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Polity

Classroom Study Material 2021

(September 2020 to September 2021)

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POLITY AND CONSTITUTION

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Previous Year Questions	A reference sheet of syllabus-wise segregated previous year questions from 2013-2020 (for the Polity and Governance Section) has been provided. In conjunction with the document, it will help in understanding the demand of the exam and developing a thought process for writing good answers.	

A NOTE FOR THE STUDENTS

Dear Students,

Every year with Mains 365 documents, we aim to provide consolidated content keeping in mind the demand of the exam and the corresponding needs of the students. This necessitates keeping pace with changing pattern of the examination.

Over the course of last 3-4 years, the nature of questions in the Mains examination has changed significantly. Questions are becoming more conceptual, and more holistic in nature (i.e., having an amalgamation of both static and current parts), for e.g. the question on Right to information in Mains 2020 examination.

In this context we have made following additions in the document:

- **Topic at glance:** Topic at glance have been added to the Mains 365 Polity document. These topic at glance seek to:

- **Infographics:** Infographics have been added in the document in a manner that they can readily be replicated in the examination through flowcharts, pie charts, maps etc., thereby improving the presentation of the content in the answers.

- **Previous year questions:** A QR code to the syllabus-wise segregated Previous Year Questions has been provided for student's reference. These will act as a guiding light for developing a thought process required for writing good answers.

The document seeks to not only provide a one stop solution for Polity Current Affairs but it also seeks to develop a coherent thought process required for effective and well presented answer. Therefore, the articles in the document are not only to be read for content but also for understanding and adopting good practices of answer writing.

We hope that the coverage of the content in an organized manner will assist you in performing well in the examination.

Knowing is not enough; we must apply. Willing is not enough; we must do.

-Johann Wolfgang von Goethe

All the best!
Team VisionIAS

1. INDIAN CONSTITUTION, PROVISIONS AND BASIC STRUCTURE

1.1. CENSORSHIP IN INDIA

CENSORSHIP AT GLANCE

VIEWS OF PHILOSOPHERS & THINKERS REGARDING FREEDOM OF SPEECH & CENSORSHIP

PLATO: was in favor of censorship which was in learning.

SOCRATES: pleaded for intellectual freedo by asserting that free discussion had a supree public value.

JOHN STUART MILL: argued for absolute freedom of opinion on all subjects, taste and pursuits.

About censorship

- Refers to **official prohibition or restriction of any type of expression** such as films, books, television shows etc believed to threaten the political, social, or moral order.
- May be **imposed by a governmental authority, local or national,by a religious body,** or occasionally by a powerful private group.
- Represents **denial of freedom of speech, of expression and of information** but is also considered rational based on factors ranging from **political (sedition,treason,national security}, religious (blasphemy,heresy}, moral (obscenity, impiety},to social (incivility, irreverence, disorder}.**

EVOLUTION OF CENSORSHIP REGIME IN INDIA

- **Censorship during Colonial Rule:** Censorship used as a method to break down **any feeling of revolt and disrupt the National movement** through acts like **Vernacular Press Act, 1878, Newspapers (Incitement to Offences) Act of 1908,the Press Act of 1910 etc.**
- **Cinematograph Act of 1918** (later repealed by 1952 Act) laid the foundation of film censorship in India

CURRENT FRAMEWORK GOVERNING MEDIA CONTENT

- **Information Technology (IT} Act, 2000 and IT Rules:** regulate content on digital media such as Social Media Intermediaries, Over the Top (OTI) platforms etc.
- **Cable Television Networks Regulation Act, 1995** regulates broadcasting of programmes on television along with bodies such as News Broadcasters Association (NBA) and Indian Broadcasting Foundation (IBF).
- **Central Board of Film Certification (CBFC):** regulates the public exhibition of films.
- **Press Council of India (PCI}:** maintains and improves the standards of newspapers and news agencies.
- **Other provisions regulating media content:** Section 95 of the Code of Criminal Procedure, Protection of Children from Sexual Offences Act 2012 etc.

Need of censorship for society and the country as a whole

- **Maintains Sovereignty and Security of the State** by preventing misuse of social media by criminals or anti-national elements.
- **Guarantees personal liberty** by restricting activities such as cyber bullying, trolling, offensive and defamatory content, online sexual harassment etc.
- **Limits spread of Fake news.**
- **Prevents religious and ethnic violence** by controlling hate speech which is politically sensitive and can create inflammable situations.
- **Protects children from exposure** to psychologically damaging matters like obscene or violent content or glorified portrayal of anti-social or unhealthy behaviour.
- **Increases social solidarity** by avoiding insults to shared values e.g., a prohibition on flag burning.

Prevalent issues related to censorship

- **Threat to democracy as** it may discourage dissent.
- **Deprives citizens of freedom of information.**
- **May lead to Self-censorship.**
- **Limits creative freedom and personal autonomy.**
- Can **promote an environment of intolerance towards progressive and new ideas.**
- Can lead to **suppression of marginalized voices.**
- Can **restrict growth of Indian cinema/television** industries and infringe upon the citizen's right to choose.
- **Implementation challenges:** lack of objective boundaries, Potential for misuse, over regulation and abuse, censored content may move underground.

Way Forward

- **Encouraging Self-regulation** by including civil society's representatives like business owner and artists, retired judges, professionals etc."
- **Granting citizens the right to choose & consume** content through steps such as usage of content warnings.
- **Promoting professional education in the media and codifying all media laws.**
  Placing restrications upon free speech only to prevent infliction of actual harm based on objective standards.
- **Adopting proactive or non-punitive steps** to address hate speech such as public education, encouraging diversity etc."

1.1.1. DRAFT CINEMATOGRAPH (AMENDMENT) BILL, 2021

Why in news?

Recently, the Ministry of Information and Broadcasting released the **draft Cinematograph (Amendment) Bill, 2021** to seek public opinion on the amendments to Cinematograph Act, 1952.

More on news

- In India, the Cinematograph Act, 1952 provides for prior examination by Central Board of Film Certification (CBFC), popularly known as Censor Board, for **certification** and **regulating exhibitions**.
- **To keep pace with changing times for effective film certification and curb piracy,** the draft bill has proposed certain changes to the 1952 act.

Key features of the draft BILL, 2021

Provision	Proposed Change/s
Categories of Film Certification	• Introducing age-based categories as: **'U/A 7+', 'U/A 13+'** and **'U/A 16+'.** • The existing categories under Section 4 (1) are- ○ **'U'**- Unrestricted public exhibition ○ **'U/A'**- requiring parental guidance for children under 12
Validity of Certificate	• To enhance certificate **validation in perpetuity** from existing validity of **10 years** under section 5A (3).
Revisional powers of the Central Government	Grants revisionary powers to the Government on account of violation of Section 5B (1) of the Act (principles for guidance in certifying films). It also empowers Central Government to direct the Chairman of the Board to re-examine the film on violation of Section 5B (1). **NOTE:** In November 2020, the SC upheld Karnataka High Court's decision of striking down Centre's revisional power for the films that were already certified by the Board.
Film Piracy	• **Section 6AA:** Prohibits unauthorized recording. • **Section 7 (1A):** Penalties on violation of Section 6AA.

Issues in proposed amendment

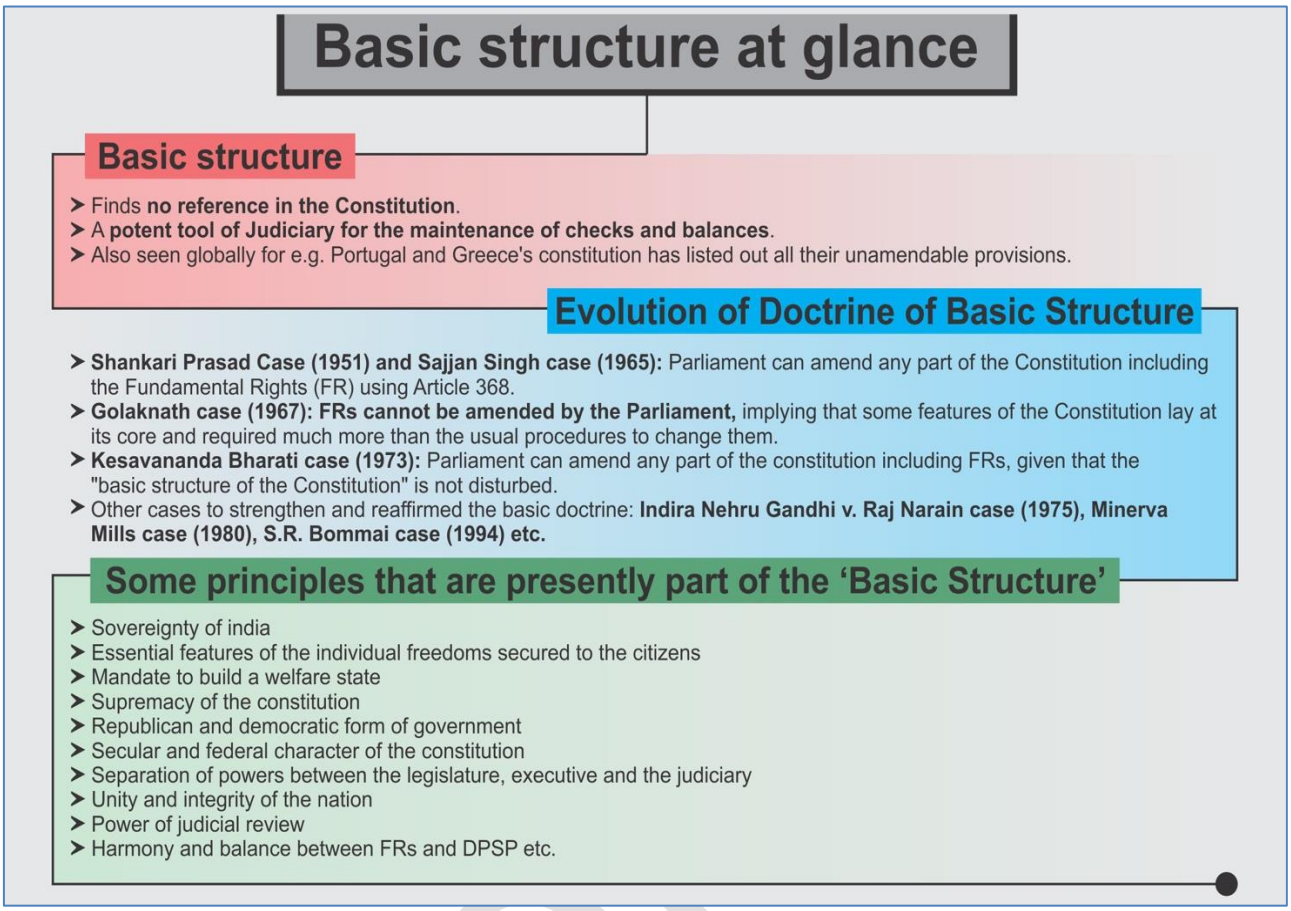
Among the proposed changes in draft, the **provision on granting revisional powers to the Central Government has been criticized** by film fraternity and others on following ground:

- **Hinderance to freedom of expression**
- **Stifles creativity** by being hinderance to open expression and discussion. I
- **Economic losses** to producers and the whole film industry ecosystem (distributors, theatres etc).
- **Against the spirit of recommendations of expert committees (**Mudgal Committee, 2013 and Shyam Benegal Committee, 2016).
- **Already existing provisions:** Central Government already enjoys similar power under Section 5E and Section 5F of the Act.

What can be done to overcome these issues without compromising effective regulation?

- **Encouraging self-regulation:** It can be set up both in-house and industry-wide depending on the function that it is supposed to serve.
- **Limiting the extent of censoring power of the state:** The Government should as a facilitator by forwarding its suggestions/recommendations to the self-regulatory body.
- **Right to choose and consume content:** Instead of outright censorship, increased usage of content warnings involving explicit material can be encouraged.
- **Promoting professional education in the media:** Ethical standards that respect privacy, dignity and freedom of speech and expression of citizens can be developed and inculcated in course curriculums to train professionals in various media.
- **Adopting proactive or non-punitive steps to address hate speech:** Such steps may involve public education, encouraging diversity, openly combating libelous or incendiary misinformation, etc.

1.2. BASIC STRUCTURE



1.2.1. KESAVANANDA BHARATI CASE

Why in news?

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

About the Kesavananda Bharati Case

- The case dealt with a petition against the Kerala Government challenging the compulsory acquisition of his land by the government under the **Kerala Land Reforms Act 1963,** as a violation of Fundamental Rights (FRs), as enshrined in - **Articles 25, 26** and **31** of the Constitution of India.
- The case was heard by a Bench of 13 judges — the largest formed in the Supreme Court (SC).
- As hearing proceeded, the scope of the case was expanded to address the following-
  - interpretation of **Golakhnath case** (SC had held that- Article 368 merely laid down the amending procedure but **did not confer upon Parliament the power to amend the Constitution**).
  - interpretation of the **Article 368** (Power of Parliament to amend the Constitution)
  - the validity of the **24th Constitutional Amendment** Act, **Section 2 and 3** of the **25th Constitutional Amendment** Act and **29th Constitutional Amendment** Act.

Outcomes of Kesavananda Bharati Case

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

Significance of the case

- Through **'Basic Structure' doctrine**, the judgement **expanded the scope of judicial review.**
- Despite the large number of amendments made to the Indian Constitution, the 'Basic structure doctrine' helped in **preserving the integral philosophies of its framers.**
- It created a **check on Parliament's endeavor** to wipe out judicial review and strive for unconditional power to amend the Constitution (through Constitution (42nd Amendment) Act, 1976).
- Also, it clarified the distinction in amending and legislative powers of Parliament and **gave the Preamble its righteous and integral position** in the India constitution.

1.3. RULE OF LAW

Why in news?

Recently, Chief Justice of India delivered a lecture on Rule of Law, and he advocated that, **"the story of 'Rule of Law' is nothing but the story of civilization of humans."**

Rule of law at glance

What is Rule Of Law

- Rule of law is a **principle of governance** in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws **that are publicly promulgated, equally enforced and independently adjudicated**, and which are consistent with international human rights norms and standards.

History and origin

- The origins of the **Rule of Law theory** can be traced back to the Ancient Romans during the formation of the first republic; it has since been championed by several medieval thinkers in Europe such as **Hobbes, John Locke**, and **Rousseau** through the social contract theory.
- Indian philosophers such as **Chanakya** have also espoused the rule of law theory by maintaining the King should be governed by the word of law.

Importance of rule of law

- Ensure Social Justice
- Preserve democracy
- Constraint on arbitrary use of power
- Protection of Fundamental rights and Human rights
- Ensure constitutionalism

Rule of Law & Indian Constitution

- Rule of law is a foundational pillar of Indian Constitution and is embedded in different provisions of the Indian Constitution.
  - Rule of law is a part of **basic structure of Indian Constitution**
  - **Supremacy of the Constitution**
  - **Article 13** provides for judicial review of law
  - **Article 14** ensure Equality before law and equal protection of law
  - **Article 21** provides a check against arbitrary executive action.
  - **Separation of power** between legislature, executive and judiciary
  - **Independent judiciary**

Key Principles that emphasize the Rule of Law

Rule of Law Vs Rule by Law	
Rule of Law is to control the unlimited exercise of the power by the supreme lawmaking authority of the land	**Rule by Law is laid down by the supreme lawmaking authority of the land.**
It is upheld when the laws are guided by the ideals like Justice and Equity. For example, Article 14 (right to equality) of the Indian constitution.	**Rule by law** can embody ethical as well as unethical laws. For example, the apartheid regime in South Africa was justified based on enacted laws.

- **Laws must be clear and accessible:** Laws are expected to be obeyed and for that people should easily understand the laws. Hence, laws need to be worded in **simple & unambiguous language**.
- **Equality before the law:** Important aspects of equality before law are having **equal access to justice** & ensuring **Gender Equality**. Equal access to justice forms the bedrock of the Rule of Law.
- **Right to participate in the creation and refinement of laws:** The very essence of a democracy is that its citizenry has a role to play, whether directly or indirectly, in the laws that govern them.
- **Strong independent judiciary:** The judiciary is the primary organ which is tasked with ensuring that the laws which are enacted are in line with the Constitution. So, judicial review of laws is one of the main functions of the judiciary.

What are the challenges in implementation of Rule of Law?

- **Outdated and complex legislative framework:** Archaic laws and multiplicity of laws make the legal process complex, long, expensive, and time-consuming.
- **Implementation of legislations:** Due to criminalization of politics and an over-centralized hierarchy implementation of rule of law becomes a challenge. Also, sometimes State use **law as a tool of oppression** (For example, law on sedition).
- **Upholding justice:** Overburdened Judicial System, influence of social media and media trial along with lack of access to justice for vulnerable sections due to poverty and illiteracy violates fundamental aspect of natural justice.

What can be done to overcome these challenges?

- **Repeal archaic laws**: The revising, repealing, and updating of old laws are sorely needed—and greater precision in the drafting of replacement language is essential. For example, legislative consolidation and simplification is the model established by the Financial Sector Legislative Reforms Commission.
- **Safeguards against misuse of laws**: Different agencies of state should ensure that due process of law is applied while dealing with various cases under legislations like UAPA, sedition among others.
- **Curbing criminalization of politics**: By effecting disqualification of tainted politicians at the stage of framing of charges can be followed, as recommended by the Law Commission of India.
- **Use of Information technology (IT) solutions**: For tracking and monitoring cases and in providing relevant information to make justice litigant friendly. **e-Courts** are a welcome step in this direction.
- **Indian Courts and Tribunal Service**: It was suggested by the **Economic Survey 2018-19** to provide administrative support functions needed by the judiciary. It will also identify process inefficiencies and advise the judiciary on **legal reforms**.

1.4. UNDERTRIALS: RIGHT TO SPEEDY TRIALS

Why in news?

Recently, in wake of death of activist Stan Swamy, **Bombay High Court** took up the issues of undertrials and contented that **Right to speedy trial is a fundamental right**.

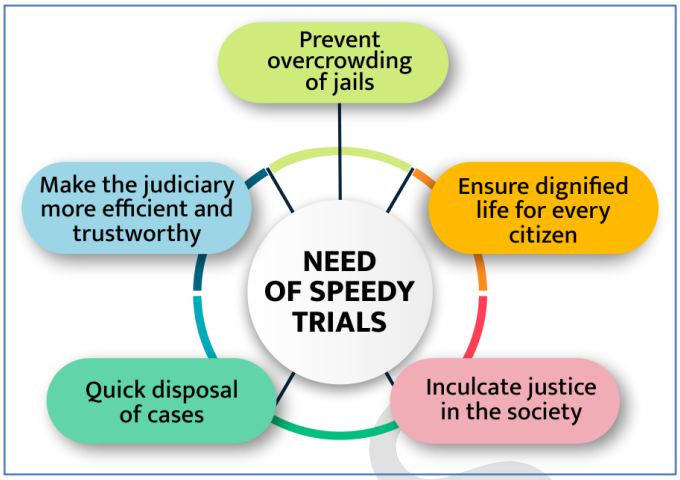
Undertrials and their Status in India

- Undertrial prisoners are those people **who are facing trial in any court** and during such trial are **kept in judicial custody in prison.** In simple terms, undertrial prisoner is one who has been arrested for some crime who is waiting to appear before the magistrate.
- As per **National Crime Records Bureau (NCRB) prison data report,** Undertrials in prisons **increased to 69 percent in 2019** from 67 percent in 2015**, capacity in jails increased by 1.9 percent** during this period.

Reasons for current state of Undertrials

- **Delayed investigation**: But delays in investigation and longer incarceration of undertrial prisoners can often be traced to **poor quality of investigation due to lack of adequate professionally trained staff** in the police.
- **Unnecessary arrests**: Law Commission in its 268th report remarked that over **60 percent of arrests are unnecessary** accounting for 42.3 percent of jail expenditure primarily due to unnecessary arrest and over-policing.
- **Inconsistency in bail system:** Right to bail is denied even in genuine cases. Even in cases where the prisoner was charged with bailable offence, they are found to languish in prisons due to **exorbitantly high bail amount.**

- **Poor implementation of laws:** The mismatch between the legal position and the actual state of affairs is due to the poor implementation of laws and judicial decisions by police authorities, lower judiciary and prison administration.
- **Poverty and Illiteracy:** Majority of undertrials **belong to the marginalized communities** and are poor and illiterate (28.6%) or dropped out of school before Class 10th (41%). So, a lot of them are not aware of their rights.
- **Poor legal aid and representation:** Nearly 80% of India's population qualifies, but only 15 million have been provided legal services and advice under the Legal Services Authorities Act, 1987.

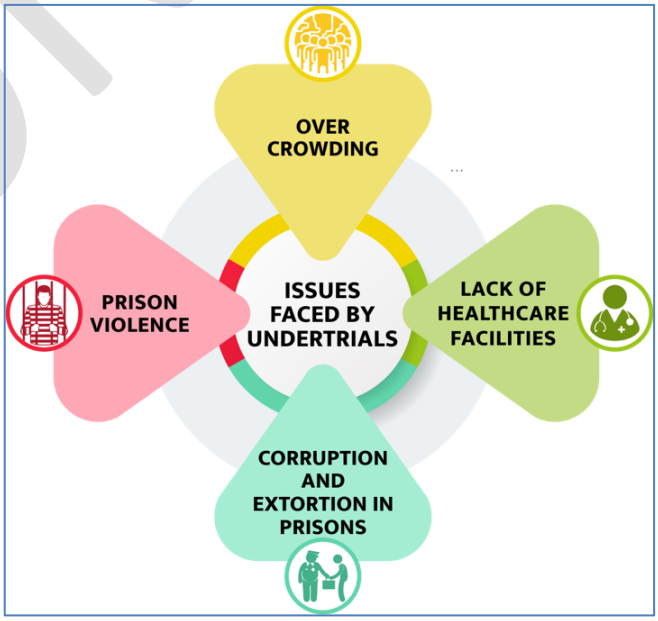


Origin and idea of speedy trials in India

- The right to a speedy trial is **first mentioned** in the landmark document of English law, the **Magna Carta.**
- In 1979, **Hussainara Khatoon vs State of Bihar** formed the **basis of the concept of Speedy Trial.** It was held that where undertrial prisoners have been in jail for duration longer than prescribed, if convicted, their detention in jail is totally unjustified and in violation to fundamental rights under article 21.
- In 1994, **Kartar Singh vs State of Punjab** case declared that **right to speedy trial is an essential part of fundamental right** to life and liberty.

Initiatives taken by Government to ameliorate the issues faced by Undertrials

- **Fast Track Courts (FTCs)** were established with an aim to **reduce the burden of cases** from high courts and district courts and also to **provide speedy justice.**
- **e- Courts** to streamline judicial processes, reduce pendency, and help the litigants**.**
- **Fast and Secure Transmission of Electronic Records (FASTER) scheme** by which the court would instantly, directly, securely and electronically transmit bail and other orders to the jail authorities, district courts and the High Court.
- **Modernization of Prisons scheme** was launched with the objective of improving the condition of prisons, prisoners and prison personnel.
- **National Legal Services Authority (NALSA)** had launched a web application to facilitate the undertrial prisoners for providing them with free legal services.
- **e- Prisons project** that aims to introduce efficiency in prison management through digitization.
- **Model Prison Manual** provides detailed information about **the legal services available to prison inmates** and also free legal services available to them.



Way Forward

- **Recommendations of India's Law Commissions:**
  - Provide **relief to victims of wrongful prosecution in terms of monetary and non-monetary compensation** such as counselling, mental health services, vocational/employment skills development etc.
  - **Need to separate law and order and investigation wings** of the police department.
  - **Reducing prison overcrowding by liberalization of bail conditions** especially the release of certain categories of undertrials on bail, and
  - **Releasing an inmate on parole** after completing a portion of his term.
- **Recommendations of Malimath committee:**
  - **Ratio of judges to population should be increased** which will help in disposal of cases very fast.
  - **Nyaya Panchayats** should be authorized to dispose-off small and petty cases

- **Use of digital Infrastructure:**
  - **Video conferencing between jails and courts should be encouraged** and tried in all states beginning with the big Central jails and then expanding to District and Sub jails.
- **Legal procedures:**
  - With undertrial prisoners, adjournments should not be granted unless absolutely necessary.
  - Police functions should be separated into investigation and law and order duties and **sufficient strength be provided to complete investigations on time** and avoid delays.

Custodial death

- Custodial Death is widely referred to as d**eath that happens to a person who is under trial or has already been convicted of a crime**. It can be due to natural causes like illness or may also happen due to suicide, infighting among prisoners but in many instances, it is police brutality and torture that is the reason behind the death.
- According to **National Campaign Against Torture**, a joint initiative by multiple NGOs, about 3/4th deaths in police custody occurred primarily as a result of torture in 2019.
- **Challenges in curbing such incidents**
  - **Lack of strong legislation against torture:** India does not have an anti-torture legislation and is yet to criminalise custodial violence. Though **India had signed the U.N. Convention against Torture in 1997 but it is yet to ratify it,** that entails bringing in laws and mechanisms to fulfil the commitments. This makes India one among the nine countries across the globe yet to do so.
  - **Lack of independent functioning:** Police Act of 1861 is silent on 'superintendence' and 'general control and directions.' This enables the executives to reduce the police to mere tools in the hands of political leaders to fulfil their vested interests.
  - **Lack of accountability and impunity enjoyed by Police:**
    - ✓ **Law does not permit common citizens to sue a police officer** and only the government has that discretion.
    - ✓ **Internal departmental inquiries** to examine wrongdoing rarely find police culpable.
    - ✓ **Poor conviction rate: National Crime Records Bureau (NCRB)** data highlights that between 2001 and 2018, only 26 policemen were convicted of custodial violence despite 1,727 such deaths being recorded in India as most such deaths were attributed to reasons other than custodial torture such as suicide.
  - **Weak functioning of National Human Rights Commission**
  - **Popular support encourages such actions**

1.5. RIGHT TO PROTEST

Why in News?

Recently, there are protests in different countries against government policies on a wide range of issues, ranging from inequality to hunger and unemployment despite the Covid-19 lockdowns.

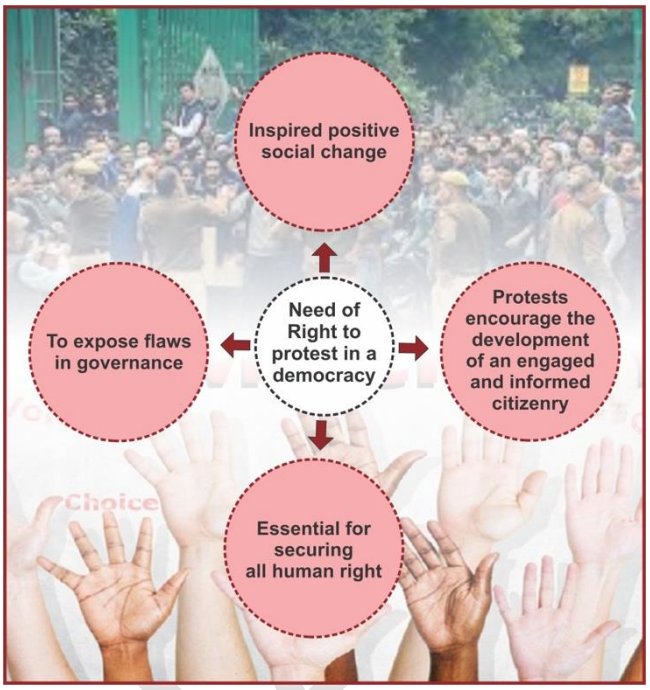
About right to protest

- A protest is an individual or an aggregate's voice to express dissent or opposition against government inaction or encroachment of rights. It is an act of expressing freedom or the lack of it through art, speech and culture.
- In terms of international law, the rights to freedom of association, peaceful assembly and expression are **recognised in various treaties,** including the International Covenant on Civil and Political Rights.
  - Every person has the inalienable right – a right that cannot be taken away – to take part in a protest, provided that it is peaceful
- The right to protest peacefully is enshrined in the Indian Constitution—**Article 19(1)(a)** guarantees the freedom of speech and expression. It includes **Right to Demonstration or Picketing but not right to strike**. **Article 19(1)(b)** assures citizens the right to assemble peaceably and without arms.
  - In the case of **Ramlila Maidan Incident v. Home Secretary, Union of India & Ors.**, the Supreme Court had stated, "Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action."

Recent examples of global protest

- **In the United States**, hundreds of thousands of people in over 2,000 localities across the country have protested the killing of Black Americans like George Floyd and Breonna Taylor by police officers.
- **In Pakistan**, opposition parties come together to channelise public discontent at rising prices, power cuts, closure of businesses and other economic misery.

Reasons for rise in global protests



- **Socioeconomic issue:** These include tax hikes in Greece, austerity policies in the United Kingdom, indigenous rights in Chile, subsidy cuts in Nigeria, wage issues in South Africa, the cost of living and housing prices in Israel, and gender-based violence in India.
- **Corruption:** corruption trigger is often set off by a specific revelation about the actions of particular politicians but then quickly cascades into a much broader wave of revulsion toward the whole governing system.
- **Political factor:** In a number of cases, specific political issues served as triggers bringing out protesters angry about the broader climate of repression and corruption. Example, protest in Hongkong.
- **New communication technologies and media platforms:** They enables movements in different countries to learn from and engage with each other.
    - The leaderless pro-democracy protest movement in Thailand is connected to groups guiding similar efforts in Hong Kong.
- **Growth of civil society organizations** around the globe in the past two to three decades, especially in those parts of the developing and former Communist worlds where civil society was previously so weak.

Characteristics of the Current Wave of Protests

- **Diversity of places:** Unlike the last major global wave of protests that was associated with the spread of democracy in the 1980s and 1990s, protests are increasing now in every region of the world and in every type of political context.
- **Local triggers:** The current wave of protests is triggered primarily by economic concerns or political decisions, not by transnational issues like globalization that animated some previous protests.
- **Absence of coherent policy messages:** They are designed to be a kind of mass theater that triggers bigger waves of disruption. They seek a different way of doing politics, rather than simply offering a standard series of policy recommendations.
- **Organisationally minimalistic:** Modern protest is organisationally minimalistic, even 'leaderless', heavily dependent on social media and wary of any alliance with 'old' forms of civic and political organisation.
- **Blame the Foreigners:** In recent protests leaders often blame foreigners for the protests. This emphasis on a foreign role in protests highlights the difficulty that many leaders have in accepting that their own citizens are turning against them.
- **Many protests are not long-term campaigns** but short-lived revolts.

Right to protest in Public Space

- Supreme Court gave a verdict on **Right to protest vs. Right to mobility** on a plea against **blocking of road in Shaheen Bagh in Delhi over Citizenship Amendment Act protests.**
- **Highlights of the verdict**
    - Judgment upheld the right to peaceful protest a law but made it unequivocally clear that **public ways and public spaces cannot be occupied, and that too indefinitely**.
    - In democracy, rights of free speech and peaceful protest were indeed "treasured" but were **subject to reasonable restrictions.**
    - **Fundamental rights do not live-in isolation**. The right of the protester must be balanced with the right of the commuter.
    - It noted **social media channels are often fraught with danger** and can lead to the creation of highly polarised environments.

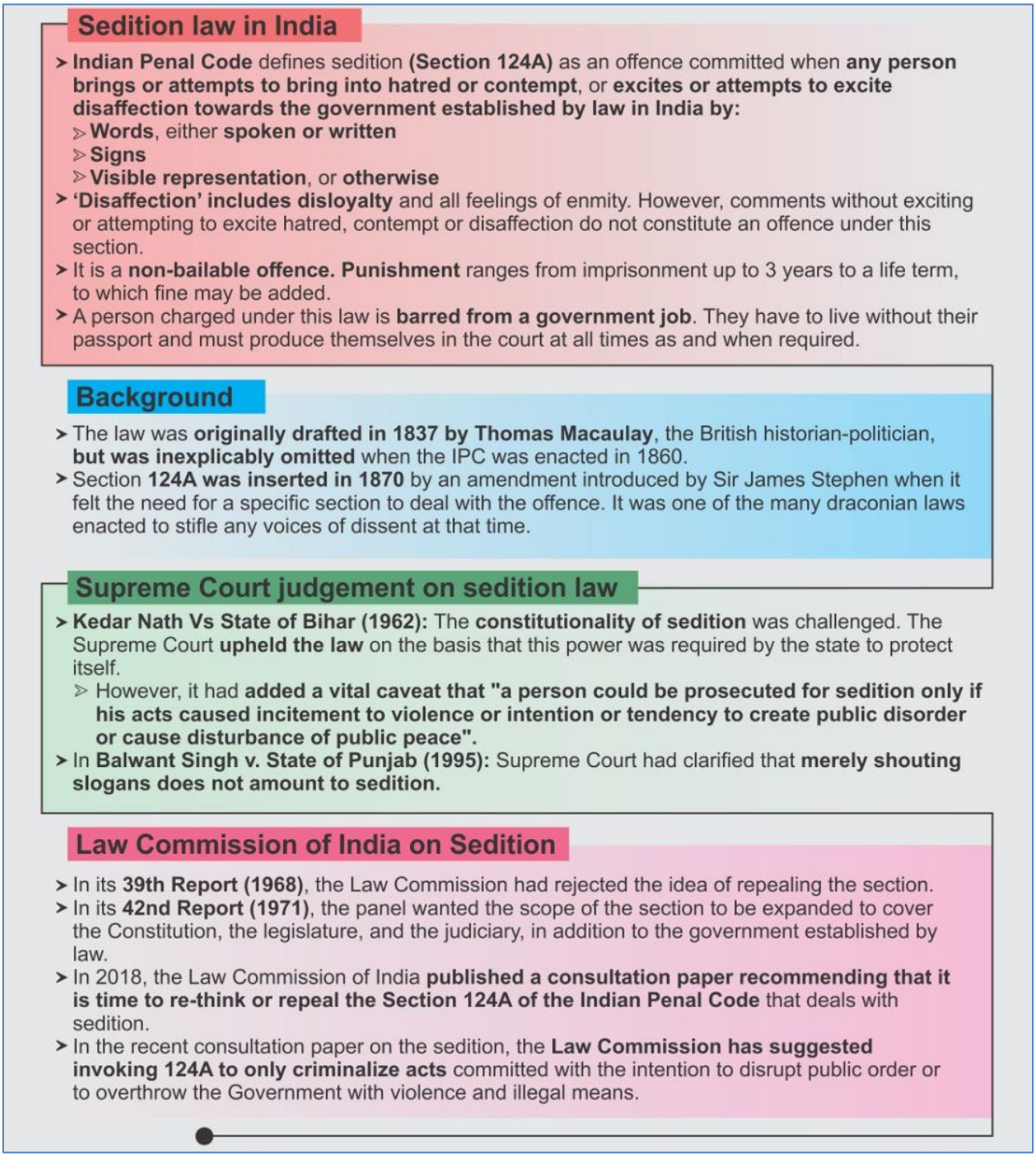
Conclusion

The world started 21st century with expectations that the political character of this century would be largely democratic, as countries throughout the developing and post-Communist worlds worked steadily to fulfill the widespread democratic aspirations. But recent rise in global protest highlighted tremendous global political uncertainty. Today's wave of protests is complex. So, a more granular understanding of protests' aims, forms and impacts is needed.

1.6. SEDITION LAW IN INDIA

Why in news?

Supreme Court rejected a plea urging it to re-examine the constitutional validity of Section 124A of IPC, which deals with sedition.



Arguments in favour of Sedition

- It has its utility in combating anti-national, secessionist and terrorist elements.
  - **Many districts in different states** face **Maoist insurgency** and **rebel groups** who virtually run a parallel administration. These groups openly advocate overthrow of the state government.
- It **protects the elected government** from attempts to overthrow it with violence and illegal means. Continued existence of the government is essential for political stability.
- If **contempt of court invites penal action**, the same logic dictates that contempt of government should also attract punishment.

Arguments against Sedition

- **Colonial era law:** It is a colonial relic and a preventive provision that should only be read as an emergency measure.
- **Right to freedom of expression:** Use of Section 124A by the government **might go beyond the reasonable restrictions provided under fundamental right to freedom of speech and expression** as per Article 19 of the Constitution.
- **Democratic foundation:** Dissent and criticism of the government are essential ingredients of robust public debate in a vibrant democracy and therefore, should not be constructed as sedition. The sedition law is being misused as a tool to persecute political dissent.
- **Lower conviction rate:** Though police are charging more people with sedition, few cases actually result in a conviction.
  - As per **National Crime Records Bureau, sedition cases rose** from **47 to 70 between 2014- 2018** but **not more than 1-2 cases resulted in conviction**. This **shows disutility** of sedition law.
  - Compared to other offences, **sedition remains a rare crime** (it accounts for **less than 0.01% of all IPC crimes).**
- **Vague provision of sedition laws:** The terms used under Section 124A like 'disaffection' are vague and subject to different interpretation to the whims and fancies of the investigating officers.
- **Other legal measure for offences against the state:** Indian Penal Code and Unlawful Activities Prevention Act (1967), have provisions that penalize "disrupting the public order" or "overthrowing the government with violence and illegal means". These are sufficient for protecting the national integrity.
  - Similarly, **the Prevention of Damage to Public Property Act** is also there for offences against the state.
- **Perception of law:** Globally, sedition is increasingly viewed as a draconian law and was revoked in the United Kingdom in 2010. In Australia, following the recommendations of the Australian Law Reform Commission (ALRC) the term sedition was removed.
  - Even in India, in August 2018, the Law Commission published a consultation paper recommending that it is time to re-think or repeal the Section 124A.
- **Inconsistent with international convention:** In 1979, India ratified the International Covenant on Civil and Political Rights (ICCPR), which sets forth internationally recognized standards for the protection of freedom of expression. However, misuse of sedition and arbitrary slapping of charges are inconsistent with India's international commitments.

Conclusion

It is abundantly clear that freedom of speech and expression within the Indian legal tradition includes within its ambit any form of criticism, dissent and protest. Dissent acts as a safety valve in a vibrant democracy and every restriction on free speech and liberty must be carefully imposed weighing its reasonableness. Therefore, as **suggested by the Law commission of India,** invoking 124A should be **restricted only to criminalize acts** committed with the intention to disrupt public order or to overthrow the Government with explicit violence and illegal means.

1.7. UNIFORM CIVIL CODE

Why in news?

Recently, the Supreme Court sought a reply from the Centre on a PIL (Public Interest Litigation) seeking gender and religion-neutral uniform grounds of succession and inheritance for citizens in the country.

About Uniform Civil Code (UCC)

- A UCC refers to a **single law, applicable to all citizens of India in their personal matters** such as marriage, divorce, custody, adoption and inheritance.
- A UCC is intended to **replace the system of fragmented personal laws,** which currently govern interpersonal relationships and related matters within different religious communities.
- **Article 44 of the Constitution** lays down that the 'State shall endeavor to secure a Uniform Civil Code for the citizens throughout the territory of India.'

Specification	Arguments in favour of UCC	Arguments against UCC
Simplify the Indian legal system	• **Simplify laws that are segregated** at present based on religious beliefs. • **Same civil law will then be applicable to all citizens** irrespective of their faith.	• **Indian laws do follow a uniform code in most civil matters** like Indian Contract Act, Code of Civil Procedure, Sale of Goods Act, etc. • **There is diversity even under these secular civil laws.**
Legislative power of parliament	• Many judicial pronouncements (including Mohd. Ahmed Khan v. Shah Bano Begum, 1985 and Sarla Mudgal v Union of India, 1995) of **higher judiciary have favoured UCC** in some or the other forms. • **Parliament may make a law** to make these judicial pronouncements enforceable.	• **"personal laws" are mentioned in the Concurrent List**. • Also, if the framers of the Constitution had intended to have a UCC, they would have given exclusive jurisdiction to Parliament in respect of personal laws, by including this subject in the Union List.
UCC & Fundamental Rights	• **Gender Justice:** Mostly the religious or customary personal laws are biased in favour of men. • **Religion and personal law are different avenues:** In S.R. Bommai v. Union of India, the Apex court upheld that religion is the matter of individual faith and cannot be mixed with secular activities. **Secular activities can be regulated by the State by enacting a law.**	• **Secular state should not interfere with the personal law:** A UCC is seen, by many, as a contradiction to the fundamental rights guaranteed under **Article 25** (individual's fundamental right to religion), **Article 26(b)** (right of each religious denomination to "manage its own affairs in matters of religion), and **Article 29** (right to conserve distinctive culture).
UCC and country's diversity	• **Promote national integration:** Different laws for different religious groups breed communalism. • Single, secular law governing various aspects of personal matters would arouse **a sense of oneness and the national spirit.**	• **Against the diversity of the country:** There has been skepticism whether there could ever be uniformity of personal laws in a democratic and diverse country like India. • **Lack of national consensus:** UCC still is a politically sensitive issue. There are still many organisations who advocate rights of minorities as well as many religious clerics oppose UCC.

Way ahead

- **Evolution of consensus:** Effective Information, Education and Communication about the significance of an UCC and Article 44 would be helpful in achieving the milestone of national consensus.
- **Reform of personal laws:** In the absence of a consensus on a UCC, the best way forward for India may be to preserve the diversity of personal laws while ensuring that they do not contradict the fundamental rights.
    - **In 2018 the Law Commission of India** in a consultation paper noted that **'a UCC is neither necessary nor desirable at this stage'** in the country. However, the Commission suggests certain measures in marriage and divorce that should be uniformly accepted in the personal laws of all religions.
- **Model UCC:** Enact a model UCC embodying what is best in all personal laws. It must be a synthesis of the good in our diverse personal laws.

Conclusion

Ours is a secular democratic republic. Freedom of religion is the core of our culture. But religious practices, which are violative of human rights and dignity and suffocate civil and material freedom are not a mark of autonomy but oppression. Therefore, a unified code is imperative, both for protection of the oppressed and for promotion of national unity and solidarity.

1.8. AADHAAR

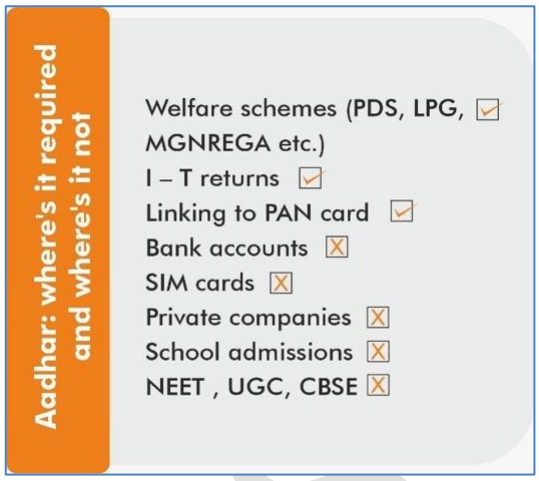
Why in news?

The Supreme Court termed the cancellation of around three crore ration cards by the Centre due to non-linking with Aadhaar card as too serious and sought response from the government on the issue.

More about news

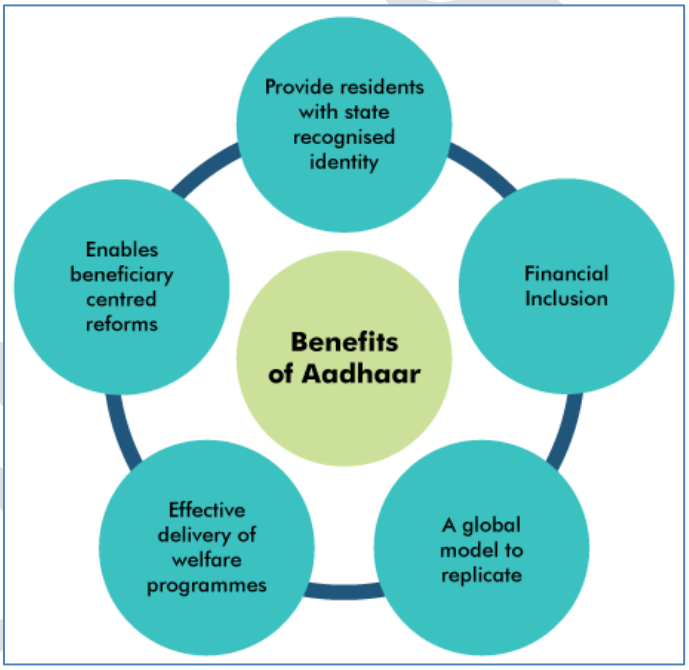
- The Supreme Court made this remark while hearing a plea that claimed that the **technological system based on iris identification, thumb prints, non-possession of Aadhaar, non-functioning of the internet in**

rural and remote areas, etc., led to largescale cancellation of ration cards without notice to the family concerned.



About Aadhaar

- Aadhaar was **first launched in 2010** as an architect for **biometric authentication**.
- The Aadhaar number is a **12-digit unique identity number assigned to all residents of India** issued by the Unique Identification Authority of India (UIDAI)**.**
- Its uniqueness is supposed to be guaranteed by the **use of biometrics** (fingerprints, iris). Besides, UIDAI also collects **some demographic information**.
- **In 2016,** Aadhaar was given **legal backing** with the passage of Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 also known as Aadhaar Act, 2016. The act also provided **for mandatory use of Aadhaar in welfare programme delivery.**
- In 2018, the Supreme Court **upheld the Constitutional validity of the Aadhaar Act but with certain caveats.**
    - It also allowed the **mandatory linking of Aadhaar for filing tax returns and accessing welfare schemes** but removed the requirement for bank accounts and SIM cards.
    - **It also struck down section 57** of the Aadhaar Act, which allowed corporations and individuals to ask for Aadhaar in exchange for goods and services.
    - The court also demanded that the Central Government **pass a strong data protection law as soon as possible.**



Challenges associated with Aadhaar

- **Vulnerability as a substitute for Photo-ID:** Aadhaar was meant to be used for biometric authentication. When it is used simply as a photo-ID, it becomes more vulnerable to being duplicated or faked because it lacks any traditional security features (like microchip, hologram, etc.)
- **Privacy Issues:** For example, in 2017, the personal details of nearly 15 lakh pensioners were publicly displayed on the website of the Jharkhand government.
- **Threat to national security**: Adhaar number of all the officials of security agencies of India like Intelligence Bureau is of extreme interest for various non-state actors particularly in the age when no data is immune from hacking or illegal access.

Personal Data Protection Bill, 2019

- Personal Data Protection Bill was **first brought to the Parliament in 2019 and passed on to the Joint Committee of Parliament (JCP)** for examination at the time.
- The Bill seeks to **regulate the use of individual data by the government and private companies** and a Data Protection Authority has been envisaged for ensuring the compliance of the law.
    - The Bill provides the **data principal with certain rights with respect to their personal data.**
    - The Bill also provides for certain **obligations of data fiduciaries with respect to processing of personal data.** Such processing should be subject to certain purpose, collection and storage limitations.

Issues for JCP to analyse on Personal Data Protection Bill

- **Limitations to government** control and access of public data
- Effective **limitations on giant firms**
- Citizens' **right to privacy**
- Preventing **cyber-attacks and surveillance**
- Balance between **personal data protection and the nation's national security interests.**
- Potential **challenges in the implementation** of the legislation.

- **Denial of services to the most marginalized:** Mandatory Aadhar seeding has led to exclusion of genuine beneficiaries who live-in remote areas and are among the most marginalised. For example, a study conducted in Jharkhand in 2017 suggests that there have been starvation deaths because of the denial of benefits and subsidies.

Way ahead

- **Upholding the privacy:** Supreme Court of India in Justice K S Puttaswamy and Anr. Vs. Union of India and Ors., held that the right to privacy is a fundamental right. Hence, there is an urgent need of **enacting Personal Data Protection Bill, 2019.** Also, **Aadhaar Act, 2016 could be amended** to make it mandatory for UIDAI to inform Aadhaar users when a crime related to their personal data occurs.
- **Dealing with ghost Adhaar card:** There is a need to ensure quality control on information input into Central Identities Data Repository (CIDR) maintained by the UIDA.
- **Mechanism for alternative identification:** The question of fraud can still be addressed by the use of other verification cards and by decentralised disbursal of services at the panchayat level.
- **Make the use of Aadhaar easier:** It must be ensured that marginalised groups are enrolled, the process to update records is made simpler, the grievance redress systems are strengthened, and exclusions due to Aadhaar are eliminated.

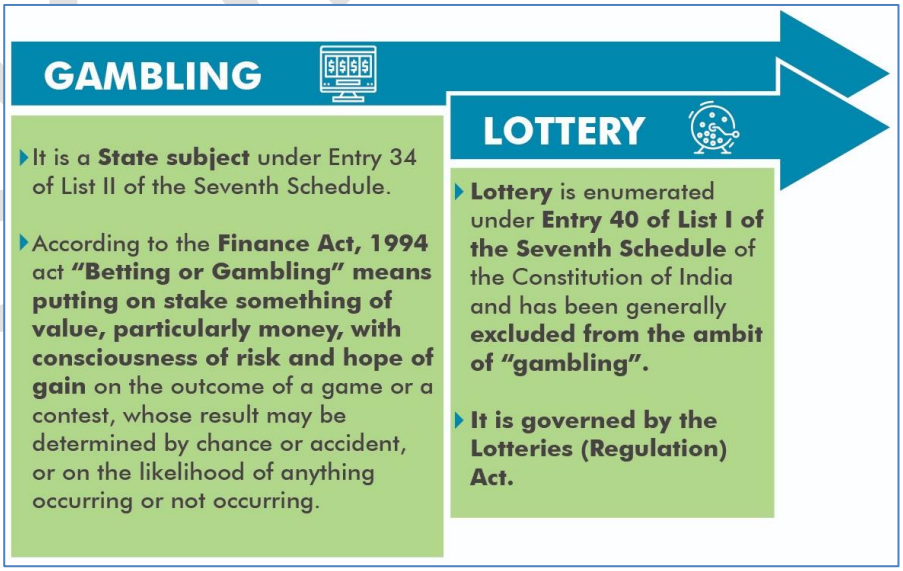
1.9. GAMBLING

Why in news?

Recently, a plea in Delhi High Court sought appropriate steps to prohibit online gambling websites.

More on news

- The plea claimed that **despite** there being laws enacted by various **States prohibiting such activities, a large number of websites providing gambling, betting and wagering** games are still accessible in India.
- The Delhi High Court was informed by the Centre that **online gambling is a State subject** and the State governments have to make laws to regulate such activities.
- Centre also claimed that the **legislative competence** to determine **whether a game is a game of skill or a game of chance or is involved in gambling** (played with stakes or not) **is conferred on the States only or to the court of laws** (which possess the judicial wisdom).



Arguments against legalizing betting and gambling

- **Against morality:** India has been culturally opposed to gambling even though it existed in Indian society since ancient times. The textual references also suggest that **these activities have never been approved by the society.**
- **Preventing social harm:** Gambling addiction also leads to crimes and mental illnesses to people who fall prey to this trap.
- **Protecting the poorest strata of the society:** Gambling has been proven to result in financial losses, causing an adverse impact on one's economic state, personal life and social life.
- **Legalising would promote gambling:** Since gambling is portrayed as something clean and a way to earn money quickly, it attracts young people, who eventually become gambling addicts.

Arguments in favour of legalizing betting and gambling

- **Accountability for the money involved:** The Mudgal Committee stated that, "legalising sports betting would reduce the element of black money and the influence of the underworld.

- **Preventing corruption in sports:** Corrupt practices such as spot and match-fixing being employed in sports. Left unregulated, this problem could further manifest and grow uncontrollably.
- **Cap on "connecting crime":** As of now, since gambling is not in a regulatory framework it often results in connected crimes such as chain snatching, looting, stealing, etc. Legalizing would increase the regulatory oversight thus minimizing losses and curbing the tendencies of 'connecting crime'.
- **Revenue generation:** Licensing such activities help the government in earning substantial revenue and generate employment, development of tourism, etc.
- **Social benefits:** Protection for the young and vulnerable against the dangers of unwise betting behavior.

Way ahead

The arguments in favour of legalising gambling far outweigh the arguments against the same. Therefore, Law commission of India has suggested legalising gambling with some safeguards. F**ollowing safeguards be provided in the legislation regulating betting**

- **Categories gambling: Proper gambling** (involving higher stakes) permitted for individuals belonging to the higher income group, and **Small gambling** (involving low stakes) for individuals belonging to the lower income groups.
- **Transparency:** Gambling and betting, if any, should be offered **only by Indian licensed operators** from India possessing valid licenses granted by the game licensing authority.
- **Curbing loss chasing:** For participants, there must be a cap on the number of transactions an individual can indulge in these activities in a specific period.
- **Enacting model law:** The Parliament enact a model law for regulating gambling that may be adopted by the States.
- **IEC:** Information regarding the risks involved in gambling/betting and how to play responsibly must be displayed prominently on all gambling and betting portals/platforms.
- The **"National Sports Development Code of India, 2011",** which aims at preventing betting and gambling in sports or any other code applicable from time to time, will also require an amendment/modification, to create an exception for the same, if betting and gambling are to be regulated.

Conclusion

Justice D P Madon has once remarked "as the society changes, the law cannot remain immutable" and that "the law exists to serve the needs of the society which is governed by it." Since, online gambling has increased the challenges associated with gambling manifolds, it is high time for giving a thought to legalising it which would enable effective regulation of this sector.

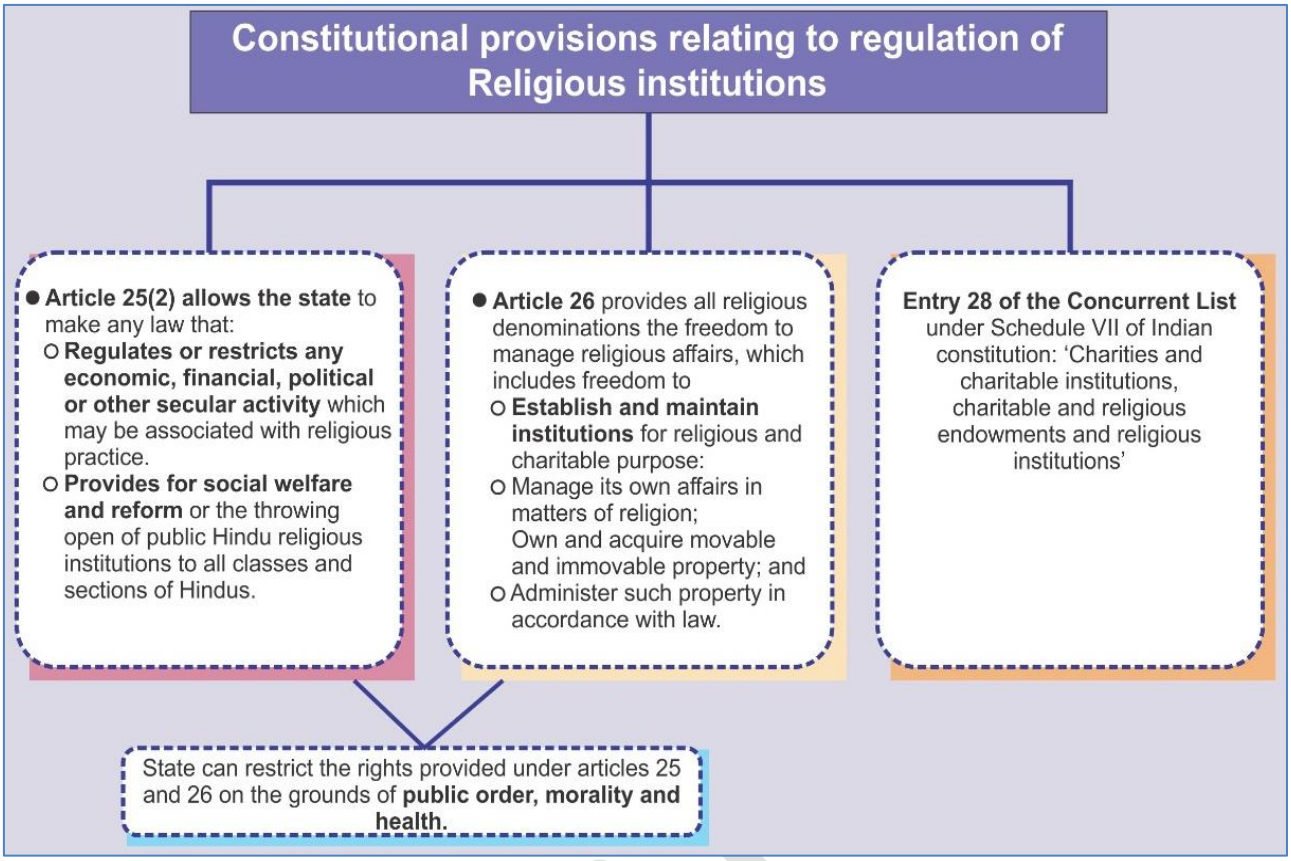
1.10. STATE AND REGULATION OF TEMPLES

Why in News?

Recently, movement to free Hindu temples from state control under **Hindu Religious and Charitable Endowments (HR&CE) laws** gained some traction.

Background

- **Madras Hindu Religious Endowments Act of 1925** was the first enactment that related purely to Hindu religious endowments.
- Since then **several States**, like **Tamil Nadu, Bihar, Madhya Pradesh and Rajasthan**, among others, have put in place **some form of legislation for the management of Hindu Religious Institutions**.
- These laws mostly involve setting up of **administrative bodies** such as HR&CE departments with functions involving **overseeing the functioning & administration of temples, appointment of non-hereditary trustees, approval of budgets, etc.**
- However, in recent times several questions have been raised on the efficacy, need and constitutional validity of State control over religious institutions, specifically temples.



Arguments in favour of State intervention in management of temples

- **Social reforms**: Such as challenging hereditary priesthood, ensuring no discrimination in entry in public temples etc.
- **Indian secularism**: The concept of secularism in India is distinct from their western antecedents. India's secularism limits the divide between the state and religion.
- **Efficient management of temples**: Charitable Endowment Act exists for better administration and preservation of temples and the endowed properties.
- **Large volume of funds**: Several temples in India manage sizable amounts of movable and immovable assets. Government oversight could prevent financial irregularities.
- **Importance of temples for local economy**: Temple economy provide employment opportunities and livelihood to a host of people, such as priests, artists, performers, flower and puja materials etc.

Prevalent issues pertaining to state interference in the matters of Temple management

- **Discrimination with respect to other religions**: Other religious institutes are not governed by any similar government enactment (thus Articles 14 and 15 are violated.
- **Ineffective in bridging gender gap:** There is a lack of representation of women or transgender on temple boards.
- **Politicization and lack of spiritual connect**: It is alleged that members of temple boards and trusts and appointments of executive officers are beset with political motives without consideration for their commitment to religiosity and maintaining the legacies of temples.
- **Corrupt practices in Management of Temple Property**: For example, cases of mis-allocation of temple lands or stalls, misappropriation and misuse of temple funds, idol thefts etc. Also, there are d**ismal record in maintaining the archaeological nature of the structures.**

Way Forward

The need of the hour is in creating a Governance and management eco system that ensures better ethical standards, accountability, and management of temples; maintenance of their assets and strengthening the cultural capital. This can be achieved through steps such as:

- **Public (general public) Partnership**: To ensure that no particular segment dominates, and independent voices are heard, and independence is maintained.

- **Building and strengthening institutions internally**: Temple Board should be set up with members representing various ecosystem of temples, like mutts, trustees, researchers and academicians, etc. and also ensure representation of women.
- **Club temples on the basis of hub and spoke model**: Here, the larger and administratively strong temples will support smaller temples in the region.
- **Enhancing transparency in government functioning:** It will hold the state responsible to the administrative standards prescribed under the law.
- **Restricting role of HR & CE department:** To regulatory, and supportive functions such as inventorying, recording, and protecting all the assets of all categories of temples, etc.

Supreme Court Judgments regarding temple management	
Case	**Judgment**
N. Adithyan vs Travancore Devaswom Board, (2002)	The Supreme Court opened priesthood in public temples (including Brahmanical ones) to all castes.
Ratilal v. State of Bombay	The SC had ruled that the power to take over the administration in the event of mal administration financial/mis-management certainly cannot be termed as violation of Article 26(b) of the constitution of India.
Shirur Math case	In this case, Supreme court for the first time declared what is an **essential part of religion,** and it says that this shall be ascertained regarding the tenets and doctrines of that religion itself.
Dr. Subramaniam Swamy V. State of Tamil Nadu and Ors., 2014	SC also noted that State's power to regulate a temple does not mean the power to supersede the administration of a temple for an indefinite period.
Kerala's Padmanabhaswamy Temple Case	The Supreme Court granted the erstwhile Travancore royal family the shebaitship rights (right to manage a temple) for the properties belonging to Sri Padmanabhaswamy temple in Kerala. It also directed the setting up of administrative committees for its management.

1.11. ISSUES RELATED TO RESERVATION

RESERVATION AT GLANCE

- Reservation is a tool which gives the underprivileged equal representation and **participation rights, be it in governance or education.** A beneficiary of this reservation is expected to uplift his/ her community.
- Reservation is provided to **SCs, STs and OBCs at the rate of 15%, 7.5% and 27%, respectively,** in case of direct recruitment on all India basis by open competition.
- **10% reservation under the EWS category** applies to those not covered under the existing scheme of reservations for the Scs, STs and OBCs.

- Reservation in educational institution **has been provided in Article 15(4)**
- **Reservation in posts and services has been provided in Article 16(4), 16(4A) and 16(4B).**
- **Article 46** of the Constitution provides that the **State shall promote with special care the educational and economic interests of the weaker sections** of the society and, of the SCs and STs and shall protect them from social injustice and all forms of exploitation.
- **Article 243D** provides reservation of Seats for Scheduled Tribes in Panchayats.
- **Article 330** provides reservation of seats for Scheduled Tribes in the House of the People.
- **Article 332** provides reservation of seats for Scheduled Tribes in Legislative Assemblies of the States.

- **The Mandal Commission**
- In 1990, the then Union government announced that Other Backward Classes (OBCs) would get **27 percent reservation in jobs in central government services and public sector units (under Article 16(4) of the Constitution).**
- The **creamy layer criterion** was invoked by Supreme Court in the ruling called the **'Indira Sawhney Judgment' (1992).**
- The decision was based on **Mandal Commission Report (1980).**
- The **education quota came into force in 2006 (under Article 15(4) of the Constitution).**

KEY JUDGEMENT

INDRA SAWHNEY CASE (1992)

- Upheld the 27% quota of OBCs
- Reservation should not cross 50% limit
- Creamy layer must be eliminated from backward classes
- No reservation in promotion

NAGRAJA CASE (2006)

- Upheld the constitutional validity of reservations for SCs and STs to include promotion with 3 conditions
  - Quantifiable data on backwardness of SC and ST
  - The fact about the inadequate representation
  - The overall administrative efficiency

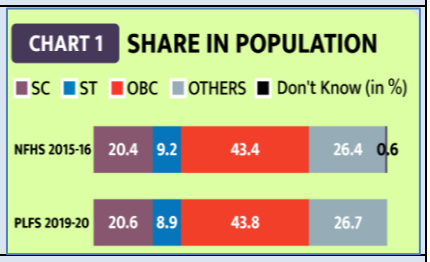
1.11.1. CASTE CENSUS

Why in news?

Demands by various political parties to have a caste-based enumeration in the 2021 Census has triggered a serious debate.

What is a caste census?

- Caste Census is the **caste-wise tabulation of population** in the census exercise.
- **Caste, was last included in the Census of India back in 1931.** The practice was stopped by the British in 1941 and the post 1947, the government did not revive it.
- While India publishes separate data on Scheduled Castes (SC) and Scheduled Tribes (ST), since the first exercise in independent India in 1951, the **Census does not include data on other castes**.

Specification	Arguments against caste census	Arguments favouring caste census
Availability of data on caste	**Estimates of caste is already available:** reasonable estimates of the broad social break-up of India's population is already available as various government surveys such as the ones conducted by the National Sample Survey Office (NSSO) and National Family and Health Survey (NFHS) collect data on broad share of SCs, STs and Other Backward Classes (OBCs) in the population.	**Survey is not census:** Data of caste such as those collected by NFHS and NSSO are **survey-based estimates unlike the census.** The latter is actually an enumeration of every person in the country. It also generates data on the educational level, occupation, household assets and life expectancy for each group that it enumerates at each level that it recognises.
Operational challenges	A full caste census, including a jati-wise break-up of all 'upper castes', would pose some difficulties, since we don't have an official list of all castes in the country. This would mean extensive **post-census classification work and may cause some delay in the release of General Caste tables.**	It is a **common practice** that **some Census tables are released five or seven years after the Census is completed.** 
Identity politics	It is said that in India voters don't cast their votes, they vote their caste. Break up of population in various caste would **further strengthen caste-based politics in India.** Such politics may lead to marginalization of developmental issues like health, education, etc.	It is not just **necessary to understand people's socio-economic status by caste and sub-caste** but can also be valuable in **designing policies for affirmative action and redistributive justice.** • The **Indra Sawhney judgment** of the Supreme Court had **demanded that such evidence be collected every 10 years in order to screen out the privileged castes from the benefits of reservations.**
Rise in demand for reservation	Caste census would lead to a **clamour for higher quotas, and removal of the 50% cap on reservations.**	The absence of up-to-date caste data has **not prevented demands from various social groups for quotas in public employment and admission to central educational institutions.** Over the last decade, we have witnessed large mobilizations by Jats, Patels and Marathas **seeking reservations**, with some protests turning violent. These demands weren't based on **scientific evidence** on the size of those groups or their relative level of deprivation vis-à-vis OBC, SC or ST groups.

Way Forward

- **Understanding utility of caste data:** Discussion should be ensued on the caste data that already exists, how it has been used and understood by the government and its various departments to grant or withdraw benefits.
  - Also, it's utility for the important academic exercise of mapping social inequalities and social change.
- **Reading all the available data holistically:** Linking and syncing aggregated Census data to other large datasets such as the NSSO or the NFHS that cover issues that the Census exercises do not, such as maternal health, would be significant **for a more comprehensive analysis**.
  - This linking of the Census with the National Sample Survey data has been suggested in the past by scholars.

- **Changes in census to meet the demand of the hour:** Experts point out that Census operations across the world are going through significant changes, employing methods that are precise, faster and cost effective, involving coordination between different data sources.
    - However, care must be taken to ensure that digital alternatives and linking of data sources involving Census operations are inclusive and non-discriminatory, especially given the sensitive nature of the data being collected.

Government to Supreme Court on caste census

- The Centre, in response to a petition filed by the State of Maharashtra, seeking directions to the Union of India to disclose the Socio Economic and Caste Census 2011 (SECC-2011), told the court that **"a caste-wise enumeration in the Census has been given up as a matter of policy from 1951 onwards** and thus castes other than SCs and STs have not been enumerated in any of the Census since 1951 till today
- **Other reasons for not carrying Caste Census**
    - Caste census of OBCs is **administratively difficult and cumbersome.**
        - Analysis of **OBC data collected by Socio Economic and Caste Census (SECC) 2011** showed that caste **enumeration was fraught with mistakes and inaccuracies and "is not reliable".**
    - Unlike the SC and ST list, which are exclusively Central subjects, **there are multiple state and union territory lists of OBCs.**
    - According to the Centre, **Population Census is not the ideal instrument for collection of details on Caste,** and the operational difficulties are so many that **there is a grave danger that basic integrity of Census data may be compromised.**
    - **Administrative incapacity** as the enumerators (mostly drawn from a pool of schoolteachers) do not have means to verify the authenticity of information.
    - **Inadequate Knowledge of Sub Castes.**

Conclusion

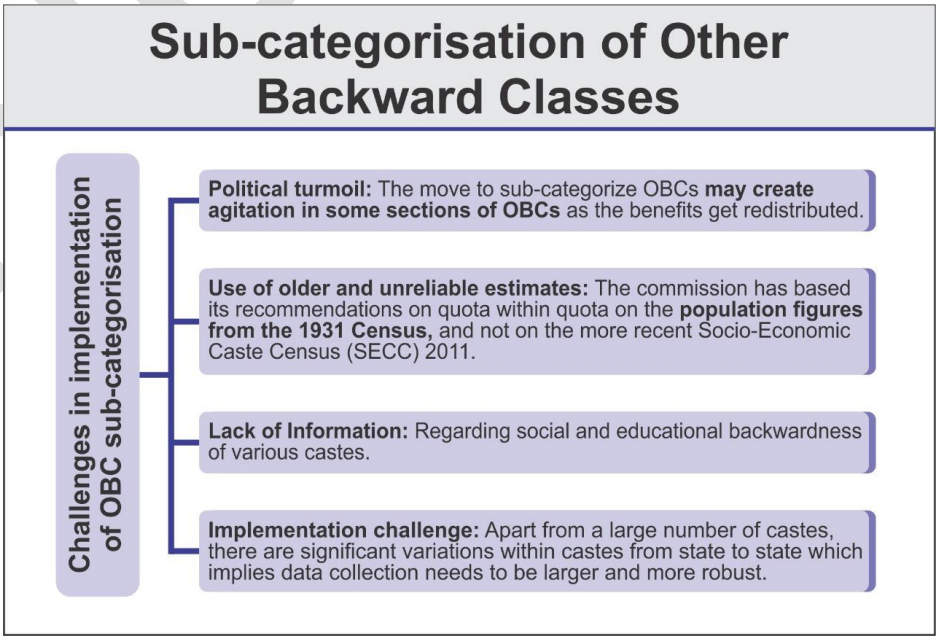
Before another SECC is conducted, a stocktaking of the previous exercise, of what has been learnt from it, and what changes are necessary, beyond changing exclusionary criteria for beneficiaries of state support, are crucial. This would enable the Census to facilitate effective policy work and academic reflection. Concerns about methodology, relevance, rigour, dissemination, transparency and privacy need to be taken seriously to make this exercise effective.

1.11.2. SUB-CATEGORISATION OF OTHER BACKWARD CLASSES

Why in news?

Union Cabinet has approved an extension by six months of the term **of Justice Rohini Commission** examining the possibility of sub-categorisation within the Other Backward Classes (OBCs) in the Central list.

Background



- Justice G. Rohini commission was constituted in 2017 under **Article 340** with an aim to **examine the extent of inequitable distribution of benefits of reservation** among OBCs and work out a **scientific approach for sub-categorization of OBCs.**
- In 1990, the then Union government announced that **Other Backward Classes (OBCs) would get 27 percent reservation in jobs in central government services and public sector units** (under Article 16(4) of the Constitution).
- The **decision was based on Mandal Commission Report (1980),** which was set up in 1979 and **chaired by B.P. Mandal**. The mandate of the Mandal Commission was to identify socially or educationally backward classes to address caste discrimination.

Need for sub-categorization of OBCs

- **Benefits of reservations limited to certain sections:** According to the Rohini commission **25% of** benefits from OBC reservations have been availed by only **10 sub-castes.**
- **Benefits are tilted towards economically stronger sub-sections:** Research suggests that the Mandal Commission recommendations helped the economically better positioned OBCs more than the most backward castes.

Way forward

- **Sub-categorization to be based on relative benefits among the OBCs** and not on social backwardness, this may help deprived sections to be able to avail of their fair share of the quota.
- **Revising the creamy layer ceiling:** As the current limit is not in up to date with the associated purchasing power.

National Commission for Backward Classes (NCBC)

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

1.11.3. LOCAL RESERVATION IN PRIVATE SECTOR

Why in News?

Recently, **Haryana State Employment of Local Candidates Act, 2020** was passed reserving **75% of private sector jobs for people of the state.**

More on News

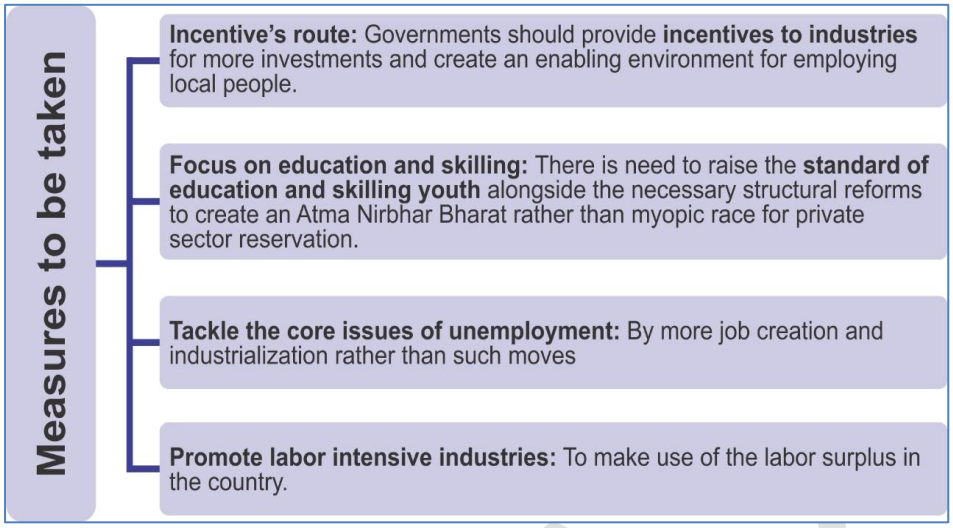
- Haryana will become **2nd State** after **Andhra Pradesh** to have 75% reservation for locals **based on Domicile**.
- Many other states like Karnataka (100%), Maharashtra (80%) and Madhya Pradesh (70%) have also **proposed** such reservations for locals in the last few years.

Benefits of such law

- **Address rising unemployment:** According to the **Centre for Monitoring Indian Economy (CMIE)**, the unemployment rate in Haryana was **26.4 percent** in February 2021. It was more than **three times** the national figure.
- **Agrarian distress:** Hence, local people want to move away from it and seek local jobs.
- **Curbing the selective discrimination corporations:** in the recruitment or retrenching of the existing local workforce to avoid strong labour unions in companies.
- **Development-induced displacement:** With local landowners being displaced from private land by industrialization, the local reservation demands gain strength.
- **Curb Influx of large migrants:** As per 2011 Census, the net in-migration for Haryana during 2002-2011 was eight lakh persons, which was the fourth highest amongst states in the country (after Maharashtra, Gujarat, and Delhi).
- **Address problems of Slums:** Due to the influx of a large number of migrants competing for low-paid jobs.

Issues with such Laws in actual Implementation

- **Constitutional and legal hurdles:** Such reservation may violate **Articles 15 , Article 16 Article 19 (1)** of the Constitution and guidelines laid down by the **Supreme Court in the Indra Sawhney (1992) and M Nagaraj (2006) case** which underscored that reservation cannot exceed beyond 50% unless there are "extraordinary reasons" to justify why this ceiling has to be breached.



- **Unease in doing business:** It exposes companies to gather data on employee domicile, regular reporting to authorities and claim exemption from authorities every time if no local labour is available or after crossing 25% outside limit
- **Impact company operations:** New laws can be detrimental to private sector efficiency. The labour-intensive industries where India is already losing to Southeast nations are likely to suffer more.
- **Adverse impact on Covid-19 recovery:** By increasing the costs of businesses on several fronts, including training of local candidates and displacement of the present non-local workforce.
- **Against ideas of One nation One market or Unity:** It divides Indian states based on 'sons-of-the-soil', opening a Pandora's box for similar policies by others.

1.11.4. WOMEN'S RESERVATION BILL

Why in news?

It has been 25 years since the Bill was first introduced in the Parliament but could not be passed despite numerous attempts.

History of Women Reservation Bill in India

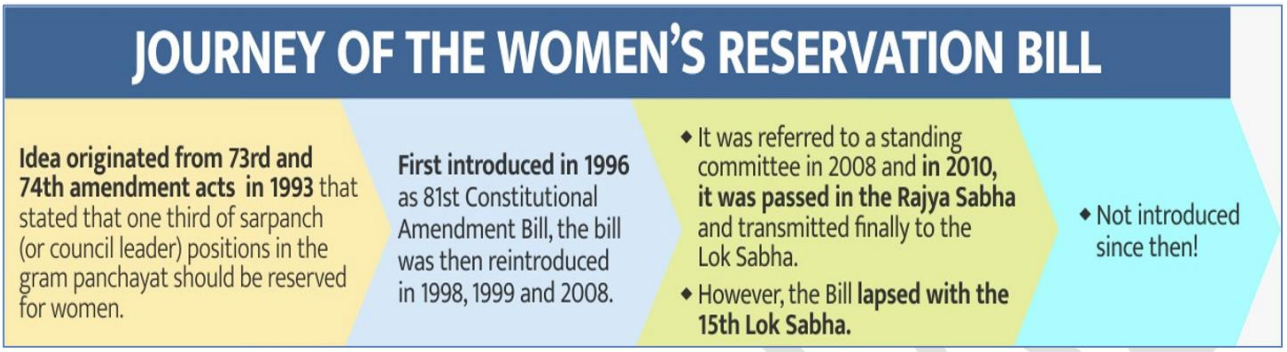
The Women Reservation Bill **(Constitution (108th Amendment) Bill, 2010)** has witnessed a tumultuous journey in Parliament and has been opposed on many grounds.

Key provisions of the bill

- To reserve 33% seats in Lok Sabha and all state legislative assemblies for women.
- Reserved seats may be allotted by rotation to different constituencies in the state or union territory.
- Reservation of seats for women shall cease to exist 15 years after the commencement of this Amendment Act.

Data bank

- **India ranks 148th out of 193 UN member nations** in the proportion of elected women representatives in Parliament.
- Decline in the number of **women ministers, from 23.1% in 2019 to 9.1% in 2021.**



Constitutional provisions for women's political empowerment:

- **Article 15 (3),** the State is empowered to make "special provisions", legislative or otherwise, to secure women's socio-political advancement.
- **Article 325:** Guarantees equal rights for both sexes, with respect to inclusion in electoral rolls without discrimination.
- **Article 243 D:** 1/3rd of the Seats of Panchayati Raj Institutions and 1/3rd offices of the Chairperson at all levels of Panchayati Raj Institutions are reserved for women.
- **International agreements** that support proactive state measures for women's political development:
  - **The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):** Ratified by India in 1993, it provides appropriate measures, including legislation, to ensure the full advancement of women and to eliminate discrimination against women in the political and public life of the country.
  - **The Beijing Platform for Action (BPfA), 1995** endorses affirmative action for women in the political spheres for the achievement of democratic transformation, women's empowerment and achieving the goals of sustainable development.

Arguments in favour of and against the bill

Arguments supporting the bill	Arguments against the bill
• It is **essential for active political participation of women** that will help them fight the abuse, discrimination, and inequality they suffer from. • Critical for **sustainable progress** against human development indicators. • Political participation of all sections of society is essential for building a functioning, **representative democracy.** • Women's political participation can provide the inspiration for women to take action on a vision of a better and more equal society, and to make meaningful contributions towards **inclusive national development.** • It is intrinsic to **eliminate gender discrimination and strengthening women's empowerment** as enshrined by equality of rights and freedoms in the Preamble and Constitution of India. • **Encouraging experience of reservation for women in panchayats:** ○ Gram panchayats with elected women leaders **invested more in the public goods** closely linked to women's concerns and resulted in a **subsequent increase in the percentage of female local leaders** contesting and winning elections.	• It would **perpetuate the unequal status of women** since they would not be perceived to be competing on merit. • Reservation would **only help women of elitist groups** gain political power, aggravating the plight of the poor and deprived sections. • **Rotation** of reserved constituencies in every election **may reduce the incentive for an MP to work for his constituency** as he may be ineligible to seek re-election from that constituency. • It **may perpetuate a "proxy culture"** or a similar concept of "sarpanch pati" when elected women will not have real power and will act on behalf of a male decision-maker. • **Diverts attention from the larger issues** of electoral reform such as criminalisation of politics and inner party democracy. • Legislative positions will go to women **at the cost of certain qualified men losing out.**

Is there any alternative to Women Reservation Bill?

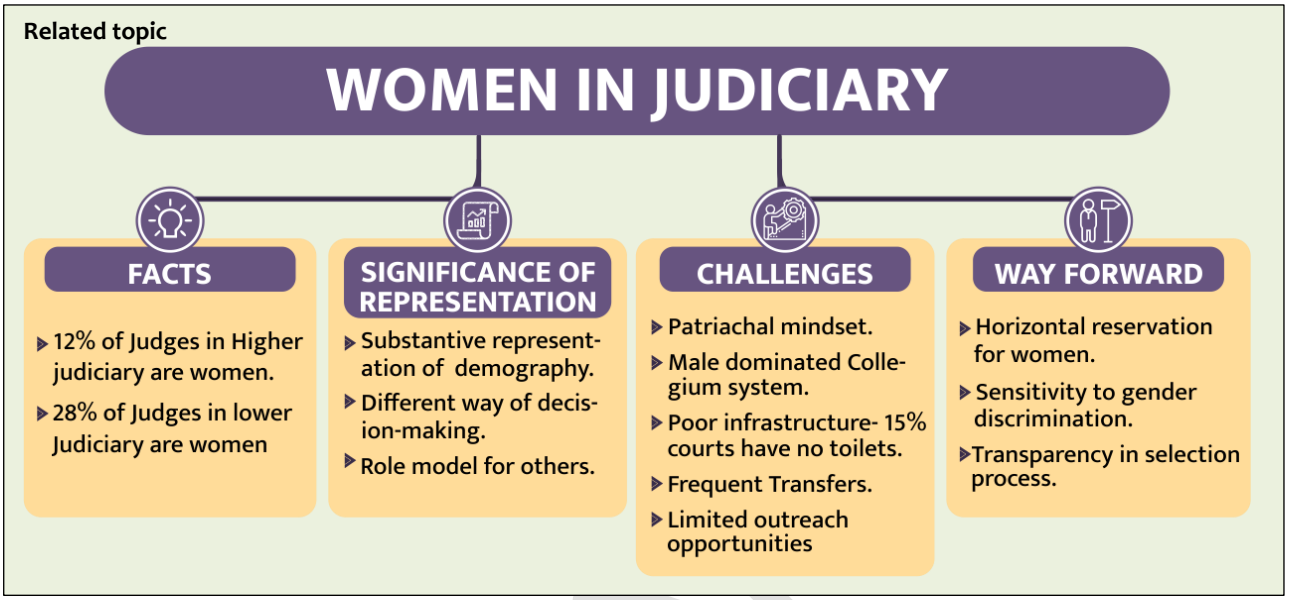
- An alternative to women's reservation is the idea of **ensuring reservation within political parties.** Countries like Canada, the United Kingdom, France, Sweden, and Norway etc., reserve seats for women within the political parties, but do not have quotas for women in Parliament.
  - The **Election Commission of India has suggested mandatory candidate quotas for women** at party level that will require ordinary amendment in the Representation of the People Act.
- Similarly, another alternative is introducing **dual-member constituencies**, which means constituencies, instead of reserving seats for women, will nominate two members, one being a woman.
- However, lack of rigorous evidence on the efficacy of these alternatives has limited the scope for adoption of these practices worldwide.

Way ahead

Both **political commitment and rigorous evidence** is necessary to deliberate and debate this legislation and ensure its passage in Parliament thereby bridging the critical gender gap in political and legislative decision-making.

Additionally, strategies such as bringing **change in the male dominated value system** prevalent in the politics and organising **awareness and leadership development programs** for women to promote their confidence must be implemented to increase women's participation in the politics.

Related topic



2. ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE

2.1. FEDERALISM

FEDERALISM AT A GLANCE

Federalism: Idea and its features

Federalism' refers to the **constitutionally allocated distribution of powers between two or more levels of government**—one, at the national level and the other, at the provincial, state or local level.

- Consent of both levels is required for a key decision
- Financial Autonomy of each with de-signated sources of revenue.
- Dual objectives of promoting unity and regional diversity
- Two or more Tiers of Government
- Each Tier has its own jurisdiction
- Constitutionally guaranteed Existence and Authority of each tier.

Evolution of Federalism in India

- The **Government of India Act, 1935 envisaged the federal scheme** and first time introduced the federal concept in India.
- Framers of the Indian constituion **refrained from creating a fully federalised political system in India** at the time of the country's independence because of their fear of further disunity and secessionist tendencies.
- One key characteristic of India's federalism is its **asymmetric nature.** The main political units in India are the Centre and the States. But there are other forms, too, all set up to **address specific local, historical and geographical contexts.**

Post-independence, India's federalism has evolved in phases:

- **First Phase: One-party Federalism (1952-1967):** A **consensual model of federalism** with the co-existence of national and state leadership in their respective realms.
- **Second Phase: 'Expressive' Federalism (1967-1989): Conflictual federal dynamics** between the Congress-led centre and the opposition parties-led state governments.
- **Third Phase: Multiparty Federalism (1989-2014):** The rise of a number of regional parties **led to the beginning of the era of coalition politics.**
- **Fourth Phase: The return of 'Dominant Party' Federalism (2014-present).**

Significance of Federal Political setup for India

- **Safeguard against abuse of power.**
- **Pursuance of the goal of common welfare.**
- **Facilitating the socio-political cooperation.**
- **Give people meaningful powers to choose policies.**
- **Disperse access to power, wealth, and resources.**
- **Satisfying demands for recognition, autonomy, and resources.**
- **Allows for policy experimentation.**
- **Engaging internationally at sub-national level.**

Is the fabric of federalism weakening?

Trends which showcase weakening federalism	Trends which showcase counterbalancing
Increased Centralising Tendencies: ▭ Altercations in the division of Union, State and Concurrent lists. ▭ Events in relation to Delhi and Jammu and Kashmir. ▭ Objections in association with passing of Farm laws. **Rising Regionalist Demands:** ▭ Growing regional identities culminating to **secessionist tendencies.** ▭ Growing regional powers may affect foreign policy. **Misuse of the office of the governor** has been a subject of debate. **Incompatibilities of the states** with regard to economic and financial capabilities. **Developmental narratives like 'one nation, one market',** 'one nation, one ration card', 'one nation, one grid' may undermine the federal principle. **Fiscal relations between the union and state governments have under-gone significant changes** as a result of creation of the NITI Aayog and the introduction of the Goods and Services Tax.	**Strengthening horizontal federalism** with advent of ideas like **competi-tive and cooperative federalism.** **Financial Devolution Reforms i.e.,** increasing the financial space for states and making distribution of resources fairer and more effective. **Vital role played by state governments** on the ground in managing the COVID-19 crisis and Union understandably ceding adequate space and autonomy. Increased federal character due to **creation of NITI Aayog and the GST Council.**

Reforms needed to strengthen the federal structure

- There is a **need to relook the distribution of powers under the seventh schedule** of the Constitution.
- **Effective utilisation of federal bridging institutions** such as NITI Aayog and the Inter-state council for effecting mutual trust between the State and Central leadership.
- **Strengthening the Office of Governor** by implementing the recommendation suggested by commissions including the famous Sarkaria and Punchhi commission.
- Provisions for a **higher devolution to the state and local governments** in order to fiscally empower them to achieve state-specific targets of fiscal deficit and to attain the goals of the national development.
- **Gradually move away from a one-size-fits-all model towards a flexible model of Federalism** that allows each state to have its own model of governance, bureaucracy and local governments.

2.2. ARTICLE 370

Why in news?

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

Background

- **In 1948,** Indian Government signed **Treaty of Accession** with ruler of Kashmir to provide Kashmir protection from Pakistan's aggression. Post signing of Treaty of Accession, Article 370 was inserted in the **part XXI of the Constitution** that proclaimed it to be **"Temporary, Transitional and Special Provision"** and provided for a special status to Jammu and Kashmir (J&K).
- As per the Article, the centre needed the state government's concurrence to apply laws — **except in defence, foreign affairs, finance and communications.**
- Also, the state's residents lived under a separate set of laws, **such as those related to citizenship, ownership of property, separate penal code and fundamental rights,** as compared to other Indian citizens.
    - **Article 35A** of the Indian Constitution gave powers to the Jammu and Kashmir Assembly to define permanent residents of the state, their special rights and privileges.
- In August 2019, President of India promulgated **Constitution (Application to Jammu and Kashmir) Order, 2019** which stated that provisions of the Indian Constitution were applicable in the State.
- This effectively meant that all the provisions that formed the basis of a separate Constitution for Jammu and Kashmir stand abrogated. With this, Article 35A was scrapped automatically.
- Also, **Jammu and Kashmir Reorganization Act, 2019** was passed by the Parliament, which re-organized J&K into two Union Territories (UTs)-
    - **J&K division** with a legislative assembly
    - UT of **Ladakh** without a legislative assembly.

Analyzing developments since abrogation of Article 370

Developments	Analysis
Measures were taken by the Central government for transformational development in the J&K region: • In January 2020, Central government granted a package of **Rs 80,000 crore** for development works in J&K. • The Road Transport & Highways ministry is currently engaged in completing a series of projects in Kashmir region, including -Srinagar-Jammu-Lakhanpur highway; the Qazigund-Banihal tunnel and Srinagar ring road.	• Development in the region has the potential to increase investments in the region, boost industrial growth, create job opportunities, decrease militancy and strengthen its economy. o According to a report by MHA, **terror-related activities have reduced by around 36% in** the valley after the abrogation of Article 370. o Also there has been a **40% decrease of involvement of local youth in terrorist organizations**.
Legislative changes: Out of 354 State laws in the erstwhile Jammu and Kashmir, 164 laws have been repealed, 138 laws modified while 170 central laws have been made applicable.	Several Critical legislations passed by the Government of India are now applicable in J&K: • **Laws for transparency and accountability in governance**: E.g. Right to Information Act, 2005 and Whistle Blowers Protection Act, 2014. • **Laws for protection of marginalized sections**: E.g. Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1954, National Commission for Safai Karamcharis Act, 1993, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2007. • **Laws granting educational rights**: E.g. Right of Children to Free and Compulsory Education Act, 2009
Government introduced an array of Central schemes in the region	• Under the **National Saffron Mission**, more than 3,500 hectares of land in J&K is being rejuvenated for saffron cultivation. • In a bid to further boost tourism and connectivity, 11 airports in J&K and two in Ladakh are being considered under the **UDAN scheme**.

	• The health sector has been transformed with the opening of **two AIIMS Hospitals and five new medical colleges**. • There has been a **262% increase in minority scholarships**.
Administrative changes in J&K and Ladakh after them being declared as a Union Territories	• **Structural reforms** have been carried out in various departments where overlapping functions have been merged or downsized. ○ In the Finance and Planning department, this has stopped duality of funding sources, which has resulted in financial discipline and control over expenditure. • The government employees in J&K now receive benefits under the **7th Central Pay Commission**. • Over 10,000 vacancies in J&K at all the levels have been identified for recruitment in various government departments. • However, the UT of Ladakh still faces serious constraints of manpower. Vacancies in government departments, especially at higher levels, are adversely affecting the delivery of public services.

Dilution in Domicile laws after Article 35A was repealed:
• Parliament has redefined the domiciles in J&K as those who have been a resident for a period of 15 years in the UT or have studied for a period of seven years and appeared in Class X/XII exam in a registered educational institute in J&K.
• The domiciles now also include children of central government or central government aided organizations, PSU who have served in J&K for a period of 10 years.
• Over **4 lakh people** in Jammu and Kashmir have been issued new domicile certificates.
	• **Intended benefits** of the amendment in domicile law:
	  ○ **Can act as catalyst for industries and MNCs:** The ease in procurement of land will draw more investors in the state boosting the economic structure of J&K.
	  ○ **Central government employees posted in J&K can now reap same benefits as in the rest of the country**: like preferences of local domicile for admission in professional colleges and benefits like scholarships for their children. It will encourage Central Government employees for prolonged tenures, thereby recuperating the administrative structure of J&K.
	  ○ **Integration of social fabric under the new domicile law:** by granting domicile status to marginalized sections such as West Pakistani Refugees, members of Valmiki community settled in various parts of J&K, other migrants etc. This will enable them enjoy diverse employment opportunities in the state administration.
	• Changes in domicile laws have also been perceived by certain sections as a **means to change the demographic makeup** of the region.

Several measures were taken to contain violent protests and maintain peace in the J&K region:
• Extended Curfews were placed in certain regions
• Continued detention of political prisoners
• Telephone lines, mobile communication and internet services were initially stopped, and restrictions were imposed on media and transport
• 4G Internet connectivity is yet to be restored in J&K
	• **Impact of strict security measures** like lockdown and communication and internet blockade:
	  ○ **Job loss:** There have been 144,500 job losses in Kashmir's tourism and handicrafts sector – mostly dependent on earnings from tourists – since August 2019, as per an estimate of the Kashmir Chamber of Commerce and Industry.
	  ○ **On students:** Closure of schools and colleges and non-availability of high-speed internet has impacted education of students.
	  ○ **On Health sector:** Doctors were unable to keep up with the latest developments in healthcare, especially during the COVID-19 pandemic.
	• **Prolonged detention of politicians** not only undermines their human rights and individual liberty but also threatens democratic structure.
	  ○ However, the state administration has already released nearly 300 out of 444 persons detained under the Public Safety Act (PSA).

Diplomatic and international developments: • Pakistan portrayed the changes in Kashmir as a "humanitarian crisis" that threatened the stability of the region. • As a permanent member of the **UN Security Council** and an ally of Pakistan, China requested a "closed consultation" on Kashmir. • Countries such as **Turkey and Malaysia** criticised the restrictions	• While Pakistan tried to internationalize the Kashmir issue through the UNSC consultation, the meeting was closed, informal and did not yield any outcome. ○ Almost all countries underlined that J&K was bilateral issue & did not deserve time and attention of Council. • India's narrative on Kashmir has been somewhat affected in global media since earlier Pakistan was considered as the primary aggressor in Kashmir and the root of most problems in the region. • As a result of **proactive diplomatic engagements** by Indian government on the matter, most countries view abrogation of Article 370 as an internal matter and seek a bilateral settlement of the Kashmir issue between India and Pakistan.

imposed in the J&K valley in the UN General Assembly. • Concerns regarding **human rights violations in Kashmir** were also raised by some sections in the US, the UK and other European countries.	

Conclusion

Revocation of the special status granted to the state of Jammu & Kashmir under Article 370 of the Indian Constitution has unfolded an ambitious roadmap of peace and progress ushering in a new era of inclusive development and transparent governance in the entire region.

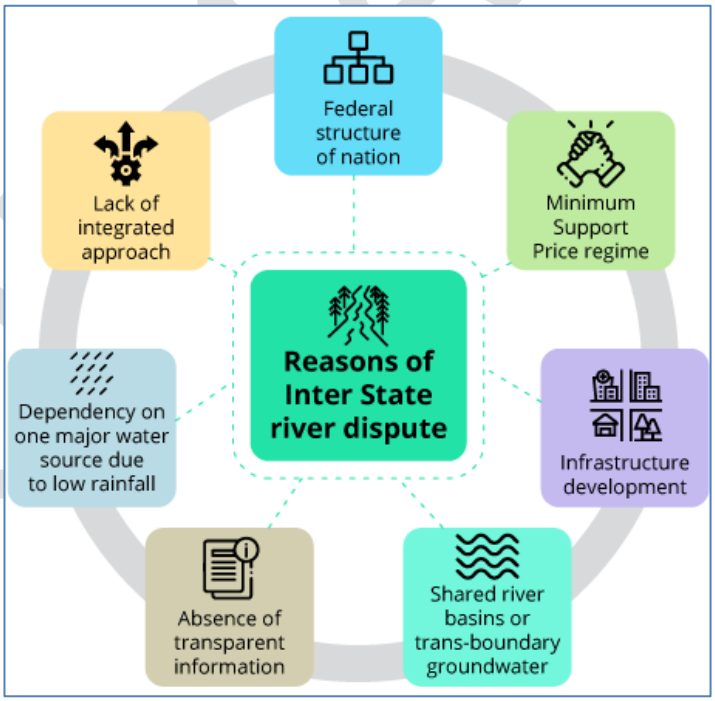
Bifurcation of the state into two union territories has also given the local communities a greater sense of participation in public discourse. It is discernible with the youth in the valley joining security forces and civil services and excelling in the field of education and sports.

Development of decentralized local bodies, confidence building measures among youth and restoration of internet services in a phased manner can further aid in participatory socio-economic development of the region.

2.3. INTER STATE RIVER DISPUTE

Why in news?

Recently, the **Ministry of Jal Shakti** has notified the jurisdiction of **Godavari River Management Board (GRMB)** and **Krishna River Management Board (KRMB)** under the **Andhra Pradesh Reorganization Act (APRA) of 2014**.



Background of the dispute between Andhra Pradesh and Telangana

- The APRA 2014 contains provisions for **constitution of an Apex Council by Central Government** for the supervision of the **functioning of the GRMB and KRMB**.
- GRMB and KRMB are **autonomous bodies** set up **after the bifurcation of the state** for administration, regulation, maintenance and operation of projects in Godavari and Krishna rivers basins **to ensure judicious water use** in **Andhra Pradesh (A.P) and Telangana respectively.**
- In 2014, the two states agreed to **split the water in 66:34 ratio** as per the allocation made on an ad hoc or temporary basis by the **Krishna Water Disputes Tribunal-1 (KWDT).**
- In 1969, the **KWDT-1 was set up under the Inter-State River Water Dispute Act, 1956.**
- All projects on the **Krishna — Jurala, Nagarjuna Sagar, Pulichintala and Srisailam** — were built when the states were one.
- The **water of the Srisailam reservoir** has turned out to be a major **dispute point.**

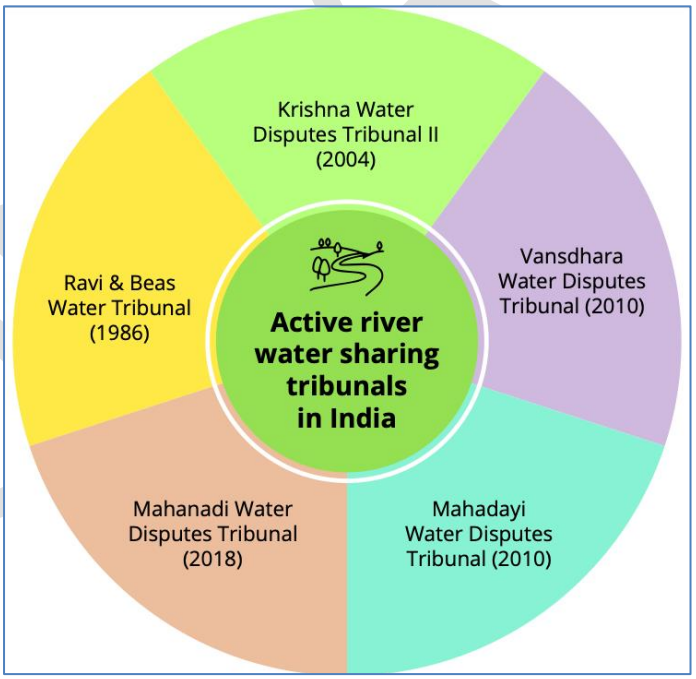
Constitutional and legal provisions for Inter State River water disputes

- **Under Seventh schedule:**
  - **Entry 17 of State List** deals with water i.e., water supply, irrigation, canal, drainage, embankments, water storage and water power.
  - **Entry 56 of Union List** gives power to the Union Government for the **regulation and development of inter-state rivers and river valleys** to the extent declared by Parliament to be expedient in the public interest.

- **Article 262:** Adjudication of disputes or complaint relating to waters of inter-State rivers or river valleys.
- **River Boards Act, 1956:** It provides for the **establishment of River Boards**, for the regulation and development of inter-State rivers and river valleys.
- **Inter-State Water Disputes Act, 1956:** It empowers the central government to **set up tribunal** for the adjudication of inter- state river dispute. The **decision of the tribunal is final and binding** on the parties to the dispute.
  - **Neither the Supreme Court nor any other court is to exercise jurisdiction** in respect of any such dispute or complaint.

The Inter-State River Water Disputes (Amendment) Bill, 2019

- Bill was introduced by the Minister of Jal Shakti to **amends the Inter-State River Water Disputes Act, 1956.**
  - The Act provides for the **adjudication of disputes relating to waters of inter-state rivers and river valleys.**
- **Key provisions of bill**
  - Under the Bill, when a state puts in a request regarding any water dispute, the central government will set up a **Disputes Resolution Committee (DRC)**, to resolve the dispute amicably.
    - The DRC will seek to resolve the dispute through negotiations, **within one year (extendable by six months), and submit its report to the central government.**
    - **If a dispute cannot be settled by the DRC**, the central government will **refer it to the Inter-State River Water Disputes Tribunal.**
  - The central government will set up an **Inter-State River Water Disputes Tribunal, for the adjudication of water disputes.** This Tribunal can have multiple benches.
    - Under the Act, the **Tribunal must give its decision within three years**, which may be extended by two years.
    - Bill adds that the **decision of the Bench of the Tribunal will be final and binding on the parties** involved in the dispute.



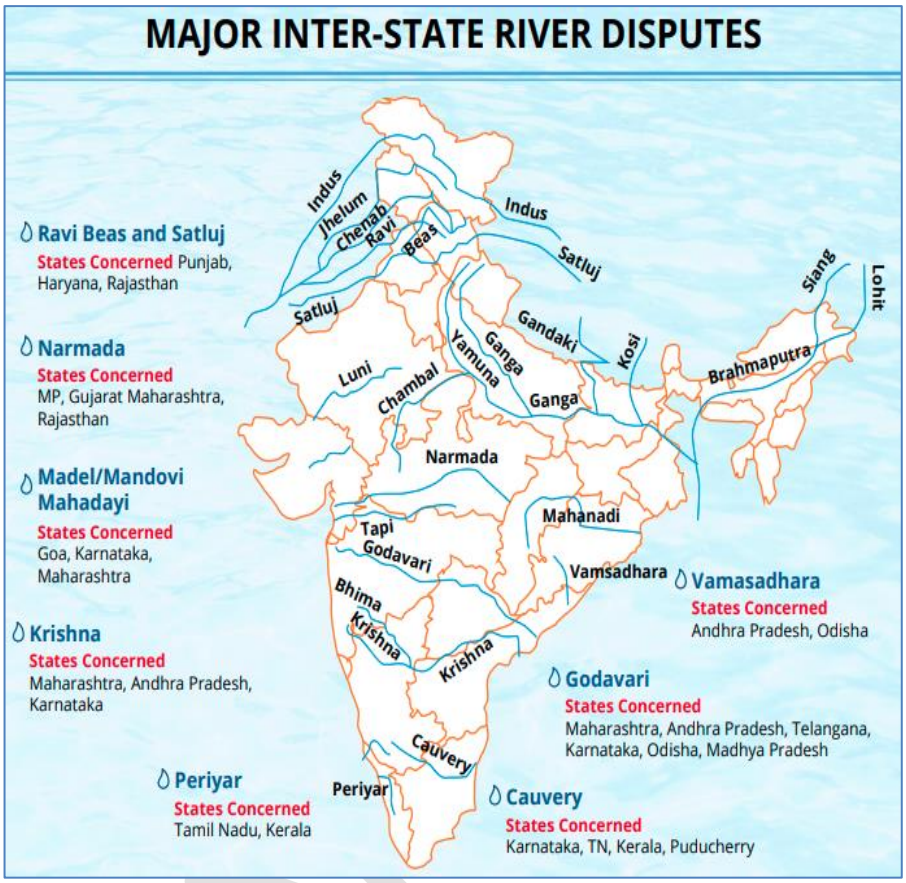
Issues associated with Inter State River disputes

- **Complex and Opaque procedure:** Because of procedural complexities and incomplete nature of the system that **involves multiple stakeholders across governments and agencies**, there are too many options and discretion at many stages in the institutional framework and guidelines process which hampers the efficient functioning of the tribunal itself.
- **Political mobilization:** The Inter-state water disputes have become hugely politicized. For example, the eruption of the Cauvery dispute, framed as an ethnic identity issue between Tamilians and Kannadigas led to widespread civil unrest.
- **Insufficient data:** Absence of authoritative water data makes it difficult to even set up a baseline for adjudication.
- **Delays in dispute resolution:** For example, the Godavari and Krishna disputes started around 1956 but the matter was referred to a tribunal only in 1969.
- **Non-compliance:** There is no institutional mechanism for implementing Tribunals' award. Many a time State government have rejected tribunal awards.
- **Lack of grievances redressal**: Delays deprives the states of an avenue to redress their grievances after the tribunals are dissolved. When states approach the Supreme Court in such instances, the bar on its jurisdiction puts restrictions on the court. The apex court has had to limit its role to providing clarifications, leaving states discontent.

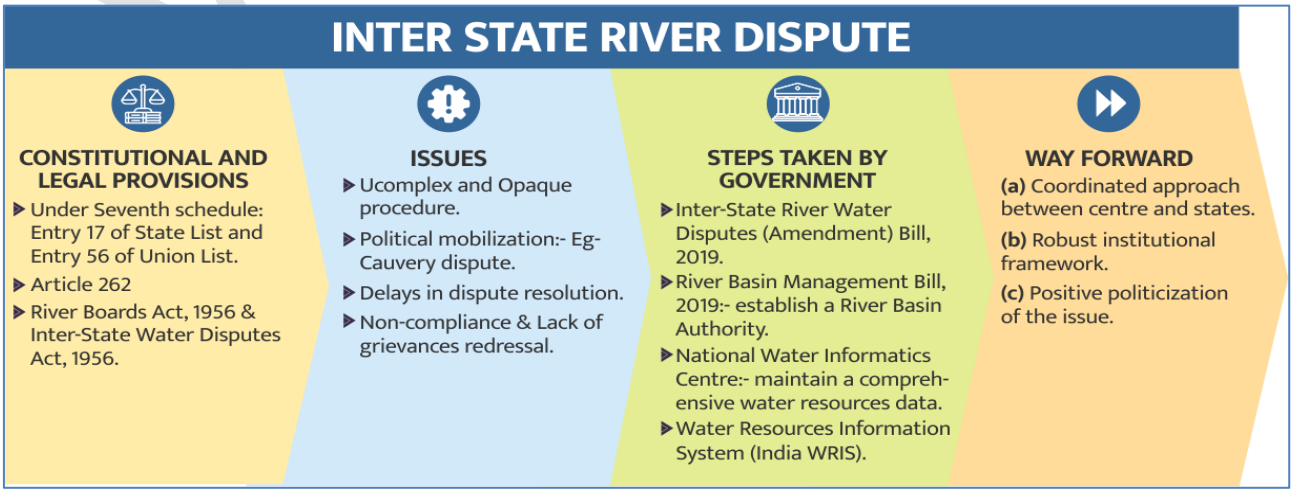
Way forward

- **Coordinated approach**: As river basins are shared resources, a coordinated approach between the states, and Centre is necessary for the preservation, equitable distribution and sustainable utilisation of river water.

- **Incorporating Social Justice in Dispute resolution:** The River Basin Authority must develop adequate capacity for understanding the unique needs and realities emerging from the interplay of socioeconomic factors.
- **Positive politicization of the issue:** The political discourse of regional identity and culture could be unraveled by bringing to public notice the developmental hindrances, economic losses, and environmental degradation resulting from a lack of a solution to the dispute.
- **Legal avenues:** It is necessary to have credible avenues for pursuing political solutions supplementing legal and institutional mechanisms. These are vital in mediating and mitigating escalation of disputes, especially in distress situations.
- **Robust institutional framework:** Proposed laws should be put on for consultation with people and the state governments. The government must have a process on how to "present a robust institutional architecture" as well as understand the significant changes on water flow and relation between groundwater and surface water, before rushing to form the single tribunal.



Steps taken by government to minimize the Inter- State River disputes	
Inter-State River Water Disputes (Amendment) Bill, 2019	• Streamline the adjudication of inter-state river water disputes. • Make the present institutional architecture robust.
River Basin Management Bill, 2019	• Proposes to establish a **River Basin Authority** for regulation and development of inter-state rivers and river basins.
National Water Informatics Centre (NWIC)	• Established under National Hydrology Project to maintain a comprehensive water resources data.
Water Resources Information System (India WRIS)	• All unclassified data of Central Water Commission and Central Ground Water Board have been uploaded on the website.



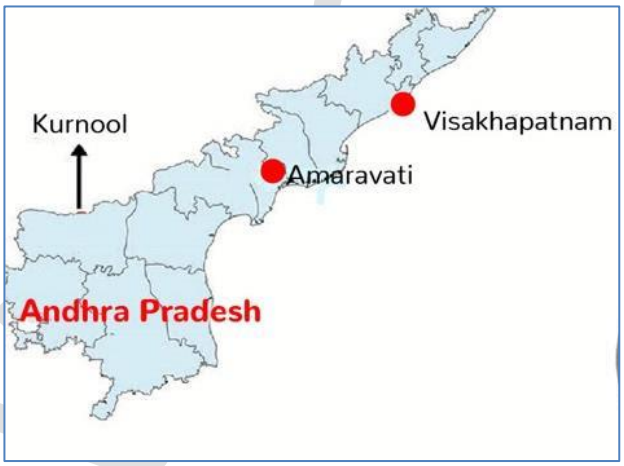
2.4. CAPITALS FOR ANDHRA PRADESH

Why in News?

As per the Andhra Pradesh Decentralization and Inclusive Development of All Regions Bill, 2020, Andhra Pradesh State will have **Visakhapatnam, Amaravati and Kurnool respectively as the executive, legislative and judicial capitals of the State.**

Arguments in favor of 3 capitals

- **Distributed development:** Different regions gain from a decentralized arrangement as governmental activities are the fulcrum around which developmental activities spring up and boost local economy.
- **Planned Urbanization:** It is better to work against a primate city with high population density and move in favour of mid-sized cities with decent economies.
- **Avoiding financial crunch:** The new arrangement will be financially efficient as it would buy into existing infrastructure of Kurnool and Vishakhapatnam.
- **No need of acquiring large agriculture land:** KCS Committee had raised concerns of food security when taking away thousands of acres of fertile land for urbanization by developing Amaravati as capital in single region.



Why is it being criticized?

- **Might hamper coordination among Governmental arms**: The bureaucracy and ministers are required to do frequent consultations. Separation and distance of the two might hamper coordination during assembly sessions.
- **Lack of proper infrastructure:** success of distributed development depends on a well-developed infrastructural network linking the growth centers. Andhra Pradesh lacks these linkages now.
- **Environmental impact of densification:** KCS committee warned about the environmental impact of intensification and densification in cities, with a special reference to Visakhapatnam. Also, Visakhapatnam region is prone to cyclones.
- **Not the only way for decentralization:** For decentralized development, the best way possible is strengthening of the local bodies. This not only results in the development of even remote areas but also improve governance.

Conclusion

For the 3 capitals idea to be successful, including technology and frequent use of digital communication to reduce the delay in decision making, improved coordination between legislature and executive shall be done. This can also lead to reduction in overall logistics cost for the state.

Simultaneously, there is a need to strengthen local bodies- by providing more funds, delegating more functions and providing better functionaries- to achieve inclusive and overall decentralized development.

2.5. DEMAND FOR SIXTH SCHEDULE STATUS

Why in news?

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

Background

- State government had demanded to put State under the Sixth Schedule **to protect and safeguard the customary rights of tribal people** regarding ownership and transfer of land and forest products of the state.
  - In 2004 and 2007, State assembly had passed two resolutions for creation of Mon autonomous region (MAR) and Patkai autonomous council (PAC) under the provisions of the 6th Schedule of the Constitution.

- It was then forwarded to the Centre for approval which is still pending.
- Earlier, state government had also **demanded to amend the Constitution and waive Article 371(H) and put Arunachal Pradesh under the provisions of Article 371(A) and 371(G)** in line with Nagaland and Mizoram.
    - Under Article 371 (H), the state governor has special responsibility with respect to law and order in the state and in the discharge of his functions in relation thereto.
- Though, at present Arunachal Pradesh has **Bengal Eastern Frontier Regulation (BEFR) Act of 1873** which prohibits all citizens of India from entering Arunachal without a valid **Inner Line Permit**.

About Sixth schedule

- Sixth schedule to the constitution provides power to tribal communities to administer the tribal areas in Assam, Meghalaya, Tripura and Mizoram under the provision of article 244(2) and 275(1) of the constitution
    - **Article 244 of provides special system of administration for certain areas** designated as 'scheduled areas' and 'tribal areas.
    - **Article 275 makes provisions for statutory grants** to be charged on Consolidated Fund of India. Such grants also include specific grants for promoting the welfare of the scheduled tribes or for raising the level of administration of the scheduled areas in a state.
- **Autonomous District Councils (ADC)**: ADCs are bodies representing a district to which the Constitution has **given varying degrees of autonomy within the state legislature**.
- **Autonomous region:** If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.

Advantages of inclusion in 6th schedule

Sixth schedule benefits in **democratic devolution of powers, preserve and promote the distinct culture of the region, protect agrarian rights** including rights on land and enhance transfer of funds for speedy development through following features:

- **Legislative Power:** ADCs are empowered to make legislative laws with due approval from the governor.
- **Limitation to power of Parliamentary or state legislature over autonomous regions:** Acts passed by Parliament and state legislatures may or may not be levied in these regions unless the President and the governor gives her or his approval.
- **Judicial powers:** councils can constitute village courts within their jurisdiction to hear trial of cases involving the tribes. Governors of states that fall under the Sixth Schedule specifies the jurisdiction of high courts for each of these cases.
- **Regulatory power**: The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district. It can also make regulations for the control of money lending and trading by non-tribals. But such regulations require the assent of the governor
- **Tax revenue collection:** - The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.

Issues with Sixth Schedule

- **No real decentralization of powers and administration:** For example, in Bodo Territorial Area districts, there is only district council which elects few people who enjoy unbridled power.
- **Legislative power of state over councils:** The laws made by the councils require the assent of governor. Also, whenever there is a conflict of interest between the District Councils and the state legislature, the latter would prevail.
- **Lack of codification of customary law:** Customary laws need to be codified and brought into practical use to ensure protection of tribal cultural identity.
- **Lack of skilled professionals:** Almost all Councils do not have access to planning professionals which results in ad-hoc conceiving of development projects without proper technical and financial consideration.
- **Financial dependency:** Autonomous councils are dependent on their respective state governments for funds in addition to the occasional special package from the Centre. There is no State Finance Commission for recommending ways to devolve funds to District Councils and Regional Councils.
- **Other issues:** Lack of development, Corruption, etc.

Way Forward

- **Creation of elected village councils** in all areas and ensuring accountability of Village Councils to Gram Sabha.

- Ensure **regular election** conducted by the State Election Commission.
- Recognize Gram Sabha under law and specify its powers & functions.
- Ensure **women and other ethnic minorities** are not excluded from representation in council.
- **Bring transparency** in planning, implementation and monitoring of developmental programmes.

2.6. GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) ACT (GNCTD) 2021

Why in news?

Recently, **Government of National Capital Territory of Delhi (Amendment) Act (GNCTD) 2021** was passed.

Need of the Law

- 2021 Act **amends GNCTD Act, 1991** and gives certain powers and responsibilities of the Legislative Assembly and the Lieutenant Governor (LG), in line with the constitutional scheme of governance of NCT.
- The Centre stated that there **was no structural mechanism within the 1991 Act** to ensure time-bound implementation of the rules.
  - Also, the **law gives no clarity about what proposal or matters need** to be taken up with the LG before issuing any order.
- The Centre has also stated that this amendment has been brought **to give effect to the "interpretation made by Hon'ble Supreme Court** in Government of NCT of Delhi v. Union of India (UoI) 2018."

About the 2021 Act

Specification	GNCTD (Amendment) Act, 2021	Govt of NCT of Delhi Vs UoI, 2018
Meaning of "government"	• **The term "government"** in any law made by the Legislative Assembly **shall mean the L-G.**	• The **L-G would be bound by the aid and advice of the Council of Ministers (CoM)** in matters that were not directly under the control of the L-G.
L-G's concurrence on executive orders	• The L-G's opinion shall be obtained **before the government takes any executive action** based on decisions taken by the Cabinet or any individual minister.	• **Barring police, public order and land the L-G's concurrence is not required** on other issues. • However, the **decisions of the CoM will have to be communicated to the L-G.**

Other provisions of the 2021 Act

- **Elected government's rulemaking:** Legislative Assembly shall **not make any rule to enable itself or its Committees to consider the matters of day-to-day administration** of the Capital or conduct inquiries in relation to the administrative decisions. **Any of the rule made in contravention of this provison**, before the commencement of the GNCTD Act, 2021, **shall be 'void'**
- **LG's assent to Bills passed by the Legislative Assembly:** The L-G will **not assent to and pass on to the President** for consideration any Bill which "incidentally covers any of **the matters which falls outside the purview of the powers conferred on the Legislative Assembly".** The L-G has the power to refer any matter, over which there is a disagreement with the elected government, to the President under Article 239AA (4).

Issues with the Act

- **Centralisation of power:** The Act favours vesting real powers in the nominated LG rather than in the representative government.

- **Undermines representative form of government:** The LG, who will be the government, is under no obligation to implement any law passed by the assembly or carry out the directions of the house as he is not responsible to the assembly.
- **Against Co-operative Federalism:** The Act not only negates cooperative federalism but also upturns the fundamental principles laid down by the Supreme Court in 2018.
- **Against the SC Verdict:** In **People's Union for Civil Liberties (2002)** case, SC held that the legislature has no power to negate the decision of the court. It can only change the basis on which the decision has been taken by the court and make a general law.
- **Legislative misadventure:** The elected government of Delhi will wait endlessly for the LG's opinion without being able to execute their decision. Thus, the government will become non-functional.
- **Hasty passage of the Act:** The Act has been passed in haste without being referred to the Select committee.

ARTICLE 239AA

- **69th Amendment 1991** inserted the Article 239AA in the Constitution. It granted special status to Delhi among Union Territories (UTs) by providing Legislative Assembly and a Council of Ministers responsible to such Assembly.
- **Public order, Police and Land** in NCT of Delhi fall within the domain of Union Government.
- For remaining matters of State List or Concurrent List, in so far as **any such matter** is applicable to UTs, the Legislative Assembly shall have power to make laws for NCT of Delhi.

Way Forward

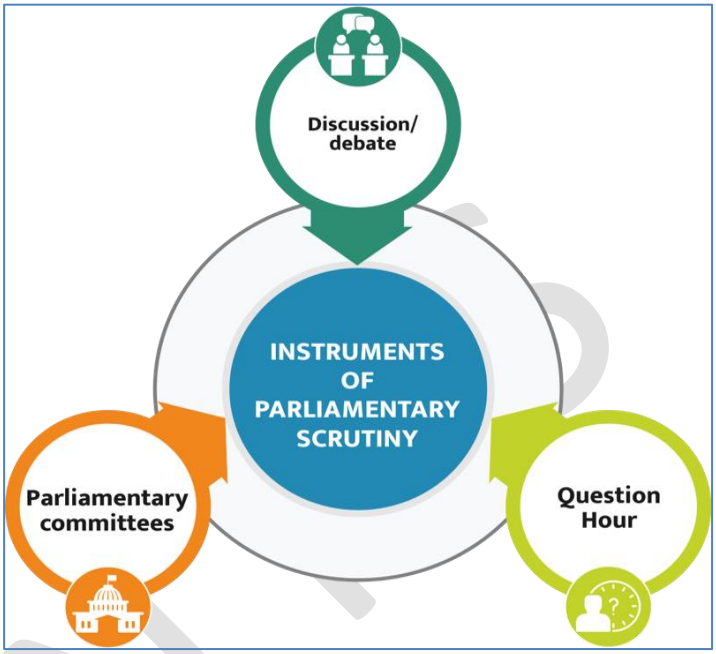
- **Consensus based approach:** The Act could be referred to a **select committee** and not passed in haste. Evolving consensus in such matters would be consistent both with federalism as well as the high principles laid down by the Supreme Court.
- **Mixed balance for Delhi:** Real and substantive power lies with the elected representatives in a democracy and they owe responsibility to the legislature.
    - A **mixed balance** has to be struck considering the special status of the Delhi and **fundamental concerns** as Delhi being the National Capital.
- **Uphold democratic and other principles:** Act must uphold the principles of **participative democracy, cooperative federalism, collective responsibility** to the House and, above all, constitutional morality.

3. PARLIAMENT AND STATE LEGISLATURES: STRUCTURE AND FUNCTIONING

3.1. PARLIAMENTARY SCRUTINY

Why in news?

The recent protests over Agricultural Reform laws by farmers has reignited the debate on 'ineffectiveness of Parliamentary scrutiny over the executive'.



About Parliamentary scrutiny of the government

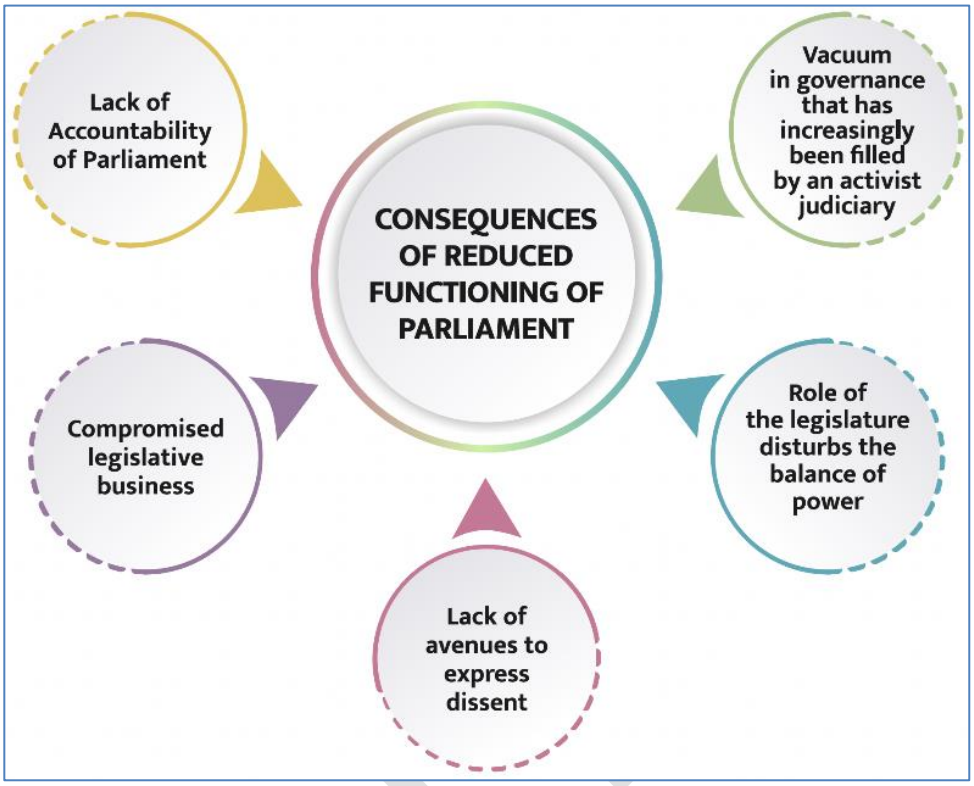
Parliament is the embodiment of the **people's will.** Therefore, in addition to its **legislative role,** it is also **mandated to scrutinize the functioning of the Government.** The Parliament is equipped with various instruments (refer to the infographic) for close and continuous scrutiny of the functioning of the government.

What renders parliamentary scrutiny of the government ineffective?

- **Deciding the duration and timing of the session of the Parliament is government's prerogative:** According to Article 85 of the Constitution, the time gap between two sessions cannot be more than six months. Allowing the government to call the Parliament to meet is seen as a conflict with the principle of government being accountable to the Parliament.
- **Disruptions during Question Hour:** In the 16th Lok Sabha, question hour has functioned in Lok Sabha for 77% of the scheduled time, while in Rajya Sabha it has functioned for 47%. Also, over the years, there has been a decline in the **sitting's days of Parliament**.
- **Declining trend in referring bills to the parliamentary committees:** For example, while 60% of the Bills in the 14th Lok Sabha and 71% in the 15th Lok Sabha were vetted by the Parliamentary committees, this proportion came down to 27% in the 16th Lok Sabha.

Other reasons for decline in sitting hours of the Parliament

What needs to be done to ensure effectiveness of the Parliamentary scrutiny?



- **Hybrid sitting:** Mix of virtual and Physical session could be used for the unforeseen externalities (like the pandemic this year).
- **Parliament should convene itself:** Parliament and not the government should have the power to regulate its procedure, sittings, and timings
- **Annual calendar for the sessions:** Some countries such as the United Kingdom and Australia release an annual calendar with the sitting dates at the beginning of the year. This could be followed by the Parliament of India also.
- **Minimum number of sittings should be fixed:** The National Commission to Review the Working of the Constitution has recommended that Lok Sabha should have at least 120 sittings in a year, while Rajya Sabha should have 100 sittings.
- **Shadow cabinet:** To improve government accountability in Parliament, the opposition in some countries such as the UK, Canada, and Australia forms a shadow cabinet.
- **Changing certain provisions of the Anti-defection law:** The Supreme Court (Kihota Hollohon vs. Zachilhu, 1992), while upholding the validity of the Anti-defection law highlighted the need to limit disqualifications in the cases where Legislatures vote against the directions of Party. The court held that "such provisions should be limited to only those voting that are crucial to the existence of the government and to matters integral to the electoral programme of the party. So as not to 'unduly impinge' on the freedom of speech of members"**.**

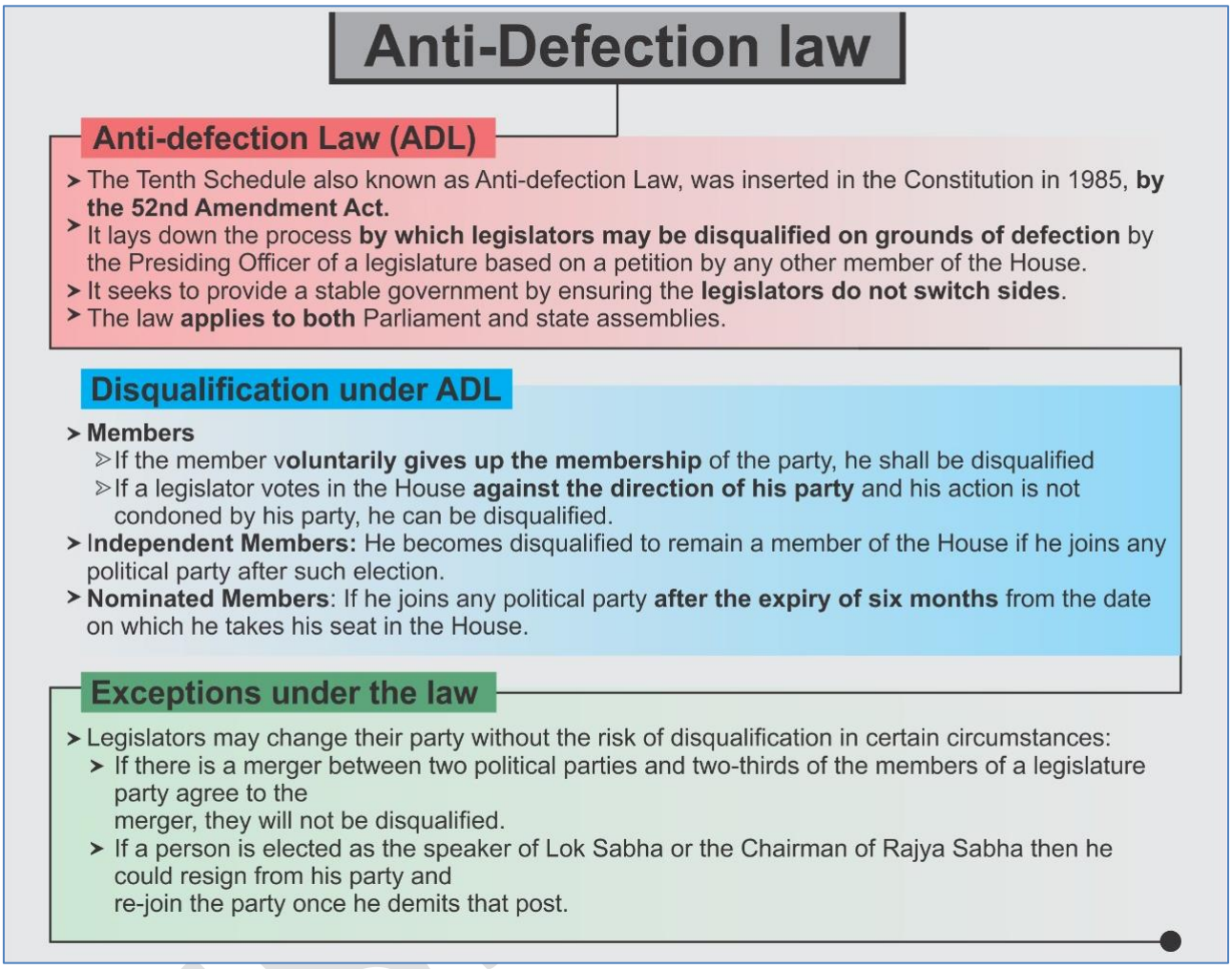
Conclusion

Parliament's scrutiny of the government is crucial not only for upholding the accountability of the government to people of India but also for **improving the quality of laws drafted**. Strengthening the instruments of Parliamentary Scrutiny can go a long way **in minimizing the potential implementation challenges.**

3.2. ANTI-DEFECTION LAW

Why in news?

The **22 Rebel Members of Madhya Pradesh Legislative Assembly** tendered their resignation to the Speaker, thereby, **defecting from the ruling Party of the state,** and thus, paving way for the fall of the government of the day in Madhya Pradesh. This route **by-passes the Anti-Defection law.**



Why anti-defection law needs an overhaul?

- **No room for legitimate dissent:** The law often restricts a legislator from voting in line with his conscience, judgement and interests of his electorate, as political parties issue a direction to MPs on how to vote on most issues, irrespective of the nature of the issue.
  - Several experts suggest that the law **should be valid only for those votes that determine the stability of the government** (passage of the annual budget or no-confidence motions).
- **Open to interpretations:** The first ground for disqualifying a legislator for defecting from a party is his **'voluntarily giving up'** the membership of his party. This term is susceptible to interpretation.
- **Questionable position of speaker:** The Tenth Schedule gave the Speaker of Lok Sabha and assemblies unquestionable power in deciding petitions seeking disqualification of MLAs under the anti-defection law.
  - This was challenged in the **Supreme Court, in Kihoto Hollohan case [1992]** which ruled that Speakers, while deciding petitions under anti-defection law, exercised judicial powers akin to a tribunal and **hence their decisions would be subject to scrutiny of HCs and the SC**.
- **To stabilise the parliamentary system and in turn democracy:** As allegations of legislators defecting in violation of the law have been made in several states including Andhra Pradesh, Arunachal Pradesh, Goa, Manipur, Nagaland, Telangana and Uttarakhand in recent years, thereby **establishing a culture as well as acceptance of defections.**

Ways to strengthen the Anti-defection Laws

- **Alternate independent mechanism:** Recently, the Supreme Court said the "Parliament should amend the Constitution to substitute the Speaker with a **permanent Tribunal headed** by a retired Supreme Court Judge or a retired Chief Justice of a High Court, or some other outside independent mechanism, to ensure that such disputes are decided both swiftly and impartially.
- **Reasonable time frame to decide the disqualification cases by the speaker:** The Supreme court had said that "the Speaker, in acting as a Tribunal under the Tenth Schedule, is bound to decide disqualification petitions **within a reasonable period**".
  - **It further said that** unless there were "exceptional circumstances", disqualification petitions under the Tenth Schedule should be decided by Speakers within three months.
- **Administrative Reforms Commission's Report titled 'Ethics in Governance' and various other expert committees** have recommended that the issue of disqualification of members on grounds of defection should be decided by **the President/Governor** on the advice of the **Election Commission.**

Office of the speaker and the issue of defection

- Last year, the Supreme Court asked Parliament to amend the Constitution to strip Legislative Assembly Speakers of their exclusive power to decide on the matter of disqualification under the anti-defection law.
- The court asked Parliament to substitute the speaker of the Lok-Sabha and Legislative Assemblies as arbiter of disputes concerning disqualification under the Tenth Schedule with **a permanent tribunal** comprising either a retired Supreme Court Judge or a retired Chief Justice of a High Court.
- The court asked the State Assembly Speaker to decide the **disqualification petition in four weeks.**
- **Administrative Reforms Commission's Report titled 'Ethics in Governance' and** various other expert committees have recommended that the issue of disqualification of members on grounds of defection should be **decided by the President/Governor** on the advice of the **Election Commission**.

Why is there a need to reform the office of Speaker?

- **Nature of the office of Speaker:** With **no security in the continuity of office**, the Speaker is dependent on his or her political party for re-election. This makes the Speaker susceptible to pulls and pressures from her/his political party in the **conduct of the proceedings of the Lok Sabha**, rather than their own conscience.
- **Intrinsic paradox of the office:** Disqualification petitions entrusted to a **speaker as a quasi-judicial authority** is not a rational and logical act when such Speaker continues to belong to a particular political party either de jure or de facto.
- **To curb the delay in the speaker's decision on disqualification under anti-defection law:** Due to the inordinate delay in deciding the disqualification matter pending before the Speaker, often instances have been observed where legislators who have defected from their parties, continue to be members of the House.

3.3. QUESTION HOUR

Why in News?

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

Question Hour

- This is **first hour of a sitting**. It is during this **MPs ask questions to ministers** and hold them accountable for functioning of their ministries.
- Both Houses of the Parliament follow their own set of rules which are formulated to govern themselves.
- **Types of question asked in the parliament**
  - **Starred Questions:** Oral answers
  - **Unstarred Questions:** Answer in writing.
  - **Short Notice Questions:** These questions are asked orally in the House after the Question Hour or as the first item in the agenda where there is no Question Hour at a notice shorter than that prescribed for Starred and Unstarred Questions.
  - **Questions to Private Members:** The subject matter of the question relates to some Bill, Resolution or other matter connected with the business of the House for which that Member is responsible.
- **'Half-an-Hour Discussion':** When a member feels that the answer given to a question does not give the desired information, she/he may be allowed by the Speaker to raise a discussion in the House for half an hour. The procedure is, therefore, termed as 'Half-an-Hour Discussion'.

Significance of question hour

- **Fulfill the objectives of the parliamentary democracy:** Basic concept of the parliamentary governance is that it owes a collective responsibility towards the parliament. Question hour obliges the government to be responsible and accountable.
- **Generate public awareness:** A question and discussion on an issue leads to greater public notice as the information reaches to the far ends of the nation.
- **Improvement in public policy:** Government gets to know the short comings and flaws in the policy.
- **Limit judicial intervention:** Effective parliamentary oversight prevents judicial intervention in the policy issues and vice-versa. For example, the government's actions related to the lockdown and the hardships caused to migrants should have been questioned by Parliament. However, this was taken to the Supreme Court, which is not equipped to balance policy options.

4. GOVERNMENT POLICIES AND INTERVENTIONS FOR DEVELOPMENT IN VARIOUS SECTORS

4.1. COOPERATIVES

Why in news?

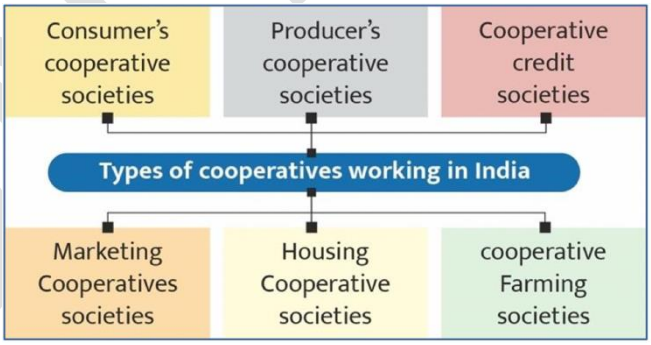
A three-judge bench of the Supreme Court annulled part of the 97th Amendment Act and Part IX B of the Constitution which governs the "Cooperative Societies" in the country.

- **97th Amendment Act:** This Amendment Act relates to effective management of co-operative societies in the country. The change in the Constitution has **amended Article 19(1)(c)** to give protection to the cooperatives and **inserted Article 43 B and Part IX B,** relating to them.
  - **Article 19(1)(c):** It guarantees **freedom to form association or unions or cooperative societies** subject to certain restrictions.
  - **Article 43 B:** It says that **states shall endeavor to promote** voluntary formation, autonomous functioning, democratic control and professional management of **cooperative societies.**
  - **Part IXB of the Constitution:** It dictated the terms for running co-operative societies. It went to the extent of determining the number of directors a co-operative society should have or their length of tenure and even the necessary expertise required to become a member of the society.

More on news

- **'Cooperatives' is a 'State' subject.** However, the 97th Amendment Act was passed by the Parliament **without getting them ratified by State legislatures as required by the Constitution.**
- The Court declared that **Part IXB of the Constitution is operative only insofar as it concerns multi-State cooperative societies** both within the various States and in the Union Territories.
- The SC has held that **co-operative societies** come under the **"exclusive legislative power" of State legislatures.**

About Co-Operatives



- It is a **voluntary association of individuals** having common needs, who join hands **for attainment of common economic goals** and interests.
- Through formation of cooperatives, **people come forward as a group, pool their individual resources, utilise them in the best possible manner, and derive some common benefit out of it.**
- In a cooperative society, **people can enter it as per their wish** and they are free to leave a cooperative society, but they **cannot transfer their share.**
- Few examples of **successful co-operatives in India** are- Indian Coffee House, Self Employed Women's Association etc.

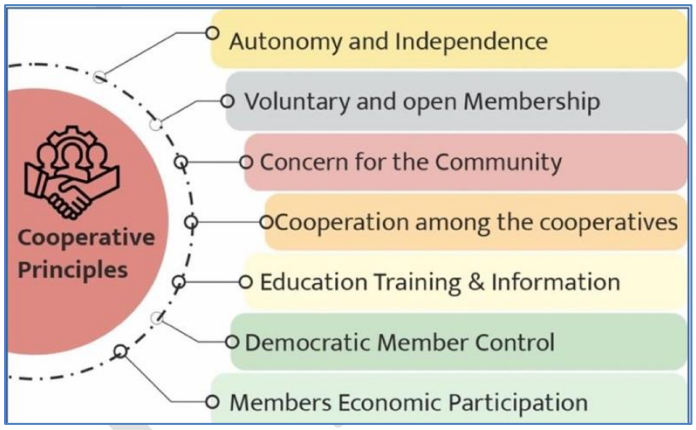
History of the cooperative movement

- **The cooperative movement first began in 1844 in Britain by 28 weavers.**
  - The first cooperative society was initiated by **Robert Owen in 1844 A.D. named "Rochdale Society of Equitable Pioneers".**
  - The main objective of this society was **to save poor people by providing goods at a lower price** from the market price, eliminate the middleman and supply better services to its members.
- In India, **Sir Frederic Nicholson,** who studied the problems of farmers after Madras famine**,** published a report in 1895 which led to establishment of cooperative agricultural credit societies and cooperative banks in India and **paved the way for the 'Cooperative movement'**.
  - Therefore, Sir Frederic Nicholson is known as **'Father of the Cooperative Movement'** in the country.

Significance of cooperatives in socioeconomic milieu of the country

- **Enhancing social cohesion:** Unlike other processes of social cohesion that are public and involve a third party, the cooperative way is natural, intimate, private, and does not involve a third party. It makes cooperation, in the cooperative, an alternative approach to social cohesion.
  - For example, Housing cooperatives represent a crucial intermediate level between residents and urban housing policy, thus providing opportunity structures for bottom-linked citizen participation.

- **Social empowerment**
  - **Establishing equal rights:** As cooperatives function under the mutual cooperation of all the members, all members are equal and free for their rights. Therefore "one-person-one-vote" system prevails here.
  - **Enhancing the bargaining power of poor:** Cooperatives enable people to harness the power of collective bargaining towards a common goal.
  - **Promoting leadership:** Cooperative institutions elect their leaders democratically, with members voting for a board of directors.
- **Promoting moral principles:** Cooperative society plays an important role in teaching moral principles like unity, trust, honesty, order, cooperation etc. to its members, which ensure social order.
- **Reducing inequality of wealth**
- **Promoting financial inclusion**



Challenges faced by cooperatives in India

- Lack of Democratic Spirit: Cooperatives are expected to run on well-established democratic principles and elections should be held on time in a free and fair manner. However, following factors impinge upon the democratic functioning of cooperatives-
  - **Government Interference:** Government is the major source of finances for the cooperatives and has the power to regulate the functioning of the cooperatives though various rules. Therefore, over the time government has put restrictions on borrowing, restrictions on other transactions with non-members, restriction on investment of funds which may hamper the efficient performance of cooperatives.
  - Politicization of Cooperatives: Many cooperative societies are dominated by locally powerful members of the society, with strong political affiliations.
  - **Internal quarrel and rivalries:** As a result of the internal quarrels, rivalries, and tensions, general body members cease to take any interest in the working of the organization.
- Skewed geographical penetration
  - **Regional imbalance in growth:** The cooperatives in northeastern areas and in areas like West Bengal, Bihar, Odisha are not as well developed as the ones in Maharashtra and Gujarat.

Recent Steps taken to promote co-operative culture

- New **Ministry of Co-operation** to streamline the co-operative movement in India.
  - This ministry will provide **a separate administrative, legal and policy framework** for strengthening the cooperative movement in the country.
    - Prior to this move, the Ministry of Agriculture and Farmers Welfare had the **Department of Agriculture, Cooperation and Farmers' Welfare** for the cooperative movement in the agricultural sector.
  - **Mandate of The Ministry**
    - Realisation of vision **"from cooperation to prosperity".**
    - Strengthening of cooperative movement in the country and **deepening its reach up to the grassroots.**
    - General Policy in the field of Co-operation and **Co-ordination of co-operation activities in all sectors.**
    - **Creation of appropriate policy, legal and institutional framework** to help cooperatives realise their potential.
    - **Incorporation, regulation and winding up of Co-operative** societies with objects not confined to one State including administration of 'the Multi-State Co-operative Societies Act, 2002
    - **Training of personnel** of co-operative departments and co-operative institutions.
- The **Banking Regulation (Amendment) Act, 2020** which gives RBI the powers to supercede boards of Co-operative Banks and enables mergers and acquisitions in public interest.

- Limited Coverage: The cooperative movement has also suffered on account of two important limitations on its working-
  - **Small size of societies**: Most of these societies are confined to a few members and their operations extend to only one or two villages. As a result, their resources remain limited, which make it difficult for them to expand their means and extend their area of operations.
  - **Dominance of single purpose societies:** For this reason, these societies are unable to take a total view of the people seeking help, nor can they analyze and solve problems from different angles.

- **Operational challenges:** Lack of fair audit mechanism; Lack of coordination among cooperatives existing at different levels.
- **Functional Weakness:** Absence of Economics of Scale; Shortage of skilled workforce; Lack of Professionalism etc.

Way forward

- **Structural reforms:**
  - Weaker **and inefficient societies should be winded and merged with strong and efficient societies.**
  - **Promoting Multipurpose societies**
- Legislative Reforms for improving functioning of cooperative banks: The Narasimham committee in its report had rightly observed that a legal framework that clearly defines the rights and liabilities of the parties to contracts and speedy resolution of disputes are the essential bedrocks for the process of financial intermediation and cooperative banking.
- Complete Transparency in working
  - Cooperative societies can be **brought under the purview of the Right to Information Act.**
  - The eligibility criteria for becoming the director of the society may **include the mandatory provision of declaration of assets every year.**
  - All the documents along with the remarks/notes etc. of the persons dealing with any financial matter being uploaded on the website of the society.

Conclusion

Success of cooperatives would mean success of best hope for the marginalized section of India particularly rural India. Therefore, it is necessary to ensure the autonomous and democratic functioning of co-operatives, by ensuring the accountability of management to the members and other stakeholders and enhancing deterrence for violation of the provisions of the law. We must move in the direction of greater decentralisation with accountability, member democracy and partnership with SHG networks.

4.2. REGULATION OF NGO'S IN INDIA

Why in news?

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

More about News

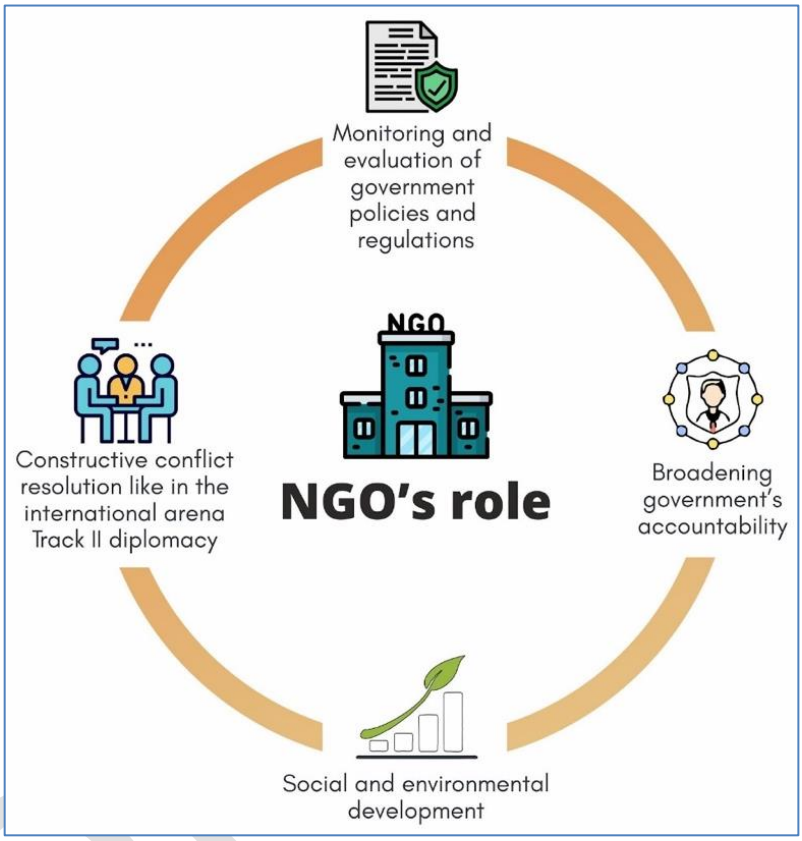
- MHA has laid out a **series of guidelines and charter to make NGOs and banks comply** with new provisions of the amended **Foreign Contribution (Regulation) Act, 2010 (FCRA).**
- The charter for banks says that "donations received in Indian rupees" by NGOs from **"any foreign source even if that source is located in India at the time of such donation" should be treated as "foreign contribution".**
- Also, it stated foreign contribution has to be **received only through banking channels** and any violation by the NGO or by the bank may invite penal provisions of FCRA.

NGOs and their importance

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

Need to regulate NGOs

- **Check misuse of foreign funds:** If unchecked, such funds, can hamper the country's sovereignty and foreign money can be used to influence policy and political discourse in India.
  - For this reason, the government has banned 14,500 NGOs, registered under FCRA from receiving foreign funds.
- **Non-compliance:** Less than 10% of NGOs have complied with the rules and more than 90% do not submit their balance sheets.
- **Hampering development projects:** According to the Intelligence Bureau report, many NGOs activities cost India's GDP 2-3% per year.
- **Religious and cultural encroachment:** For example, Government had to bar 'Compassion International' from funding Indian NGOs without its permission over allegations of religious conversions.



Issues faced by NGO's

- **Lacks fund accessibility:** With new rules, many NGO's will not be able to access foreign funds because the scheme under which they receive these funds from donor agencies and larger NGOs, known as 'regranting' has been banned. Also, over-dependence on funds from the government dilutes the willingness of NGOs to speak out against the government.
- **Restriction to explore:** The amount NGOs can spend on administration has been cut from 50% to 20%, which mean many smaller NGOs will not be able to employ enough staff, hire experts and implement strategies they require to grow.
- **Increased cost of transaction and distance:** With new rules under FCRA act NGOs will have to open an account with a Delhi branch of the State Bank of India. Which could be a thousand kilometers away for many NGO's and increase the transaction cost.
- **Hamper delivery of social welfare schemes:** Due to overregulation of NGOs under new FCRA rules will have far-reaching the consequences for delivery of government schemes in these fields of education, health and social welfare.
- **Accreditation of NGO's:** It is very difficult for National Accreditation Council to distinguish whether an organization wants to work for the cause or has been set up only for the purpose of receiving government grants.

Provisions regarding Regulation of NGO in India

- **Foreign Exchange Management Act (FEMA), 1999:** There are certain NGOs that are registered under FEMA and continue to disburse foreign funds to various associations in India.
  - FEMA is regulated by the Ministry of Finance and was **introduced to consolidate and amend the law relating to foreign exchange** with the objective of facilitating external trade and payments.
  - However, Separate law the **FCRA, 2010 has been enacted under the Ministry of Home Affairs** to monitor foreign funds donated to NGO's.
- **Foreign Contribution Regulation Act 2010:** It **consolidates the law to regulate the acceptance and utilization of foreign contribution** by individuals or associations to ensure that the recipients
- **Accreditation:** NITI Aayog has been appointed as the nodal agency for the purpose of registration and accreditation of NGOs seeking funding from the Government of India.
- **Bombay shops & Establishment Act 1948:** NGO registered under the Bombay shops & establishment Act, must pay **Minimum Wage** to that employee irrespective of the strength of employment.
- **Right to Information Act, 2005:** NGOs receiving substantial financing from the government is bound to give information to the public under the RTI Act.

Way Forward

- A **National Accreditation Council** consisting of academicians, activist, retired bureaucrats should be established to ensure compliance by NGOs.
- There should be **better coordination between Government and NGOs** to delivery of social welfare schemes efficiently rather than hampering their implementation.
- The role of NGO regulators should be to effectively secure **compliance with the laws in a fair, transparent and non-partisan manner, free from political influence** to enhance public trust and confidence in both the regulator and the NGOs.

4.2.1. FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 2020

Why in news?

The Foreign Contribution (Regulation) Amendment Bill, 2020 was passed by parliament.

Need of the Amendment

- Earlier, Central Bureau of Investigation (CBI) in its report, submitted before the Supreme Court, has said **less than 10% of the 29-lakh registered NGOs across the country file their annual income** and expenditure.
- Also, according to report by Intelligence Bureau (IB) **foreign-aided NGOs are actively stalling development projects** and **impacting GDP growth by 2-3% per annum.**
- In this backdrop, the amendments were introduced to FCRA,
  - To **regulate non-governmental organisations** and make them more accountable and transparent.
  - To **regulate religious conversions,** which are supported by foreign funds.
  - To ensure **foreign money is not used against national interests** or for anti-national activities.
- The bill amends the **Foreign Contribution (Regulation) Act, 2010 (FCRA).**
  - The Act **regulates the acceptance and utilisation of foreign contribution by individuals, associations and companies**.

Provisions of the Amendment

- **Expanding prohibition category**: The amendment prohibits public servants in addition to other already existing categories (like election candidates, editor or publisher of a newspaper, judges, government servants, etc.) from accepting any foreign contribution.
- **Prohibits transfer of foreign contribution to any other person**: However, under the existing Act, transfer of foreign contribution is allowed but limited only to such people who are also registered to accept foreign contribution.
- **Identity proof for prior permission, registration or renewal of registration:** Any such person must **provide the Aadhaar number of all its office bearers**, directors etc. In case of a foreigner, they must provide a copy of the passport or the Overseas Citizen of India (OCI) card for identification.
- **FCRA account**: Amendment states that foreign contribution must be received only in an account designated by the bank as 'FCRA account' in such branch of the State Bank of India (SBI), New Delhi, as notified by the central government.
- **Restriction in utilisation of foreign contribution**: According to the amendment, if a person accepting foreign contribution is found guilty of violating any provisions of the law, the government may restrict usage of unutilised foreign contribution based on a summary inquiry, and pending any further inquiry.
- **Inquiry before renewing of license**: To ensure that the person has fulfilled all conditions specified in Act.
- **Reduction in use of foreign contribution for administrative purposes**: Under the amendment, a person who receives foreign contribution must not use more than 20% of the contribution for meeting administrative expenses (in the existing Act this limit is 50%).
- **Increasing the period of suspension of registration**: Under the Act, the government may suspend the registration of a person for a period of upto 360 days (under the existing Act it is 180 days).

Concerns about the amendments in FCRA

- **Lacks fund accessibility:** Many NGO's will not be able to access foreign funds because the scheme under which they receive these funds from donor agencies and larger NGOs, known as **'regranting' has been banned.**
- **Restriction to explore:** Reducing administrative expenses would prohibit the NGOs from employ enough staff, hire experts and implement strategies they require to grow.

- **Privacy concern due to compulsion of aadhar:** SC judgement on Aadhar said to ensure greater privacy of individual's Aadhaar data and restricts governments access, while compulsion under amendment seems contravene the judgement.
- **Hamper delivery of social welfare schemes:** It will have far-reaching consequences on the fields of education, health, people's livelihoods because NGO's provide last-mile connectivity for the delivery of government schemes in these fields.

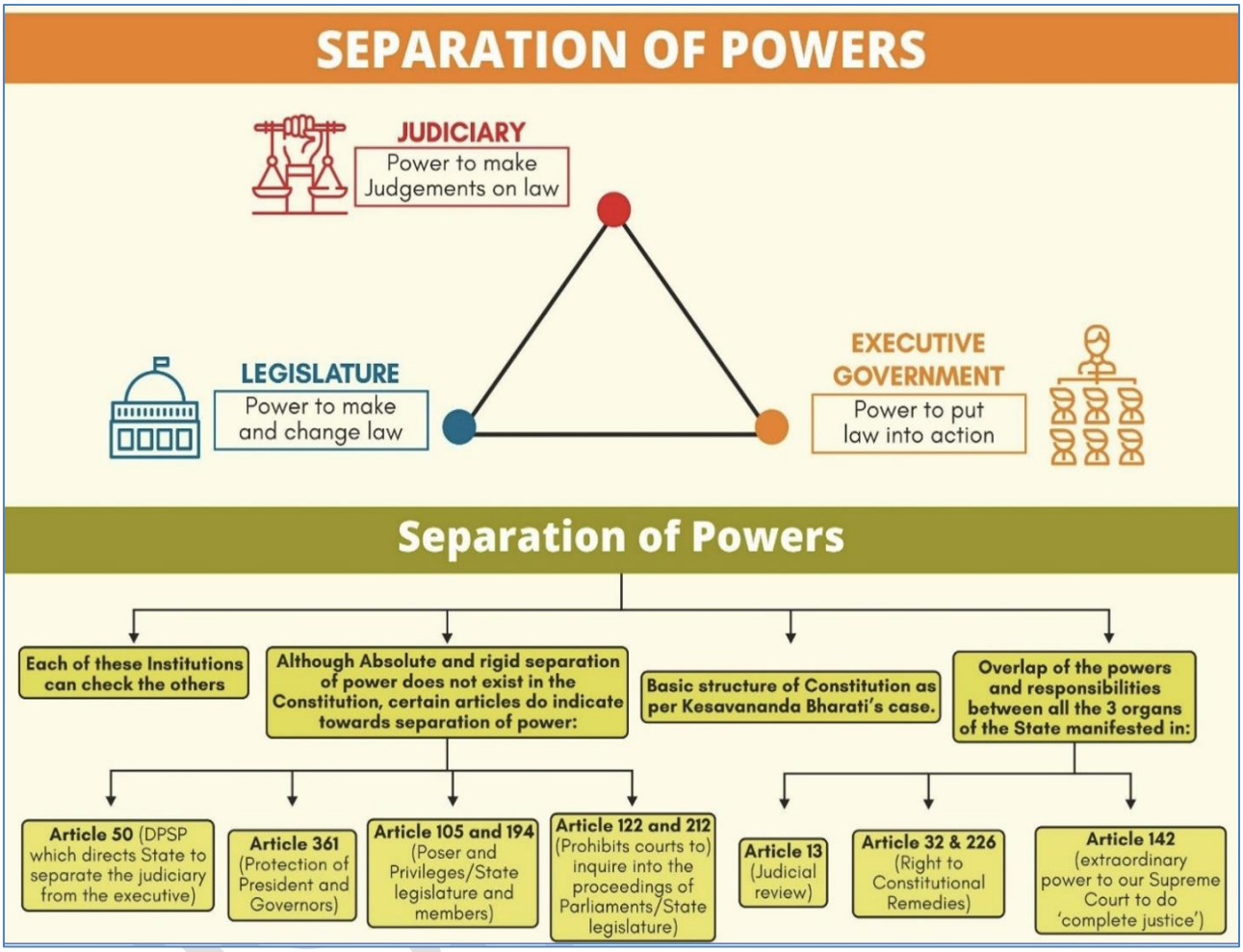
Way forward

As civil society organisations seek accountability from others, it is a moral obligation for them to themselves be accountable and transparent in substantive ways and maintain the highest standards**.** However, regulation should balance with their freedom of functioning. Some suggestions are:

- **Recommendations of Vijay Kumar Committee:**
  - Modernising registration process for seamless operation of the applicable provisions of the IT (Income Tax) Act and FCRA with respect to NGOs.
  - Details of NGOs should be made available as searchable database information.
- **2nd ARC report recommendations:**
  - FCRA should be decentralised and delegated to State Governments/District Administration.
  - Fine balance between the purpose of the legislation and functioning of the voluntary sector to avoid subjective interpretation of law and its possible misuse.

5. SEPARATION OF POWERS BETWEEN VARIOUS ORGANS DISPUTE REDRESSAL MECHANISMS AND INSTITUTIONS

5.1. SEPARATION OF POWER



5.2. JUDICIAL ACTIVISM AND JUDICIAL OVERREACH

Why in news?

The act of the Supreme Court staying implementation of three farm laws was seen by many as an act of judicial activism/overreach.

Specification	Judicial activism	Judicial overreach
About	Judicial activism is manifested when the Supreme **Court** (or High Court) **becomes an activist and compels the authority to act** and sometimes also direct the government, government policies and administration.	It is an **extreme form of judicial activism where arbitrary and unreasonable interventions** are made by the judiciary into the domain of the legislature or executive. The **court encroaches upon the role of the legislature by making laws.**
Examples	• Directing the Centre to create a **new policy to handle drought** • Directing the Centre to **set up a bad loans panel** • Reforming Board for the Control of Cricket in India (a private body)	• **Instituting collegiums** (an extra-constitutional body) • **Invalidating the National Judicial Accountability Commission Act, 2014** seeking to ensure transparency and accountability in higher judiciary

Causes of Judicial activism and Judicial Overreach:

- **Asymmetry of power:** Supreme Court is the most powerful branch of governance. It's every judgment is binding on the other two branches (legislature and executive) and it can strike down their actions as well as their laws.
- **Public Interest Litigation (PIL):** PIL permitted any member of the society to file a case for appropriate directions against any injustice. Consequently, the expectations of the public went high **for judicial intervention to improve the administration.**
- **Lackadaisical approach of other organs:** Lax functioning of the legislature and executive may result in corruption, delay, non-responsiveness, or inefficiency in the governance. These things create a vacuum in governance. Most of the time such vacuums are filled by the judiciary.
- **Other factors:** Growing consciousness of people for their rights, **globalization, active media and civil society organizations,** concerns for the environment among others are also considered important reasons for judicial activism and judicial overreach.

Concerns over Judicial overreach

Through, **judicial activism the Supreme Court has done a tremendous amount of good.** However, in many cases; the judiciary has used excess powers which can never be treated as judicial adjudication and even within the normal bounds of judicial activism. **Such judicial overreach has given rise to the following concerns:**

- **Undermining the doctrine of the separation of power:** The power vested in the Supreme Court through Article 142 of the Constitution is extraordinary. Frequent use of this power, to issue judicial decrees, is considered as a violation of the doctrine of the separation of power.
- **Negligence of the challenges faced by legislature and Executive:** Sometimes the judiciary passes the order without keeping in mind Fund, function, framework, and functionary (4 F) that limit the work of Legislature and executive. For example, **cancelling of coal blocks allocations and spectrum allocations** led to the poor health of the financial institutions of the country.
- **Lack of accountability towards people:** Judiciary as an institution is not accountable to the people in the same way as the legislature and the executive. Further, the judiciary also has the power to punish for **'Contempt of court.'** This way the judiciary may evade public criticism for many of its actions.
- **Threat to the credibility of the judiciary:** Entry into the legislative domain and inability to uphold the law may diminish the image of the judiciary.

Way ahead

The Supreme Court has, on various occasions, highlighted the **importance of judicial restraint.** The judiciary must, therefore, exercise self-restraint and eschew the temptation to act as a super-legislature.

Judicial activism is appropriate when it is in the domain of legitimate judicial review. However, it should not be a norm nor should it result in judicial overreach.

6. STRUCTURE AND FUNCTIONING OF JUDICIARY AND OTHER QUASI-JUDICIAL BODIES

6.1. JUDICIAL REFORMS

JUDICIAL REFORMS AT- A- GLANCE

Judicial Reform

- Judicial reforms objective is to **improve of the quality of justice and the efficiency ad effectivity of the judiciary**, while strengthening and protecting the independence of the judiciary, accompanied by measures to make more effective its responsibility and accountability.

Issues with Indian judiciary

- **Delay in justice**
- **Large pending cases: 3.9 crore cases pending** in the district and subordinate courts and more than 69,000 cases in the Supreme Court.
- **Corruption**
- **Large number of judicial vacancies**: About 40% seats in High Courts and about 20% seats in subordinate court are vaccant.
- **Undertrial accused** which increased to 69% in 2019 from 67% in 2015
- **Infrastructure**
- **Lack of interaction with society**

Measures taken

- **eCourts Mission Mode Project** has been taken up for universal computerization of district and subordinate courts
- Recently, cabinet approved **continuation of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary** for further five years from 2021 to 2026.
- **Promotion of Alternate Dispute Resolution Mechanism** through National Legal Services Authority (NALSA).
- **Draft National Litigation Policy** under formulation to make Government a responsible and efficient litigant.
- **Enactment of the Commercial Courts,** Commercial Division and Commercial Appellate Division of High Courts Act 2015 to **ensure speedy and fair disposal of 'commercial disputes'.**
- **Repealing of Obsolete and Redundant Laws**

Way forward

- **Laws to cut judicial interventions**
- **Prescribe time limits** for all court cases in order to deal with the issue of pendency;
- **Create All India Judicial Service (AIJS)** to centralise the recruitment of judges at the level of additional district judges and district judges for all states.
- **Establish a specialized agency to manage the judiciary's administrative** functions
  Increase **use of technology and digitization** of the judicial process.
- **Other measures:** Develop the use of fast-track courts, Merit appointment, Better investigation

6.2. CONTEMPT OF COURT

Why in news?

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

What	Refers to the offence of showing disrespect to dignity /authority of the court.	
Constitutional Provisions	Articile 261	Full faith and credit shall be given to Judicial Proceedings.
	Article 19(2)	Reasonable Restriction
	Article 129 & 215	SC/HC powers to punish for contempt respectively
	Article 142 (2)	Powers to SC to punish for contempt or seek any person's attendance
Legal Provisions	Contempt of Courts Act 1971	○ Defines contempt of court as Constitution does not define it. ○ Civil contempt for disobeyance of order ○ Criminal contempt for ▸ Scandalising the court ▸ Interferes or tends to interfere with Judicial proceedings ▸ 6 months imprisonment or Rs 2000 fine ▸ Cannot initiate contempt proceeding post one year expiry of alleged contempt
Exceptions	○ Fair and accurate reporting of Judicial proceedings ○ Fair criticism on merit of judgement ○ Merely defamatory attack on Judge and not intended to interfere in Proceedings ○ 2006 - Amended-Introduced TRUTH as a valid defense if done in PUBLIC INTEREST	

Issues with contempt of court

- **Stifle with freedom of speech and Expression**
- **Definition** of criminal contempt in India is **extremely wide and can be easily invoked b**ecause of the *Suo motu* powers of the Court to initiate such proceedings.
- **Against Natural Justice**: A fundamental principle of natural justice, that no one may be the judge in his or her own case. However, the **contempt law enables judiciary to sits in judgement on itself.**
- **Limited right to appeal:** A person convicted for the criminal contempt has the right to file a review petition against the judgment and that plea is decided in chambers by the bench usually without hearing the contemnor.
- **Against global practice**: The offence of "scandalising the court" continues in India even though it was abolished as an offence in US, Canada and England.

Contempt of court: A censor on free speech

- **Democratic reform process:** Constructive difference of opinion and suggestions are very important for a democracy to grow. If freedom to express one's opinion is suppressed then there are chances that any constructive debate will diminish. This will be very disastrous for our democracy.
- **Right to differ:** Individual opinion does not mean that an institution is criticised. The constitution has itself allowed difference of opinion to prevail. By censoring freedom of speech, the judiciary seems to indicate that its institution is infallible and they are superior.
- **Self-protective nature:** Contempt of court has been used as a tool to protect own image of a judge. Sometimes, personal difference is considered as rejection of the institution of judiciary. Since the judges are the same ones that are accused of, conflict of interest cannot be ruled out.

Way forward

- Under the Indian **Contempt of Courts laws power is discretionary** in nature. To check its abusive use, **it should be made more determinate and principled.**
- Judiciary should **balance two conflicting principles,** i.e. freedom of expression, and fair and fearless justice.
- **There should be an independent panel** to check the misuse of Contempt of Court power
- **Element of '*mens rea*' may be incorporated** in the act.
    - '*Mens rea*' is a legal concept denoting criminal intent or evil mind. Establishing the '*mens rea*' of an offender is usually necessary to prove guilt in a criminal trial.
- Proceedings may be **according to the Indian evidence act and Criminal procedure code**.
- **Punishment for contempt is inadequate** and is not a sufficient deterrent especially with regard to fine it should be sufficiently enhanced to deal with interference in administration of justice.

Should the provision be retained or not?

In 2018, the Department of Justice asked Law Commission of India to examine Contempt of Courts Act, 1971. **Law Commission** has submitted a report stating that there is no requirement to amend the Act, for the reasons stated below:

- **High number of contempt cases:** High civil and criminal contempt pending in various High Courts and the Supreme Court **justify the continuing relevance** of the Act. Commission stated that amending the definition of contempt may reduce the overall impact of the law and lessen the respect that people have for courts and their authority and functioning.
- **Source of contempt power:** Courts derive their contempt powers from the Constitution. The Act only outlines the procedure in relation to investigation and punishment for contempt. Therefore, deletion of the offence from the Act will not impact the inherent constitutional powers of the superior courts to punish anyone for its contempt.
- **Impact on subordinate courts:** The Commission argued that if the definition of contempt is narrowed, subordinate courts will suffer as there will be no remedy to address cases of their contempt.
- **International comparison: Commission compared the** offence of 'scandalising the Court' in Britain and India Commission noted that the United Kingdom had abolished the offence in its contempt laws. However, it says abolishing the offence in India would leave a legislative gap. It warranted a continuation of the offence in India as
- **Restrict court power:** 1971 Act was a good influence as laying down procedure, restricts the vast authority of the courts in wielding contempt powers. Amending the definition of contempt will lead to ambiguity.

Conclusion

It is **necessary to distinguish between constructive criticism and malicious statement** and the test for contempt needs to be evaluated. It should be whether the contemptuous remarks in question actually obstruct the Court from functioning and **should not be allowed to be used as a means to quash reasonable dissent.**

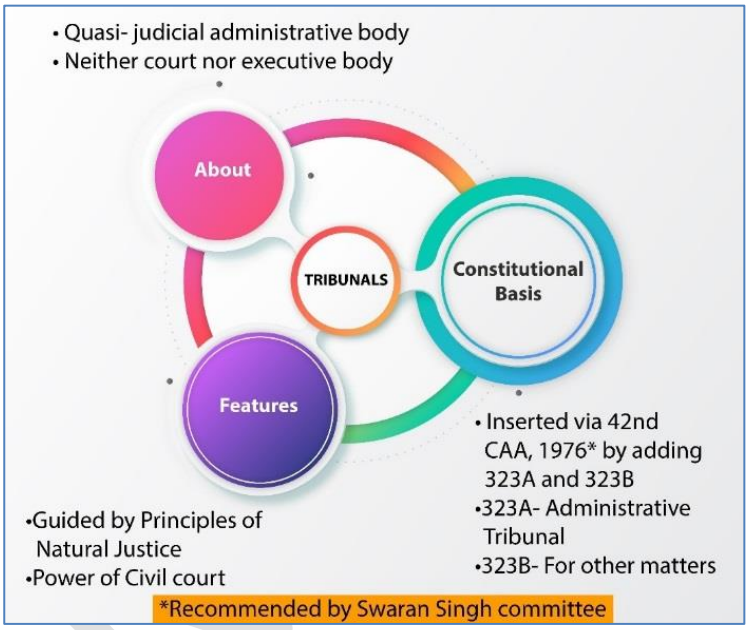
6.3. TRIBUNALS

Why in news?

Recently, Centre promulgated the **Tribunals Reforms Act, 2021** which **abolished several appellate tribunals and authorities** and transferred their jurisdiction to other existing judicial bodies.

More about news

- The Tribunals Reforms Act 2021 has **replaced the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.**
  - it seeks to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trademarks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other legislations.



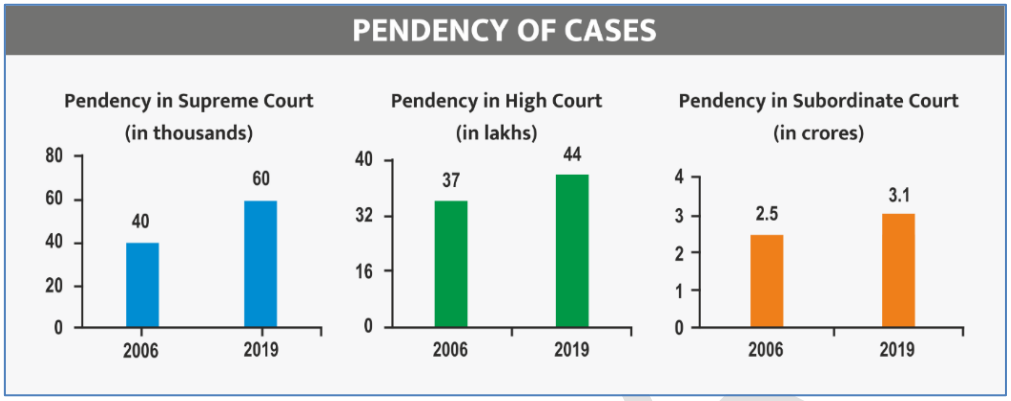
- Act **has amended the Finance Act 2017** to include provisions related to the composition of search-cum-selection committees, and term of office of members in the Act itself.
  - **Search-cum-Selection Committee:** Chairperson and Members of the Tribunals will be appointed on the recommendation of a Search-cum-Selection Committee which is **headed by the Chief Justice of India** or a **Judge of Supreme Court** nominated by him as the Chairperson. The **Committee will consist of:**
    - Two Secretaries nominated by the central government.
    - The sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court.
    - The Secretary of the Ministry under which the Tribunal is constituted (with no voting right).
  - **Term of office: Chairperson** of a Tribunal will hold office for a term of **4 years or till he attains the age of 70 years**, whichever is earlier. Other Members will hold office for a term of 4 years or till he attains the age of 67 years, whichever is earlier.
  - A person who has **not completed the age of fifty years shall not be eligible** for appointment as a Chairperson or Member.
- Earlier, in the **Madras Bar Association case, the Supreme Court had struck down certain provisions** of Tribunals Reforms Ordinance 2021.
  - However, the **same provisions re-appeared in the Tribunal Reforms Act.**

Contentious provisions of Act	Arguments given by apex court in Madras Bar Association vs Union Of India case
• **Four-year term** of office (**subject to the upper age limit** of 70 years for the Chairperson, and 67 years for members). • Also specifies a **minimum age requirement** of 50 years for appointment of a chairperson or a member.	• Fixing a **minimum age** for recruitment and a **short tenure** of Members of tribunals would act as a **deterrent for competent persons** to seek appointment
• **Search-cum-selection committee shall recommend to the posts** of chairperson and members and the central government shall take a decision on the committee's recommendation.	• **Executive influence should be avoided in matters of appointments** to tribunals.

Need of Tribunals in India

- **Reducing pending cases:** Pendency of cases in various courts has increased over the years. To overcome this situation, tribunals have been established under different Statutes.
- **Faster delivery of justice**: Tribunals tend to streamline the delivery of justice by adopting their own procedure, employing domain experts and making quicker decisions.
- **Cost efficient and more effective in certain areas:** Resolution is more affordable and more suited than court in certain areas such as effective hearing of technical matters, disputes related to environment, etc.

Issues with Tribunals



- **Breakdown of doctrine of separation of powers:** Executive interference in the functioning of tribunals is often seen in matters of appointment and removal of tribunal members, provision of finances, etc. This is against the principle of separation of powers. For instance, Executive is the largest litigant in the country and creates a conflict-of-interest situation.
- **Lack of Independence**: The system of appointment through selection committees severely affects the independence of tribunals.
- **Shortage of human resource:** For instance, the Central Administrative Tribunal (CAT) has **27 out of 64 posts lying vacant.**
- **High pendency:** In an analysis of 37 tribunals in the country by 'Vidhi Centre for Legal Policy', it was found that despite increase in disposal rate there is also **high rate of pendency of cases** due to reasons like **avoidable adjournments, high workload on presiding officers** as well as **dependency on the parent ministry** to take care of their finances.

Way Forward

- **Establishing National Tribunal Commission (NTC):** All the Tribunals should be kept under a single nodal agency, the NTC, set up under the aegis of the Ministry of Law and Justice. The idea of an NTC was first mooted by the Supreme Court in L. Chandra Kumar v. Union of India (1997). NTC could pave the way for the **separation of the administrative and judicial functions** carried out by various tribunals. It will also **monitor the working of the Tribunals** and will **ensure the uniformity** in the appointment system.
- **Improving selection process:** Law Commission of India in its 272nd report suggested that the **involvement of government agencies in** selection of members **should be minimal** as the government itself is a litigant in many cases.
- **Time bound redressal mechanism**: A stringent provision for time-bound redressal must be incorporated in all statutes dealing with Tribunals.
- **Benches of tribunals:** Tribunals should have benches in different parts of the country to remove the geographical barriers in access to justice.
- **Qualified human resource**: The Tribunal should be **manned by persons qualified in law**, having judicial **training and adequate experience** with proven ability and integrity. Also, the technical members should be appointed only when service/advice of an expert on technical or special aspect is required.

6.4. ARBITRATION AND CONCILIATION (AMENDMENT) ACT, 2021

Why in news?

Recently, Parliament passed the Arbitration and Conciliation (Amendment) Bill, 2021.

Background

- The Arbitration and Conciliation Act, 1996 was enacted **with a view to consolidate and amend the law relating to domestic arbitration, international commercial arbitratio**n, enforcement of foreign arbitral awards and the law relating to conciliation.

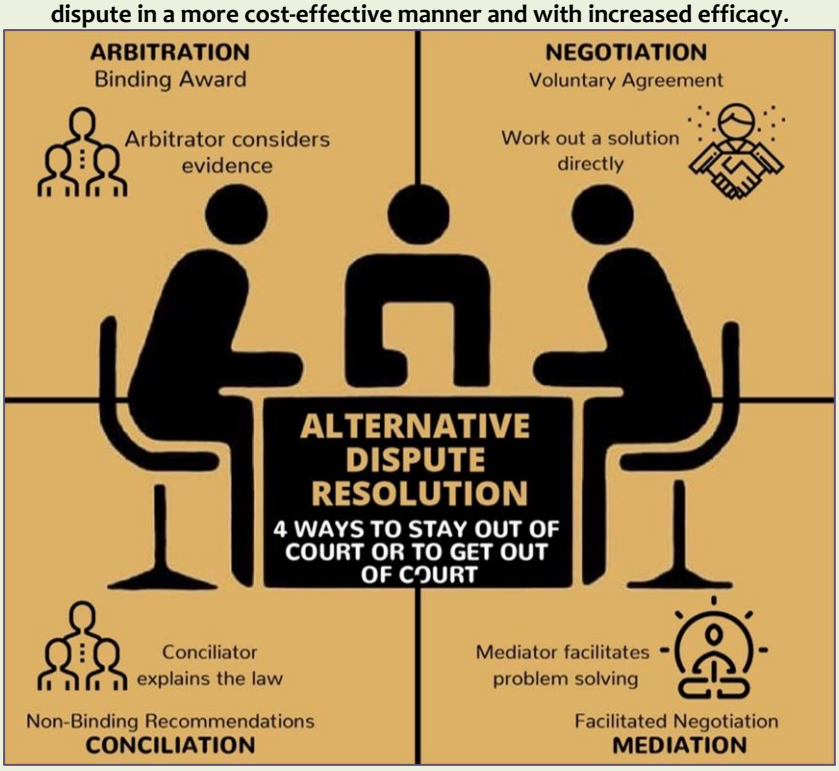
- Further, the act was amended in 2015, to **make arbitration process user friendly, cost effective and ensure speedy disposal** and neutrality of arbitrators.
- It was again amended in 2019 to **promote institutional arbitration in the country**.
- Arbitration and Conciliation (Amendment) Ordinance, 2020 was brought to ensure that all the **stakeholder parties get an opportunity to seek unconditional stay of enforcement** of arbitral awards.

About Arbitration and Conciliation (Amendment) Act, 2021

- Arbitration and Conciliation (Amendment) Act, 2021 has been brought to replace the ordinance to with the objective to:
  - **grant unconditional stay of enforcement of arbitral awards**, where the underlying arbitration agreement, contracts or arbitral award is induced by fraud or corruption;
  - **omit 8th Schedule of the Act** which laid down the qualifications, experience and norms for accreditation of arbitrators; and
  - **specify by regulations the qualifications, experience and norms for accreditation of arbitrators** and the said amendment is consequential in nature.

Alternative Dispute Resolution (ADR) mechanism

- Arbitration and Conciliation are **modes of the ADR mechanism**, in which disputes are settled without litigation.
- ADR mechanisms **facilitate parties to deal with the underlying issues in dispute in a more cost-effective manner and with increased efficacy**.



- **Key features of the Act**:
  - **Automatic stay on awards:** Act clarifies that a stay on the arbitral award may be granted by the Court, even during the pendency of the setting aside application, if it is prima facie satisfied that the relevant arbitration agreement was **induced by fraud or corruption.**
    - ✓ Presently, 1996 Act **allowed a party to file an application to set aside an arbitral award.** However, according to 2015 Act, **an automatic stay would not be granted** on operation of the award by mere filing an application for setting it aside..
  - **Qualifications of arbitrators:** Act removes 8th Schedule for arbitrators and states that the qualifications, experience, and norms for accreditation of arbitrations will be specified under the regulations by Arbitration Council of India (ACI).
    - ✓ **1996 Act specified certain qualifications, experience, and accreditation** norms for arbitrators in a separate 8th schedule. Further, the general norms applicable to arbitrators include that they must be conversant with the Constitution of India.
    - ✓ According to 8th Schedule, arbitrator must be:
      - > an advocate under the Advocates Act, 1961 with 10 years of experience, or
      - > an officer of the Indian Legal Service, among others.

Impact of amendment Act over dispute resolution mechanism

- **Check fraud and corruption:** Amendment will help to ensure that all the stakeholder parties get an opportunity to seek unconditional stay of enforcement of arbitral awards, where the arbitral award is induced by fraud or corruption.

- **Promote India as Hub of commercial arbitration:** By omitting 8th Schedule, it will give greater flexibility and promote India as a hub of international commercial arbitration by attracting eminent arbitrators to the country.

Issues with proposed amendment in Act

- **Prolonged litigation process:** It is very easy for the losing party to allege corruption and obtain an automatic stay on enforcement of the arbitral award. Hence, this defeats the very objective of alternate dispute mechanism by drawing parties to Courts and making them prone to prolonged litigation.
- **Floodgates of litigation:** As the amendment in act is in retrospective manner i.e. from 2015, with respect to automatic stay may open floodgates of litigation.
- Act **does not define fraud/ corruption.**
- **Amendment will affect enforcement of contracts** and ultimately affect ease of doing business in India.

Online Dispute Resolution (ODR)

- Recently, there were calls for advancing ODR in India including by NITI Aayog CEO.
- Online Dispute Resolution (ODR) is **form of Alternative dispute redressal mechanism (ADR)** that uses negotiation, mediation and arbitration techniques to **resolve disputes with help of the Internet and ICT.**
- ODR uses **technology and employ data management tools** to ensure predictability, consistency, transparency and efficiency of the judicial process.
- **Models under ODR:**
  - **Opt-in model**, in which option of going into mediation is voluntary.
  - **Opt-out model**, under which it is mandatory to enter into mediation for at least one session, and then the parties have the liberty to opt out if they feel so.
- **ODR focuses on**
  - **Dispute resolution:** Resolving disputes that reach the courts through open, efficient, transparent process.
  - **Dispute containment and avoidance**: Facilitate and ensure through ODR that a problem does not reach the stage of a dispute thus ensures a problem does not become a dispute.
- ODR is **more suited to complaints that are** of **low value, high volume and occurring between users with access to internet.**
- **Benefits of ODR:** Reduction in pendency of cases, reduce high volume of disputes outside the courts, Ease of Doing Business, Consumer satisfaction etc.
- **Limitations of ODR: Infrastructural issues** like high-speed internet, **best suited to resolve only certain types of disputes** like damages that may be payable for breach of contract, Privacy and data security due to rise in cyber-threats; lack of digital literacy; lack of enough arbitrators, building trust among consumers etc.

7. ELECTIONS IN INDIA

7.1. ELECTORAL REFORMS

Electoral reforms at glance

Basic structure

- **Article 324** deals with the Superintendence, direction and control of elections to be vested in an **Election Commission.**
- **Article 325** states that **no person to be ineligible for inclusion** in electoral roll-on **grounds of religion, race, caste, or sex.**
- **Article 326** deals with the Elections to the House of the People and to the Legislative Assemblies of States to be **based on adult suffrage.**
- **Article 327** provides power to the **Parliament to make provision with respect to elections to Legislatures.**
- **Article 328** provides power to **Legislature of a State to make provision** with respect to elections to such Legislature.
- **Article 329** provides to **create a bar on court to make any interference** by courts relating to electoral matters.

Issues with elections in India

- **Conduct of elections:** Booth capturing, intimidation of voters, tampered electoral rolls, large-scale rigging of elections and other polling irregularities.
- **Political parties:** proliferation of non-serious parties; process of recognition and de-recognition of political parties; disclosure of assets and liabilities of parties.
- **Financing of elections:** campaign expenditure, disclosure and audit of assets and liabilities of candidates and parties,
- **Criminalisation of Politics:** Rising participation of criminals in the electoral process.
- **Misinformed choices:** Excessive use of social media and other virtual modes of communication for the political campaign might be lopsided in nature due to the immense digital divide that persists in India.
- **Other issues:** Paid and Fake News, EVM tampering issue, communal and Caste-based Politics, misuse of government Machinery etc

Reforms till Now

- **Limits on Expenditure:** Between Rs. 54-70 lakhs for Parliamentary constituencies and Rs. 20-28 lakhs for Assembly constituencies.
- **Electoral Bonds:** To cleanse the system of political funding in the country.
  Declaring of criminal antecedents, assets, etc. by the candidates is required.
- **Systematic Voters' Education and Electoral Participation Programme (SVEEP)** to educate the voters.
- **Other measures:** Restriction on exit polls, Voting through postal ballot etc.

Way forward

- **Online registration** of prospective voters at age of 17 years -registration facilities to be provided in schools and colleges.
- Expanding the network and **Electoral Service Centres (ESCs)/ Voter Facilitation Centres (VFCs)** to streamline electoral services to citizens.
- **Prohibit Print Media & Social Media** akin to Electronic media during 'period of silence' under **section 125 RP Act, 1951.**
- Introduce provisions for inner-party democracy within political parties
- **Cap maximum expenditure of political parties** to a multiple of half of maximum prescribed limit for individual candidates with the number of candidates fielded.

7.2. ELECTORAL BONDS

Why in news?

The Supreme Court had rejected applications seeking stay of electoral bonds ahead of assembly polls in various Indian states.

Background

- Electoral bond scheme was announced in **Union Budget 2017-18** to **"cleanse the system of political funding in the country."**

- The electoral bonds were introduced by amendments made through the Finance Act 2017 to the **Reserve Bank of India Act 1934, Representation of Peoples Act 1951, Income Tax Act 1961** and **Companies Act**.
- However, there are certain provisions in the scheme, which raised an objection on **transparency of political funding itself**.
- Some petitioners had move to the Supreme Court for a plea to stay the Electoral Bonds Scheme.
- The Election Commission also filed an affidavit to the SC on some provisions in the scheme, which can have serious repercussions on political funding in the country.

Association for Democratic Reforms (ADR) report on donation to Political Parties

Over **55% of the donations received by regional parties** in FY 2019-20 came **from "unknown" sources.**

Electoral bonds accounted for nearly **95% of the donations from "unknown" sources.**

Donations received by **national parties from "unknown" sources added up to 70.98% of their income.**

About Electoral Bond	
What is Electoral Bond	• An interest free financial instrument for making anonymous donations to political parties, resembles a promissory note.
Who may produce these bonds	• A citizen of India or a body incorporated in the country
Bond Denominations	• Rs 1000, Rs 10,000, Rs 100,000, Rs 1 million, Rs 10 million can be purchased from selected branches of SBI
When May such bonds be bought	• Available for purchase for 10 days each in January, April, July & October
Lifespan	• Redeemable in the designated account of a registered political party within 15 days since issuance.
Which Political Parties are eligible to receive Donations through Electoral Bonds?	• Political Parties who have at least secured 1% votes in the last Lok Sabha or state assembly elections and are registered under Section 29A of the Representation of the People's Act, 1951
Other Details	• Political parties will be required to file returns to the Election Commission of the quantum of money it receives through electoral bonds. Donors will be eligible for tax deduction while political parties will be eligible for exemption, provided returns are filed by the political party. • SBI is the sole Authorised bank by Govt of India for selling Electoral bonds. • Electoral Bonds shall not be eligible for Trading on stock exchanges • They cannot be used as collateral for loans and are available only in physical form.

Petitioner's arguments against the Electoral Bonds Scheme

- **Brings Opacity in the Political Funding-** Ordinary citizens are not able to know who is donating how much money to which political party, and the bonds increase the anonymity of political donations-
  - The rules for declaring sources of funding for political parties are outlined in **Section 29C** of the **Representation of the People Act, 1951.** Prior to 2017, the Act said all registered parties had to declare all donations made to them of over Rs.20,000. However, an amendment in finance act has kept electoral bonds out of the purview of this section. Therefore, parties will not have to submit records of electoral bonds received to the Election Commission for scrutiny.
  - Further, political parties are legally bound to submit their income tax returns annually under **Section 13A** of the Income Tax Act, 1961. However, **the electoral bonds have also been exempted from IT Act**. Thus, removing the need to maintain records of names, addresses of all donors.
- **Opens up possibility of corporate misuse-** with the removal of the 7.5% cap on the net profits of the last three years of a company, corporate funding has increased manifold, as there is now no limit to how much a company, including loss-making ones, can donate.
- **Favors ruling party-** SBI being a government owned bank will hold all the information of the donors which can be favorable to the party in power and also deter certain entities from donating to opposition due to fear of penalization.

Election Commission's arguments against the Electoral Bonds Scheme

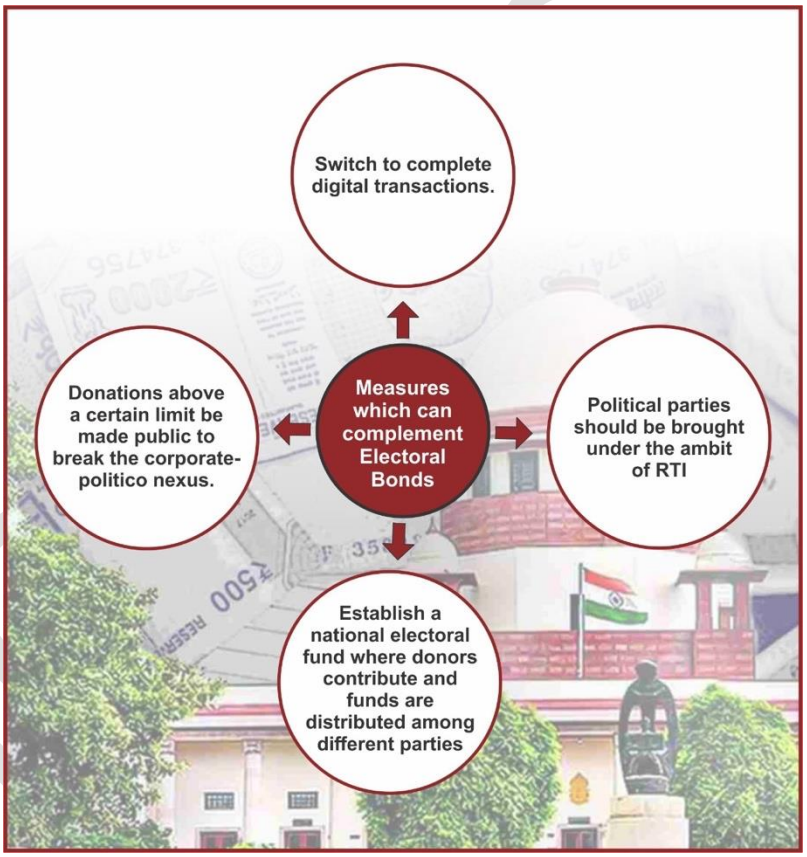
- **Does not allow ECI to check violation of provisions in the Representation of the People Act-** as any donation received by a political party through an electoral bond has been taken out of the ambit of

reporting under the Contribution Report. E.g. the Representation of the People Act, 1951 prohibits the political parties from taking donations from government companies.

- **Allows unchecked foreign funding-** An amendment to the Foreign Contribution Regulation Act (FCRA) allow political parties to receive funding from foreign companies with a majority stake in Indian companies. It can lead to Indian policies being influenced by foreign companies.

Government's arguments for the Electoral Bonds

- **Limits the use of cash in political funding-** as earlier, massive amounts of political donations were being made in cash, by individuals/corporates, using illicit means of funding and identity of the donors was not known.
- **Curbs black money-** due to the following reasons-
  - Payments made for the issuance of the electoral bonds are accepted only by means of a demand draft, cheque or through the Electronic Clearing System or direct debit to the buyers' account".
  - Buyers of these bonds must comply with KYC requirements, and the beneficiary political party has to disclose the receipt of this money and must account for the same.
  - Limiting the time for which the bond is valid ensures that the bonds do not become a parallel currency.
- **Protects donor from political victimization-** as non-disclosure of the identity of the donor is the core objective of the scheme.
- **Eliminate fraudulent political parties-** which are formed on pretext of tax evasion, as there is a stringent clause of eligibility for the political parties in the scheme.



Conclusion

The electoral bonds scheme is a process in the right direction, however, the points raised by the petitioners and the ECI should be addressed so as to ensure that the intent behind their introduction is achieved completely.

7.3. SIMULTANEOUS ELECTIONS

Why in News?

Recently, Prime Minister raised the pitch for Simultaneous Elections to the Lok Sabha and State Assemblies.

About Simultaneous Elections (SE)

- It means **structuring the Indian election cycle in a manner that elections to Lok Sabha and State Assemblies are synchronized together** under which voters in a particular constituency vote for both on the same day.
- **It can be conducted in a phase-wise manner** and voters in a particular constituency vote for both State Assembly and Lok Sabha the same day.
- SE were the **norm until 1967**. But following dissolution of some Legislative Assemblies elections to State Assemblies and Parliament have been held separately.
- Later, SE idea was **proposed by Election Commission in 1983.** It was also referred by Law Commission and NITI Aayog.

Arguments in favor of Simultaneous Elections: It would do away with following menace associated with existing election system

- **Policy paralysis:** Frequent elections lead to imposition of Model Code of Conduct (MCC) over prolonged periods of time which often leads to policy paralysis.
- **Engagement of security forces:** Frequent elections takes away a portion of such armed police force which could otherwise be better deployed for other internal security purposes.
- **Identity politics:** Frequent elections perpetuate caste, religion and communal issues across the country as elections are polarizing events.
- **Economic cost:** Election involves huge administrative cost by the election commission as well as expenditures by the candidates. Expenditure by candidates is also considered as a key driver for corruption and black-money in the country.
- **Disrupting public life:** Due to public processions, assemblies, noise pollution etc.
- **Impact on voter turnout:** According to law commission report simultaneous polls will boost voter turnout.

Arguments against Simultaneous Elections

- **Operational feasibility:** such as how to synchronize cycle for the first time, what will be the procedure in case ruling party/coalition loses majority before 5 years, feasibility for the Election Commission to conduct elections at such a massive scale, etc.
- **May be against federalism:** When an election in a State is postponed until the synchronized phase, President's rule will have to be imposed in the interim period in that state.
- **Constitutional amendments:** Holding SE will require curtailment and extension of terms of the House of the People/ State Legislative Assemblies. This may require Amendment to the relevant provisions of the Constitution, Amendment to the Representation of People Act, 1951, and ratification by the States to these Constitutional amendments.
- **Marginalisation of local issues:** National and state issues are different. In simultaneous elections voters might end up voting for the national cause i.e. larger national parties.
- **Reduce government's accountability to the people:** As frequent elections bring the politicians back to the voters and enhance accountability of politicians to the public.
- **Homogenization of the country**, instead of bringing equity, sustaining plurality, and promoting local and regional leadership, as SE may promote national parties.

Conclusion

Analysis of financial implications, effect of MCC and law commission's recommendations suggest that there is a feasibility to restore SE as it existed during the first two decades of India's independence.

However, SE cannot be the panacea. The issues related to frequent elections can be addressed by, re-looking at the duration of restrictions under MCC, curbing poll expenditures by electoral funding reforms, bringing political parties under RTI, etc.

7.4. RIGHT TO RECALL

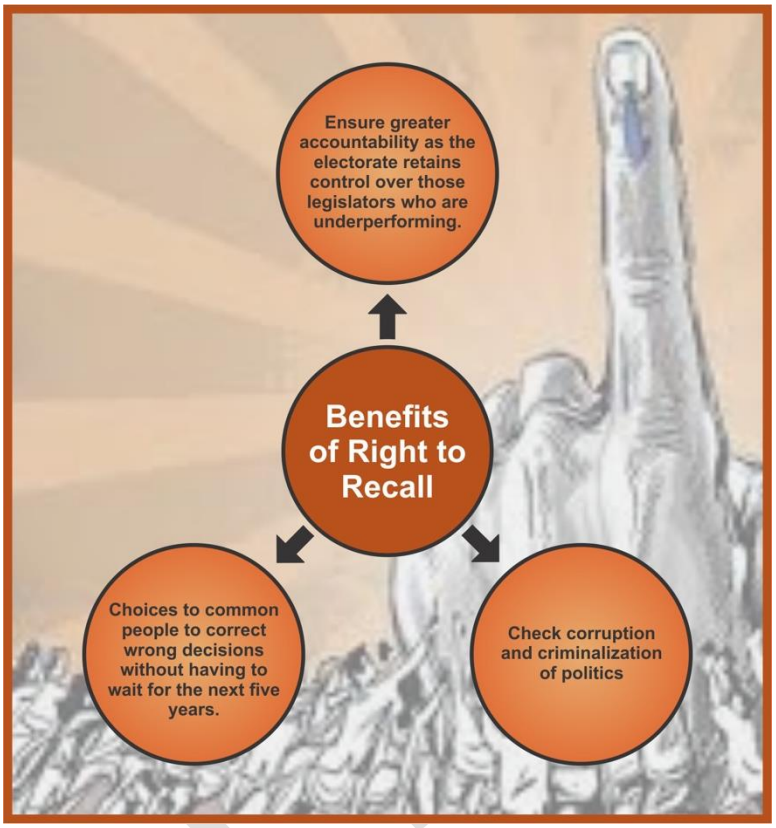
Why in News?

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

More on News

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

Limitations of Recall



- **De-stabilise the government:** As wherever there is discontent, people will start recalling.
- **Election fatigue**- by recalling/rejecting the candidates, and having another election may cause election fatigue & lower voter turnout.
- **Political tool**: It could be misused by special interest groups with money power and genuine politicians may become victims of this power.
- **Independence of representatives:** It would inevitably discourage the representatives from using their own judgment and coming up with tough but unpopular stands rather than the populist ones.
- **Viability of the process:** It would require a minimum percentage of the electorate to sign the petition for effectuating a recall, the verification of authenticity of those signatures, verification to see whether those signatures were given with free consent or under coercion etc.
- **Increased expenditure:** The conduct of a by-election would further require a lot of resources including financial resources, man-power, time etc.

Way forward

- **Enhancing political awareness:** Enhancing the political awareness of masses by various means possible and on ensuring a better turn-out of voters in the elections respectively.
- **Proper scrutiny:** A recall should be carried only after conducting proper judicial scrutiny on certain specific grounds and not on vague or ambiguous grounds.
- **Strong deterrence:** Recalled representative must be debarred from contesting the by-election held thereafter. Otherwise all the money, man-power, time etc. in conducting the recall would go in vain.
- **Strengthening existing mechanisms:** There are already in existence various neglected 'pre-election' measures which aim to ensure accountability such as provisions relating to disqualification and expulsion of members and the existing vigilance bodies to check corruption etc.

7.5. ELECTION COMMISSION TACKLING CRIMINALISATION OF POLITICS

Why in news?

The Election Commission recently decided to revise the **timeline for publicity of criminal antecedents** by candidates concerned and by the political parties that nominate them for elections.

More on the News

- As per the revised guidelines, the candidates as well as the political parties will **publish the details of criminal antecedents,** if any, **in newspapers and television three times.**
- **Uncontested winner candidates** as well as the political parties who nominate them shall also publicize the criminal antecedents, if any.
- This timeline will **help the voters in exercising their choices in more informed manner**.

Limitations of EC in tackling Criminalization

- **Financial limitation: EC need** extensive human resources and robust digital systems **to monitor and ensure compliance**

- **No power to disqualify candidates prior to conviction:** even if a person is facing several serious charges. Section 8 of the RPA, 1951 deals with disqualification only after a person is convicted for certain offences.
- **False affidavits:** Filing false affidavit is not a ground for challenging the election or for rejection of nomination papers section under RPA, 1951. In addition to these lax punishments for such filing have not been able to deter this activity.
- **Misuse of religion for electoral gain:** While such practices are qualified as corrupt practices, they can be questioned only by way of an election petition and cannot be a subject of enquiry before the EC when the election is in progress.

About criminalization of politics

- **Criminalisation of politics** means rising participation of criminals in the electoral process and selection of the same as elected representatives of the people.
- **Reasons for Criminalisation of Politics:** Vote bank politics, corruption, denial of justice and rule of law etc.
- **Impact of Criminalization:** The law-breakers get elected as lawmakers, Loss of public faith in Judicial machinery, Tainted Democracy etc.
- **Section 8 of the Representation of People Act, 1951,** bans convicted politicians. But those facing trial, no matter how serious the charges, are free to contest elections.
- Supreme court made it **mandatory** for political parties (at the Central and State election level) to **publish detailed information regarding candidates with pending criminal cases** and the **reasons for selecting them** over others as well as to why other individuals without criminal antecedents could not be selected as candidates.

Way forward

- **Proposed Amendments to RPA, 1951:**
  - **Include conviction under section 125A as a ground of disqualification** under section 8(1)
  - Introduce **enhanced sentence for filing of false affidavits of a minimum of two years** under section 125A.
  - Include the offence of **filing false affidavit as a corrupt practice** under section 123.
  - Set up an **independent method of verification of winners' affidavits** to check the incidence of false disclosures in a speedy fashion.
- **Fast tracking disposal of cases against sitting legislatures:** By conducting the trial on a day-to-day basis with an outer limit of completing the trial in one year.

Other steps taken by Election Commission to De-Criminalize Indian Politics

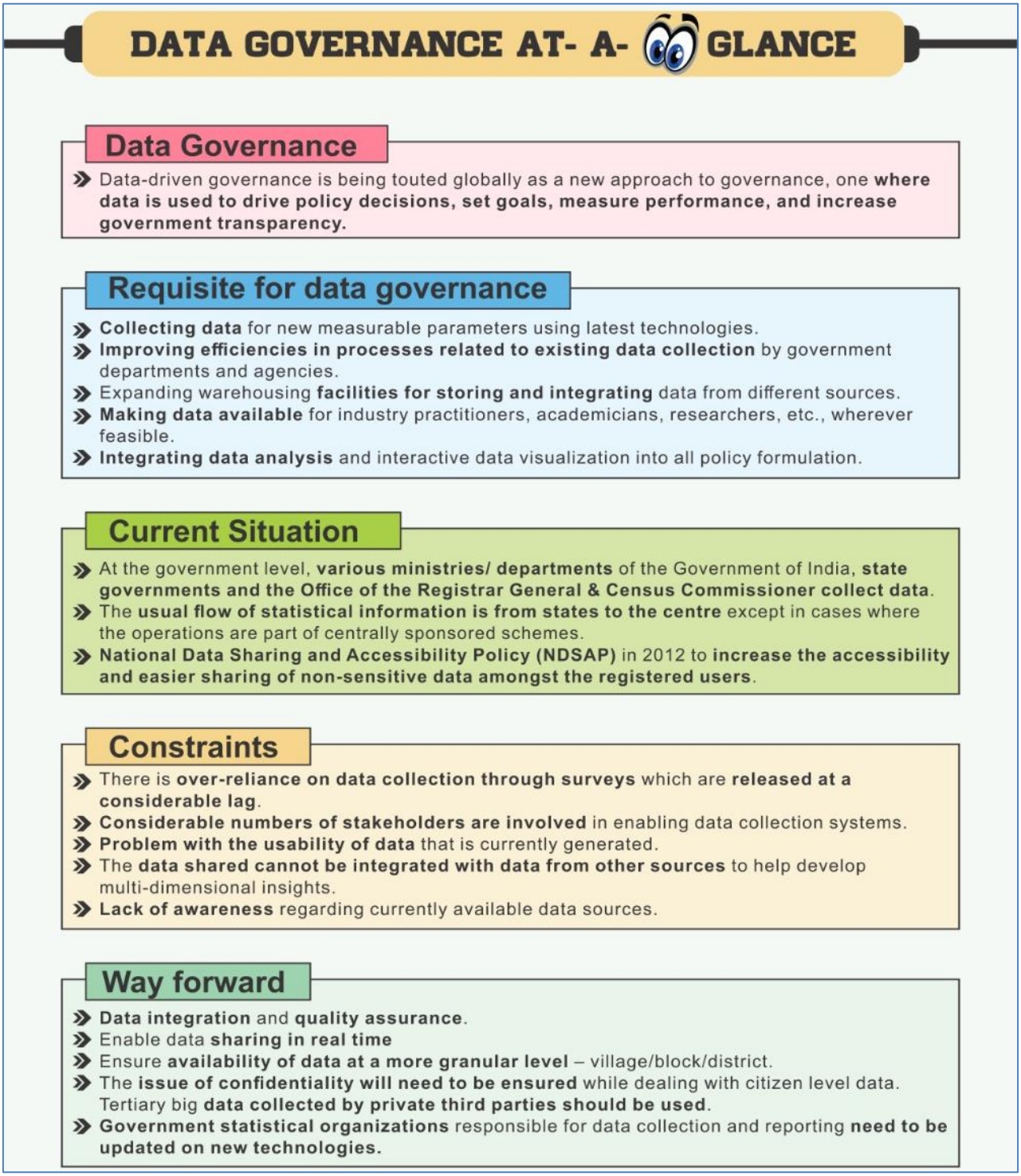
- Since 1997, Returning Officers (ROs) can **reject the nomination papers of any candidate who stands convicted** on the day of filing the nomination papers even if his sentence is suspended.
- **System of flying squads** to seize black money during elections.
- **Intense voter awareness campaign**
- **Form 26 appended to The Conduct of Elections Rules, 1961**: To be filled by the candidate, this form provides information like **criminal antecedents**, criminal cases pending, assets, liabilities, and educational.

- **Barring persons charged with cognizable offence from contesting in the elections**, at the stage when the charges are framed by the competent court provided the offence is punishable by imprisonment of at least 5 years.
- **Granting EC additional powers** to make recommendations to the appropriate authority to-
  - refer any matter for investigation to any agency specified by the Commission
  - prosecute any person who has committed an electoral offence under RPA, 1951
  - appoint any special court for the trial of any offence or offences under RPA, 1951

8. GOVERNANCE

8.1. E-GOVERNANCE

8.1.1. DATA GOVERNANCE



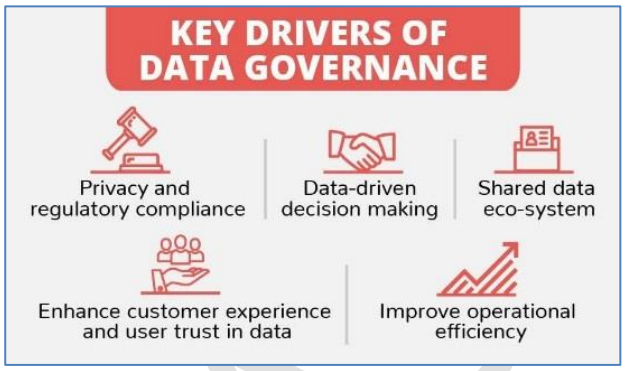
8.1.1.1. DATA GOVERNANCE QUALITY INDEX

Why in news?

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

About DGQI

- DGQI survey **assesses different Ministries /Departments' performance** on the implementation of Central Sector Schemes (CS) and Centrally Sponsored Schemes (CSS).
- It is conducted by **Development Monitoring and Evaluation Office (DMEO) under NITI Aayog**.
- Its objective is to **assess data preparedness of Ministries / Departments** on a standardized framework to drive healthy competition among them and promote cooperative peer learning from best practices.
- **Major themes of DGQI include** Data Generation; Data Quality; Use of Technology; Data Analysis, Use and Dissemination; Data Security and HR Capacity & Case Studies.

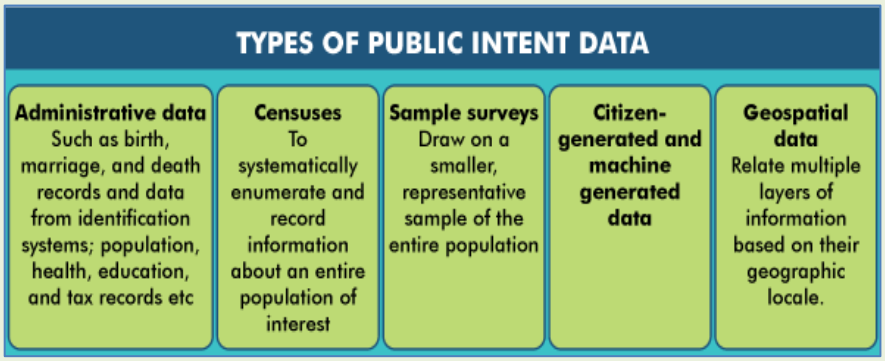


Role of data in governance

- **Better decision making:** The rapid technological advances have led to large volumes of data being generated by various activities, thus, increasing the dependence of business on data-decision making.
- **Political accountability:** Open government data can create political accountability, generate economic value, and improve the quality of federal initiatives.
- **Citizen empowerment:** Since the launch of the Digital India Program, the country has witnessed tremendous growth in digital infrastructure and initiatives in innovating e-governance policies that can lead to digital empowerment of citizens.
- **Prevents leakage in social benefit schemes:** Real time monitoring and Direct Benefit Transfer could reduce any potential leakage.

PUBLIC INTENT DATA

- Recently, the **World Bank's World Development Report,** titled 'World Development Report 2021: Data for Better lives', has highlighted the **concept of Public Intent Data.**
- Public intent data is data **collected with the intent of serving the public good** by informing the design, execution, monitoring, and evaluation of public policy, or through other activities.
- **Relevance:** This data acts as a **prerequisite for many government functions and can improve societal well-being** by enhancing service delivery, prioritizing scarce resources, holding governments accountable, and empowering individuals.



- **Efficient administration:** Actively engaging policy makers and researchers with the processed data is crucial for making targeted and tailored programmes.
- N**eed based improvisation** in the governance without any lag is also possible.

Challenges

- **Collection of data**: Data is received from multiple online and offline channels. Sharing data between departments and across ministries is a challenge, given the jurisdictional boundaries that exist.
- **Political will for utilizing data in governance**: Data driven policies would be more realist and may target long term benefits. This may go against popular will. Hence, strong political will is required to implement such policies.
- **Privacy concerns:** Any breach of confidentiality regarding data that is collected and processed by the government could have serious ramifications.
- **Funding & Innovations:** While access to personal data has skyrocketed, funding targeted towards cross-disciplinary research on data governance has remained limited resulting in dearth of original research.

Way ahead

- **Open Data Policy:** Holistic decisions could be made if various government organizations share the pieces of data in their possession.
- **Capacity building:** Technological companies and start-ups, which can offer solutions in data analytics by managing massive, complex data**,** need to be encouraged.
- **Funding the innovations and research:** A structured mechanism should be established for financial contribution of industries in the research field. Also, government should put funding of research in priority list.
- **Legislative reforms:** Data collected by various entities is processed and disseminated in various forms. During this process, it should be ensured that the information is not distorted; not disclosed; not appropriated; not stolen; and not intruded upon within specified rules and guidelines.
    - **The proposed "Data Protection bill" and the report by Kris Gopalakrishnan committee** may prove a milestone in this direction.

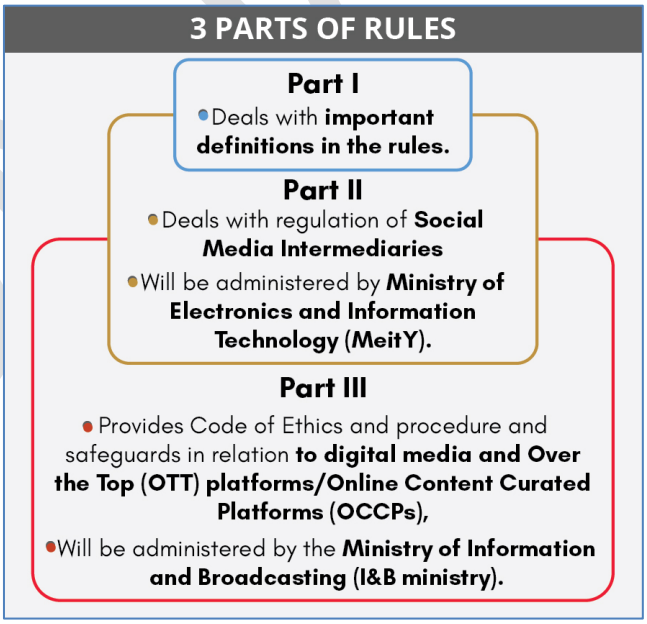
Conclusion

Quality data, if analysed at the right time, can be critical for programmatic decision-making, efficient delivery of schemes, and proactive policy revision. Big Data can have a big impact only if used on a massive scale (with safeguards) by governments for the delivery of public goods and services.

8.1.2. INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) RULES, 2021

Why in news?

The Government of India recently notified Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.



About Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

- Rules 2021 has been framed by the Central Government in exercise of powers under **section 87 (2) of the Information Technology Act, 2000** and in supersession of the earlier Information Technology (Intermediary Guidelines) Rules 2011.

Background

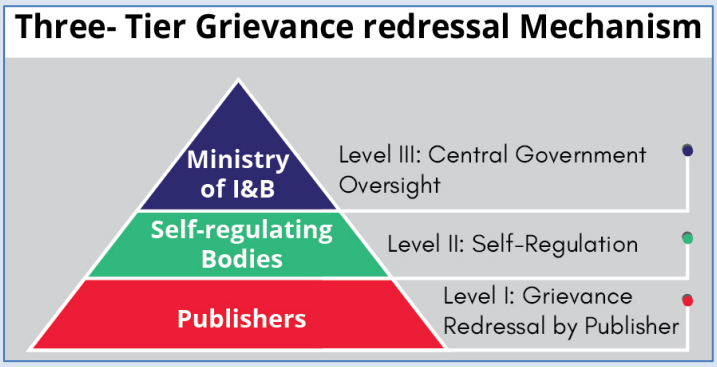
- In December **2018, the Supreme Court (SC) in suo-moto writ petition (Prajjawala case)** had observed that **Centre may frame necessary guidelines to eliminate child pornography, rape and gangrape imageries, videos and sites** in content hosting platforms and other applications.
- In November 2020 the Union government brought OTT platforms and **news and current affairs content on online platforms under the ambit of the I&B ministry.**
- In February 2021 the SC issued a notice to the **Central Government seeking creation of a proper board, institution or association for managing and monitoring OTT, streaming and media platforms.**

Guidelines Related to Social Media Intermediaries

- **Two Categories of Social Media Intermediaries i.e., social media intermediaries and significant social media intermediaries (SSMI):** This distinction is done to encourage innovations and enable growth of new social media intermediaries without subjecting smaller platforms to significant compliance requirement.
- **Dignity of Users, especially Women Users:** Intermediaries shall remove or disable access within 24 hours of receipt of complaints of contents that exposes the private areas of individuals or is in the nature of impersonation including morphed images, etc.
- **Grievance Redressal Mechanism:** Intermediaries shall appoint a Grievance Officer who shall acknowledge the **complaint within 24 hours and resolve it within 15 days from its receipt.**

- **Safe harbour provisions will be applicable only if due diligence is followed by intermediaries:** Safe hraboudefined under Section 79 of the IT Act, and provide social media intermediaries by giving them immunity from legal prosecution for any content posted on their platforms.

Guidelines Related to Digital media and OTT Platforms



- **Code of Ethics**
  - Classification of content: OTT platforms, called as the publishers of online curated content in the rules, would **self-classify the content into five age-based categories**- U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult) based on factors such as themes and messages, violence, nudity, drug and substance abuse etc.
  - **Platforms would be required to implement parental locks for content** classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as "A".
  - Measures to be taken to improve **accessibility of online curated content by persons with disabilities.**
- **Three-level grievance redressal mechanism**
- **Blocking of information in case of emergency:** An Authorized Officer, in any case of emergency nature, will examine if it is necessary or expedient and justifiable to block content within the grounds referred to in sub-section (1) of section 69A of the Act.

Need of regulating OTT platforms

- **Rapid growth in OTT industry:** India is currently the world's fastest growing OTT market, and is all set to emerge as the world's sixth-largest by 2024. The Indian OTT market is set to reach **Rs 237.86 billion by FY25,** from Rs 42.50 billion in FY19.
- **Lack of oversight:** Unlike print media, the television news channels films, there is at present, no law or autonomous body governing digital content or OTT platforms.
- **Concerns regarding objectionable content:** Without appropriate regulation, online platforms can be potentially used for spreading fake news and hate speech and can publish obscene or violent content.
- **Parity in treatment of content:** The film industry in India has voiced concern that while their industry requires a Central Board of Film Certification (CBFC), digital content on OTT platforms is made available to the public at large without any filter or screening.
- **Receipt of several complaints from the public:** Several PILs have been filed in courts across the country underlining the concern and need to regulate online content.

Way Forward

- **Model combining state censorship and self-regulation:** Such mechanism can safeguard the creative freedom of content creators and artists, and protects the interests of consumers in choosing and accessing the content.
- **Establishing global ratings system:** A standard rating system for content and quotas for indigenous content on OTT platforms can be created.
- **Independent mechanism for complaints redressal:** To look into citizen complaints in relation to content made available by respective OCCPs.
- **Formulating broad guidelines:** The Government can frame guidelines that cover principles laid out in statutes like The Information Technology Act, 2000, Indian Penal Code, 1860, Indecent Representation of Women (Prohibition) Act, 1986, Protection of Children from Sexual Offences Act, 2012, Copyright Act, 1957 etc., to aid OTT platforms in self-regulating its content.

8.1.3. REGULATION OF BIG TECH COMPANIES

Why in news?

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

Background

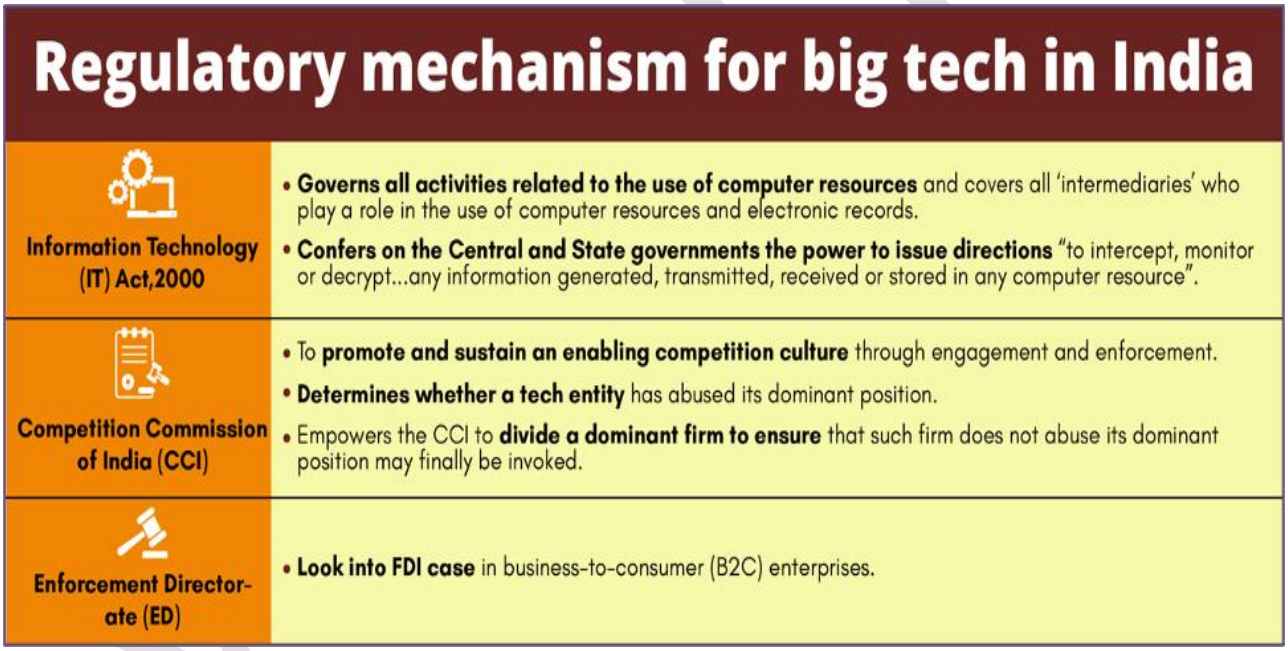
- Although many of Big tech companies started in the USA, **they have established a global presence**, and are continually looking to expand into markets currently not penetrated.

- Due to their dominance in the technology market, **big tech companies not only influence the economy but also, t**hey are **shaping the way our society is progressing**.
- However, in recent times there have seen mounting evidence of the **spread of hate speech, disinformation, and conspiracy theories** by these major internet platforms.
- This has also led to **various antitrust cases being built and investigated against them,** calling upon their role and regulation of big tech companies to ensure their accountability in this emerging system.

Role played by Big tech companies in Society

Positive role	Negative role
• **Right to free speech and expression:** Big Tech companies provide citizens powerful platforms to transact, express themselves, seek out information, and consume entertainment. • **Doorstep services:** Such delivery of an extraordinary range of goods, services, and entertainment, made it possible to live modern life through the Covid-19 pandemic. • **Technology and innovation:** The superior use of technology by big tech companies and innovations according to need provides diversification and efficiency to consumers. E.g. Digitisation of financial services.	• **Power without accountability**: E.g. Allegation on Big tech influencing elections in the US and Europe. • **Anti-competitive behaviour**: E.g. Acquisition of WhatsApp and Instagram by Facebook. • **Incite public behaviour**: They have the power to manipulate narratives, spread hate speech, disinformation, etc. • **Cybercrimes:** They may disseminate potentially harmful content and cybercrimes such as rumours, inflammatory, provocative messages and child pornography. • **Violative of privacy:** in absence of data privacy laws, the personal data of users is harnessed by the platforms without seeking meaningful consent from the users.

In the light of the above negative role played by big tech companies, **our current legal and technical framework has to evolve to regulate all these emerging Big Tech powers.**



Issues in regulating Big tech companies

- **Lack of global monitoring and regulatory framework** that accommodate the different priorities of countries, support inter-jurisdictional coordination and minimise regulatory fragmentation risk regarding big tech companies.
- **Tax avoidance:** Big tech companies are exploiting gaps and mismatches under Base erosion and profit shifting (BEPS) tax rules to avoid paying tax. Recently, a minimum **15%** global corporate tax rate has been proposed to deal with the menace of this issue.
- **Absence of Data Privacy Law:** India does not have a personal data protection law, to prevent Big Tech firms from misusing personal data.
- **No sovereign control over data**: As data in big tech companies moves easily with no boundaries.
  - A key strategy adopted by countries has been **data localization** providing for mandatory storage or processing of data within the territory of a given country.

- Even, **RBI has also issued directions to digital payment system providers** to ensure that the entire data relating to payment systems operated by them is stored in a system only in India within a period of six months.

- **Section 79-II of the IT Act, 2000:** It currently exempts online intermediaries from liability for any third-party content shared on their platform.

Ways ahead

- **Dynamic and adaptable regulatory framework:** Regulatory framework must be integrated, flexible, dynamic, capable of adapting to technological and social change to stay ahead of fast-evolving technologies and competitive conduct.
- **Data security:** There is a need to ensure that data is appropriately localised and that individuals are provided full privacy protection.
  - In India the joint parliamentary committee working on the data protection bill for evaluating all these issues.
- **Taxation:** Economic activity that is based in India should be taxed appropriately in terms of transactions, income, and other earnings.
- **Doing away with legal loopholes:** Need to close gaps across laws such as the Telegraph Act, the TRAI Act, the Information Technology Act and various competition laws and rules to make the regulation of big techs more comprehensive and efficient.
- **Cooperation to fight cybercrime:** Cooperation between technology services companies, law enforcement agencies and other countries is a vital part of fighting cybercrime and various other crimes that are committed using computer resources.

Conclusion

For the largest democracy and digital nation like India, there is an imperative need to harmonise regulatory framework for regulation of big tech companies and emerge as a true leader.

8.2. CITIZEN'S CHARTER

Why in news?

Recently, the **Ministry of Panchayati Raj (MoPR)** in collaboration with National Institute of Rural Development and Panchayati Raj (NIRDPR) has released a **Model Panchayat Citizens Charter framework.**

> Panchayats in India constitute the **third tier of government in the rural areas**. They are **responsible for delivery of basic services** as enshrined under **article 243G** of the Constitution of India, specifically in the areas of Health & Sanitation, Education, Nutrition, and Drinking Water.

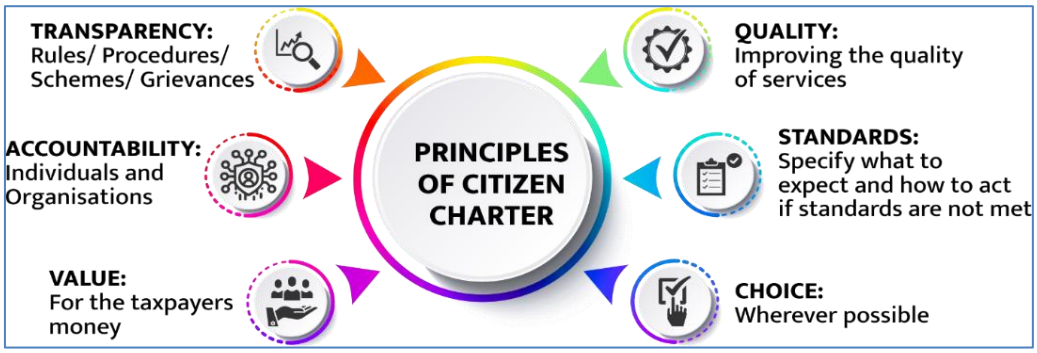
More on news

- The basic objective of the Gram Panchayat Citizen Charter is **to empower the citizens in relation to public services and to improve the quality of services** without any prejudice, and in accordance with the **expectations of the citizens**.
- The standards committed by the Panchayats are **useful yardsticks for monitoring and evaluation of service delivery**.
- It will help in making the **citizens aware of their rights** on the one hand, and to **make the Panchayats and their elected representatives directly accountable to the people**, on the other hand.
- It has been prepared for **delivery of the services across the 29 sectors**, aligning actions with localised **Sustainable Development Goals (SDGs)**.

About Citizen charter

- The concept was **first articulated and implemented in the United Kingdom in 1991**.
- **Citizen's Charter:** It is a **document** which represents a systematic effort to focus on the **commitment of the Organisation towards its Citizens in respects of Standard of Services, Information, Choice** and Consultation, Non-discrimination and Accessibility, Grievance Redress, Courtesy and Value for Money.
- **Key features of citizen charter**
  - It is a **written, voluntary declaration by service providers** about service standards, choice, accessibility, non-discrimination, transparency, and accountability.
  - It is **not legally enforceable** and, therefore, is **non-justiciable**.
- Originally, **six principles of the Citizens Charter movement** are framed. (Refer infographic)

- **India adopted citizen's charter in 1997** at Conference of Chief Ministers of various States and Union Territories held in New Delhi.



- The **Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 (Citizens Charter)** seeks to create a mechanism to ensure timely delivery of goods and services to citizens. However, it lapsed due to the dissolution of the Lok Sabha in 2014.
- In 2006, sevottam model was conceived by the Department of Administrative Reforms & Public Grievances (DARPG).
    - Sevottam is **an assessment - improvement model** that has been developed with the objective of **improving the quality of public service delivery in the country.**

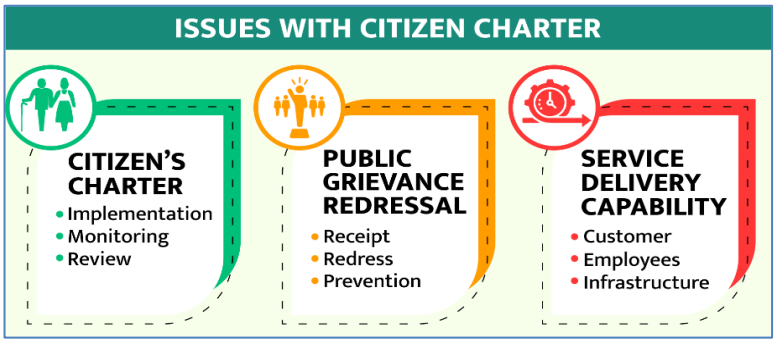
Significance of Citizen Charter

- It is a **tool to achieve good governance.** The three essential aspects emphasised in good governance are **transparency, accountability and responsiveness** of the administration.
- It **provides services to the people in a time bound manner, redressing their grievances** and improving their lives.
- It **enshrines the trust between the service provider** and its users and empowers the citizen in relation to public service delivery.

Challenges in implementing Citizens Charter (CC)

- **Issues with respect to design of CC:** Often, the citizen charter is **published in a difficult language,** these are rarely updated, in most of the cases

devoid of participative mechanisms as end-users, Civil society organizations and NGOs are n**ot consulted** either when citizens' charters are drafted.



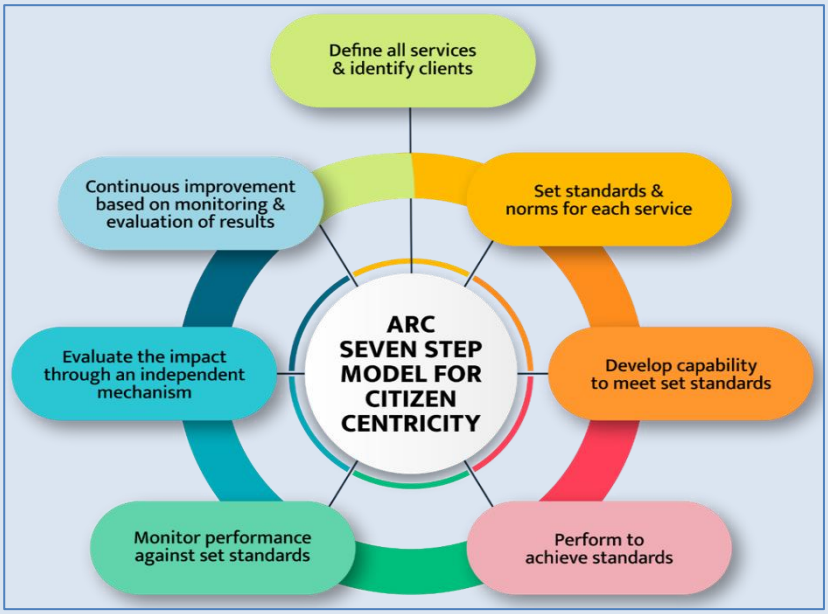
- **Implementation challenges:** Measurable **standards** of delivery are **rarely defined** that makes it difficult to assess whether the desired level of service has been achieved or not. **CC has still not been adopted by all Ministries/Departments** which overlooks local issues. Also, there is **lack of diversity** in citizen charter across all agencies.
- **Issue related to citizens**: There is **lack of awareness regarding the charter**, and departments are reluctant in handing out punishments for non-compliance with it.
- **Lack in Accountability**: In case of most organisations, **no reporting and periodic review mechanism** has been evolved to assess the implementation of Charter. Even the Annual Report does not include a review of Charter implementation or plans for implementation.
- **Shortage of human resource:** Lack of trained staff, **transfers and reshuffles of concerned officers** at the crucial stages of formulation/implementation of the Citizen's Charter in an organization severely **undermines the strategic processes which were put in place** and **hampers the progress** of the initiative.

Way Forward

- **Easy language:** Effort should be made to use **local language** while formulating the Citizen Charter.
- **Clarity and Precision in Standards**: To deliver on Citizens Charter's purpose, it is important to include precision into standards and commitments to **address the ambiguous vision and mission statements.**
- **Participatory Structures**: **Effective monitoring and evaluation system** ensures regular review of the performance on the Charter and thereby make the **organization participatory, responsive, and accountable**.
- **Sevottam (Service Delivery Excellence Model):** It can help in **improving the quality of public service delivery**, effective grievance redressal mechanism, and **successful implementation of Citizen's Charters**.
- **Capacity-Building Workshops:** For enhancing the capacity of trainers, staff, effective implementation of charter and generating awareness among the public, capacity building workshops should be organized.
- **Technology upgradation and incorporation** for smooth implementation of rules and guidelines and **revision and updation of the information** about Citizen's Charters.

Recommendations of Second Administrative Reforms Commission (ARC)

- **One size does not fit all:** Formulation of CC should be a **decentralized activity** with the head office providing only broad guidelines.
- **Wide consultation** which includes civil society in the process.
- **Firm commitments** to be made **CC must be precise and make firm commitments of service delivery** standards to the citizens/consumers in quantifiable terms wherever possible.
- **Internal process and structure should be reformed** to meet the commitments given in the Charter.
- **Redress mechanism** is case of default.
- **Periodic evaluation** of Citizen's Charters through an external agency.
- **Hold officers accountable** for results.



8.3. SOCIAL ACCOUNTABILITY

Why in news?

Recently, a State-wide campaign has been launched in Rajasthan for demanding passage of the social accountability law in the next Assembly session.

What is Social Accountability?

- Social accountability refers to a **wide range of actions and mechanisms** that the citizens, communities, independent media and civil society organizations can use **to hold public officials accountable.**
- **Common tools of Social Accountability** at various stages of service delivery involves the following:

Tool	Description	Already in practice in
Participatory budgeting	A process through which citizens participate directly in budget formulation, decision- making, and monitoring of budget execution.	**Gujarat**
Participatory Planning	**Beneficiaries of government programs are involved in the planning and design** of programme components in order to determine local problems, priorities and solutions.	**Kerala**
Public expenditure tracking	Involve citizen groups in **tracing the flow of public resources.** It can **help to detect bottlenecks, inefficiencies, or corruption.**	**Delhi, Rajasthan**
Citizen Report Card	**Participatory surveys that provide quantitative feedback to service providers** on the satisfaction levels amongst citizens on the quality of public services in a particular geographical area.	**Bangalore, Maharashtra**
Community Scorecard	A community-based **monitoring tool that assesses services, projects, and government performance** by analysing qualitative data obtained through focus group discussions with the community.	**Maharashtra, Andhra Pradesh**
Social audit/ Social Accounting	A **government program is audited with the active participation of the intended beneficiaries** of the program. Process culminates with the organization of public hearings where the findings are discussed and discrepancies are exposed in the presence of service providers, officials and beneficiaries.	
Citizen Charter	A document that **informs citizens about the service entitlements** they have as users of a public service, the standards they can expect for a service (timeframe and quality), remedies available for non-adherence to standards, and the procedures, costs and charges of a service.	**Andhra Pradesh, Karnataka**

Challenges and vulnerabilities inherent to social accountability efforts

- **Resistance to reform:** This can result in vested interests **withholding crucial information providing inadequate information** – such as budget documents, necessary for the conduct of many Social Accountability initiatives.
- **Complacency on part of citizens:** This can result in citizens not speaking up against corruption and refusing to co-operate in Social Accountability efforts.
- **Disruption by powerful vested interests: Threats and coercion** can result in communities becoming hesitant to directly participate and speaking up in Social Accountability initiatives.
- **Lack of effective grievance redressal:** Strict and unfailing follow-up action on Social Accountability findings through effective grievance redressal mechanisms is crucial to the success of Social Accountability initiatives.

Imperatives for a sound Social Accountability Law

Social accountability is a product of two things working together: **a system of institutions** that

creates platforms for citizen participation, and **an informed and mobilized citizenry** that can draw upon these platforms to make accountability demands on the system. This requires:

- **Effective Decentralization:** All schemes and programs must be designed following the "principle of subsidiarity" where local governments – panchayats and municipalities - are given powers and resources for implementation.
- **Information and Awareness:** Enforcing proactive disclosure of relevant and reliable information by **strengthening Section 4 of RTI Act.**
- **Capacity Building and Community Mobilization:** Regular training for the officials, as well as citizens must be conducted and help of local NGOs, SHGs, and other Community Groups must be enlisted to raise awareness about schemes and mobilize people for participation.
- **Making social accountability mandatory in program guidelines:** In schemes that have a large public impact, social audits could be made mandatory.
- **Grievance Redressal** by setting up of on-line portals, helplines and detailed code of conduct for complaints received.

Conclusion

Emerging time demands a central law on Social Accountability in order to make the system more accountable, transparent and efficient and, in turn make the programmes launched by the government more accessible to the poor, marginalized and disadvantaged segments of the society and, will help in poverty reduction and development of the country.

9. LOCAL GOVERNANCE

9.1. URBAN LOCAL GOVERNANCE

URBAN GOVERNANCE AT- A- GLANCE

Urban Governance

- **Urban governance refers to** how government (local, regional and national) and **stakeholders decide how to plan, finance and manage urban areas.**

Need for urban governance

- Cities are central to **raising economic productivity, enhancing job creation and improving public finance at all levels.**
- **India is urbanizing at a fast pace** and it is expected that by 2050, close to 50% of India's population would be residing in urban areas, requiring the availability of sustainable infrastructure and services.

Urban governance in India

- **74th Constitutional Amendment Act** added **Twelfth Schedule** containing **18 functional items** for functioning of Urban local bodies (ULBs).

Key challenges plaguing urban governance in India

- The **absence of a modern spatial planning framework, public utility design standards** and land titling in cities.
- **Lack of human resource capacities** in the urban sphere at all levels, especially in ULBs.
- **Multiple institutions** like development authorities, public works departments, ULBs etc.
- **The distribution of power between elected officials** at the city level (mayors and councillors) and **central administrative service cadres** at the city/ district levels are highly **tilted towards the latter**.

Key initiative taken

- **Infrastructure:** Housing for All, Smart Cities Mission, AMRUT - Atal Mission for Rejuvenation and Urban Transformation.
- **Sanitation:** Swachh Bharat Mission
- **Tourism:** HRIDAY - Heritage City Development and Augmentation Yojana

Way forward

- **Each city** needs to be recognized as **a distinct unit of the economy**.
- **Strengthening finances of ULBs** and civic agencies.
- **State governments** can be encouraged **to transfer 12th Schedule funds, functions and functionaries to the ULBs.**
- **Modern national framework for the spatial planning of cities.**
- **Guaranteed land titling** to foster a transparent land market.
- **Capacity building** by skilling for municipal jobs and strengthening institutions.
- Enhanced **citizen participation**.

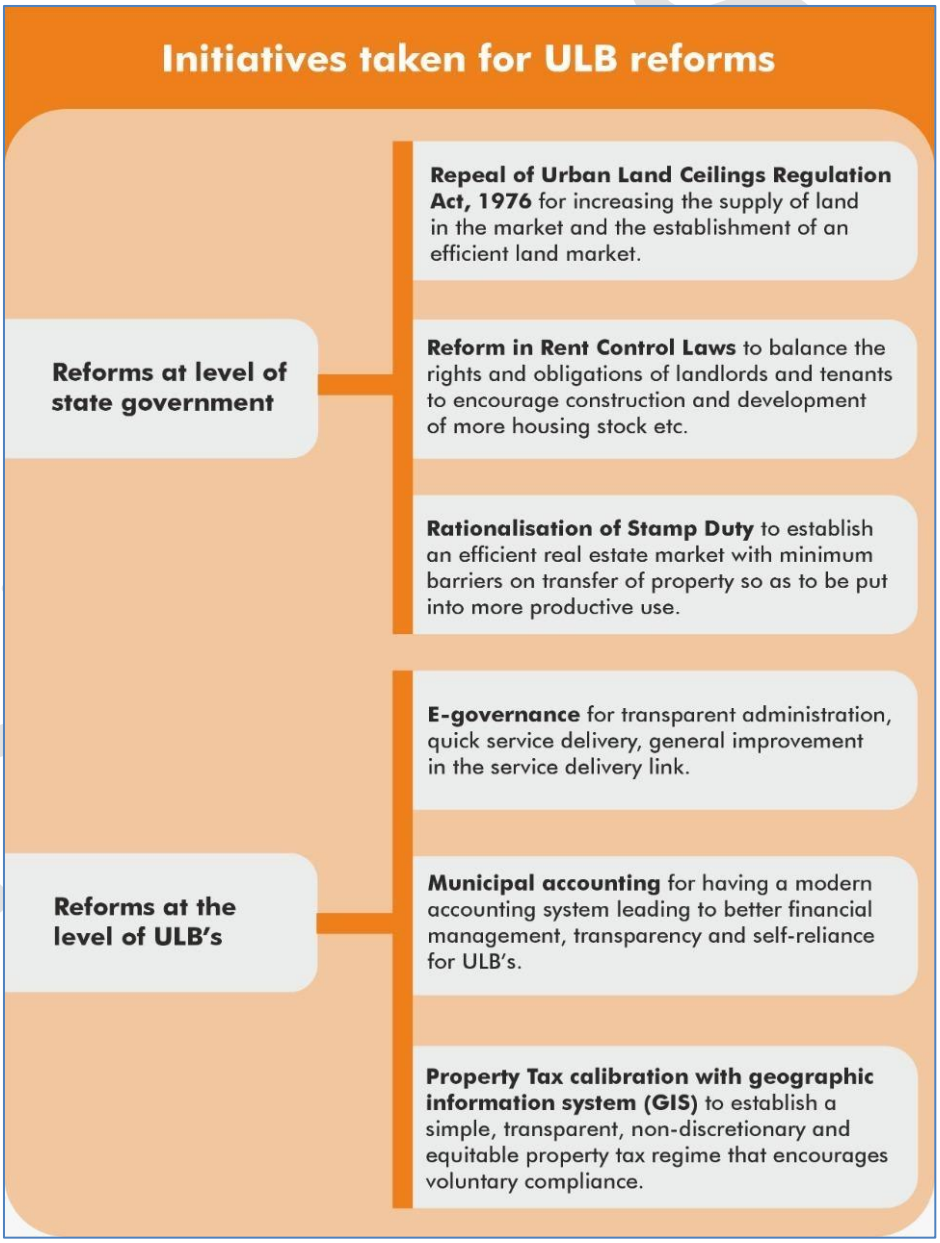
9.2. URBAN LOCAL BODIES (ULBS) REFORMS

Why in news?

Recently, **Ministry of Housing and Urban Affairs** announced the release of the final rankings of the **Municipal Performance Index (MPI) 2020.**

About MPI

- It is an **effort to assess and analyze the performance of Indian municipalities** based on their defined set of functions from provision of basic public services to more complex domains like urban planning.
- **Also, citizens can better understand their local government administration,** which in turn builds transparency and generates trust among key stakeholders.
- **Indore** topped the index in municipalities with **million-plus population,** while **New Delhi** in cities with **less than a million people**. (**refer rank table)**
- Report mentions that cities with **more financial autonomy fare better in service and governance delivery.**
- **Recommendations:**
  - To achieve financial autonomy of municipalities, the report suggested amending the Constitution to further **fiscal decentralization.**
  - Report also suggested for creating a **five-year mayoral term across India,** and consolidating planning, development, housing, water, and environment activities to report to municipalities rather than state governments.
- The **Municipal Performance Index framework covers 20 varied sectors** including health, education, water & wastewater, sanitation, digital governance participation, effectiveness among other.



Need of reforms in urban local bodies

- **Financial scarcity:** According to the MPI 2020, o**nly 20 cities** out of the 111 cities surveyed have the **power to borrow and invest funds** without state approval, which is seen as a blow to the 74th Constitutional Amendment Act (CAA). Also, **95% of them are able to raise only less than 5% of their earnings** and borrowings through alternate sources of financing, excluding state and central grants.

- **Lack of autonomy:** In most of cases urban planning is done at the state government level and ULB's have little role in it. Also, excessive control of State's over ULB's restricting the functioning of ULB's.
- **Irregular elections:** This defeats the spirit of decentralized governance.
- **Lack of coordination among federal structure:** Lack of coordination among centre, state, and urban local bodies lead to poor implementation of urban policies, administrative inefficiency and poor urban governance.

Way ahead for reforming urban local bodies

- **Governance:** Elections to ULBs should not be delayed beyond six months. Power of delimitation of wards for ULB elections should be with SECs and not state governments.
- **Capacity building:** Need of capacity building through training of elected representatives and Peer Experience and Reflective Learning programmes.
- **Finances**: Municipal bodies should be encouraged to borrow without Government Guarantees and specifying municipal bonds under the 'priority sector' category for investment/lending purposes
- **Encouraging PPP:** The areas where public funds are available, private sector efficiencies can be inducted in management, enhancing the available funding and to bridge the financial gap; the areas where public funds are not available, projects can be developed and implemented through leveraging private sector funds.

9.3. PEOPLE'S PLAN CAMPAIGN

Why in news?

Union government launched **People's Plan Campaign 2021- Sabki Yojana Sabka Vikas** and Vibrant Gram Sabha Dashboard.

About People's Plan campaign

- The People's Plan Campaign (PPC) is an effective strategy for ensuring the **preparation of Gram Panchayat Development Plan (GPDP) in a campaign mode.**
- During the campaign, **structured Gram Sabha meetings** will be held for preparing **Panchayat Development Plans** for the **next financial year 2022–2023.**
- The meetings will involve physical presence and presentation by frontline workers/supervisors on 29 sectors. Special efforts have been made to ensure **maximum participation of vulnerable sections** of society like SC/ST/Women etc.
- **Ministry of Panchayati Raj has prepared model guidelines** for GPDP and circulated the same to all the States where part IX of constitution is applicable.

Gram Panchayat Development Plan (GPDP) and its importance

- **Article 243G** of the Constitution of India mandates the **Gram Panchayats (GPs) to prepare and implement GPDP** for economic development and social justice. The GPDP does three essential things:
  - It provides a **VISION** of what the people would like their village to look like;
  - It sets out clear **GOALS** to achieve that vision, and
  - Gives an **ACTION PLAN** to reach those goals.
- The GPDP should be **comprehensive and based on participatory process** involving the community particularly Gram Sabha, and in convergence with schemes of all related Central Ministries / Line Departments **related to 29 subjects listed in the Eleventh Schedule** of the Constitution.
- The convergence assumes greater significance in view of the fact that Panchayats can play an important role for **effective implementation of flagship schemes on subjects of National Importance** for transformation of rural India.

9.4. ASPIRATIONAL DISTRICTS PROGRAMME

Why in news?

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

ASPIRATIONAL DISTRICTS PROGRAMME

Overview

- **Launched:** 2018
- **Aim:** To improve India's ranking under Human Development Index, raising living standards of its citizens and ensuring inclusive growth of all.

Driven by idea

- Driving changes through **cooperation and competitive federalism**
- Enabling **equitable regional development**
- **Moving beyond economic measures of success**

Core principles of programme

- **Convergence** (of Central & State Schemes),
- **Collaboration** (of Central, State level 'Prabhari' Officers & District Collectors), and
- **Competition among districts**

Coverage

- A total of 117 Aspirational districts have been identified by NITI Aayog based upon composite indicators which have an impact on Human development Index. Indicators are
  - **Health & Nutrition** (30%)
  - **Education** (30%)
  - **Agriculture & Water Resources** (20%)
  - **Financial Inclusion and Skill Development** (10%) and
  - **Basic Infrastructure** (10%)

Basic Structure of the programme

- **Central level:** Niti Aayog
- **State level:** Committee under chief secretary of the state
- **District level:** Central prabhari officer of Additional/Joint secretary rank

Constraints impeding the development of these districts are

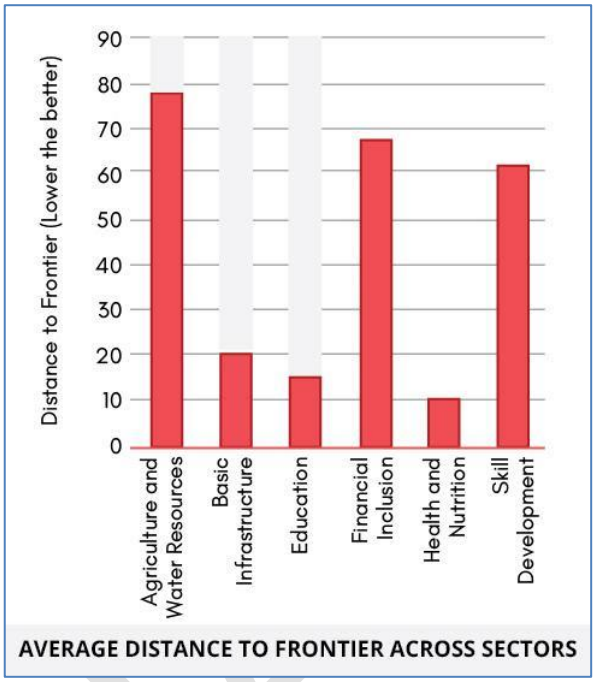
- **Institutional:** The institutional framework has been fragmented because of the multiplicity of implementing agencies and schemes.
- **Governance challenges:**
  - **Governance inadequacy** hampers the effective implementation of government schemes.
  - There is **no accountability** on the part of either the government or district administrations.
- **Non-availability of periodical data** makes it difficult to track progress and implement evidence-based policymaking.
- **Lack of social awareness and community participation** in development programmes.
- **Lack of competitiveness among districts to improve** developmental performance.

Way forward

- **Create a positive narrative of development** by making development a mass movement
- **Use data to inform decision-making** and spur competition among districts
- **Converge initiatives** across all levels of government
- **Promote federalism** and put in place institutional mechanisms to ensure teamwork between the central, state and district administration
- **Partner with expert organizations** with demonstrated technical competence

More in news

Under the programme, NITI Aayog releases Delta Ranking that ranks districts based on the monthly improvement achieved in the six focus areas through the Champions of Change dashboard (an online Dashboard).



AVERAGE DISTANCE TO FRONTIER ACROSS SECTORS

Findings of the report

- **Disparities across sectors are high:** Health and Education are the sectors in which the districts are closest to achieving their targets. While Agriculture and Financial Inclusion are the main areas of concern where most of the districts are 40-90%
- **ADP is generating economic as well as social impact:** Due to factors like improvement in socioeconomic indicators. The overall economic impact for all the Aspirational Districts of reducing SAM is estimated to be a mammoth Rs.1.43 lakh cr.
- **Aligning the objectives of ADP with that of SDGs:** This alignment is crucial to establish a time-bound assessment framework.
- **Emerging best practices:** Particularly in the area of 'awareness', 'Collaboration' and 'Data-based interventions'.

Best Practices across districts

- **Health and Nutrition:** In Hailakandi (Assam), an innovative practice of gifting 5 saplings (coconut, litchi, assam lemon, guava, amla) to the parents of a new born girl child. So, that the fruit from the trees can be used to feed the child, which would help in building immunity and warding off malnutrition.
- **Education:** Banka (Bihar) has launched a programme, 'Unnayan Banka – Reinventing Education using Technology', which is an effort to leverage technology to improve the learning environment.
- **Financial Inclusion domain:** In **Gajapati (Odisha), mini banks** have been opened under Odisha Livelihood Mission in panchayats that did not have banking facilities.
- **Agriculture and water resources: Kupwara (Jammu and Kashmir) introduced high density farming** to improve agricultural productivity and make optimum utilisation of resources.
- **Skill Development: Gajapati (Odisha) started enrolment of people for skill development under Deen Dayal Upadhyaya Grameen Kaushalya Yojana** (DDU-GKY). As a result of the efforts, 11,600 candidates were mobilised, and over 450 were trained in different crafts.
- **Basic infrastructure: Kupwara (Jammu and Kashmir), a network of 176 water-harvesting tanks** was strengthened that has aided in enhancing farmers income through water conservation.

Recommendations given by the study

- **A more real-time mechanism of data collection** and dissemination is needed as currently, there is a gap of a few months between survey collection and accessibility of the data by districts.
- **Updating plan of action based on new learnings** and the best practices based on their local requirements across different parameters.
- **Engaging in customised local level interventions** like Collaboration with the individual local functionaries, involving young professionals within grass-root administration that promotes continuity of engagements.
- **Focused interventions** with higher degrees of intensity are required in the north eastern part of the country owing to its specific niche challenges.

Conclusion

Uneven distribution of economic gains across regions and individual citizens has only served to highlight the need for a broader agenda aimed at inclusive growth and social progress. By focusing on "what works" in advancing inclusive growth and social progress, ADP has the potential to serve as a model for India's future economic and social development strategy.

10. TRANSPARENCY AND ACCOUNTABILITY

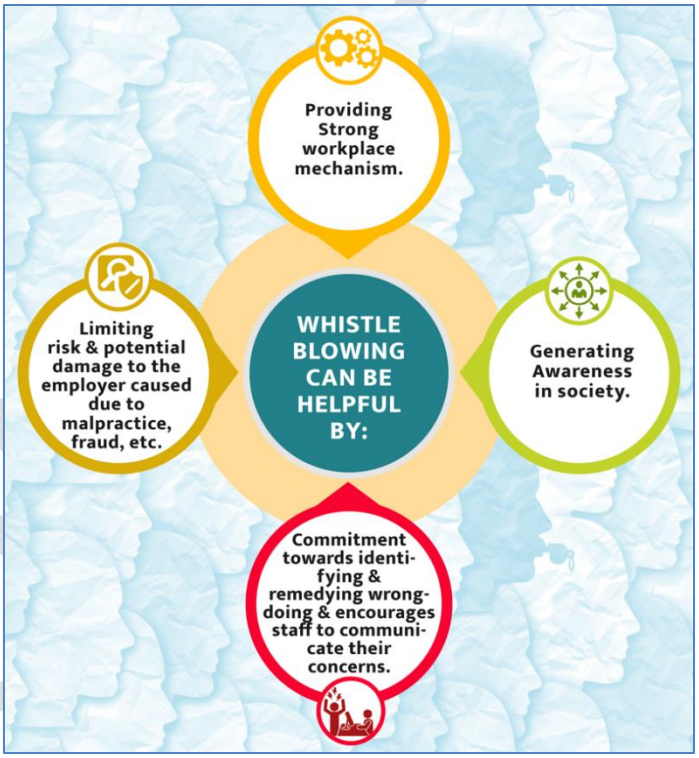
10.1. WHISTLE-BLOWING

Why in news?

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

About Whistle Blowing

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



Need for protecting whistleblowers

- **Unwillingness due to alienation:** Whistle-blowers often face reprisals from their employer, who may suffer reputational damage as a result of the whistle being blown, or from colleagues who may have been involved in the illicit activities.
- **Fear of retaliation:** This may include fear of **murder and risk to families:** E.g. Satyendra Dubey and Lalit Mehta, who were killed for whistle blowing. For Example: Edward Snowden, a former CIA employee who leaked classified information to the public.

Whistle blowing mechanism in India

- **Whistle Blowers Protection Act, 2011:**
  - **Protection from harassment:** To persons making disclosure of corruption, wilful misuse of power or arbitrary use of discretion of any power by any public servant.
  - **Keeping the identity of the whistle-blowers secure:** Any person who negligently reveals the identity of a complainant will be punishable.
  - B**road definition of a whistle blower:** It goes beyond government officials and includes any other person or non-governmental organisation.
  - **Public interest supersedes OSA, 1923:** The person may make a public interest disclosure to a competent authority even if they are prohibited under the Official Secrets Act (OSA), 1923.
  - **Appeal mechanism:** Any person aggrieved by any order of the Competent Authority may prefer an appeal to the **High Court** within a period of sixty days from the date of the order.
  - **Exception:** It does not apply to the armed forces of the Union.
- **SEBI PIT (Prohibition of Insider Trading) Regulations:** to reward whistle-blowers and other informants for sharing information about insider trading cases.
- **Companies Act, 2013:** It makes it mandatory for entities listed on stock exchanges to set up an audit committee to investigate whistle-blower complaints.

Gaps in Whistleblowing mechanism

- **Issues with Whistle Blowers Protection Act, 2011**
  - **Delay in operationalising Whistle Blowers Protection Act.** Due to this, some persons have been victimized, assaulted or killed allegedly for their role as RTI activists / whistle-blowers.
  - There is **no penalty against any public servant** who may be victimizing the complaint.
  - It also **does not protect witnesses** during investigation and any trial.

- **No holistic Powerful Legislation for corporate/private individuals.** This hamper achieving efficient corporate governance.
- **Lack of trust in investigation system** due to concerns about impartiality and unfair investigation of results.
- **No effective implementation in organisations** to provide guidance to employees on the whistle- blower programme in many companies.

Conclusion

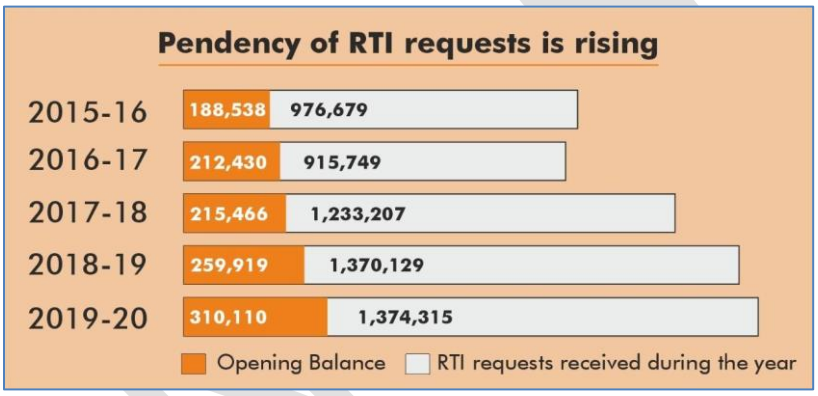
Even having protection to whistleblowers threats to their life still remains, which requires further strengthening of regulation and compensation and remedies for aggrieved whistleblowers.

10.2. RIGHT TO INFORMATION

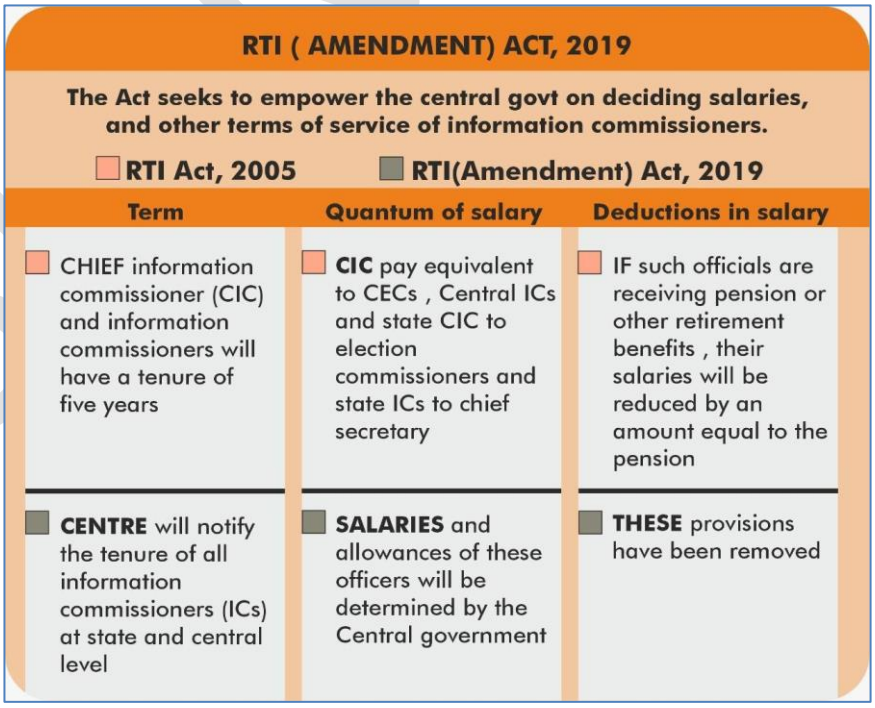
Why in news?

Central Information Commission (CIC) recently released its **annual report** (for 2019-20) that covers **more than 2,000 public authorities** across the Central government as well as the union territories.

Key Highlights of the report



- **Progressive reduction in Rejections:** The rejection rate of applications of the RTI **fell to 4.3% (from 8.4% in 2014-15)** which is the **lowest rejection percentage observed** since inception of the Commission
- **Section 8(1) (j) saw the highest use.** It permits **denial of access to personal information** if disclosure is likely to cause unwarranted **invasion of the privacy** of the individual concerned
- **Increase in pendency of RTI request**
- **Increase in the number of First appeals and Second appeals:**
  - First appeals are usually filed based on **unsatisfactory response** from the concerned authority.
  - An information seeker can file a second appeal before the CIC against the order of FAA (First Appellate Authority), if he is not satisfied or does not receive an order from FAA within the specified time.



Hurdles in implementation of RTI

- **Low Public awareness:** According to PWC study, **only 15% of the respondents** were aware of the RTI Act and awareness level is **low among the disadvantaged communities** such as women, rural population, and OBC/SC/ST category.
- **Constraints faced in filing applications includes** Non-availability of User Guides for information seekers, non-availability of standard application form, non-friendly attitude of the PIOs (Public information officers), Inadequate efforts to receive applications through electronic means.

- **Poor quality of information provided:** Due to lack of infrastructure and adequate processes to comply with the RTI Act, the information provided is either **incomplete or lacks the substantial data.**
- **Constraints faced in inspection of records:** Under the Act, the information is to be provided in the form requested unless it would disproportionately divert the resources of the public authority. Low awareness of this provision can be linked to inadequate training of officials.
- **Lack of adherence:** Failure to provide information within 30 days as mandated under Act. Public officials faced challenge due to inadequate record management procedures which is further aggravated due to **lack of enabling infrastructure** (computers, scanners, internet connectivity, photocopiers, etc.)
- **Lack of human resource:** Inadequately trained PIOs and First Appellate Authority (FAA). There is lack of in-depth understanding of the RTI Act apart from lack of awareness of key judgements in this regard. This assumes importance in light of **evolutionary nature** of RTI act resulting in **addition of new dimensions routinely.**

Official Secrets Act

- It is India's **anti-espionage act**, brought in **1923** during the colonial period to prevent all such actions that could help in any way the enemy states.
- The act was retained after independence. The law, applicable to **government servants and citizens**, provides the framework for dealing with espionage, sedition, and other potential threats to the **integrity of the nation.**
- It broadly deals with two aspects-
  - **Section 3-** Spying or espionage
  - **Section 5-** Disclosure of other secret information of the government. This information can be any official code, password, sketch, plan, model, article, note, document or information. Here both the person communicating the information, and the person receiving the information, can be punished.
- Apart from these, it also includes withholding information, interference with the armed forces in prohibited/restricted areas, among others, punishable offences.
- If guilty, a person may get up to 14 years' imprisonment, a fine, or both.

Official Secrets Act vis a vis Right to Information Act

- **Section 22** of the RTI Act provides for its primacy vis-a-vis provisions of other laws, including OSA.
  - This gives the RTI Act an overriding effect, notwithstanding anything inconsistent with the provisions of OSA. However, under Sections 8 and 9 of the RTI Act, the government can also refuse information. So effectively, if government classifies a document as "secret" under OSA Clause 6, that document can be kept outside the ambit of the RTI Act.
  - The act has invited criticisms for being used as a shield by the governments for refusing to divulge information and misusing it against whistleblowers.

Steps to overcome these hurdles

- **User friendly application process:** Appropriate Governments and the Public Authorities need to design the RTI process keeping in view the **needs and convenience** of the citizens.
- **Usage of digital technology:** The records are required to be **catalogued and indexed** in a manner that the entire data is available through a **centralized system** using **advanced technology like Big Data.**
- **Investment in infrastructure:** The **ARC report** had mentioned that Government of India may allocate **1% of the funds of the 'Flagship Programmes'** for a period of five years for improving the infrastructure requirements.
- **Need an external agency for training:** Potential of **non-profit organizations** to carry out the trainings in official/ un-official capacities can be tapped by appropriate Government and Training Institutes.

10.2.1. REVIEW OF THE INFORMATION COMMISSIONS

Why in news?

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

Background

- **Central/State (C/S) Information Commissions** are statutory bodies constituted under the Right to Information (RTI) Act, 2005.
- They are the **final appellate authority for RTI Act.** They are **vested with wide power** like power to impose penalty on erring Public Information Officers (PIOs), initiate an inquiry against them (for this they are vested with the same powers as are vested in a civil court), etc.

- CIC is required to **submit annual reports to the Parliament** and the SICs to state legislatures.
- However, these annual reports are **rarely discussed in Parliament or state legislatures** raising questions over the efficacy of the information law (RTI).
- **Now for the first time the functioning** of this body would directly be **scrutinized by a parliamentary committee,** to effectively implement its functioning**.**

Why is there a need to scrutinize the functioning of the C/S Information Commission?

Every year 40 to 60 lakh RTI applications are filed in India. Being the final appellate authority effective functioning of C/S Information Commission is crucial for proper implementation of the RTI Act. **Following factors make their scrutiny a need of the hour:**

- **To prevent the misuse of power by the C/S Information Commission:** Scrutiny of functioning is required for ensuring the transparency and accountability of the C/S Information Commissions to the people of the country.
- **Ensuring diligent discharge of the mandates:** Since, 2015 there has been a sudden surge in the number of cases (appeal/complaints) being returned to the Appellant by the C/S Information Commissions without any substantial reason for the same. In 2019-20, 59% of the disposed cases should have triggered the process of penalty on the PIOs. However; penalties were imposed only in 2.2% of the cases.
- **Keeping public trust intact in the C/S Information Commissions:** Tenure, salary and allowances of the information commissioners is not fixed. **RTI Amendment Act, 2019 has empowered the Central Government to notify them**. This amendment has raised apprehension of eroding autonomy of the Commission. Scrutiny of their functioning by the parliamentary committee as a neutral body may allay this fear of the people.
    - RTI Act, 2005 earlier assured incumbents of a fixed five-year term, with 65 as the retirement age. The salaries, allowances that were earlier pegged with that of the Chief Election Commissioner (for Chief Central Information Commissioner) and Election Commissioner (Central Information Commissioner and State Chief Information Commissioner).
- **Provide continuity in regular transparency in the system:** In the past, effective functioning of these commissions have led to exposure of many corruptions cases (like Adarsh Society Scam, 2G scam, Common wealth game scam etc. Parliamentary scrutiny would not only provide continuity but may also give fillip to such effective functioning.

What more needs to be done to enhance the accountability of the C/S Information Commission?

- **Make the process of appointing transparent:** The selection process should be in compliance with the direction of Supreme Court in the **Union of India vs Namit Sharma case, 2013** where it directed that the selection committee to put the relevant facts (indicating that recommended candidates are eminent in public life, knowledge and experience) in public domain.
- **Ensure balanced composition of the ICs:** 84% of the Chief Information Commissioners and 59% of the Information Commissioners are retired government officials. There is a need to ensure that eminent persons from different background are appointed.
- **Cases should be allocated to commissioners with expertise in the matter:** In 2013, the Supreme Court took the cognisance of the poor quality of orders passed by Information Commissioners. It also directed that Chief Information Commissioners must ensure that matters involving intricate questions of law are heard by commissioners who have legal expertise.
- **Ensure optimal capacity of the C/S Information Commissions:** In 2011, the Central Information Commissions has set an annual norm for itself of 3,200 cases per commissioner, per year. This norm should be accepted by all the Information commissioners across the country. Also there is a concomitant need to develop norms for budget and staffing patterns (legal and technical experts) of Information Commissioners.
- **The Appeal filing process should be made people friendly:** RTI rules should not allow for returning of appeals/complaints due to minor or procedural defects. They should place an obligation on C/S Information Commissions to assist people in filing appeals and complaints, rather than summarily returning them due to a deficiency.

Conclusion

To ensure all the public authorities discharge their functioning in such a way that it upholds the public interest, it is important to make the C/S Information Commission accountable to the people. Scrutiny by the parliamentary committee may prove an effective tool in this direction.

10.3. INTEGRITY PACT

Why in new?

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

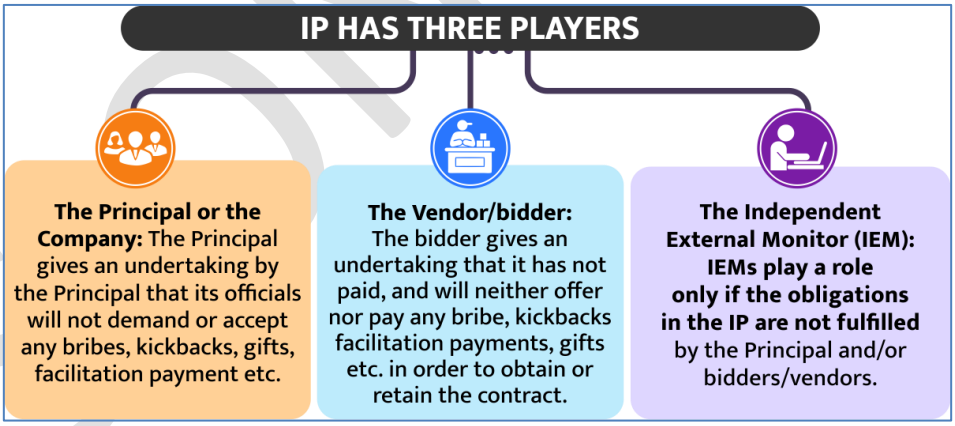
More about news

- Integrity Pact envisages a **panel of Independent External Monitors (IEMs)** approved for the organization.
- IEM reviews independently and objectively, whether and to what extent parties have complied with their obligations under the Pact.

Integrity pact

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

Problems in implementation of IP



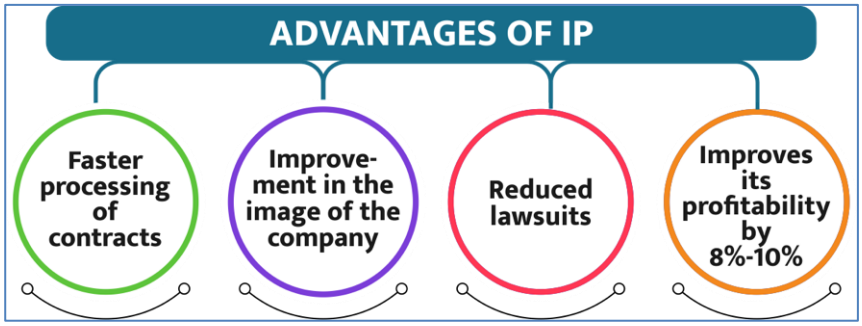
- **At times, tremendous duplication:** An aggrieved party complains to the CVC and simultaneously takes it to the court also. This leads to a lot of wastage of time, energy and resources.
- **Difficulty in getting overseas suppliers to accept IP:** Foreign companies have doubts about IP and questions about its adoption. Hence, negotiations with them take time.
- **Disincentive for the government companies:** It is an undue advantage to private companies. IP makes the government company open to complete disclosure while a private company is not accountable to anyone.
- **Concern regarding commercial confidentiality:** PSUs feel that too much disclosure could make them lose their edge in the bidding process whereas vendors are of the opinion that PSUs do not disclose all the information required, as per provisions of the Right to Information (RTI) Act.
- **The IEMs are new to IP and do not have any experience how best to start their functions**

Way ahead

- **Avoid duplication in grievance redressal:** When an aggrieved party that seeks redressal in one fora, other authorities should refrain from attending the same matter.
- **Recalibrating the role of IEM:** Despite IP being in place since 2007 many scams took place after 2008. This necessitates the need to relook and strengthen the role of IEM.
  - **IEMs need to adopt a proactive strategy** instead of waiting till a complaint has been received.
  - IEMs should mutually **share their experiences about cases, circumstances etc.**
  - IEMs should not only be **monitoring the tenders and bids,** but also **monitor the execution of the works.**

- **There should be a procedure for removal of IEMs** lacking ethical competence.

- **Time limit for addressing the grievances:** The complaints filed with the CVC should be addressed within 3 months
- **Universalisation of the IP:** All public and private enterprises should adopt IP. This would ensure a level-playing field to check unfair advantage to private companies.
- **Develop Ethical Competence:** Need to educate the people about values and morals.



Conclusion

India is considered to be one of the most corrupt countries in the world. India has been ranked at the **80th position among 180 countries and territories in the Corruption Perception Index (CPI), 2020.** A **revitalized Integrity Pact** could prove **milestone in ensuring people do not lose their rights due to corruption** that appears to be institutionalised in almost every organization in India.

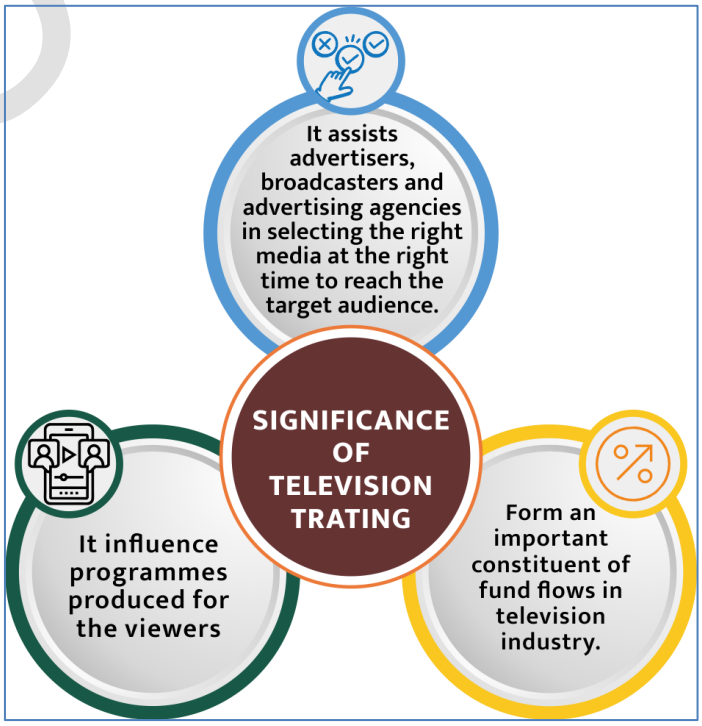
10.4. TELEVISION RATING IN INDIA

Why in News?

Recently, Ministry of Information and Broadcasting has constituted a committee to **review guidelines on Television Rating agencies in India.**

Background

- In 2014, Ministry of I&B formulated policy guidelines for Television Rating Agencies to operate in India which provides for **self- regulation of television ratings** through an **industry-led body like Broadcast Audience Research Council (BARC)**
  - BARC India commenced its operations in 2015 and since then it is the sole provider of Television Rating services on a commercial basis.
  - BARC calculate Television rating points (TRP) **using "BAR-O-meters"** that have been installed in over 45,000 empanelled houses.
  - **TRP is the criterion that indicates the popularity of a channel or programme.**



Issues with Television ratings in India

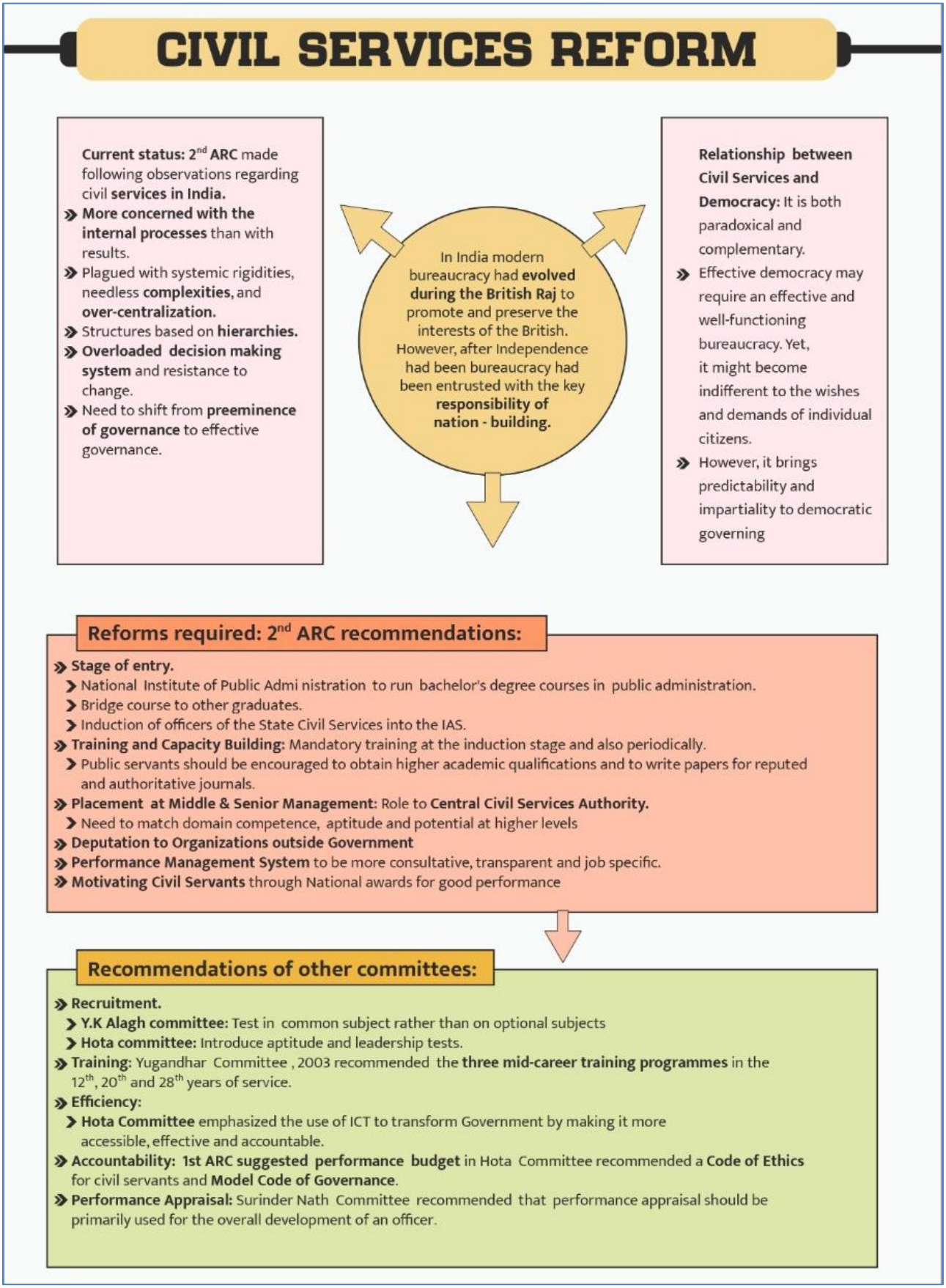
- **Limitations of sample size:** Inadequate representation of the plurality of the platforms, regions, rural and small towns to reflect correctly the viewership.
- **Reliability of the ratings:** A lack of transparency in the method adopted for selection of the households and confidentiality of the names of the panel households
- **Ratings are not subjected to any validity tests:** There is no independent audit carried out on the methodology adopted by the rating agencies.
- **Leakage of panel homes which could lead to manipulated ratings**: TRP data be manipulated when broadcasters find households where BAR-O-meters installed and bribe them to watch their channels.
- **Inadequate competition:** There is little or no competition in the rating services.

Way forward

- **Improving the data quality:** BARC should conduct a study to **estimate the appropriate sample size, and to get the correct representation of the viewership** including regional and niche channels.
- **Certification of Television Rating:** The Government should institute a body for give guidelines and certifying the rating to ensure its independence, scientific basis and accuracy.
- **Auditing of sampled panel homes:** Rating agencies should have proper systems in place to safeguard the secrecy of the sampled panel homes. The systems should be subjected to independent audits.
- **Competition in television rating services:** To ensure transparency, neutrality and fairness to give TV rating.
- **Constant up-gradations of the technology** would be required in the measurement devices.

11. ROLE OF CIVIL SERVICE

11.1. CIVIL SERVICE REFORMS



11.1.1. MISSION KARMAYOGI

Why in news?

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

Salient Features

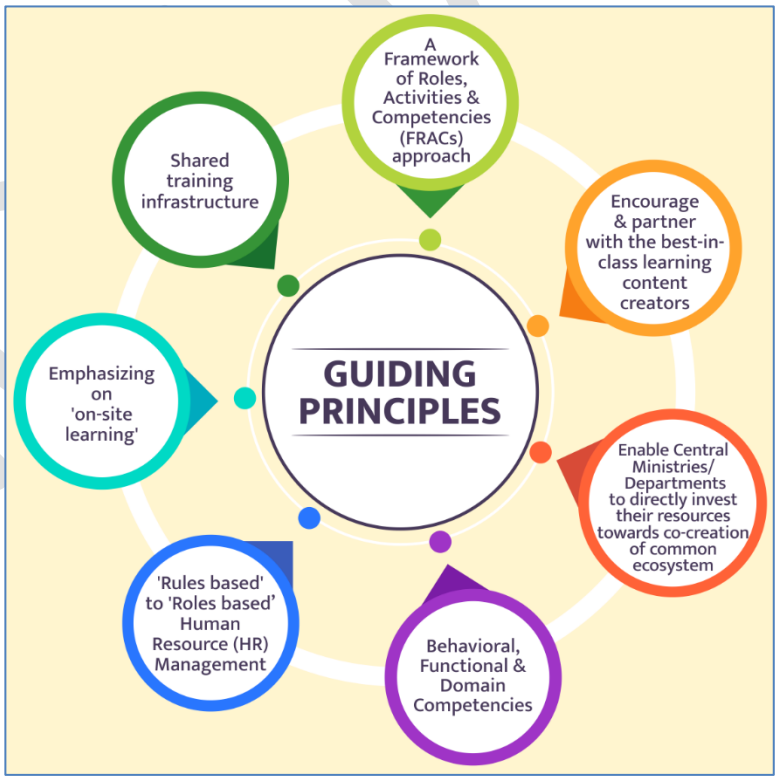
- The Programme will be delivered by setting up an **Integrated Government Online Training-iGOT Karmayogi Platform.** It will provide curated digital e-learning material for capacity building.
- An appropriate **monitoring and evaluation framework** will also be put in place for performance evaluation of all users of the iGOT-Karmayogi platform so as to generate **a dashboard view of Key Performance Indicators.**

Institutional framework:

- **Prime Minister's Public Human Resources (HR) Council:** It will serve as the apex body for providing strategic direction to the task of Civil Services Reform and capacity building under the **Chairmanship of Prime Minister.**
- **Capacity Building Commission**: To exercise functional supervision over all Central Training Institutions dealing with civil services capacity building and to suggest policy interventions required among others
- **Special Purpose Vehicle:** It will be set up under Section 8 of the Companies Act, 2013 for owning and operating the digital assets and the **iGOT-Karmayog** platform for online training.
- **Coordination Unit headed by the Cabinet Secretary**

Intended Benefits

- **Ensuring efficient service delivery:** as work will be assigned to civil servants with specific role-competencies and appointing authorities will have readymade data available for choosing the right candidate for the right job.
- **Accountability and Transparency in Governance:** Through real time evaluation and goal driven and constant training will ensure "Ease of Living" for common man and "Ease of Doing Business" for all.
- **Citizen-Centricity approach:** 'On-site learning' can reduce the gap between the government and the citizens.
- **Preparing the Indian Civil Servant for the future**: through technology driven learning and Standardization of training priorities and pedagogy across institutes.



- **Collaborative and common ecosystem:** Mission Karmayogi will end the culture of working in silos, reduce duplication of efforts.
- **Bridging the gap between generalization and specialization:** which exists due to lack of mid-level training at all levels.

Conclusion

The centralised institutional architecture of the proposed reform must be balanced by an understanding of the contexts and needs of diverse workers and learners. A framework for credible assessment with total transparency should be developed to link training and incentives successfully. Training must be supplemented with shared vision development, purposeful work and the empowerment of employees to improve organizational culture.

10 IN TOP 10 SELECTIONS IN CSE 2020

from various programs of **Vision Ias**

1 AIR

SHUBHAM KUMAR
(GS FOUNDATION BATCH CLASSROOM STUDENT)

2 AIR

JAGRATI AWASTHI
(ALL INDIA TEST SERIES)

3 AIR

ANKITA JAIN
(ALL INDIA TEST SERIES)

4 AIR

YASH JALUKA
(ABHYAAS TEST SERIES)

5 AIR

MAMTA YADAV
(ALL INDIA TEST SERIES)

6 AIR

MEERA K
(ALL INDIA TEST SERIES)

7 AIR

PRAVEEN KUMAR
(ALL INDIA TEST SERIES ESSAY TEST, ABHYAAS, PDP)

8 AIR

JIVANI KARTIK NAGJIBHAI
(GS FOUNDATION BATCH CLASSROOM STUDENT)

9 AIR

APALA MISHRA
(ABHYAAS TEST SERIES)

10 AIR

SATYAM GANDHI
(ALL INDIA TEST SERIES, EASSY TEST)

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