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# 1. INDIAN CONSTITUTION, PROVISIONS AND BASIC STRUCTURE

## 1.1 Caste Census

Centre to begin caste-based census from Oct 2026 (Ladakh) and Mar 2027 (Rest of India).

### Key Points

- ◆ **First Since 1931:** First official caste data (beyond SC/ST) since Independence.
- ◆ **State Surveys Inadequate:** lack standardization and legal backing (e.g., Bihar, Karnataka).

#### Need for Caste Census

- ◆ **Constitutional Mandate** (Article 340)
- ◆ **Policy Planning:** welfare, quotas, etc.
- ◆ **Affirmative Action:** reservation demands (e.g., Jats, Marathas).
- ◆ **OBC Sub-Categorization**
- ◆ **Uniform & standardize database**

#### Concerns

- ◆ **Data Errors:** (e.g., SECC 2011).
- ◆ **Classification Gaps:** Caste recognition varies by state.
- ◆ **Political Fallout:** May trigger unrest and deepen caste politics.
- ◆ **Privacy Risks:** Especially in rural digital setups.

### Way Forward

- ◆ Engage stakeholders for accurate data.
- ◆ Publish national caste directory for feedback.
- ◆ Use tech and train enumerators for precision.

### Conclusion

A caste census, if transparent and inclusive, can support data-driven social reform — echoing Ambedkar's call for social equality.

## 1.2 Sub-Classification of Scheduled Castes

In Punjab vs. Davinder Singh (2024), the Supreme Court (7-judge bench) ruled that states can sub-classify SCs to ensure fair distribution of benefits among more backward groups.

### Key Takeaways from Judgment

- ◆ Sub-classification is valid if it doesn't alter the President's SC list (Article 341(2)). Aims at **substantive equality** under Article 14, not just formal equality.
- ◆ Must be backed by **data** on inadequate representation.
- ◆ States can't reserve 100% SC seats for one sub-group.
- ◆ SCs are not homogenous; backwardness varies.
- ◆ Some judges suggested "**creamy layer**" for SC/ST, but not a binding directive.

#### Arguments For

- ◆ Prioritizes most marginalized.
- ◆ Recognizes intra-SC diversity.
- ◆ Legally permitted under Articles 15(4), 16(4), 246.

#### Arguments Against

- ◆ May **fragment SC unity**.
- ◆ Reservation is for **historical injustice**, not just upliftment.
- ◆ **Stigma persists** despite economic progress.
- ◆ **Data gaps** (e.g., SECC 2011) may hinder fair classification.
- ◆ Risk of **political misuse**.

### Conclusion

States must base sub-classification on **clear, data-backed** criteria—not politics or assumptions—to ensure fair and equitable representation.

## 1.3 Domicile-Based Reservation

Karnataka approved a bill mandating **50% reservation for locals** in management and **75% in non-management** private sector jobs.

### Background

- ◆ Similar laws passed earlier in **Haryana, Andhra Pradesh**, etc.
- ◆ **Haryana's law** was struck down by High Court for violating **Fundamental Rights**.
- ◆ In *Tanvi Behl v. Shrey Goel (2025)*, SC held domicile-based PG medical seat quotas **unconstitutional** under **Article 14**.

#### Why States Support reservation in private sector

- ◆ Aims to promote **social justice** and reduce **regional job inequality**.
- ◆ **Private sector** gets public support (tax breaks, loans), so expected to aid in local upliftment.

#### Key Constitutional Provisions

- ◆ **Art. 16(2)**: No discrimination in public jobs based on religion, caste, place of birth, or residence.
- ◆ **Art. 16(3)**: Parliament can allow domicile-based job reservations in a State/UT.

### Concerns

- ◆ **Hinders business** operations and investments.
- ◆ Promotes **sons-of-the-soil** mentality.
- ◆ Violates **Articles 14, 16**, and **19(1)(g)** – equality, job access, and freedom to work.

### Conclusion

While aiming to address regional disparities, **domicile-based quotas** must not undermine the **constitutional right to equal opportunity**.

## 1.4 Section 6A of Citizenship Act

Supreme Court upheld the constitutional validity of Section 6A of the Citizenship Act, 1955.

### What is Section 6A?

- ◆ Introduced via the 1985 amendment after the *Assam Accord*.
- ◆ Grants citizenship to migrants from East Pakistan who entered Assam between Jan 1, 1966, and Mar 24, 1971.
- ◆ Basis for NRC update in Assam (2013).

#### SC Verdict Highlights

- ◆ **Parliament competent** to enact Section 6A (Article 246).
- ◆ **Article 14 not violated**: Assam's situation was unique.
- ◆ **Article 29(1) not breached**: No evidence of cultural harm.
- ◆ **1971 Cut-off reasonable**: Tied to Bangladesh Liberation War.

#### Implications

- ◆ **Assam NRC validated**: Supports use of 1971 cut-off.
- ◆ **NRC Exclusions**: 1.9 million await final decision.
- ◆ **CAA 2019 conflict**: Seen as undermining Assam Accord.
- ◆ **Economic/Social Strain**: Citizenship for pre-1971 migrants may burden resources and heighten tensions.

### Conclusion

The verdict upholds constitutional values while recognizing Assam's identity concerns. Future actions must ensure justice, security, and humanitarian balance.



## 1.5 Uniform Civil Code (UCC)

Uttarakhand became the first state to **implement the UCC**.

### Current Status

- ◆ Most Indians follow **religious personal laws**.
- ◆ **Goa** follows a UCC under the Portuguese Civil Code.
- ◆ **21st Law Commission (2018)**: UCC not necessary; suggested **gender-just reforms** instead.

#### Arguments For

- ◆ **Article 44**: Directive for UCC implementation.
- ◆ Promotes **equality** and **modernization**.
- ◆ Aligns with **international human rights** norms.
- ◆ Simplifies legal procedures and ensures **uniform justice**.

#### Arguments Against

- ◆ May **threaten religious freedom** (Article 25).
- ◆ **Lacks community consensus**, risks unrest.
- ◆ Could **weaken federalism** by overriding state powers.

### Key Judgements related to UCC

- ◆ **Shah Bano (1985)**: Backed alimony for Muslim women; called for UCC.
- ◆ **Sarla Mudgal (1995) & Lily Thomas (2000)**: Opposed religious conversion for polygamy; urged personal law reform.
- ◆ **Shayara Bano (2017)**: Struck down instant triple talaq as arbitrary.

### Way Forward

- ◆ Build **consensus** via inter-faith dialogue.
- ◆ Assess **social impact**, especially on minorities.
- ◆ Promote **awareness** and legal literacy.
- ◆ **Codify personal laws** to ensure equity.

### Conclusion

UCC should aim for **fairness, not uniformity**, and be rooted in **dialogue and inclusion**, respecting India's pluralism.

## 1.6 Separation of Powers

The Vice President emphasized clear separation among the **Legislature, Executive, and Judiciary** to prevent institutional overreach.

### In India

- ◆ Indian Constitution follows a **limited separation** with **checks and balances**. (Art. 50)
  - ▶ Declared part of the **Basic Structure**.
- ◆ **Overlaps Exist**:
  - ▶ President (Executive) can **promulgate ordinances** (legislative role).
  - ▶ Legislature removes judges (judicial function).
  - ▶ Judiciary issues guidelines (executive/legislative role), e.g., Vishakha Guidelines.

### Institutional Conflicts

- ◆ **Judiciary**: Directed President to act on state bills within 3 months.
- ◆ **Legislature**: Passed NJAC Act, later struck down for violating judicial independence.
- ◆ **Executive**: Overuse of **ordinances** and **control over tribunals**.

### Conclusion

Though overlaps exist, a **broad separation** with mutual **checks and balances** is vital to uphold **democratic governance**.

## 1.7 Property Rights in India

In *Property Owners Association v. State of Maharashtra* (2024), the Supreme Court limited state powers in acquiring private property.

### Key Highlights of the Judgment

- ◆ **Private property ≠ material resource** under **Article 39(b)** by default.
- ◆ **Acquisition power** comes from **Eminent Domain** & Entry 42 of List III, not DPSPs.
- ◆ **Article 31C** (protecting certain laws from FR challenges) still valid (*Kesavananda Bharati*).
- ◆ Applied **Public Trust Doctrine** to ensure responsible resource use.
- ◆ Asserted the need to **balance public good** with **private ownership (Article 300A)** and **equality (Article 14)**.

### Implications

- ◆ May impact **land laws, economic policy**, and **judicial oversight**.
- ◆ Signals shift toward **market-driven reforms** and **protection of private property**.

### Conclusion

The ruling reaffirms **property rights** and limits state overreach, requiring careful, rights-based analysis for property acquisition.

## 1.8 Internal Emergency

Union Cabinet commemorated **50 years** since the **1975 Internal Emergency** (June 25, 1975 – March 21, 1977).

### About Emergency

- ◆ Suspension of democratic rights; Centre assumes control over states.
- ◆ Aimed at protecting **sovereignty, unity, integrity, and constitutional order**.

#### Reasons for 1975 Emergency

- ◆ **Economic Crisis:** Inflation at 23% (1973) and 30% (1974).
- ◆ **Political Movements:** Gujarat and Bihar student agitations.
- ◆ **Judicial Tensions:** Executive-judiciary clashes (e.g. supersession of judges).

#### Impacts and Criticism

- ◆ **Political:**
  - ▶ Suspension of **Fundamental Rights**, censorship of press.
  - ▶ **Opposition jailed**; Lok Sabha term extended (42<sup>nd</sup> Amendment).
  - ▶ Power centralized in PMO.
- ◆ **Social:**
  - ▶ **Forced sterilizations**, slum demolitions.
  - ▶ Banning of organizations like **RSS** and **Jamaat-e-Islami**.
- ◆ **Institutional:**
  - ▶ **Judicial review curbed**, judicial independence weakened.
  - ▶ Public trust in democracy eroded.

### Post-Emergency Reforms (44th Amendment, 1978)

- ◆ Emergency needs **written Cabinet advice**.
- ◆ "Internal disturbance" replaced with **armed rebellion**.
- ◆ **Articles 20 & 21 remain protected** even during Emergency.
- ◆ **Lok Sabha term restored** to 5 years.
- ◆ Curtailment of Union's power to deploy forces in states.

### Conclusion

The 1975 Emergency serves as a warning against **executive overreach**. Vigilant citizenry and strong **institutional safeguards** are vital to preserve democracy.



## 1.9 Comparison of Constitution

### 1.9.1 USA vs India: Presidential Elections

Feature	USA	India
<b>Electoral College</b>	538 electors; state-wise, based on Congressional seats	MPs + MLAs (elected only); no nominated members
<b>Governing Rules</b>	State-specific rules; decentralized	Central law: Presidential & VP Elections Act, 1952
<b>Nomination</b>	Through <b>primaries</b> and <b>caucuses</b>	Requires 50 proposers + 50 seconders
<b>Voting System</b>	<b>Winner-takes-all</b> in most states; can win without popular majority	<b>Proportional Representation</b> by Single Transferable Vote
<b>Election Cycle</b>	Every 4 years (fixed term)	Every 5 years or when vacancy arises
<b>Vice President</b>	Running mate chosen by candidate	Elected separately

### 1.9.2 India vs France: Constitutional Comparison

#### Similarities

- ◆ **Core Ideals:** Liberty, Equality, Fraternity (from French Revolution)
- ◆ **Universal Adult Franchise**
- ◆ **Bicameral Legislature**
- ◆ **Emergency Provisions exist in both**

#### Key Differences

Feature	India	France
<b>Federalism</b>	Quasi-federal with unitary tilt	<b>Unitary</b> with decentralization
<b>Form of Government</b>	<b>Parliamentary:</b> PM is executive head	<b>Semi-Presidential:</b> President + PM share power
<b>President</b>	Indirectly elected, unlimited terms	Directly elected, <b>max 2 terms</b>
<b>Secularism</b>	Positive: Equal respect to all religions	Strict separation: No state involvement in religion
<b>Referendum</b>	<b>Not provided</b> in Constitution	Constitutionally provided

## 2. ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE

### 2.1 States' Demand for Autonomy

Tamil Nadu government formed a high-level committee under former Supreme Court judge Justice Kurian Joseph to suggest ways to strengthen state autonomy and federalism.

#### Federal Scheme under Indian Constitution

- ◆ India is a "Union of States" with no right to secede.
- ◆ Features include single constitution, single citizenship, all-India services, integrated judiciary etc.
- ◆ Legislative powers divided under Article 246 and the Seventh Schedule (Union, State, Concurrent Lists).
- ◆ Indian federalism is quasi-federal with a strong Centre.

#### Reasons for adopting centralised federalism

- ◆ To maintain unity and integrity post-Partition.
- ◆ To reduce regional economic disparities.
- ◆ To implement constitutional values like justice, liberty, and democracy.
- ◆ To ensure uniform laws across the country.

#### Issues affecting state autonomy

- ◆ Central laws on State subjects (e.g., farm laws on agriculture and markets).
- ◆ Central control over taxation (e.g., GST) and delays in tax devolution.
- ◆ Uniform policies not suitable for all states (e.g., opposition to three-language formula).
- ◆ Weak use of cooperative mechanisms like the Inter-State Council.
- ◆ Delayed assent to state bills by Governors under Article 200.
- ◆ Central agencies like CBI acting without state consent.

#### Measures to improve Centre-State relations

- ◆ Inter-State Council under Article 263 to facilitate coordination.
- ◆ NITI Aayog promotes cooperative federalism.
- ◆ 14th Finance Commission raised state share in central taxes from 32% to 42%.
- ◆ GST Council (Article 279A) includes both Centre and States.
- ◆ Reduction of Centrally Sponsored Schemes to reduce duplication.

#### Recommendations for improving federalism

- ◆ **Sarkaria Commission (1983):**
  - ▶ Consult states before legislating on Concurrent List subjects.
  - ▶ Shift residuary powers (except taxation) to Concurrent List.
- ◆ **Punchhi Commission (2007):** Promote equitable development through increased transfers.
- ◆ **Venkatachaliah Commission:** Use Inter-State Council more frequently and effectively.
- ◆ Promote dialogue through Zonal Councils, GST Council, and NITI Aayog.

#### Conclusion

Strengthening federalism requires mutual respect, better consultation mechanisms, and a balance between national interest and state autonomy.



## 2.2 Demand for New States

June 2, 2024 marked 10 years since the formation of Telangana.

### Constitutional Provisions

- ◆ **Article 3:** Parliament can form new states, alter names/boundaries via simple majority.
- ◆ **Presidential Recommendation** required for introducing the bill.
- ◆ **State Legislature Consultation:** President refers bill for views (not binding).

#### Reasons for Demands

- ◆ **Linguistic Identity:** Maharashtra-Gujarat (1960) based on language.
- ◆ **Regional Disparity:** Backward regions like Vidarbha demand separation.
- ◆ **Cultural/Ethnic Identity:** Bodoland (Assam) seeks to preserve tribal identity.
- ◆ **Administrative Convenience:** Demands like Harit Pradesh (U.P.)

#### Commissions/Committees on Reorganization

- ◆ **S.K. Dhar Commission (1948):** Favoured administrative convenience.
- ◆ **JVP Committee (1948):** Rejected language as the basis.
- ◆ **Fazl Ali Commission (1953):**
  - ▶ **Suggested criteria:** National unity and security; Linguistic and cultural homogeneity, etc.
  - ▶ Led to **States Reorganisation Act, 1956** (7th Amendment)

### Berubari Union Case (1960)

- ◆ **Parliament can't cede territory** under Article 3.
- ◆ Cession to a foreign state needs **constitutional amendment** (Article 368).
- ◆ Led to **9th Amendment Act (1960)** for transfer of territory to Pakistan.

#### Arguments in Favour

- ◆ **Administrative Efficiency:** Telangana's paddy output rose ~4.57 to ~20 million MT (2015–23).
- ◆ **Innovation:** Sikkim's organic farming model inspired Kerala's 2023 mission.
- ◆ **Economic Performance:** Smaller states like Goa, Uttarakhand show better trade ratios.
- ◆ **Reduced Disparities:** Uttarakhand's poverty dropped from 17.67% (2015–16) to 9.67% (2019–21).

#### Arguments Against

- ◆ **High Costs:** Andhra Pradesh's capital Amravati estimated at ₹40,000 crore.
- ◆ **Resource Conflicts:** Krishna River water sharing dispute.
- ◆ **Boundary Issues:** Belagavi dispute
- ◆ **Proliferation Risk:** May lead to endless demands.

### Way Forward

- ◆ **Balanced Development:** Focus on intra-state equity to reduce new state demands.
- ◆ **Form Expert Committee:** Assess viability, needs, and impact.
- ◆ **Economic Viability:** Ensure 60% self-sustenance from Day 1.
- ◆ **Clear Guidelines:** Use objective, non-political criteria for state creation.

### Conclusion

New states may improve governance and address regional grievances, but must be weighed against economic viability, political stability, and national unity.

## 2.3 Assent to State Bills

Supreme Court gave directions in *State of Tamil Nadu v. Governor of Tamil Nadu* to ensure timely approval of state bills.

### Constitutional Provisions

#### ◆ Governor's options under Article 200:

- ▶ **Grant assent**
- ▶ **Withhold assent**
- ▶ **Return for reconsideration** (except Money Bills): **Governor must assent** to a bill if passed again after reconsideration.
- ▶ **Reserve for President's consideration**

#### ◆ President's options under Article 201 (for reserved bills):

- ▶ **Grant assent**
- ▶ **Withhold assent**
- ▶ **Return for reconsideration** (Legislature must act within 6 months; final discretion lies with President)
- ▶ **President is not bound** to assent even after reconsideration.

### Key Highlights of Supreme Court Judgment

- ◆ **Inaction is unconstitutional:** No *Pocket Veto* or *Absolute Veto* for Governor or President.
- ◆ **Mandamus Remedy:** State can approach courts to compel action.
- ◆ **Re-enacted Bill Need Not Be Reserved Again:** Unless it's materially different.
- ◆ **Fixed Timeline** for assent.
- ◆ **Governor's Discretion is Limited:** Must act on **Council of Ministers' advice**, except in limited cases (e.g., derogation of High Court powers).
- ◆ **Discretion is Subject to Judicial Review.**
- ◆ **Article 143:** President advised to seek SC opinion before rejecting bills for unconstitutionality.

### Conclusion

The judgment enhances **legislative efficiency**, limits misuse of **executive discretion**, and strengthens **cooperative federalism** by reaffirming constitutional duties and timelines.

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## 3. PARLIAMENT AND STATE LEGISLATURES: STRUCTURE AND FUNCTIONING

### 3.1 Decline In Parliamentary Productivity

Lok Sabha Speaker called frequent disruptions undemocratic.

#### Key Data

- ◆ **17th Lok Sabha:** 88% productivity; Rajya Sabha 73% (PRS).
- ◆ **18th Lok Sabha (Winter 2024):** Dropped to 54.5% (LS), 40% (RS).
- ◆ **State Legislatures (2025):**
  - ▶ Sitting days fell from 28 (2017) to 20 (2024).
  - ▶ 51% of bills passed in a day; only 4% referred to committees.
  - ▶ 8 states lack Deputy Speaker (Article 178).
  - ▶ 18% bills took over 3 months for assent.

#### Reasons for Disruption

- ◆ **Substantive**
  - ▶ Triggered by major issues (e.g., Hindenburg case).
  - ▶ Opposition uses disruptions for visibility.
  - ▶ Anti-defection law forces MPs to follow party line, curbing debate.
- ◆ **Structural**
  - ▶ More parties = less debate time.
  - ▶ No clear schedule for legislative business.

#### Impacts

- ◆ Weakens scrutiny, leads to rushed laws.
- ◆ Erodes public trust; high cost (₹2.5 lakh/min; ₹133 cr lost in 2021).

#### Measures to Address Parliamentary Disruptions

- ◆ **Raise Motion Thresholds:** Require 20–30% MP backing for major motions.
- ◆ **Opposition Time:** Reserve fixed days for opposition debates (like UK's "Opposition Days").
- ◆ **More Sitting Days:** NCRWC suggested minimum sittings in a year for Lok Sabha (120), Rajya Sabha (100), state legislatures (smaller-50, larger-90).
- ◆ **Consensus-Building:** Encourage govt-opposition cooperation in policymaking.
- ◆ **Define Disruptions:** Clearly distinguish **disruptions vs. interruptions** in rules.
- ◆ **Strengthen Ethics Committees:** Empower them to ensure MP accountability.

#### Conclusion

As Ambedkar said, even a sound Constitution is futile if those who work it act irresponsibly, hence, reforms like a code of conduct and fixed sitting days are essential.

### 3.2 Coalition Government

The 2024 Lok Sabha elections led to a coalition government as no party won a majority.

#### Significance of Coalition Government

- ◆ **Inclusive Governance:** Broader regional and ideological representation.
- ◆ **Checks & Balances:** Prevents authoritarianism.
- ◆ **Consensus-Based Policies**
- ◆ **Boosts Federalism:** Empowers state voices at the centre.

## Challenges

- ◆ **Instability:** Conflicts among partners (e.g., NDA fall in 1998).
- ◆ **Policy Paralysis:** Delays in decision-making (e.g., UPA-I & nuclear deal).
- ◆ **Short-Term Focus:** Weak long-term planning.
- ◆ **Ideological Dilution:** Parties compromise core values.
- ◆ **Rise of Regionalism:** State-specific agendas dominate.
- ◆ **Foreign Policy Hurdles:** Domestic pressures affect diplomacy (e.g., Teesta deal, 2011).

## Way Forward

- ◆ **Constructive No-Confidence:** Remove PM only if alternative leader proposed.
- ◆ **Mandate Fresh Polls** if alliances shift mid-term.
- ◆ **Transparent Governance:** Track coalition promises and performance.
- ◆ **Long-Term Vision:** Use Inter-State Council, NITI Aayog for policy stability.

## Conclusion

Coalitions promote *deliberative democracy* and cooperative federalism, balancing regional diversity with national unity.

## 3.3 Anti-Defection Law

Supreme Court warned Telangana Assembly Speaker for delaying action under the law.

### About Anti-Defection Law

- ◆ Introduced via **52nd Amendment, 1985** (Tenth Schedule) to curb political defections.
- ◆ **Disqualification Grounds:**
  - ▶ Voluntarily giving up party membership
  - ▶ Defying party whip during voting

### Key Judgements on Anti-Defection Law

- ◆ **Kihoto Hollohan (1992):** **Judicial review allowed** if Speaker delays disqualification.
- ◆ **Karnataka MLAs Case (2020):** Suggested shifting disqualification power to an **independent tribunal**.

#### Pros

- ◆ **Ensures Stability:** Prevents frequent government collapse
- ◆ **Curb Corruption:** Discourages horse trading
- ◆ **Respects Mandate:** Upholds voter choice and party ideology

#### Cons

- ◆ **Kills Dissent:** Forces MPs/MLAs to toe party line, curbing free speech (Article 19)
- ◆ **Undermines Democracy:** Legislators act as party agents
- ◆ **Blocks Innovation:** Limits debate and independent thinking

## Conclusion

While party discipline is key, excessive control weakens deliberative democracy. Reforms like **time-bound decisions** and **independent authority** are needed to strengthen the law.

## 3.4 Deputy Speaker of Lok Sabha

Post vacant since 2019, raising constitutional concerns.

### About the Office of Deputy Speaker

- ◆ **Origin:** Created under Govt of India Act, 1919
- ◆ **Election:** Article 93 – elected by Lok Sabha; usually from the Opposition
- ◆ **Removal:** Article 94 – by majority resolution of all current members
- ◆ **Role:** Acts as Speaker in case of vacancy/absence (Article 95)

### Issues with Vacancy

- ◆ **Centralised Power:** Speaker holds excessive procedural control.
- ◆ **Constitutional Breach:** Delays violate constitutional responsibilities.
- ◆ **Lack of Inclusivity:** Undermines consensus-based parliamentary functioning.

### Importance

- ◆ **Constitutional Role:** Equal status with Speaker
- ◆ **Institutional Continuity:** Ensures smooth functioning during Speaker's absence
- ◆ **Legislative Duties:** Chairs sessions, committees, and maintains neutrality

### Conclusion

Timely appointment is vital. A fixed deadline (e.g., within 60 days of new Lok Sabha) or statutory provision may ensure accountability.

## 3.5 Representation of Women in Legislature

18th Lok Sabha has 74 women MPs, a slight drop from 78 in the 17th LS.

### Current Status

- ◆ **9.7%** of 797 women candidates won in 2024 (vs. 10.74% in 2019).
- ◆ Women in **Lok Sabha:** Rose from 5% (1st LS) to highest ever 14.4% (17th LS).
- ◆ **Rajya Sabha:** 14.05% women
- ◆ **Global Average:** 26.9%; Rwanda leads with 60%+ women MPs.

### Significance of women representation

- ◆ Women MPs perform better on development indicators (Essex study, 2019).
- ◆ Representing ~50% population, political inclusion is vital.
- ◆ Less prone to corruption and criminality (Oxford, 2018).

### Steps for Women's Political Representation

- ◆ **Nari Shakti Vandan Adhiniyam, 2023 (106th Amendment):** Reserves 1/3rd seats for women in Lok Sabha, State Assemblies, and Delhi Assembly.
- ◆ **73rd & 74th Amendments:** Mandated **1/3rd reservation** in Panchayats and Municipalities.
- ◆ **SDG 5.5:** India committed to **equal participation** of women in political/public life.

### Challenges

- ◆ **Social Barriers:** Patriarchy, family roles, male-dominated politics
- ◆ **Structural Hurdles:** High costs, threats, abuse during campaigns
- ◆ **Internalised Patriarchy:** Women swayed by norms (e.g., Sarpanch Pati)

### Conclusion

True democracy needs **equitable representation**, making women's legislative presence a **political and constitutional necessity**.

## 3.6 Private Members' Bill (PMB)

PRS report notes a sharp decline in PMB discussions in Parliament.

### Significance of PMB

- ◆ **Policy Innovation:** New ideas (e.g., Right to Disconnect Bill, 2019)
- ◆ **Reforms:** Prompt legal change (e.g., Transgender Rights Bill, 2014)
- ◆ **Independent Views:** Goes beyond party lines
- ◆ **Govt Accountability:** Presents alternatives

### Reasons for Decline

- ◆ **Limited Time:** Only 2–3 hrs/week, frequent adjournments
- ◆ **Low Priority:** Only 16 discussed out of 1,434 in 17th LS
- ◆ **Procedural Barriers:** Speaker/Chair's discretion
- ◆ **Lack of Support:** MPs lack research backing
- ◆ **Poor Track Record:** Only 14 passed since independence



**Way Forward**

- ◆ Dedicated Time & Digital Tracking
- ◆ Research Support Units for MPs
- ◆ Screening Committee for PMBs
- ◆ Adopt UK's 10-Minute Rule for concise PMB pitches

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## 4. STRUCTURE AND FUNCTIONING OF JUDICIARY AND OTHER QUASI-JUDICIAL BODIES

### 4.1 Criminal Justice System

#### 4.1.1 Criminal Law Reform Acts

Three new criminal laws came into force on July 1, 2024:

- ◆ **Bharatiya Nyaya Sanhita (BNS)** – replaces IPC, 1860
- ◆ **Bharatiya Nagarik Suraksha Sanhita (BNSS)** – replaces CrPC, 1973
- ◆ **Bharatiya Sakshya Adhiniyam (BSA)** – replaces Indian Evidence Act, 1872

#### Key Provisions

##### ◆ BNS, 2023

- ▶ Community service for petty crimes
- ▶ Gangrape victim's age 18 for death sentence
- ▶ Sedition removed; terrorism and organised crime defined
- ▶ Sex by deceit criminalized

##### ◆ BNSS, 2023

- ▶ Timeline-bound trials & medical reports
- ▶ Mandatory forensic probe (7+ yrs punishment)
- ▶ First-time undertrials eligible for bond
- ▶ Victim-centric reforms (e.g. FIR at any station)

##### ◆ BSA, 2023

- ▶ Digital records admissible as evidence
- ▶ Video-recorded oral evidence allowed –
- ▶ Joint trials for absconders
- ▶ Broader scope of "document" includes electronic forms

#### Concerns

- ◆ **Vague terms** (e.g., terrorism) may curb dissent
- ◆ **Police discretion** risks misuse (esp. under UAPA)
- ◆ **Trial delays** likely due to transitional issues
- ◆ **Privacy concerns** from device seizures

#### Significance

- ◆ **Victim-focused justice** over colonial punishment
- ◆ **Human Rights** (mob lynching, torture criminalized)
- ◆ **Digital shift:** e-FIR, video statements, forensics
- ◆ **Indian ethos:** Reflects Nyaya & Dharma-based justice

#### Conclusion

These laws are a major shift from colonial to citizen-centric justice. Their success depends on strict oversight, clear rules, and regular review to protect rights and ensure fairness.

## 4.1.2 Free Legal Aid

Supreme Court directed Legal Services Authorities (LSAs) to improve access to free legal aid for prison inmates.

### SC Directions

- ◆ Enforce and update **SOP-2022**
- ◆ Strengthen **Prisoner Legal Aid Clinics (PLACs)**
- ◆ Audit and inspect **Legal Aid Defence Counsels**
- ◆ Promote awareness in **local languages**
- ◆ Regular reporting by **DLSAs to SLSAs**

### Free Legal Aid Provisions in India

- ◆ **Constitutional:** Article 21 (Right to fair trial), Article 39A (Equal justice & free legal aid)
- ◆ **Statutory:** Legal Services Authorities Act, 1987; Sec 341 of Bharatiya Nagarik Suraksha Sanhita, 2023
- ◆ **Scope:** Legal advice, court representation, mediation, ADR
- ◆ **Eligible Groups:** Women, children, SC/STs, disabled, poor, disaster victims, etc.

### Key Judgements on Legal Aid

- ◆ **M.H. Hoskot (1978):** Recognised **free legal aid** as part of **Article 21** rights for prisoners.
- ◆ **Hussainara Khatoon (1979):** Affirmed **speedy trial** and **legal aid** as essential to **Article 21**.

### Challenges

- ◆ Lack of awareness among undertrials
- ◆ Poor quality and untrained legal aid lawyers
- ◆ Inadequate funding and complex eligibility norms
- ◆ Bureaucratic delays
- ◆ Language and geographical barriers

### Initiatives Taken

- ◆ **DISHA:** Pre-litigation access to justice
- ◆ **Tele-Law:** Online legal consultation
- ◆ **Nyaya Bandhu:** Pro bono legal services
- ◆ **Nyaya Mitra:** Disposal of long-pending cases
- ◆ **Lok Adalats:** Low-cost, speedy dispute resolution

### Way Forward

- ◆ Boost funding & simplify rules
- ◆ Strengthen LSAs' infrastructure
- ◆ Awareness drives (e.g., *Haq Humara Bhi Toh Hai @75*)
- ◆ Use of technology (digital prison records)
- ◆ Ensure quality legal aid with trained professionals

### Conclusion

Free legal aid strengthens **access to justice**, ensures **inclusivity**, and upholds the **Rule of Law**—a pillar of democratic governance.

## 4.2 Prison Reforms

Centre amended the Model Prison Manual (2016) and Model Prisons Act (2023) to curb caste-based discrimination, following SC's ruling in *Sukanya Santha vs UoI* (2024).

### Key Amendments

- ◆ Caste-based segregation in prison duties banned (violates Articles 14, 15, 17).
- ◆ Manual scavenging prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 is now enforced in prisons.

### Highlights of Model Prisons Act, 2023

- ◆ **Specialized jails:** High-security, open, and semi-open.
- ◆ **Reforms:** Legal aid, parole, electronic monitoring for leave.
- ◆ **Rehabilitation:** Vocational training, separate facilities for women and trans prisoners.



### Need for Reforms

- ◆ **Outdated law:** Prison Act, 1894; SC called for reform in *Ramamurthy vs Karnataka* (1996).
- ◆ **Overcrowding:** 5.73 lakh inmates (131% capacity); 76% undertrials.
- ◆ **Poor conditions:** Sanitation, healthcare, and women's rights lacking.
- ◆ **Discrimination:** Caste-based work divisions, manual scavenging inside jails.
- ◆ **Delays:** Death row cases face long delays; execution rate just 0.3% (2006–22).

### Reform Measures

- ◆ Fast Track Courts
- ◆ NHRC
- ◆ Model Prison Manual 2016
- ◆ **Justice Krishna Iyer Report (1987)** on condition of women prisoners in India.
- ◆ **Technology use:**
  - ▶ **E-Prisons:** Prison management system.
  - ▶ **Fast and Secured Transmission of Electronic Records (FASTER):** Quick bail order delivery.
  - ▶ **Interoperable Criminal Justice System (ICJS):** Links courts, police, prisons.

### Legal Framework

- ◆ **State subject** (Entry 4, State List); governed by Prison Act, 1894.
- ◆ **Model Act 2023:** Advisory for states.
- ◆ **BNSS 2023:**
  - ▶ **Section 479:** Bail for prolonged undertrial detention.
  - ▶ **Sections 289–300:** Plea bargaining.

### Global Standards

- ◆ **Bangkok Rules (2010):** Treatment of women prisoners.
- ◆ **Nelson Mandela Rules (2015):** Minimum standards on treatment of prisoners.

### Conclusion

India must shift from punitive to reformatory prison policies, ensuring dignity and rights under Articles 14, 19, and 21.

## 4.3 Judicial Reforms

### 4.3.1 Judicial Accountability

Cash found at Delhi HC judge's residence raised concerns about judicial accountability.

#### Existing Mechanisms for Judicial Accountability

- ◆ **Removal:** Articles 124, 217, Judges Inquiry Act (1968).
- ◆ **In-House Mechanism (1999):** Based on Restatement of Values (1997) and Bangalore Principles (2002) — integrity, impartiality, propriety.
- ◆ No mandatory public asset declaration (though SC urged disclosure to CJI in 2025).

#### Concerns

- ◆ Conflict with independence (judges appoint judges).
- ◆ Difficult removal process.
- ◆ Self-regulation with minimal external oversight.
- ◆ No RTI access, legal immunity, and limited transparency.

### Way Forward

- ◆ Revive Judicial Standards & Accountability Bill.
- ◆ Create National Judicial Commission (judicial + non-judicial members).
- ◆ Permanent disciplinary body for complaints.
- ◆ Regular performance reviews.

### 4.3.2 Judicial Vacancies

Over 5,600 vacancies as of Nov 2024 (2 in SC, 364 in HCs, 5,245 in lower courts).

#### Reasons

- ◆ Retirement, promotion, deaths of judges.
- ◆ Delays in collegium and exam processes.
- ◆ Low pay and high workload deter talent.

#### Impact

- ◆ Justice delayed: 19,500 SC & 27 lakh HC cases pending.
- ◆ Low judge-population ratio (target: 50/million by 2007 not met).
- ◆ Case backlog and stress increase errors.

#### Way Forward

- ◆ Reconsider NJAC for balanced appointments.
- ◆ Launch All India Judicial Service (AIJS).
- ◆ Periodic review of judicial strength.

### 4.3.3 Witness Protection Scheme (WPS), 2018

SC flagged poor implementation of WPS, calling witnesses “eyes and ears of justice.”

#### About the Scheme

- ◆ Approved by SC, mandatory for all states.
- ◆ Provides protection based on threat levels
  - ▶ A: life threat,
  - ▶ B: safety/reputation/property threat
  - ▶ C: moderate threat
- ◆ States maintain a Witness Protection Fund.

#### Concerns

- ◆ Poor execution in lower courts due to lack of funds/infrastructure.
- ◆ Covers only serious crimes.
- ◆ High-profile cases face threats and witness turning hostile.
- ◆ Only a temporary law

#### Conclusion

As Jeremy Bentham said, “Witnesses are the eyes and ears of justice.” Strengthening the Witness Protection Scheme with better funding and coordination is key to ensuring fair, fearless trials and upholding justice.

### 4.4 Article 142

In State of Tamil Nadu vs Governor of Tamil Nadu, SC invoked Article 142 to grant deemed assent to long-pending bills.

#### Positive Impacts of Invoking Article 142

- ◆ **Fills legislative gaps:** *Vishaka Guidelines* (1997) before POSH Act.
- ◆ **Strengthens civil liberties:** *Puttaswamy* case (privacy as FR).
- ◆ **Corrective justice:** *Coal block cancellation* (2014).
- ◆ **Gender equality:** *Babita Puniya* case (permanent commission for women).
- ◆ **Social justice:** *Vineeta Sharma* case (daughters' equal inheritance).

#### Concerns

- ◆ **Subjective use:** No clear standard for “complete justice”.
- ◆ **Judicial Overreach:** E.g., *S.R. Bommai* (1994) – intervention in floor tests.
- ◆ **Weak accountability:** No scrutiny or challenge possible.
- ◆ **Inconsistency:** Unpredictable rulings affect governance & legal clarity.
- ◆ **Undermines federalism:** Bypassing Governor's role (e.g., Tamil Nadu case).

#### Way Forward

- ◆ Define “complete justice” through clear principles.
- ◆ Refer major uses to Constitution Bench.
- ◆ Encourage judicial restraint to uphold separation of powers.
- ◆ Establish safeguards to prevent arbitrary use.

## 4.5 Gram Nyayalayas

SC questioned the mandatory status of setting up Gram Nyayalayas under the **Gram Nyayalayas Act, 2008** and raised concerns over their implementation.

### SC's Key Concerns

- ◆ **Mandatory or Optional:** Section 3 says States "may" set them up — creates ambiguity.
- ◆ **Resource Constraints:** States struggle to fund Gram Nyayalayas amid limited budgets.
- ◆ **Judicial Burden:** Appeals from Gram Nyayalayas may increase HC workload.

### Key Features

- ◆ **Location:** Intermediate Panchayat level or group of panchayats.
- ◆ **Nyayadhipari:** Appointed by State Govt. in consultation with HC.
- ◆ **Mobile Courts:** With **civil & criminal** jurisdiction.
- ◆ **Conciliatory Approach:** Preference for mediation over litigation.
- ◆ **Flexible Procedure:** Not bound by Evidence Act; guided by *natural justice*.
- ◆ **Inclusion of Social Workers** as conciliators
- ◆ **Centrally Sponsored Scheme (CSS):** Financial assistance to States for setting up Gram Nyayalayas.

### Implementation Status

- ◆ **Target:** 2,500 Gram Nyayalayas.
- ◆ **Reality:** Less than 500 notified; only **314 operational**.
- ◆ **Progressive States:** Maharashtra, MP, Rajasthan.
- ◆ **Lagging States:** Uttar Pradesh, Bihar.

### Conclusion

To fulfil **Article 39A** (free legal aid), **Gram Nyayalayas need political will, funds, and clear policy direction**—bringing justice to the doorstep of rural citizens.

## 4.6 Tribunals in India

SC raised concerns on tribunal staffing and service conditions while hearing a challenge to the **Tribunal Reforms Act, 2021**.

### What are Tribunals?

- ◆ **Quasi-judicial bodies** for dispute resolution in specific areas.
- ◆ **Constitutional Backing:** Introduced via **42nd Amendment (1976)**—Part XIV-A.
  - ▶ **Article 323A:** Administrative tribunals for public service disputes.
  - ▶ **Article 323B:** Tribunals for taxation, land reforms, elections, etc.

### Key Issues in Functioning

- ◆ **Lack of Independence:** Executive control in appointments; presence of technical members dilutes judicial autonomy.
- ◆ **Backlogs:**
  - ▶ Industrial Tribunal (2021): 7,312 pending cases.
  - ▶ Armed Forces Tribunal: 18,829 pending cases.
- ◆ **Infrastructure Deficits:** Vacancies, poor service conditions.
- ◆ **Overlapping Jurisdictions:** Conflicts with regular courts create confusion.
- ◆ **Fragmented Control:** 16+ tribunals under different ministries—causing inconsistency.

### Way Forward

- ◆ **Strengthen Judicial Independence:** Ensure *judicial primacy* in selection committees.
- ◆ **Establish National Tribunals Commission (NTC):** to regulate tribunal appointments, administration, and oversight (*recommended in L. Chandra Kumar case, 1997*).
- ◆ **Timely Appointments:** Use *deputation from government services* to fill vacancies promptly.



## 4.7 Role of AI in Judiciary and Law Enforcement

AI tools like Machine Learning, OCR, and Predictive Analytics are being integrated into courts and policing systems.

### Applications

- ◆ **Judiciary Modernization:**
  - ▶ AI in e-Courts Phase III for case management, legal research, and delay prediction.
  - ▶ SUPACE aids judges in data analysis.
- ◆ **Legal Translation & Access:**
  - ▶ SUVAS has translated 31,000+ SC judgments into 16 languages.
  - ▶ e-SCR portal offers access to AI-translated judgments.
- ◆ **Law Enforcement:**
  - ▶ Predictive policing using crime data.
  - ▶ Facial recognition (NAFRS, ABHED), AI drones, voice-FIRs, AR crime reconstruction.
  - ▶ AI integrated into CCTNS, e-Prisons, e-Forensics.

### Challenges

- ◆ **Bias & Data Quality:** Poor or biased data risks unfair outcomes; digital divide worsens exclusion.
- ◆ **Opacity:** "Black box" AI lacks transparency and public trust.
- ◆ **Legal & Ethical Issues:** Gaps in regulation, privacy, and accountability.
- ◆ **Adoption Barriers:** Low capacity, funding, and resistance from officials.

### Conclusion

AI can transform justice delivery, but needs ethical safeguards, robust laws, skilled manpower, and inclusive digital infrastructure.



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## 5. ELECTIONS IN INDIA

### 5.1 Internal Democracy in Political Parties

Debate on ECI's role in enforcing democratic functioning within political parties.

#### Need for Internal Democracy

- ◆ **Decentralization:** Limits top leadership control.
- ◆ **Curb Criminalization:** Counters selection based on money/muscle; 46% LS MPs face criminal cases.
- ◆ **Representation:** Encourages inclusivity and youth participation.
- ◆ **Anti-Corruption:** ARC (2008) links centralization with corruption.
- ◆ **Transparency:** Promotes open debate.

#### Reasons for Lack of Internal-Party Democracy

- ◆ **Weak Legal Backing:** Section 29A of RPA, 1951 lacks enforcement teeth.
- ◆ **No Deregistration Power:** SC in INC v. Institute of Social Welfare limits ECI authority.
- ◆ **Structural Hurdles:** Dynastic politics, centralized power, Anti-Defection Law, lack of political will.

#### Way Forward

- ◆ **Reform Committees:** Tarkunde (1975), Goswami (1990), Gupta (1998) advocate party transparency.
- ◆ **Law Commission (255th Report):** Proposes Chapter IVC in RPA to regulate internal democracy and give ECI de-registration power.
- ◆ **NCRWC:** Recommends a Political Parties (Registration and Regulation) Act for comprehensive regulation.

### 5.2 Freebies

SC questioned if freebies foster a "parasitic lifestyle" and reduce work incentives.

#### Welfarism vs. Freebies

- ◆ **Welfarism:** Constitution-backed, builds human capital (e.g., PDS, MGNREGA).
- ◆ **Freebies:** One-time handouts (e.g., free power) that distort incentives and burden economy.

#### Legal/Constitutional Basis

- ◆ **DPSPs (Art. 38, 39, 41):** Emphasize welfare, livelihood, and equity.
- ◆ **ECI Role:** Calls for transparency in funding electoral promises.

#### Key Judgements on Freebies

- ◆ **Subramaniam Balaji Case (2013):** Freebies like TVs/laptops upheld as aligned with DPSPs.
- ◆ **Ashwini Upadhyay Case (Ongoing):** SC is reviewing **legality of freebies** in election campaigns.

#### Impact of Freebies

##### Pros (Welfarism)

- ◆ Provides basic needs (food, health)
- ◆ Promotes gender parity & inclusion
- ◆ Encourages voter participation
- ◆ Tackles under-employment

##### Cons (Freebies)

- ◆ Fiscal stress, crowding out infra spending
- ◆ Creates dependency, discourages productivity
- ◆ Unsustainable, inter-generational burdens
- ◆ Hampers competitiveness, leads to vote-bank politics

#### Way Forward

- ◆ **Reform:** Promote fiscal discipline and transparency.
- ◆ **Skill Development:** Shift from dependency to empowerment.
- ◆ **Expert Oversight:** Panel (NITI Aayog, RBI, FC) to assess freebie impact.
- ◆ **Global Warnings:** Sri Lanka & Venezuela show the dangers of populism.

## Conclusion

Echoing **Amartya Sen's Capability Approach**, focus must shift from short-term appeasement to long-term human development. Avoiding a fiscal race to the bottom is critical, as warned by **N.K. Singh**.

## 5.3 Election Commission of India (ECI)

ECI completed 75 years since its establishment (25 Jan 1950).

### About ECI

- ◆ **Constitutional Body** under Article 324.
- ◆ **Composition:** 1 CEC + ECs (currently 2), appointed by President.
- ◆ **New Law (2023):** Gave ECI more autonomy – SC-judge level status, fixed tenure, legal immunity.

### Key Achievements

- ◆ Conducted 18 Lok Sabha and 400+ state elections.
- ◆ 100 crore+ registered voters.
- ◆ Improved voter gender ratio (948 women/1000 men in 2024).
- ◆ Crackdown on criminal candidates by publishing pending cases.
- ◆ Launched voter awareness (SVEEP), PwD app (SAKSHAM).

## Issues

- ◆ **Autonomy concerns:** Biased selection, unequal protection for ECs.
- ◆ **Limited powers:** Cannot de-register parties.
- ◆ **No independent staff:** Relies on government officials.

## Way Forward

- ◆ **Transparent Selection:** PM, LoP, and CJI in selection panel (Goswami Committee, 1990).
- ◆ **Post-retirement Ban** on govt jobs for ECs.
- ◆ **Independent Secretariat** and equal removal protection for ECs.

## Conclusion

Greater autonomy and transparency will boost public trust in ECI and democratic participation.

## 5.4 State Election Commissions (SECs)

CAG flagged delays in Karnataka PRI elections due to SEC disempowerment.

### About SECs

- ◆ Constitutional bodies under 73rd & 74th Amendments.
- ◆ Conduct elections to PRIs and Urban Local Bodies.
- ◆ Recommended by Gadgil Committee.
- ◆ Constitutional Provisions
  - ▶ **Article 243K (1) & 243ZA:** SEC controls elections to **Panchayats & Municipalities**.
  - ▶ **Article 243K(2):** Tenure & service conditions decided by **Governor**.
  - ▶ **Removal** only by **President**, like **High Court judges**.

### Functions of SEC

- ◆ **Delimiting constituencies** for **local body elections**.
- ◆ Prepares & revises **electoral rolls**.
- ◆ Decides disputes, including **candidate disqualification**.
- ◆ Ensures **reservation** for SCs, STs, and OBCs.
- ◆ Recommends **financial powers** and resources to local bodies
- ◆ Advises **Governor** on local election matters.

## Issues

- ◆ **Delays** due to state inaction (e.g., reservation lists).
- ◆ **Political Influence** from govt-appointed staff.
- ◆ **Lack of Manpower**, unclear legal framework.
- ◆ **Low Turnout** in urban areas (~45-48%).
- ◆ **Limited Powers:** Only 11 states allow ward delimitation.



## Way Forward

- ◆ Empower SECs with funds, staff, and autonomy (SC, 2006).
- ◆ Collegium-based appointment (2nd ARC).
- ◆ ECI-SEC coordination mechanisms.
- ◆ Mandate 10-yearly delimitation/review.
- ◆ Launch awareness campaigns like SVEEP.

## Conclusion

Strengthening SECs is vital for grassroots democracy and realizing the intent of 73rd/74th Amendments.

## 5.5 Delimitation Commission

Centre assured southern states that no Lok Sabha seats will be reduced during future delimitation, amid concerns of unfair representation.

### Constitutional Provisions on Delimitation

- ◆ **Article 82:** Parliament passes a **Delimitation Act** after every Census to set up a **Delimitation Commission**.
- ◆ **Article 170:** States are divided into **territorial constituencies** based on the latest Census.

### Key Issues

- ◆ **North-South Divide:**
  - ▶ Southern states fear loss of seats due to population-based redistribution despite better governance.
  - ▶ May skew policies in favor of high-population states, affecting federal balance.
- ◆ **Vote Value Inequality:** One MP in UP represents ~2.53 million people, in Tamil Nadu ~1.84 million — unequal vote weight.

## Conclusion

Delimitation must follow every census to ensure fairness and stable representation. A national consensus is essential to address arising challenges.

## 5.6 AI in Election Campaigns

ECI issued advisory to regulate political use of **AI-generated content** in campaigns.

### Key Guidelines

- ◆ **Label AI Content:** Clearly tag AI-altered images, videos, audio.
- ◆ **Disclosures:** Add disclaimers wherever synthetic content is used.
- ◆ **Monitoring:** Delhi Police appointed nodal officer for social media AI misuse.

### Impact of AI in Elections

Aspect	Positive	Negative
Voter Engagement	Chatbots enable personalized outreach	Deepfakes can mislead
Electoral Security	Fraud detection, cybersecurity	Tech failures, cyberattacks
Data & Prediction	Informs strategy, allocation	Behaviour manipulation via algorithms
Microtargeting	Targeted messaging	Biased data may exclude groups
Tech Dependency	Boosts efficiency	May harm transparency and privacy

## Steps Ahead

- ◆ Study AI's impact on elections & speech.
- ◆ Enforce platform accountability.
- ◆ Build algorithmic filters for harmful content.
- ◆ Develop global AI norms to protect democracy.

## Conclusion

**Laws must evolve with tech** to ensure free, fair, and accountable elections in the AI era.

## 6. GOVERNANCE

### 6.1 Mission Karmayogi

Capacity Building Commission (CBC) under Mission Karmayogi completed 3 years.

#### About Mission Karmayogi

- ◆ Builds future-ready civil service.
- ◆ Covers all Union Govt. civil servants (incl. contractual).
- ◆ States can voluntarily align.
- ◆ CBC ensures credibility and uniform approach.

#### Guiding Principles

- ◆ Shift from rule-based to role-based training.
- ◆ Competency-driven (ASK: Attitude, Skills, Knowledge).
- ◆ 70-20-10 model (70% job, 20% collab, 10% formal training).
- ◆ Learning aligned to org. & career goals.
- ◆ Unbiased, objective performance evaluation.
- ◆ Promote lifelong learning; break silos.

#### iGOT Karmayogi Platform

- ◆ Online training portal.
- ◆ Tracks learners/supervisors/content via KPIs.
- ◆ Amrit Gyan Kosh: best practices aligned to 15 SDGs.

#### Significance

- ◆ Enhances behavioral, functional & domain competencies.
- ◆ Standardizes national training.
- ◆ Cuts training costs.
- ◆ Promotes ethical conduct.
- ◆ Aids economic growth.
- ◆ Citizen-centric, role-based service delivery.

#### Other Initiatives

- ◆ National Standards for Civil Service Training Institutions (NSCSTI)
- ◆ **Aarambh (2019):** Common foundation course.
- ◆ National Training Policy (1996, revised 2012).

#### Challenges

- ◆ Scaling up to train 1.5 crore officials.
- ◆ Centralized model may face state resistance.
- ◆ Bureaucratic inertia.
- ◆ Training not tailored to regional diversity.

#### Conclusion

Democratizes and simplifies training; success depends on evolving strategy and state cooperation.

### 6.2 Grievance Redressal Mechanism

Ministry of Personnel, Public Grievances & Pensions (MoPPG&P) issued comprehensive Guidelines for Handling Public Grievances to make grievance redressal time-bound, accessible, and meaningful.

#### Key Highlights of the Guidelines

- ◆ Integrated CPGRAMS offers single-window grievance filing.
- ◆ Nodal Officers appointed in all Ministries.
- ◆ Dedicated Grievance Cells with trained staff.
- ◆ Timeline reduced from 30 to 21 days.

### About Grievance Redressal Mechanism (GRM)

- ◆ **Purpose:** Measures effectiveness through citizen feedback on service failures or rights violations.
- ◆ **Nodal Agencies:** DARPG (MoPPG&P), and Directorate of Public Grievances (Cabinet Secretariat).
- ◆ **CPGRAMS:** 24x7 online platform, ~60 lakh grievances redressed (2022–2024), 1.01 lakh officers mapped.
- ◆ Connected to all Ministries/Departments/States with role-based officer access.

### Other Initiatives for Grievance Redressal

- ◆ **Constitutional/Statutory Bodies:** CVC, Lokayuktas, NHRC, SHRC.
- ◆ **GRAI:** Assesses and compares GRM performance.
- ◆ **PRAGATI:** Grievance & project monitoring platform.
- ◆ **E-Nivaran:** CBDT initiative for taxpayer grievances.
- ◆ **Citizen Charter:** Addresses issues in public services.

### Issues with GRM

- ◆ Delays in resolution, even beyond 45-day norm.
- ◆ Corruption and manipulation by officials.
- ◆ Lack of integration across platforms and sectors.
- ◆ Digital divide hinders rural access.

### Way Ahead

- ◆ **2nd ARC:**
  - ▶ Independent state-level authorities.
  - ▶ Analyze complaints for systemic fixes.
- ◆ **Parliamentary Standing Committee (25th Report):**
  - ▶ Simple, accessible grievance systems.
  - ▶ Statutory GRM akin to RTI Act.
- ◆ Decentralized redressal via local offices.
- ◆ Simplify processes and use facilitation counters.
- ◆ Use AI, KPIs, and audits for performance monitoring and trend analysis.

### Conclusion

Strengthening GRM via integration, decentralization, and tech will improve accessibility, efficiency, and citizen-centric governance.

## 6.3 Lateral Entry in Civil Services

UPSC withdrew an advertisement for recruitment to 45 lateral entry posts of Secretary and Joint Secretary at the Centre.

### How Have Lateral Entries Been Kept Out of the Ambit of Reservation?

- ◆ "13-point roster" has no reservation for up to 3 vacancies.
- ◆ 45 posts advertised separately per department — treated as single vacancies.
- ◆ SC (2015, Akhilesh Kumar Singh case): Reservation in single posts violates Articles 16(1) & 16(4).

### About Lateral Entry

- ◆ External recruitment for mid/senior-level govt. posts without UPSC exams.
- ◆ Contractual, 3–5 years, extendable based on performance.
- ◆ Adopted in Australia, USA, UK — complements direct entry.

### Advantages of Lateral Entry

- ◆ **Fills vacancies:** Only 442 IAS officers working at Centre vs. required 1,469 (2023–24 DoPT).
- ◆ Baswan Committee (2016) endorsed lateral entry.
- ◆ Brings domain expertise in economics, AI, etc.
- ◆ Enhances efficiency by injecting competition.
- ◆ Supports ministries with private sector linkages (e.g., civil aviation, environment).

### Issues with Lateral Entry

- ◆ Short-term focus (3–5 years).
- ◆ Undermines social justice (lack of reservation).
- ◆ **Conflict of interest:** Profit vs. public welfare.
- ◆ Accountability issues.
- ◆ Lacks grassroots administrative experience.
- ◆ Risk of political interference and favoritism.

### Way Forward

- ◆ **Public Administration University:** Develop domain and managerial skills.
- ◆ Allow civil servants deputation to private sector for learning.
- ◆ Ministries to adopt goal-setting and use Mission Karmayogi.
- ◆ **Career planning:** Begin generalist, later specialize with breaks.
- ◆ Two-tier IAS entry (ages 25–30 & 37–42) as per D. Subbarao.

## 6.4 Citizen Participation in Good Governance

MyGov platform completed 10 years.

### About MyGov Platform

- ◆ Launched by PM as a citizen engagement platform.
- ◆ Collaborates with govt. bodies to gather public opinion.
- ◆ **LiFE Campaign:** Promotes sustainable practices for environment and climate.
- ◆ **Stay Safe Online:** Cyber safety initiative under G20 Presidency.
- ◆ **Swachh Bharat Survekshan:** Engages public for cleaner India.

### How Citizen Participation Helps in Good Governance

- ◆ **Accountability:** RTI and feedback increase transparency.
- ◆ **Service Delivery:** Inputs help improve implementation (e.g., Swachh Bharat).
- ◆ **Inclusivity:** Engages marginalized groups (e.g., MGNREGA audits).
- ◆ **Trust:** Builds confidence via participatory forums (e.g., Gram Sabhas).
- ◆ **Innovation:** Citizens contribute solutions (e.g., Mysuru plastic tiles).

### Challenges in Citizen Participation

- ◆ **Lack of Commitment:** Low sustained involvement due to time/resource limits.
- ◆ **Limited Engagement:** Complex processes and low awareness.
- ◆ **Administrative Gaps:** Difficulty managing large-scale feedback.
- ◆ **Erosion of Trust:** Due to ignored feedback and corruption.
- ◆ **Social Barriers:** Patriarchy and poverty hinder engagement.

### Way Ahead

- ◆ **Accessibility:** Release structured data, strengthen RTI Act.
- ◆ **Awareness:** Include civic education, conduct rights workshops.
- ◆ **Digital Platforms:** Develop accessible and user-friendly tools.
- ◆ **Inclusive Policy-Making:** Public hearings with diverse voices.
- ◆ **Grievance Redressal:** Faster, streamlined complaint mechanisms.



## 6.5 Governance and AI

Union Minister announced the use of AI for good governance, with safeguards for privacy and data ownership.

### Potential of AI to Transform Governance in India

- ◆ **Efficient Service Delivery:** Automates services, reduces workload, improves quality.
- ◆ **Education:** Personalized learning, smart content, NCERT metadata.
- ◆ **Healthcare:** Telemedicine & cancer database (NITI Aayog & DBT).
- ◆ **Agriculture:** Predictive insights via National Pest Surveillance System.
- ◆ **Inclusivity:** AI in DPI like Bhashini bridges linguistic gaps.
- ◆ **Data-Driven Policy:** Urban Data Exchange enhances planning.
- ◆ **Judicial Efficiency:** SUVAS translation tool aids legal work.
- ◆ **Disaster Management:** RAHAT provides early warnings.

### Challenges in AI Integration for Governance

- ◆ **Fragmented Data:** National Data Governance Policy not yet implemented.
- ◆ **Infrastructure Gaps:** 45% lack internet access.
- ◆ **Regulatory Void:** No AI law like EU AI Act.
- ◆ **Skill Deficit:** 1.4 lakh AI expert shortage.
- ◆ **Privacy Risks:** High chance of data breaches.
- ◆ **Weak IP Rights:** India ranks 42nd in IP Index.
- ◆ **Bias & Ethics:** Discriminatory outcomes from skewed datasets.

### Way Forward

- ◆ **Risk & Ethics Oversight:** Continuous monitoring with human input.
- ◆ **Data Sovereignty:** Ensure compliance with privacy laws.
- ◆ **Bias Control:** Use diverse datasets and regular audits.
- ◆ **AI Education:** Expand reach in underserved regions.
- ◆ **Public-Private Partnership:** e.g., IndiaAI Compute Capacity.
- ◆ **Cybersecurity:** Use AI for threat monitoring and response.

### Conclusion

AI can transform governance by improving transparency, service delivery, and inclusion — but must be backed by ethical norms, legal safeguards, and inclusive digital infrastructure.

## 6.6 Regulating Big Tech

The Ministry of Corporate Affairs (MCA) has invited public feedback on the Digital Competition Law Committee's Report.

### Why Big Tech Needs Regulation?

- ◆ **Sovereignty Threat:** User data misuse and offshore transmission.
- ◆ **Network Effect:** Dominance grows with more users, blocks competition.
- ◆ **Revenue Loss:** \$10 billion lost annually via tax abuse.
- ◆ **Data Privacy Risk:** Risks of surveillance and data breaches.
- ◆ **Ethical Concerns:** Lack of transparency, digital divide, profit over public interest.

### Challenges in Regulating Big Tech

- ◆ **Regulatory Lag:** Ex-post model under Competition Act, 2002.
- ◆ **Delayed Enforcement:** DPDPA 2025 not yet implemented.
- ◆ **Fragmented Laws:** Global companies face inconsistent regulations.
- ◆ **Techno-nationalism:** Bias for domestic players affects fairness.
- ◆ **Legal Ambiguity:** Intermediary Rules face challenge over privacy.

## Key Legislations for Regulating Big Tech

- ◆ **India:** DPDPA, 2023; IT Rules, 2021 **Significant Social Media Intermediaries (SSMIs)**; Competition Act, 2002; Consumer Protection Act, 2019.

## Way Ahead – Committee’s Recommendations

- ◆ **Ex-Ante Law:** Enact a Digital Competition Act.
- ◆ **Systemically Significant Digital Enterprises (SSDEs):** Identify firms offering key digital services (search, OS, etc.) for early regulation.
- ◆ **Obligations:** SSDEs must avoid self-preferencing, app blocking, tying of services, or misuse of user data.
- ◆ **Penalties:** Up to 10% of global turnover for violations.
- ◆ Strengthen CCI’s technical arm and DG office; form separate NCLAT bench for faster disposal.

## Conclusion

Big Tech’s unchecked power affects competition, innovation, and free choice. Timely regulation is necessary to uphold digital fairness and democratic values.

## 6.7 Net Neutrality

US Court of Appeals ruled against the FCC’s move to enforce Net Neutrality – diverging from India’s approach.

### Arguments For Net Neutrality

- ◆ **User Rights:** Ensures freedom of expression and equal access.
- ◆ **Privacy:** Prevents ISPs from manipulating or monitoring traffic.
- ◆ **Innovation:** Levels playing field for startups against tech giants.

### Arguments Against Net Neutrality

- ◆ **Loss of ISP Revenue:** Reduces incentive to invest in infrastructure.
- ◆ **Regulatory Imbalance:** Telecom providers face higher costs for similar services.
- ◆ **Selective OTT Ban:** Needed in disturbed areas to protect critical services.

## Net Neutrality Framework in India

- ◆ DoT notified regulatory framework in 2018.
- ◆ Upholds non-discriminatory content treatment by ISPs.
- ◆ Allows exceptions for Content Delivery Networks (CDNs), IoT, and specialized services.

## 6.8 Internet Shutdown

India saw 60 mobile internet shutdowns in 2024 – the lowest in 8 years (Software Freedom Law Centre Tracker).

## Provisions Related to Internet Shutdowns in India

- ◆ **CrPC, 1973:** Section 144 (now Sec. 163 BNSS) allowed Magistrates to impose restrictions.
- ◆ **Telecommunications Act, 2023:** Allows temporary suspension for law and order, public safety (not for natural disasters).
- ◆ **Article 19(2):** Permits restrictions on free speech for public order, security, etc.

### Arguments in Favour of Internet Shutdowns

- ◆ **Security:** J&K post-Article 370 to curb militancy.
- ◆ **Communal Clashes:** 2023 Manipur, Haryana shutdowns.
- ◆ **Fake News:** 2020 Delhi riots shutdowns reduced misinformation.
- ◆ **Law & Order:** Used during CAA, farm protests.
- ◆ **Exam Integrity:** Rajasthan REET exam shutdown.

### Arguments Against Internet Shutdowns

- ◆ **Economic Loss:** \$1.9B+ loss in 2023 HI; hits investment.
- ◆ **Right to Trade:** Hurts digital businesses (Art. 19(1)(g)).
- ◆ **Human Rights:** Women unable to report crimes.
- ◆ **Speech & Info Access:** Violates Art. 19 rights.
- ◆ **Press Freedom:** J&K media blackout (2019)
- ◆ **Education/Health:** Disrupts learning & telemedicine.

### Judicial Pronouncements on Internet Freedom

- ◆ **Faheema Shirin v. Kerala:** Kerala HC declared internet a Fundamental Right (Art. 21).
- ◆ **Anuradha Bhasin v. Union of India:** SC upheld internet freedom under Art. 19(1)(a).

### Parliamentary Standing Committee Recommendations (2021)

- ◆ **Global Practices:** DoT to study shutdown norms in democracies.
- ◆ **Codify Criteria:** Define legal grounds and mechanisms.
- ◆ **Proportionality:** Lay out lifting procedures & rules.
- ◆ **Review Panel:** Include judges & public reps in review committee.
- ◆ **Selective Bans:** Frame policy for targeted restrictions.
- ◆ **Impact Assessment:** MHA/DoT to study shutdown effects.

## 6.9 Online misinformation

United Nations unveiled the “Global Principles for Information Integrity: Recommendations for Multi-stakeholder Action” to curb online misinformation, disinformation, and hate speech.

### Negative Impacts of Online Misinformation

- ◆ **Information Bubbles:** Algorithms reinforce biases (e.g., racism, misogyny), creating echo chambers.
- ◆ **Threat to Democracy:** Misleads voters, distorts elections, erodes institutional trust.
- ◆ **SDG Hindrance:** Climate action obstructed by greenwashing, false narratives.
- ◆ **Economic Damage:** Triggers panic, volatility, and financial loss.

### Challenges in Tackling Online Misinformation

- ◆ **Platform Speed:** Rapid digital spread hampers fact-checking.
- ◆ **Reader Disconnect:** Fact-checkers are often disconnected from readers.
- ◆ **Encryption:** Encrypted apps limit content monitoring.
- ◆ **Elderly Vulnerability:** Aged 65+ share false news 3–4× more than youth.
- ◆ **Viral Formats:** Memes and videos are highly engaging and misleading.

### Way Ahead: UN's 5 Global Principles for Information Integrity

- ◆ **Societal Trust & Resilience:** Foster inclusive digital safety and protect marginalized voices.
- ◆ **Healthy Incentives:** Promote business models not based on behavior-tracking ads.
- ◆ **Public Empowerment:** Boost digital literacy, user voice, and interoperability.
- ◆ **Free & Plural Media:** Uphold press freedom and journalist safety.
- ◆ **Transparency & Research:** Ensure researcher access, platform openness, and civil society protection.

## 6.10 Obscenity on Digital Platforms

The Supreme Court, while hearing a case on obscene remarks in the India's Got Latent show on YouTube, urged the Solicitor General to propose regulatory measures to curb vulgar content online while balancing free speech.

### Need for Regulating Obscenity on Digital Platforms

- ◆ **Preserving Values:** Obscene content erodes morality and social cohesion. E.g., Bulli Bai app incident (2021).
- ◆ **Protecting Dignity:** Kantian ethics—people must never be treated as mere means.
- ◆ **Avoiding Normalization:** Mill's Harm Principle—freedom shouldn't harm society.
- ◆ **Ethical Platform Duty:** Digital media must uphold balance between free speech and well-being.
- ◆ **Constitutional Morality:** Article 19(2) allows reasonable restrictions on free speech.

### Legal Framework to Curb Obscenity

- ◆ **BNS & IT Act:** Prohibit distribution of obscene content.
- ◆ **IT Rules, 2021:** Mandate age-ratings for content with nudity, abuse, sex, etc.
- ◆ **Other Laws:** Cinematograph Act (1952), Cable TV Act (1995), Indecent Representation of Women Act (1986).

### Judicial Pronouncements on Obscenity

- ◆ **Ranjit D. Udeshi v. State of Maharashtra (1964):** SC used Hicklin test – obscenity if it tends to corrupt.
- ◆ **Aveek Sarkar v. State of West Bengal (2014):** SC adopted Community Standards Test – based on prevailing societal norms.

### Way Forward

- ◆ **Justice & Objectivity:** Define clearer, culturally sensitive obscenity norms to avoid bias.
- ◆ **Accountability:** Enact Broadcasting Bill to regulate OTT/digital media.
- ◆ **Ethical Content:** Promote self-regulation and content reflecting societal values.
- ◆ **Empowerment:** Launch digital literacy for ethical viewing and media awareness.

## 6.11 Eco-centric Approach

Recently, the Supreme Court highlighted that in international jurisprudence, **India was the first country to shift from an anthropocentric to an eco-centric approach.**

### About Eco-centric Approach

- ◆ **Nature-Centric:** Values ecosystems for their **intrinsic worth**, not just for human benefit.
- ◆ **Opposes Anthropocentrism:** Counters the view that nature exists solely for **human use**.
- ◆ **Deep Ecology Backing:** Supported by Arne Naess, advocating for **nature's inherent value**.
- ◆ **Interest Theory:** Recognizes nature's **independent interests** beyond human concerns.

### Key Drivers of Eco-centric Approach

- ◆ **Constitutional Mandate:** Article 21 (life), Article 48A (state duty), Article 51A(g) (citizen duty).
- ◆ **Legislation:** Prevention of Cruelty to Animals Act (1960), Wildlife Act (1972).
- ◆ **Judicial Activism:** SC uses Articles 32 & 142 to expand environmental rights.
- ◆ **Cultural Ethos:** Indian culture sees nature as **sacred and alive**, not subordinate.

### Judicial Pronouncements on Environmental Constitutionalism

- ◆ **M.K. Ranjitsinh v. Union of India (2024):** Recognized **Right to be free from adverse effects of climate change** under Articles 14 & 21.
- ◆ **M.C. Mehta v. Union of India (1986):** Pollution-free environment part of **Right to Life** (Art. 21).
- ◆ **Maneka Gandhi v. Union of India (1978):** Environment free of disease/infection integral to **Article 21**.

## 6.12 Non-Governmental Organizations (NGOs)

MHA mandated NGOs under FCRA to report changes in key office bearers even if FCRA license application is pending.

### Constitutional Provisions related to NGOs

- ◆ **Seventh Schedule:** Trusts/charities in Concurrent List – both Parliament & States can legislate.
- ◆ **Article 19(1)(c):** Right to form associations or unions.

### Roles and Responsibilities of NGOs

- ◆ **Governance:** Strengthens democracy (ADR), supports govt. schemes (Akshya Patra for PM POSHAN).
- ◆ **Social Reforms:** Human rights (Bachpan Bachao Andolan), women's rights (SEWA), poverty relief (Goonj).
- ◆ **Human Development:** Education (Pratham), health (MSF for TB, HIV).
- ◆ **Research:** e.g., Oxfam.
- ◆ **Cultural/Environment:** INTACH, Wildlife Trust of India.



## Government Support for NGOs

- ◆ Funds via schemes like Swadhar, Ujjawala, cultural grants.
- ◆ Darpan portal for unique NGO identification.

### Challenges / Issues

- ◆ **Functional:** Donor-driven agenda, interference in national projects (e.g., Kudankulam), security concerns.
- ◆ **Regulatory:** FCRA restrictions, risk of financial misuse.
- ◆ **Operational:** Donor dependence, lack of volunteers, tech challenges.

### Recommendations for Improvement

- ◆ **Vijay Kumar Committee (2017):** Light regulation, modern registration, nodal oversight body, NGO database, promote volunteerism.
- ◆ **2nd ARC:** Decentralize FCRA, balanced interpretation of laws.

## 6.13 Advertisement Regulation in India

Ministry of Health and Family Welfare asked Sports Authority of India and BCCI to prevent surrogate ads of tobacco/alcohol by sportspersons.

### Legal Framework

- ◆ **Cable TV Act, 1995 & COTPA, 2003:** Ban direct/indirect liquor/tobacco ads.
- ◆ **CCPA Guidelines (2022):** First formal definition of surrogate ads.
- ◆ **ASCI Code:** Permits genuine brand extensions with proportionality check.
- ◆ **Drugs & Magic Remedies Act (1954):** Prohibits 'miracle cure' ads.
- ◆ **SEBI (Investment Advisors) Regulations, 2013:** Governs Finfluencers & paid financial advice.

### Judicial Pronouncements

- ◆ **IMA v. Union of India (2024):** All ads need a Self-Declaration Certificate.
- ◆ **TV Today Network v. UOI (2021):** Soda ad imitating alcohol equals to surrogate ad.

### Implications of Surrogate Advertising

- ◆ **Consumers:** Misleads youth/poor, affects choices.
- ◆ **Public Health:** 41.3% ads during 2023 Cricket WC were smokeless tobacco (ICMR).
- ◆ **Companies:** Boosts unethical sales via brand visibility.
- ◆ **Revenue:** ₹60 lakh/10-sec ad benefits platforms like BCCI.
- ◆ **Nudge Theory:** Celebrity cues create indirect push for consumption.

### Issues in Regulation

- ◆ **Legislative Loopholes:** Vague rules allow brand misuse.
- ◆ **Economic Impact:** Revenue/employment dependence on liquor/tobacco.
- ◆ **Unethical Practices:** Price cuts increase harmful consumption.
- ◆ **Lenient Penalties:** Corrective ads fail as deterrents.

### Way Forward

- ◆ **ASCI/Govt Suggestions:** Distinguish brand extensions from banned products; avoid indirect references.
- ◆ **Strengthen Laws:** Explicit surrogate ban under COTPA/ASCI; regulate digital/sports media.
- ◆ **Enhance Accountability:** Impose heavier fines; hold media responsible.
- ◆ **Regulatory Oversight:** Use audits, real-time monitoring, enforcement.
- ◆ **Awareness Campaigns:** IEC efforts to educate citizens.

## 6.14 Online Betting and Gambling Sectors

Karnataka Government formed a committee to draft a new law to regulate online gambling and betting platforms to curb fraud and support legal gaming.

## Need for Regulating Online Betting

- ▶ **Better Enforcement:** Legal regulation improves monitoring (Law Commission 276th Report).
- ▶ **Curb Match-Fixing:** Lodha Committee recommended regulation to prevent unethical practices.
- ▶ **Control Black Money:** FICCI estimates ₹12,000–19,000 crore in potential tax revenues.
- ▶ **Mental Health:** Easy access leads to addiction, especially among youth.

## Concerns in Regulating Online Betting

- ◆ **Games of Skill Argument:** Sports betting akin to horse racing, allowed under law.
- ◆ **SC Ruling:** RMD Chamarbaugawala v. UoI (1957) – Skill-based activities are commercial and protected under **Article 19(1)(g)**.
- ◆ **Federal Tension:** Gambling is a **State Subject**; central regulation may violate federalism.
- ◆ **Tourism Concerns:** States like Goa promote gambling for tourism while locals are banned.

## Existing Regulatory Framework

- ❖ **IT Rules 2021:** MeitY-recognized self-regulatory bodies verify online real-money games.
- ❖ **IT Rules Amendment 2023:** Mandatory game verification, registration, privacy policy, and user agreement disclosures.
- ❖ **State Laws:** Assam (Assam Gaming and Betting Act, 1970); Goa (Goa, Daman & Diu Public Gambling Act, 1976).

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## 7. LOCAL GOVERNANCE

### 7.1 Status of Devolution to Panchayats in States

Ministry of Panchayati Raj released the report "Status of Devolution to Panchayats in States – An Indicative Evidence Based Ranking".

#### Key Highlights of Report

- ◆ Panchayat Devolution Index ranks States/UTs on 6 dimensions.
- ◆ Devolution increased from 39.9% to 43.9% (2013–14 to 2021–22).
- ◆ Capacity Enhancement rose from 44% to 54.6% due to RGSA.

#### Significance of Devolution

- ◆ Improves service delivery.
- ◆ Fulfills 73rd Amendment mandate.
- ◆ Strengthens grassroots democracy.
- ◆ Promotes economic self-reliance.
- ◆ Enhances PRIs' fiscal capacity.

#### Key Constitutional Provisions on Devolution

- ◆ **Article 243G:** Empowers Panchayats as self-governing institutions.
- ◆ **Article 243H:** Allows Panchayats to impose taxes/fees.
- ◆ **Article 243I:** Mandates State Finance Commission every 5 years.
- ◆ **Article 243ZD:** District Planning Committee integrates local plans.

#### Challenges Regarding Devolution of Panchayat

- ◆ **Framework:** Irregular elections & delimitation delays violate Article 243E.
- ◆ **Function:** Devolution Index at 43.89%; parastatal bodies dominate.
- ◆ **Finances:** 95% PRI funds from grants; irregular SFCs.
- ◆ **Functionaries:** One secretary for 17 GPs.
- ◆ **Capacity:** Poor infra & training; 40,000 GPs lack computers.
- ◆ **Accountability:** Low awareness, corruption; 70% PRIs misused funds in Krishna district.

#### Recommendations as per Report

- ◆ Strengthen State Election Commissions; unify and update electoral rolls.
- ◆ Freeze reserved seats for 2–3 terms; allow tenure extensions for leadership continuity.
- ◆ Empower PRIs in CSSs; transfer Eleventh Schedule subjects.
- ◆ Constitute SFCs on time; diversify PRI funding.
- ◆ Ensure audits, adopt PFMS for all financial activities.
- ◆ Permit staffing control; set up Local Govt. Service Commission.
- ◆ Train PRI members in governance, finance, and management.

### 7.2 Auditing of Local Bodies

International Centre for Audit of Local Governance (iCAL) was inaugurated in Rajkot, Gujarat, to enhance audit standards for Local Governments.

#### About Local Self Governance and Audit

- ◆ **Audit Online Application (2020):** Developed by Ministry of Panchayati Raj for online auditing of panchayat accounts.
- ◆ **CAG's Mandate:** Under the 1971 Act, CAG audits PRIs and ULBs.
- ◆ Ensures accountability in fund utilization.

### Importance of Auditing Local Bodies

- ◆ **Financial Accountability**
- ◆ **Performance Evaluation**
- ◆ **Service Delivery**
- ◆ **Democratic Participation**
- ◆ **Public Trust**
- ◆ **Decentralisation**

### Issues Associated with Auditing Local Bodies

- ◆ Poor record keeping; inconsistent formats across states.
- ◆ Shortage of skilled audit professionals.
- ◆ Overlapping jurisdictions between state and central audit bodies.
- ◆ Outdated audit formats; ignore expanded PRI roles.
- ◆ Low public awareness about audit processes.

### Way Ahead (2nd ARC Recommendations)

- ◆ Develop simplified and user-friendly audit formats.
- ◆ Ensure DLFA independence; appoint head from CAG-approved panel.
- ◆ Present audit reports to State Legislatures; discuss via PAC-like committees.
- ◆ Mandate access to records through legal provisions.
- ◆ Strengthen local body capacity for audit/accounting functions.

## 7.3 Jan Yojana Abhiyan

Ministry of Panchayati Raj launched the **People's Plan Campaign (Jan Yojana Abhiyan)** for preparation of **Panchayat Development Plans (PDPs)** for 2025–26.

### Features

- ◆ **Structured Sabhas:** 'Whole of Government and Society' approach.
- ◆ **PDI-based Planning:** Gram Sabha-wise calendars and identification of thematic gaps using Panchayat Development Index (PDI).
- ◆ **Inclusive Participation**
- ◆ **Digital Transparency:** e-Gram Swaraj portal for publishing approved GPDPs.

### Forms of Participation

- ◆ **As a Right:** Legal entitlement (e.g., voting).
- ◆ **As a Process:** Participatory tools (e.g., MGNREGA social audits).
- ◆ **As an End:** Self-sufficiency via empowerment (e.g., affirmative action).

### Challenges in People's Participation

- ◆ Lack of adequate funding and administrative capacity.
- ◆ Non-mandatory participation in schemes.
- ◆ Complex bureaucracy discourages involvement.
- ◆ No direct citizen incentives for participation.
- ◆ Patron-client mindset restricts active involvement.

### Significance of People's Participation in Development Planning

- ◆ **Efficiency:** MGNREGA – Gram Sabha review and MIS tracking.
- ◆ **Inclusivity:** MyGov Saathi 2.0 – crowdsourced ideas.
- ◆ **Self-Reliance:** NRLM's SHGs empower local groups.
- ◆ **Wide Coverage:** Swachh Bharat – community volunteers.
- ◆ **Sustainability:** Joint Forest Management (JFM) model.
- ◆ **Improved Design:** Leverages local knowledge and needs.



## 8. IMPORTANT CONSTITUTIONAL, STATUTORY AND EXECUTIVE BODIES

### 8.1 10 Years of NITI Aayog

On **January 1, 2025**, NITI Aayog celebrated its **10th year of foundation**.

#### Achievements of NITI Aayog

##### Planning

- ◆ **End of Five-Year Plans.**
- ◆ **Cooperative Federalism:** Team India Hub and Aspirational Districts (112) align Centre-State goals.
- ◆ **Sectoral Reforms:** e.g., Zero Budget Farming, village storage, etc.

##### Execution

- ◆ **Facilitator Role:** e.g., NITI Forum for NE, Poshan Abhiyan.
- ◆ **Innovation & Digital Push:** Atal Labs, Atal Incubation Centres, Digital Payment Drive.
- ◆ **Ease of Doing Business:** Simplified processes, promoted AI strategy and hosted Fintech Summits.

##### Evaluation

- ◆ **Monitoring for Accountability:** Through DMEO (Development Monitoring & Evaluation Office).
- ◆ **Aspirational Districts Monitoring:** Tracks 49 indicators to foster inter-district competition.
- ◆ **Competitive Federalism:** Ranks states on SDG performance, water, energy, and climate indices.

#### Challenges

- ◆ **Budgetary Constraints:** Lacks financial control or fund allocation powers.
- ◆ **Inter-State Disparities:** Limited success in bridging regional development gaps.
- ◆ **Lack of Statutory Status:** Functions without legal backing.
- ◆ **Overlaps with Ministries:** Causes duplication and friction in policy implementation.

### 8.2 Lokpal and Lokayukta

The **Lokpal of India**, a statutory anti-corruption body under the **Lokpal and Lokayuktas Act, 2013**, celebrated its **first foundation day** in **January 2025**.

#### Issues with the Lokpal/Lokayukta Office

- ◆ Rejection of Complaints
- ◆ Delayed Appointments
- ◆ Complainant Protection
- ◆ Inadequate provisions for appeal.
- ◆ Involving the PM risks undermining leadership authority.
- ◆ **Other Issues:** No constitutional status, long delays, and limitation of 7 years for filing complaints.

#### Way Forward

- ◆ **2nd ARC Recommendation:** Keep Prime Minister out of Lokpal's jurisdiction.
- ◆ **Constitutional Backing:** Provide constitutional status and ensure financial autonomy.
- ◆ **Decentralization:** Distribute power across multiple accountable institutions.
- ◆ **11th Lokayukta Conference (2012):** Make Lokayukta the nodal complaint agency; grant control over state-level investigations; expand jurisdiction to include all bureaucrats.

## 8.3 Central Bureau of Investigation (CBI)

In *State of West Bengal v. Union of India* (2024), the **Supreme Court upheld West Bengal's suit** against the Centre, concerning CBI investigations despite **revocation of general consent** in 2018.

### Consent of State for CBI Investigations

- ◆ **General Consent:** Under Section 6 of the DSPE Act, states can grant or deny general consent to CBI. Without it, CBI must seek consent case-wise.
- ◆ **States Withdrawing Consent:** States like West Bengal, Punjab, Telangana have revoked general consent.
- ◆ **Exceptions:** No consent needed when directed by SC/HC, or in cases where officials are caught red-handed (e.g., bribe cases).

### Judicial Pronouncements Related to CBI

- ◆ **Common Cause v. Union of India (2019):** Appointment of CBI Director must be recommended by a high-level committee: **PM, LoP, and CJI/nominated judge.**
- ◆ **CPIO CBI v. Sanjiv Chaturvedi (2024):** Delhi HC ruled that **CBI is not fully exempt from RTI** and must disclose info on **corruption and human rights violations.**

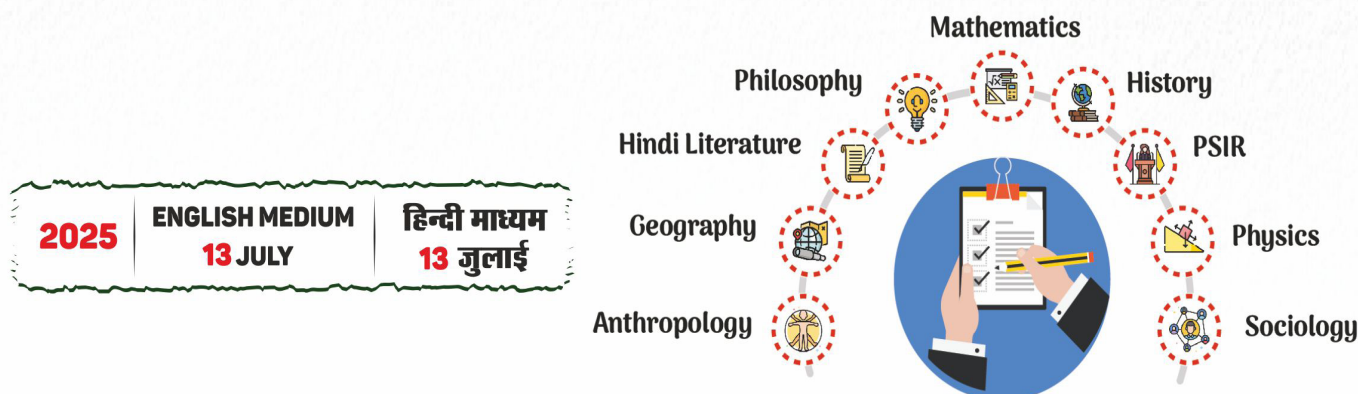
### Concerns Associated with CBI

- ◆ **Vacancies:** 724 posts vacant (16% of strength).
- ◆ **Lack of Transparency:** Case updates not publicly shared.
- ◆ **Withdrawal of Consent:** Nine states withdrew general consent, limiting jurisdiction.
- ◆ **Credibility Issues:** Criticism over botched high-profile cases like Bofors and Hawala.
- ◆ **Administrative Hurdles:** Prior sanction needed for probing senior bureaucrats.
- ◆ **Funding Issues:** Inadequate investment in manpower/training; funds underutilized.
- ◆ **Lack of Autonomy:** Controlled by DoPT, risking political interference.

### Way Forward (Parliamentary Committee Recommendations)

- ◆ **Vacancy Monitoring:** CBI Director to monitor vacancies quarterly.
- ◆ **Case Management System:** Centralized public-access database on case progress.
- ◆ **New Law:** Enact legislation defining CBI's powers, roles, and safeguards.
- ◆ **Recruitment Reforms:** Limit deputation to 10%; boost direct and LDCE recruitment.
- ◆ **Lateral Entry:** Recruit cybercrime and forensic specialists.
- ◆ **Transparency:** Publish case data and annual reports online.
- ◆ **Consent Clause Reform:** Remove state consent for national security/integrity-related cases.

# OPTIONAL TEST SERIES



## 9. IMPORTANT ACTS AND LEGISLATIONS

### 9.1 Waqf (Amendment) Act, 2025

The **Waqf Amendment Act, 2024** received the **President's assent**, bringing major changes to the Waqf Act, 1995.

#### Need for Amendment to Waqf Laws

- ◆ "Once a waqf, always a waqf" principle creates **endless ownership disputes**.
- ◆ **No judicial oversight**: Tribunal decisions are final; no regular court appeal.
- ◆ **Poor property surveys**: Inaccurate work by Survey Commissioners causes ownership conflicts.

#### Key Changes in the Act

- ◆ **Creation of Waqf**: Only a **lawful owner** can dedicate property as waqf.
- ◆ **Survey**: Now conducted by **District Collector**, replacing Survey Commissioner.
- ◆ **Govt. Property**: Government land cannot be declared as waqf.
- ◆ **Central Waqf Council**:
  - ▶ Headed by Union Minister; includes **MPs, judges, Muslim law experts**.
  - ▶ Members must be **Muslims** (except Minister); must include **2 women & 2 non-Muslims**.
- ◆ **State Waqf Boards**: Must include MPs/MLAs/Bar Council members & representation from **Shia, Sunni, Backward Muslims, Bohra, Aghakhani** communities (2 women minimum).
- ◆ **Waqf Tribunals**:
  - ▶ Judge (Chair), Joint Secretary-level officer, Muslim law expert.
  - ▶ Appeals can be made to **High Court within 90 days**.
  - ▶ If Tribunal non-functional, parties can **directly approach High Court**.

#### Concerns Raised Against the Amendment

- ◆ **Religious Freedom Violation**: Non-Muslim members and centralization may breach **Articles 14, 25, 26, 29**.
- ◆ **Government Overreach**: District Collectors handling property may lead to **bias/delays**.
- ◆ **Abolition of "Waqf by User"**: Threatens over **50% of 8.7 lakh waqf properties**, many without deeds.
- ◆ Does **not recognize waqf as Essential Religious Practice (ERP)** in Islam.

#### Key Judgments on Essential Religious Practice (ERP)

- ◆ **Sri Adi Visheshwara (1997)**: Only essential religious functions are protected, not secular activities.
- ◆ **Shayara Bano (2017)**: Declared **triple talaq** not essential to Islam; mere religious sanction is not equal to ERP.

### 9.2 Places of Worship (Special Provisions) Act, 1991

The Places of Worship (Special Provisions) Act, 1991 was in the news due to appeals for survey of certain religious places.

#### About Places of Worship (Special Provisions) Act, 1991

- ◆ Prohibits conversion of any place of worship and mandates maintenance of its religious character as on 15 August 1947.
- ◆ **Exemptions include**: (1) Ancient and historical monuments under the 1958 Act; (2) Ayodhya land dispute.

#### Arguments in Support of the Act

- ◆ **Promotes Peace**: Maintains 1947 status to prevent communal tensions.
- ◆ **Upholds Secularism**: Ensures religious equality; backed by SC (2019).
- ◆ **Limits Politicization**: Prevents use of religious disputes for political agendas.

#### Arguments Against the Act

- ◆ **Violates Rights**: Restricts Articles 14, 25, 26 & 29.
- ◆ **Blocks Judicial Review**: Bars courts from reviewing disputes over worship site status.
- ◆ **Arbitrary Cutoff**: Ignores pre-1947 injustices; denies community redress.
- ◆ **Inconsistent Exemption**: Excludes Ayodhya but not sites like Gyanvapi, causing perceived unfairness.

## 10. MISCELLANEOUS

### 10.1 Cooperatives

Union Home Minister and Prime Minister inaugurated the UN International Year of Cooperatives 2025 (IYC 2025).

#### Seven Principles of Cooperatives

- ◆ Voluntary & Open Membership
- ◆ Democratic Member Control
- ◆ Member Economic Participation
- ◆ Autonomy & Independence
- ◆ Education, Training & Information
- ◆ Cooperation Among Cooperatives
- ◆ Concern for Community

#### Cooperatives in India

- ◆ **Genesis:** Cooperative Credit Societies Act, 1904
- ◆ **Global Share:** India has 27% of world's cooperatives
- ◆ **Top Sectors:** Housing, Dairy, PACS
- ◆ **Leading States:** Maharashtra (25%), Gujarat, Telangana, MP, Karnataka
- ◆ **Constitutional Status:** 97th Amendment (2011) – Article 19(1)(c), Article 43B, Part IXB
- ◆ **Governance:** Multi-State – Union List Entry 44, Act 2002; State – State List Entry 32

#### Significance of Cooperatives in Socioeconomic Development

- ◆ Social Cohesion via urban policy participation
- ◆ Empowerment through equality & leadership
- ◆ Financial Inclusion for farmers
- ◆ Reducing Wealth Inequality & promoting self-employment
- ◆ Moral Values like unity and trust

#### Challenges Faced by Cooperatives in India

- ◆ **Governance:** Government interference limits autonomy
- ◆ **Politicization:** Elite dominance in management
- ◆ **Unawareness:** Members unclear on goals/rules
- ◆ **Rivalries:** Internal disputes lower participation
- ◆ **Regional Imbalance:** Weak in NE & East India
- ◆ **Small Scale:** Low reach & narrow vision
- ◆ Poor Audits & No Coordination
- ◆ **Scale & Skills:** Financial limits, untrained staff
- ◆ **Bad Management:** No career growth
- ◆ **Digital Divide:** Only 45% members digitally literate

#### Centre-State Tussle Related to Cooperative Bodies

- ◆ **97th Amendment (2011):** SC upheld only for multi-state coops
- ◆ States oppose **Multi State Co-operative Societies Act 2002** & 2023 amendments increasing Centre's role
- ◆ Creation of Ministry of Cooperation seen as power shift
- ◆ Central schemes clash with state-specific needs

#### Key Initiatives to Strengthen Cooperatives in India

- ◆ **Institutional Support:** National Cooperative Development Corporation (1963), Ministry of Cooperation (2021), National Cooperative Policy
- ◆ **Legal Reforms:** Multi-State Co-operative Societies (Amendment) Act 2023, PACS Model Bye-laws
- ◆ **Economic Initiatives:** Grain Storage Plan, Margdarshika (2 lakh coops), White Revolution 2.0 (milk target)
- ◆ **Technology & Finance:** NCD, NUCFDC, bank SOPs



## Strengthening the Cooperative Movement in India

- ◆ **Structural Reforms:** Merge weak societies
- ◆ **Operational Efficiency:** Professional Managers, coordination, better loans
- ◆ **Capacity Building:** Training & digitization
- ◆ Awareness & Education campaigns
- ◆ **Legal Reforms:** Based on Narasimham Committee
- ◆ **Transparency:** RTI, CBI/CVC probes, stronger audits

## 10.2 Right to Information (RTI) Act, 2005

Year 2025 marks 20 years of the enactment of the Right to Information (RTI) Act, 2005.

### Key Provisions of the RTI Act

- ◆ **Institutional Framework:** CIC, SICs, Central/State PIOs
- ◆ Right to request info; duty of authorities to maintain & disclose records
- ◆ Exemptions under Section 8
- ◆ Penalties, Appeals, Timelines (30 days)
- ◆ **RTI (Amendment) Act, 2019:** Centre to decide ICs' service conditions
- ◆ **DPDP Act, 2023:** exempted all personal info from RTI scope

### Significance of RTI

- ◆ Empowers citizens
- ◆ Promotes transparency
- ◆ Ensures accountability
- ◆ Exposes corruption
- ◆ Improves welfare scheme implementation
- ◆ Strengthens democracy

#### Judicial Pronouncements on RTI

- ◆ **PUCL v. Union of India (2004):** RTI is a Fundamental Right (Art. 19(1)(a))
- ◆ **Subhash Chandra Agarwal (2010):** CJI's office under RTI
- ◆ **Namit Sharma (2013):** ICs are quasi-judicial bodies

#### Challenges in Implementation of RTI Act

- ◆ **Functional:** Defunct ICs, long delays, backlogs
- ◆ Gender disparity in IC composition
- ◆ **Structural:** PM CARES excluded; 2019 Amendment diluted autonomy
- ◆ **Procedural:** Resistance, corruption, political non-compliance
- ◆ **Awareness:** Lack of education on RTI
- ◆ **Other:** No activist protection, poor PIO training, OSA contradictions

### Way Forward

- ◆ **2nd ARC:** Create National Coordination Committee, run mass awareness campaigns
- ◆ **Justice BN Srikrishna Committee (2018):** Limit exemptions to serious harm cases
- ◆ Promote Suo-motu disclosures under Section 4
- ◆ Recruit adequate staff
- ◆ Expert-led digitized record keeping
- ◆ Training of officials in RTI compliance

## 10.3 Minority Institution

Supreme Court in *AMU vs Naresh Aggarwal and others* overturned *S. Azeez Basha vs UOI (1967)* judgment, recognizing **Aligarh Muslim University (AMU)** as a **minority institution**.

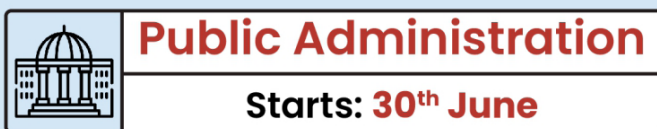
### Key Highlights of Judgment

- ◆ **Minority control over administration not mandatory** to prove minority institution status
- ◆ **Genesis & Brain** behind the institution must be traced to determine minority status
- ◆ Statutory creation or incorporation doesn't nullify minority status
- ◆ **Pre-Constitution institutions also protected** under Article 30(1)
- ◆ **Establishment by minority, not governance model**, is key criterion

### Provisions on Minority Educational Rights

- ◆ **Article 30(1)**: Religious & linguistic minorities can **establish and administer** educational institutions of their choice
- ◆ **NCMEI Act**: Created to **safeguard and enforce** minority educational rights

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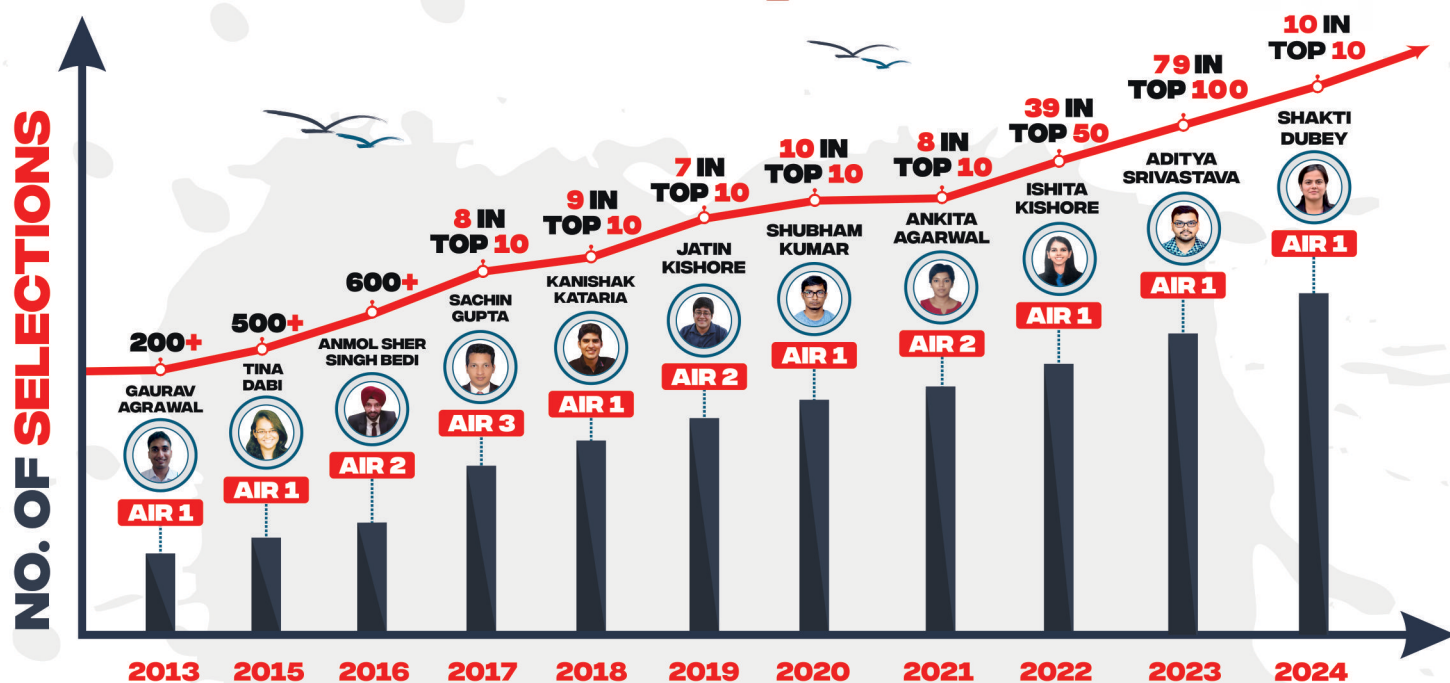


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