commission** recommended that the Governor should be removed before the end of the term (5 years) only on the grounds that doubts are raised about his morality, dignity, constitutional propriety, etc. and further the concerned state Government may be informed and consulted.
 - ♦ **Punchhi Commission:** proposed deletion of the doctrine of pleasure (for removal of Governors) and removing them through an impeachment process (similar to that of the President) by the State Legislature.
- **Assent to Bills:**
 - ♦ **Sarkaria Commission** recommended that the Governor should reserve the bill for the President's Assent only in exceptional cases of unconstitutionality.
 - ♦ **Second Administrative Reforms Commission (ARC):** The Inter-State Council needs to come up with some guidelines for governors to follow when they are using their discretionary power.
- **Discretionary Powers:**
 - ♦ **Sarkaria Commission** held that Article 356 should be used very sparingly and as a matter of last resort for complying with the Constitutional directives.
 - ♦ **Punchhi Commission** held that Articles 355 and 356 should be amended to allow the Union Government to bring specific troubled areas under its rule for a limited period, instead of the whole State.

- **Article 355:** Authorizes the Governor of the state to report to the President of India regarding the failure of constitutional machinery in the state.
- **Article 356:** Authorizes the President of India to impose President's Rule in a state on the basis of a report from the Governor of the state.

Recommendations pertaining to Office of Governor:

- **Appointment:**
 - ♦ **Sarkaria Commission** recommended that the Governor should be appointed after consultations

SAME SEX MARRIAGES IN INDIA

Key Takeaways of Recent Verdict:

- **'Right to marry':** The Supreme Court **declined to legalise same-sex marriage**, placing it upon the Parliament and state governments to decide if non-heterosexual unions can be legally recognised.
 - ♦ The **Constitution under Articles 245 and 246 empowers** both the Parliament and the state to enact marriage regulations.
 - ♦ The bench unanimously ruled that there is **no fundamental right to marry** for non-heterosexual couples under the Constitution.

BACKGROUND

- The petitioners, who are LGBTQIA+ couples and activists, had sought a broader interpretation of the **Special Marriage Act, 1954** and the **Foreign Marriage Act, 1969** to include same-sex marriages too.
- They appealed to the Court to extend the right to the LGBTQIA+ community, by making the "marriage between any two persons" gender neutral.
- It is argued that the SMA violated **Articles 14, 15, 19, 21 and 25** by not allowing marriage between same-sex, gender non-conforming, LBGTQIA+ couples, and sought the words "husband" and "wife" as well as any other gender-specific term to be substituted by the word "party" or "spouse".
- **Interpretation of Marriage Acts:** The bench also ruled that the **Special Marriage Act, 1954** and the **Foreign Marriage Act, 1969**, which are secular laws designed to facilitate inter-caste and inter-faith marriages, **cannot be interpreted in a gender-neutral manner** to include same-sex marriages.
- **Right to adopt a child:** The five-judge bench in a 3:2 verdict, ruled that non-heterosexual couples **cannot be granted the right to jointly adopt a child**.
- **Civil unions:** The **CJI and Justice Sanjay Kishan Kaul**, however, **supported the recognition of civil unions for non-heterosexual couples**, saying that it would be a step towards marriage equality and would grant them some legal rights and benefits.
 - ♦ The majority view, expressed by Justices Ravindra Bhat, Hima Kohli and PS Narasimha, held that **civil unions are also not permissible under the existing laws** and that the legislature or Parliament must decide on bringing in same-sex marriage or civil unions.

- **Form a high-powered committee:** The Bench also unanimously acknowledged that **same-sex couples face discrimination and harassment** in their daily lives and accordingly urged the **government to form a high-powered committee** chaired by the **Union Cabinet Committee** to expeditiously look into the concerns faced by them.

About: Same-Sex Marriage

- It is a union between individuals of the same gender, allowing them to enjoy the same legal rights and benefits as opposite-sex couples.
- **Scenario across the world:** The first same-sex marriages took place in the Netherlands in 2001.
 - ♦ Till now more than 30 countries have legalised same-sex marriage, some through legislation while others through judicial pronouncements.

Homosexuality in India:

- India had a more open attitude to homosexuality before the Raj and there is ample evidence of it found in:
 - ♦ **Prehistoric:** Kinnar or hijra as the third gender in India have been acknowledged and accepted by the society. Their presence is noted in ancient texts of Ramayana, Mahabharata, and the Kama Sutra.
 - ♦ **Medieval history:** They often held important political positions in court of kings and queens during the Mughal period.
 - ♦ **Architecture:** Khajuraho temple sculptures and the Sun temple in Konark shows erotic artwork depicting homosexuality.
- **During British Raj:**
 - ♦ Criminalization of homosexuality and degeneration of LGBTQ community can be traced to British rule in India.
 - ♦ Section 377 of IPC was introduced in British India in 1861 which made same sex relations unnatural and against the law of the nation. Homosexuality and Bisexuality both were made punishable.
- **Post Independence:**
 - ♦ **Preamble to the Constitution** commits "to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity..."
 - ♦ **The Constitution guarantees** Right to life (Articles 21), Right to liberty (Article 19) and Right to equality (Article 14).

Past Precedent:

- The right to marry is not expressly recognised as a fundamental right under the Indian Constitution.
- **Lata Singh v. State of UP (2006)** concerning an inter-caste marriage.
 - ♦ The Supreme Court held that since the petitioner was a major (above 18 years of age), she had the freedom to choose whomever she wanted to marry and that no law prohibits an **inter-caste marriage**.
 - ♦ The **Court recognised** the right to choose a partner of one's choice.
- **In 2014, the Supreme Court** took **suo motu cognizance** of newspaper reports of the gang rape of a 20-year-old Indian woman on the orders of a village court.
 - ♦ The Court categorically ruled that an **inherent aspect of Article 21 of the Constitution** (right to life and personal liberty) would be the freedom of choice in marriage.
- **NALSA vs Union of India (2014):** SC acknowledged Right to determine own gender and recommended quota to bring adequate representation.
- **Puttaswamy vs Union of India (2017):** Court acknowledged Right to privacy as fundamental right under Article 21.
- **Navtez Sing Johar vs Union of India (2018):** Sexual activities between homosexuals or same sex couples decriminalised (repealing section 377 of IPC).
- The **Court in Shakti Vahini v. Union of India (2018)**, observed that when two adults consensually choose each other as life partners, it is a manifestation of their freedom of choice guaranteed under **Articles 19 and 21 of the Constitution**.
- **Shafin Jahan v. Asokan K.M. and others (2018):** SC held that one's right to marry the person of one's choice is integral to Article 21 of the Constitution **and that such a right cannot be taken away except through a law that is just and reasonable**.

DO YOU KNOW ?

Special Marriage Act, 1954:

- Marriage in India can be registered under various acts like
 - ♦ Hindu Marriage Act, 1955, Indian Christian Marriage Act,
 - ♦ 1872, Parsi Marriage and Divorce Act, 1936, Muslim Marriage Act, Special Marriage Act, 1954 etc.

- The Special Marriage Act, 1954 is an Act of the Parliament of India with provision for civil marriage for people of India and all Indian nationals in foreign countries, irrespective of religion or faith followed by either party marriage. It is often used for interfaith marriages.
- It provides a civil form of marriage for couples who cannot marry under their personal law
 - ♦ SC in **Supriyo case** unanimously held that marriages between queer persons cannot be registered under the Special Marriage Act, 1954.

Constitutional Bench:

- Article 145(3) deals with the rules of the court and provides for the setting up of a Constitution Bench.
- A Constitution Bench comprises a minimum of five judges from the Supreme Court.
- For the critical matters that necessitates the interpretation of a constitutional provision or when a significant legal question emerges, it is mandated to be addressed by a Constitution Bench.
- **Other Scenarios when constitution bench can be setup:**
 - ♦ for hearing any reference under Article 143, which deals with the power of the President to consult the SC.
 - ♦ If two or three-judge Benches of the Supreme Court have delivered conflicting judgments on the same point of law.

Civil Union:

- ♦ It is a legally recognized relationship that provides them with legal rights and responsibilities similar to those of marriage.

Homosexuals vs Heterosexuals:

- Homosexuals are individuals who are primarily attracted to people of the same sex. For example, Gay and lesbian.
- Heterosexuals are individuals who are primarily attracted to people of the opposite sex.

Sex vs Gender:

- Sex refers to the biological characteristics that categorize individuals as male, female, or intersex.
- Gender is a sociocultural concept encompassing roles, behaviors, and identities associated with masculinity, femininity, or other gender expressions.

LGBTQIA+ rights in India:

- Transgender Persons (Protection of Rights) Act has been brought in 2019 with an objective to provide for protection of rights of transgender people, their welfare, and other related matters.
- National Portal for Transgender Persons for digital certificate and Id card.
- Garima Greh(a shelter home) is open for transgender persons.

UNIFORM CIVIL CODE (UCC)**About:**

- The Kerala Legislative Assembly unanimously adopted a resolution expressing its concern and over the “Union Government move to impose a Uniform Civil Code (UCC).”
- The resolution essentially strikes a cautious note that a proposed UCC could harm the secular nature of the country and federalism.

ABOUT UNIFORM CIVIL CODE (UCC)

The UCC refers to a common set of laws governing personal matters such as marriage, divorce, adoption, inheritance and succession for all citizens, irrespective of religion.

- **Origin:**
 - ♦ An increase in legislation dealing with personal issues at the far end of British rule forced the government to form the B N Rau Committee to codify Hindu law in 1941.
 - ♦ The committee, in accordance with scriptures, recommended a codified Hindu law, which would give equal rights to women.
- **Constitutional Provisions:**
 - ♦ **Article 44:** The “State shall endeavour to provide for its citizens a uniform civil code (UCC) throughout the territory of India.”
 - ♦ **Article 37:** The “State shall endeavour by suitable legislation”, while the phrase “by suitable legislation” is absent in Article 44.

Can the Centre make a law unilaterally on UCC?

- The UCC is often painted as ‘one law for one nation’.

- The issue of personal laws falls in **List III — the Concurrent List of the Seventh Schedule** to the Constitution.
 - ♦ As per the **Article 162 of the Constitution**, State governments have the power to legislate on subjects where a central law does not occupy the field for entries in the Concurrent List.
 - ♦ **Entry 5 of the Concurrent lists** “Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.”
- This allows states the power to legislate on the subject **but only in the absence of a central law.**
 - ♦ The Hindu Marriage Act, 1955; the Shariat Act of 1937, are central legislations on Hindu and Muslim personal laws.
 - ♦ When the Hindu personal laws were codified in 1955, it replaced several provincial legislations that existed on the issue.

SC RULING ON SENA VS. SENA**Background:**

- In June 2022, a faction of Shiv Sena MLAs, led by Eknath Shinde, rebelled against Uddhav Thackeray.
- Anticipating a trust vote, the rebel faction, including Shinde, received disqualification notices from the Deputy Speaker.
- The faction moved to the Supreme Court, questioning the potential disqualification of the rebels and challenging the notices served on Shinde and supporting MLAs.
- It authorized a floor test called by the Governor, leading to Uddhav Thackeray's resignation due to insufficient numbers.

NABAM REBIA JUDGMENT

- The Supreme Court ruled that a Speaker is incapacitated from adjudicating disqualification petitions under the anti-defection law (10th Schedule of the Constitution) if there is a pending notice for their removal.
- In 2016, four out of the five judges on the bench supported this judgment.

Supreme Court's Ruling:

- The Supreme Court, in a unanimous judgment, declared the Maharashtra Governor's call for a trust vote as illegal.
- However, the Court could not reinstate Uddhav Thackeray as Chief Minister since he had resigned instead of facing the trust vote.

Key Points from Supreme Court Ruling:

- **Disqualification of MLAs:** The Supreme Court stated it couldn't interfere in proceedings, leaving the Speaker of the Maharashtra Assembly to decide on the disqualification of the 16 MLAs.
- **Governor's Role in Floor Test:** The Court criticized the Governor's decision to call a floor test, stating it was not in accordance with the law.
 - ♦ The Supreme Court emphasized that the Governor's authority to act independently of the Council of Ministers is exceptional and should be exercised judiciously within legal boundaries.
 - ♦ The Court clarified that the Governor is not authorized to involve themselves in political matters, including inter or intra-party disputes.
 - ♦ It emphasized that the Governor lacked objective material to doubt the confidence of Thackeray's government in the House.
- **Legislature Party vs. Political Party:**
 - ♦ The Court clarified the distinction between the legislature party and the political party.
 - ♦ It highlighted that the Speaker must recognize only the whip and leader duly recognized by the political party.
- **Referral of Nabam Rebia Issues to Larger Bench:** A issue is whether a notice for the removal of a Speaker restricts the Speaker's powers to issue disqualification notices to MLAs.

POLITICAL PARTIES SYMBOL ALLOCATION

Responsibility of ECI:

- The Election Commission of India (ECI) is entrusted with the responsibility of symbol allotment during parliamentary and assembly elections, as outlined in **The Election Symbols (Reservation and Allotment) Order, 1968.**

Symbol Allotment Rules:

- The 1968 order specifies, reserves, and allots symbols for recognized political parties in parliamentary and assembly constituencies.
- Symbols can be either **reserved (exclusive to a recognized party)** or **'free' for unregistered or unrecognized parties.**
- The EC designates parties as national or state parties based on specific criteria.

CRITERIA FOR NATIONAL & STATE PARTIES

A political party would be considered a National Party if:

- It is 'recognised' in four or more states; or
- If its candidates polled at least 6% of total valid votes in any four or more states in the last Lok Sabha or Assembly elections and has at least four MPs in the last Lok Sabha polls; or
- If it has won at least 2% of the total seats in the Lok Sabha from not less than three states.

To be recognised as a State Party, a party needs:

- At least 6% vote-share in the last Assembly election and have at least 2 MLAs; or
- Have 6% vote-share in the last Lok Sabha elections from that state and at least one MP from that state; or
- At least 3% of the total number of seats or three seats, whichever is more, in the last Assembly elections; or
- At least one MP for every 25 members or any fraction allotted to the state in the Lok Sabha; or
- Have at least 8% of the total valid votes in the last Assembly election or Lok Sabha election from the state.

Note: There are 6 national parties, 57 state parties, and 2,597 unrecognised parties.

Recognition Criteria:

- Political parties can be recognized as national or state parties based on specific criteria set by the EC.
- Lists of recognized national, state, and registered unrecognised parties are published annually in the Gazette of India.
- **Symbol Allotment for Unrecognised Parties:**
 - ♦ Unrecognized registered parties' candidates can choose from non-exclusive, free symbols.

- These political entities are either recently registered or have not attained a sufficient percentage of votes to meet the specified criteria for gaining recognition as a political party.
- ◆ These symbols are declared free again for subsequent elections after being chosen by parties.
- **Symbol Allotment for Recognised Parties:** Recognized national and state parties receive exclusive symbols.

Preferences Stated by Political Parties:

- The 1968 order requires the Election Commission to oversee the specification, reservation, selection, and allocation of symbols during parliamentary and assembly elections.
- Unregistered parties provide the names of ten symbols in order of preference from the list of free symbols.
- Parties may propose three new symbols of their choice, subject to the EC's approval.
 - ◆ Suggested symbols from political parties must not bear any similarity to currently reserved symbols or unrestricted symbols, and should avoid any religious, communal connotations, or representation of birds or animals.

In case of Split in Recognised Political Parties:

- In case of a split, the EC decides on rival factions' claims, considering aims and objects, party constitution, and majority support.
- **Commission's Decision:** The verdict of the Election Commission is obligatory for all opposing segments or factions.
- **Unrecognized Party Splits:** In the case of divisions within registered yet unrecognized political parties, the ECI typically recommends that conflicting factions address their disputes internally or seek legal recourse.

CRITERIA UTILIZED BY ECI FOR RESOLUTION OF SYMBOL DISPUTES

The Election Commission employs three criteria, as established in the **Sadiq Ali case** (supra), to resolve symbol disputes in the event of a party split.

Tests Applied:

- **Test of Aim and Objective of the Party Constitution:** The alignment with the aims and objectives outlined in the party constitution is assessed.
- **Test of Party Constitution:** The adherence to the provisions of the party constitution is evaluated.
- **Test of Majority:** The EC determines majority support, often gauged through the backing of party delegates, office bearers, MPs, and MLAs.

