



Polity

Classroom Study Material



POLITY AND CONSTITUTION

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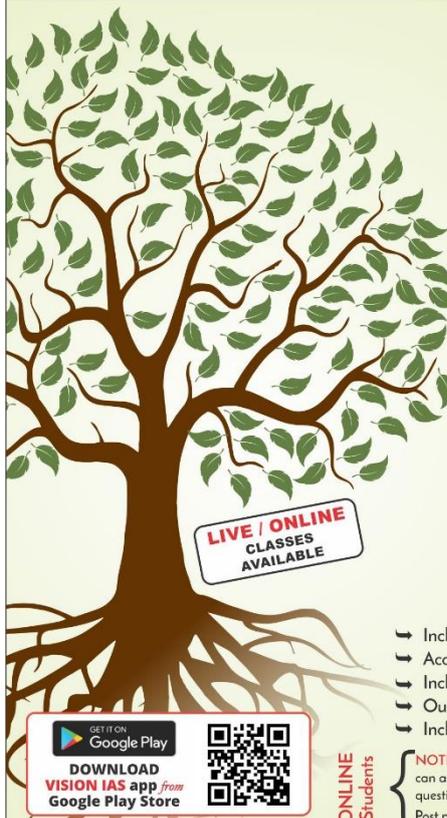
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1. CENTRE-STATE RELATION

1.1. INTER-STATE COUNCIL

Why in News?

The Inter-State Council and the standing committee of the Inter-State Council have been reconstituted recently.

Background

- **Article 263** of the constitution provides for the establishment of an Inter-State Council (ISC).
- The Commission under the Chairmanship of Justice **R. S. Sarkaria** in its report in 1988 recommended the setting up of Inter State Council.
 - A **permanent Inter-State Council** called the Inter-Governmental Council (IGC) should be set up under Article 263.
 - The IGC should be charged with the duties set out in clauses (b) and (c) of Article 263, other than socio-economic planning and development.
- Thus, in 1990, Inter-State Council was established vide Gazette notification dated 27th December, 1990 and was last reconstituted vide Gazette notification dated 27th October, 2017.

Article 263 It shall be lawful for the President to establish an ISC for **inquiring, discussing and advising** upon:

- (a) Disputes which may have arisen between States;
- (b) Subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
- (c) Such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject.
- Its function is **complementary to Supreme Court's** jurisdiction under Art 131 to decide a legal controversy between the governments.
- **Clause (a) of Article 263**, which gave the council the power to investigate issues of inter-state conflict, was dropped in the presidential ordinance establishing the ISC.

Composition of ISC

- Prime Minister as the Chairman
- Chief Ministers of all the States
- Chief Ministers of Union Territories having Legislative Assemblies
- Administrators of the Union Territories not having Legislative Assemblies

- Governors of the States under the President's rule
- Six Central Cabinet Ministers, including Home Minister, to be nominated by the PM.

Meetings of ISC

- Standing Committee has met twelve times with last meeting being held in November 2017.
- The Inter-State Council has met eleven times with last meeting being held in July 2016.

About ISC

- It is a **recommendatory body** on issues relating to inter-state, Centre-State, and Centre and Union Territory relations.
- It is **not a permanent constitutional body** but it can be established 'at any time' if it appears to the President that the public interests would be served by the establishment of such a council.

Committees related to Centre-State Relations

- Administrative Reforms Commission (1966)
- Rajamannar Committee (1969)
- Anandpur Sahib Resolution (1973)
- West Bengal Memorandum (1977)
- Sarkaria Commission (1983)
- Punchhi Commission (2007)

- The **Standing Committee of the Council** was set up in 1996 for continuous consultation and processing of matters for the consideration of the council.
- The Committee consists of following members-
 - Union Home minister
 - Five Union Cabinet Ministers
 - Nine Chief Ministers
- The Committee is assisted by **Inter-State Council Secretariat**, set up in 1991 and headed by a Secretary to Government of India.

Other measures to strengthen Centre state relations-

- **Zonal councils-** They are statutory bodies established under **State Reorganization Act of 1956**.
 - It divides the country into **5 zones-** Northern, Central, Eastern, western, Southern.
 - They are only deliberative and advisory bodies.
 - Each **zonal council** consists of-

- Home minister of Central government (common chairman of the five zonal councils).
- Chief Ministers of all the States in the zone.
- Two other ministers from each state in the zone.
- Administrator of each union territory in the zone.
- Each chief minister acts as a vice-chairman of the council by rotation, holding office for a period of one year at a time.
- The secretarial functions of the Zonal Councils have been transferred to the Inter-State Council Secretariat with effect from 1st April, 2011.
- **National Integration Council-** It was constituted in 1961. The latest meeting (sixteenth meeting) was held on 23 September 2013.
- The council was directed to examine the problem of national integration in all its aspects and make necessary recommendations to deal with it.
- **NITI Aayog-** NITI Aayog is the premier policy 'Think Tank' of the Government of India, providing both directional and policy inputs, formed via a **resolution of the Union Cabinet** on January 1, 2015. (refer 8.1)

North-Eastern Council

- It was created by a separate Act of Parliament—the **North-Eastern Council Act of 1971**. Its members include Assam, Manipur, Mizoram, Arunchal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.
- It has additional functions as that of the other 5 councils like-
 - It has to formulate a unified and coordinated regional plan covering matters of common importance.
 - It has to review from time to time the measures taken by the member states for the maintenance of security and public order in the region.

1.2. CAUVERY RIVER VERDICT

Why in news?

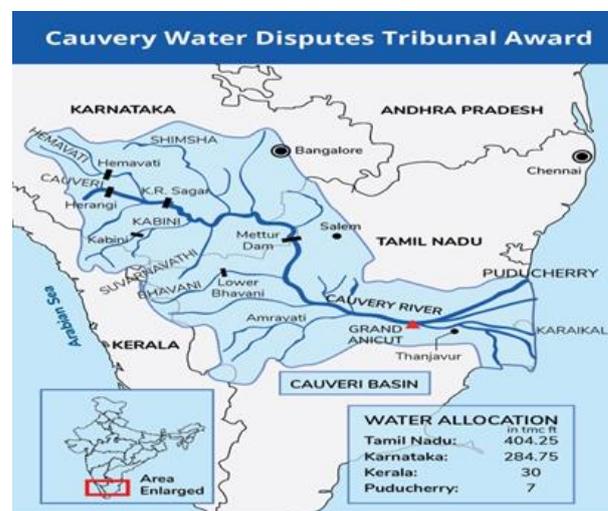
The SC increased Karnataka’s share of the Cauvery water than what was awarded by the Cauvery Water Disputes Tribunal in February 2007.

Background

- Owing to Tamil Nadu’s appeal in 1986 to constitute a tribunal for solving the issue under Inter-State Water Disputes Act, 1956, the Cauvery Waters Tribunal was established on June, 2, 1990.
- In 2007, after sixteen years of hearing and an interim order later, the Tribunal announced its final order.
- However, the current dispute started with SC’s order to Karnataka government to release 15,000 cusecs of water a day for 10 days, to Tamil Nadu.

Constitutional and legislative provisions for inter-state water disputes

- **Article 262(2)** empowers Parliament to provide by law that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- **The Interstate River Water Disputes Act, 1956 (IRWD Act)** enacted under Article 262 of Constitution. Under this article the Parliament also enacted the **River Boards Act (1956)**.



Significance of the judgment

- According to the SC the **principle of equality** among riparian States does not imply equal division of water; it suggests just and reasonable use and “drinking water requirement” must be placed on a higher pedestal.
- It sets down two principles that may have a ripple effect on other inter-state river water disputes.

- **Groundwater**-A certain quantity of water was reduced from the quantum allocated to Tamil Nadu, because of availability of groundwater in the state.
- **Warrantable flexibility**- The city of Bengaluru had grown over the years thus, registering an ever-enhancing demand for all civic amenities.
- The principle of **equitable apportionment** internationally recognised by the **Helsinki Rules, Compione Rules and Berlin Rules** which have also been incorporated in the 1987 to 2002 National Water Policies, have been regarded to be the guiding factor for resolving disputes qua apportionment of water of an interstate river.
- An inter-State river like Cauvery is a '**national asset**', and no State can claim exclusive ownership of its waters or deprive other States of their equitable share.

Related Information-

- River waters use is a states subject (entry 17 of state list). But the union government can make laws on regulation and development of inter-State rivers and river valleys in public interest (entry 56 of union list).
- President may also establish an interstate council as per **Article 263** to inquire and recommend on the dispute that has arisen between the states of India.

Inter-State River Water Disputes Act, 1956- is applicable only to interstate rivers / river valleys.

- It's main purpose is to protect the interests of a downstream state when water resources available in an upstream state are put to additional use.

Inter-State River Water Disputes (Amendment) Bill, 2017

- It proposes a **Single Standing Tribunal** (with multiple benches) instead of existing multiple tribunals.
- It provides for the **appointment of Assessors** to provide technical support to the tribunal.
- It proposes to introduce mechanism to resolve the dispute amicably by negotiations, through a **Dispute Resolution Committee (DRC)** to be established by the Central Government.
- It provides for **transparent data collection system** at the national level for each river basin by an agency appointed or authorized by Central Government.

Other Inter-state river disputes in news

- **Vansadhara River dispute**- Andhra Pradesh & Odisha.
- **Mahanadi Water Dispute**- Odisha and Chhattisgarh.

- **Mahadayi (mandovi) river dispute**- Goa, Karnataka and Maharashtra.
- **Krishna river dispute**- Maharashtra, Karnataka, Telangana and Andhra Pradesh.

1.3. SPECIAL PROVISIONS FOR STATES

1.3.1. GORKHALAND ISSUE

Why in News?

There has been total shutdown in Darjeeling and instances of violence over demand for creation of Gorkhaland.

Provisions related to tribal regions-

5th Schedule (Art 244 (1))- deals with the control and administration of the Schedule Areas. Some of the important features of the Schedule are:

- It deals with provision for the constitution of a Tribes Advisory Council
- The Governor has the power to adapt laws passed by Parliament and State legislature in such a way that it suits these areas.
- It provides Governor with the power to make regulation for good governance and peace for the area.
- The Fifth Schedule also deals with the extension of direction by the Union to a State for the administration of the Schedule Areas.

6th Schedule-

- It deals with governance of the autonomous districts in Assam, Meghalaya, Tripura and Mizoram.
- These autonomous districts are directly administered by the Governor.
- This Schedule deals with the constitution, powers and functions of District Councils and Regional Councils in these autonomous districts.
- **Article 244A** provides for an autonomous state for certain tribal areas in Assam with its own legislature and council of ministers.

Who are Gorkha?

Indian Gorkhas are indigenous people living all along the Himalayan belt and the North-East states of India. The Gorkhas inhabit areas in J&K, Himachal, Uttarakhand, Sikkim, Darjeeling, Assam, and other states in the North- East.

Responses to Gorkhaland

- **Darjeeling Gorkha Hill Council (DGHC)**- Set up in 1988 as an autonomous hill council.
- **Gorkhaland Territorial Administration (GTA)**: created in 2012 through a tripartite agreement signed by Gol, Govt. of West

Bengal and Gorkha Janmukti Morcha (GJM), replaced the Darjeeling Gorkha Hill Council. It is a semi-autonomous administrative body. It has administrative, executive and financial powers but no legislative powers.

1.3.2. ARTICLE 35A

Why in news?

- In response to a petition filed in SC, the bench has indicated that the question of constitutionality of Article 35A is likely to be handled by a 5-judge constitution bench.

What is Article 35A?

- It was incorporated into the Constitution in 1954 by a Presidential order issued under Article 370 (1) (d) of the Constitution.
- It empowers J&K legislature to define state's "permanent residents" and their special rights and privileges without attracting a challenge on grounds of violating the Right to Equality of people from other States or any other right under the Constitution.
- It protects certain provisions of the J&K Constitution which denies property rights to native women who marry from outside the State. The denial of these rights extend to her children also.
- However, They can give these special rights and privileges only in the following four categories:
 - Employment under the state government;
 - Acquisition of immovable property in the state;
 - Settlement in the state; or
 - Right to scholarships and such other forms of aid as the state government may provide.
- The Article bars non-J&K state subjects to settle and buy property in J&K.

Article 370

- It is a '**temporary provision**' which grants special autonomous status to Jammu and Kashmir.
- Except for **defence, foreign affairs, finance and communications**, the Parliament needs the state government's concurrence for applying all other laws.
- **Emergency Provisions**- Union government cannot declare emergency on grounds of internal disturbance or imminent danger unless it is made at the request or with the concurrence of the state government.

- Centre can declare emergency in the state only in case of war or external aggression.
- Centre has no power to declare financial emergency under Article 360 in the state.

1.3.3. MORE SEATS FOR SIKKIM ASSEMBLY

Why in news?

The Home Ministry has proposed an increase in the number of seats in the Sikkim Assembly from 32 to 40.

Special provision for Sikkim (Art 371F, 36th Amendment Act, 1975)

- The members of the legislative Assembly of Sikkim shall elect the representative of Sikkim in the House of the People.
- Parliament may provide for the number of seats in the Assembly to protect the rights and interests of various sections of the population of Sikkim, which may be filled only by candidates from those sections.
- Governor shall have "special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population".
- All earlier laws in territories that formed Sikkim shall continue, and any adaptation or modification shall not be questioned in any court.

Special Provisions for other states

Articles 371 to 371-J in part XXI of the constitution contain special provisions for 11 states viz-

- Article 371-Maharashtra and Gujarat
- Article 371A- Nagaland
- Article 371B- Assam
- Article 371C- Manipur
- Articles 371D & E- Andhra Pradesh
- Article 371F- Sikkim
- Article 371-G- Mizoram
- Article 371H- Arunachal Pradesh
- Article 371I- Goa
- Article 371J- Karnataka

More about the news

- A petition was moved in the Supreme Court that Limboo and Tamangs (notified as STs in Sikkim) were not adequately represented in the Assembly. As per constitutional provisions, the total number of seats for STs should be in proportion to the population.
- The apex court in 2016 directed the Home Ministry to take necessary action for the same.
- Thus the amendments in the Second Schedule to the RP Act, 1950 is proposed

whereby total seats in Sikkim Legislative Assembly will be 40 in place of existing 32.

- The proposed amendment will accommodate people from the Limboo and Tamang communities by reserving five out of eight increased seats for them.
- As per Delimitation act, 2002 and consequent **84th and 87th constitutional amendment acts** total number of existing seats allocated to various States in the House of the People and legislative assemblies in all states on basis of 1971 census shall remain fixed till the first census after the year 2026.
- **Special constitutional provisions** to Sikkim under article 371(f) have allowed government to make the proposed changes without constituting a fresh delimitation commission as the Article 170 of the Constitution (related to composition of assemblies and some provisions of delimitation for them) does not apply to Sikkim.

1.4. STATE AND UT RELATIONS

1.4.1. PUDUCHERRY ISSUE

Why in news?

There is an ongoing tussle between Puducherry LG and CM over powers designated to the two authorities and authority of LG to nominate members in the state assembly.

Administration of UTs

- **Articles 239 to 241 in Part VIII** of the Constitution deal with UTs and each UT differs from the other in terms of administration.
- Every UT is administered by the President (**Art 239A**) through an “Administrator” appointed by him having powers similar to that of the Governor but he is just a representative of the President and not the constitutional head of the state.
- The administrator may be designated as Lieutenant Governor, Chief Commissioner or Administrator.

UTs with Legislature-

- **Delhi and Puducherry** are the two UTs that have been given partial statehood through their own legislature.
- **Puducherry** is one of the smallest and administratively challenging Union Territories of India as it has administrative fragments across three States of southern India

- Puducherry and Karaikal districts in Tamil Nadu
- Mahe district in Kerala
- Yanam district in AP

- The powers and functions of Administrator are defined under **Article 239 and 239AA** of the Constitution.
UTs of Puducherry (Government of Union Territories Act, 1963) and Delhi (National Capital Territory of Delhi Act, 1991) are provided with a legislative assembly and a Council of Ministers headed by CM.
- **Article 240 (1)** states that the President’s administrative control ceased to exist after the legislative body was created.
- As per The **Government of Union Territories Act, 1963**, its assembly can have three members nominated by the Centre. Thus, central government has power to nominate by law.
- But the procedure to be followed is unclear in the law as there is no rule or notification. Thus, leaving room for interpretations.

Article 239- Administration of UT-

- Every UT shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.
- President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.
- **Article 239AA** enacted as per 69th Amendment Act of 1991, confers special provisions for Delhi.

Difference between powers in state and UT

- The Union Government can exercise **executive and legislative power on all State subjects** with reference to a Union Territory, which is not possible in a full-fledged State Government.
- According to **Article 244**, the President has powers to make regulations for a UT unless there is a legislature for that State. Even if there is a legislature, the Administrator can reserve it for the assent of President, who might reject it, except a money bill.
- The Governor appoints the CM in States but the President appoints the CM and Ministers for UTs, who will hold office during the President’s pleasure.

- Prior sanction of the Administrator is required for certain legislative proposals involving "Judicial Commissioner".
- 'Recommendation' of the LG is obligatory for UT government before moving a Bill or an amendment to provide for:
 - the imposition, abolition, remission, alteration or regulation of any tax
 - the amendment of the law with respect to any financial obligations undertaken or to be undertaken anything that has to do with the Consolidated Fund of the UT.



फाउंडेशन कोर्स सामान्य अध्ययन

इनोवेटिव क्लासरूम प्रोग्राम के घटक

○ प्रारंभिक और मुख्य परीक्षा के लिए

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- ▶ प्रारंभिक परीक्षा, मुख्य परीक्षा और निबंध के लिए महत्वपूर्ण सभी टॉपिक का विस्तृत कवरेज
- ▶ मौलिक अवधारणाओं की समझ के विकास एवं विश्लेषणात्मक क्षमता निर्माण पर विशेष ध्यान
- ▶ एनीमेशन, पॉवर प्वाइंट, वीडियो जैसी तकनीकी सुविधाओं का प्रयोग
- ▶ अंतर - विषयक समझ विकसित करने का प्रयास
- ▶ योजनाबद्ध तैयारी हेतु करंट ओरिएंटेड अप्रोच
- ▶ नियमित क्लास टेस्ट एवं व्यक्तिगत मूल्यांकन
- ▶ कॉम्प्रीहेंसिव स्टडी मटेरियल
- ▶ **PT 365** कक्षाएं
- ▶ **MAINS 365** कक्षाएं
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- ▶ निबंध टेस्ट सीरीज
- ▶ सीसेट टेस्ट सीरीज
- ▶ निबंध लेखन - शैली की कक्षाएं
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2. ISSUES RELATED TO FUNCTIONING OF LEGISLATURE TO CONSTITUTION & PARLIAMENT/STATE

2.1. ISSUES RELATED TO FUNCTIONING OF PARLIAMENT

2.1.1. OFFICE OF PROFIT

Why in news?

Recently few MLA's in Delhi were disqualified by President for holding Office of profit.

More about the news

- In 2015 Delhi government appointed a few its legislators as **parliamentary secretaries**.
- It was followed by amendments to Delhi Members of Legislative Assembly (Removal of Disqualification) Act, 1997, with retrospective effect to exempt the post of parliamentary secretary from the definition of the "office of profit".
- However, Lt. Governor's assent to the amendment bill was not given, requiring the disqualification of the MLAs.
- The Election Commission (ECI) recommended President for their disqualification because:
 - Their position as parliamentary secretaries was a government office.
 - The office had the potential to yield profit and it had executive functions akin to that of a minister
- The recommendations of ECI are binding on the President or Governor regarding the issues related to **article 102 & article 191**.

Article 102 (1) a: Disqualifications for membership

A person shall be disqualified as a Member of Parliament for

- a) Holding an office of profit under government of India or state government;
- b) Being of unsound mind;
- c) Being an undischarged insolvent;
- d) Not being an Indian citizen or for acquiring citizenship of another country.

Article 191 (1) (a)

Disqualification of members for the members of state assemblies for holding Office of Profit and other disqualifications mentioned above.

Section 15(1)(a) of Government of National Capital territory of Delhi (GNCTD) act, 1991,

A person shall be disqualified for being chosen as, and

for being, a member of the legislative assembly if he holds any office of profit" under the government of India, a state or a union territory" other than an office protected by law.

What is Office of Profit?

- **Articles 102(1) a and 191 (1) a** mention disqualifications on the basis of Office of Profit but it is **neither defined in the constitution nor under Representation of People's Act**.
- **Supreme Court in Pradyut Bordoloi vs Swapan Roy (2001)**, the Supreme Court outlined the following questions for the test for office of Profit:
 - Whether the government makes the appointment;
 - Whether the government has the right to remove or dismiss the holder;
 - Whether the government pays the remuneration;
 - What are the functions of the holder and does he perform them for the government; and
 - Does the government exercise any control over the performance of those functions
- Further in **Jaya Bacchan v. Union of India case** SC defined it as "**an office which is capable of yielding a profit or pecuniary gain.**" thus it is not the actual 'receipt' of profit but the 'potential' for profit that is the deciding factor in an 'office of profit' case.

Parliamentary Secretary

- S/he is a member of the parliament who assists a more senior minister with his or her duties.
- They often hold the **rank of Minister of State** and have the same entitlements and is assigned to a government department.
- Manipur, HP, Mizoram, Assam, Rajasthan, Punjab, Goa are some of the states where MLAs have been appointed Parliament Secretaries by the Government.

Joint Committee on offices of profit

- It consists of 15 members drawn from both the houses of Parliament with ten members from Lok Sabha and five members from Rajya Sabha.

- It examines the composition and character of the Committees appointed by the Central and State Governments and recommends what offices should or should not disqualify a person for being, a member of either House of Parliament.
- **It has defined Office of Profit as:**
 - Whether the holder draws any remuneration, like sitting fee, honorarium, salary, etc. other than Compensatory allowance.
 - Whether the body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotments of lands, issue of licences, etc., or gives powers of appointment, grant of scholarship, etc.
 - Whether the body in which an office is held wields influence or power by way of patronage.
- The government decided to extend the current freeze on undertaking fresh delimitation up to the year 2026 to encourage population limiting measures by states as per 84th constitutional amendment act.
- Alongside Government also decided to undertake readjustment and rationalization of territorial constituencies in the States as per population of 1991, without altering the number of seats allotted to each State.
- The 87th Amendment Act 2003 provided for delimitation of constituencies on the basis of 2001 census, which was done without altering the number of seats or constituencies.

2.1.2. THE DILEMMA OF DELIMITATION

Why in News?

An increase in number of seats in both Houses of the Indian Parliament is expected after the lifting of the freeze imposed by the Constitution (42nd Amendment) Act, 1976, which is due in 2026.

- **Delimitation** means the act or process of fixing limits of boundaries of territorial constituencies in a country or a province having a legislative body.
- Delimitation in the J&K is done under the state constitution.
- Under 31st Amendment Act, delimitation exercise doesn't apply to states and Union Territories having population less than 6 million.

Background

- The power to determine the aspects and manner of delimitation lies with the Parliament. This power has been exercised 4 times through enactment of the Delimitation Commission Acts 1952, 1962, 1972 and 2002.
- The 42nd Amendment Act 1976, froze the allocation of the seats in the Lok Sabha to the states and the division of each state into territorial constituencies till year 2000 at the 1971 (census) level.
- This amendment took care of the concerns of the states which took a lead in population control faced the prospect of their number of seats getting reduced.

Delimitation Commission

- The Delimitation Commission in India is statutory body whose orders have the force of law and cannot be called in question before any court.
- The Commission consists of the Chief Election Commissioner of India and two judges of Supreme Court or any of the High Courts in India.
- These orders come into force on a date to be specified by the President of India in this behalf.
- The copies of its orders are laid before the House of the People and the State Legislative Assembly concerned, but no modifications are permissible therein by them.

Constitutional Provisions for Delimitation

- **Clause (2) of Article 81** provided that, there shall be allotted to each State a number of seats in the House of the People in such a manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States.
- **Clause (3)** defined the **expression "population"** for the purposes of Article 81 to mean the population as ascertained at the last preceding Census of which the relevant figures have been published.
- **Article 82** provides for the readjustment of seats in the House of the people to the States and the division of each State into territorial constituencies after every census.
- **Article 170** provides for the composition of Legislative Assemblies.
- Each state is divided into territorial constituencies in such a manner that the ratio between population of each constituency and the number of seats allotted to it is the same throughout the state.

- Through these provisions the constitution ensures that there is uniformity of representation in two respects-
 - Between different states
 - Between different constituencies of the same state
- After every census, a readjustment is to be made in the-
 - Allocation of seats in the Lok Sabha to the states
 - Division of each state into territorial constituencies

2.1.3. PRIVILEGE OF LEGISLATORS

Why in news?

Recently the Karnataka assembly Speaker ordered the imprisonment of two journalists for a year based on recommendations of its privilege committees.

Committee on Privileges: This is a standing committee constituted in each house of the Parliament/state legislature.

- This Committee consists of 15 members in Lok Sabha (LS) and 10 members in Rajya Sabha (RS) to be nominated by the Speaker in LS and Chairman in RS.
- Its function is to examine every question involving breach of privilege of the House or of the members of any Committee thereof referred to it by the House or by the Speaker.
- It determines with reference to the facts of each case whether a breach of privilege is involved and makes suitable recommendations in its report.

What are Privileges?

They are special rights, immunities and exemptions enjoyed by the two houses of the Parliament/ state legislatures, their committees and their members.

Two broad categories:

1. **Collective privileges** are enjoyed by each house collectively. E.g. right to publish reports etc, exclude strangers from house proceedings, punish members/ outsiders for breach of privileges etc.
2. **Individual privileges** are enjoyed by the members individually. E.g. freedom of speech in the house, exemption from jury service when house is in session, exemption from arrest in case of civil cases during the session and 40 days before and after the session.

Source of the privileges: Originally these are derived from the British House of Commons. There is **no law to codify all the privileges**. They are based on five sources namely: Constitutional provisions, various laws of parliament, Rules of both the houses, Parliamentary conventions and Judicial interpretations.

Article 105- Powers, privileges, etc of the Houses of Parliament and of the members and committees thereof

- there shall be freedom of speech in Parliament
- No member of Parliament shall be liable to any proceedings in any court in respect of anything said, vote given in parliament or committee, or publications under authority of parliament.
- In other respects, the powers, privileges and immunities of each House of Parliament.
- **Article 194** gives similar powers, privileges, etc, of the House of Legislatures and of the members and committees thereof.

Breach of privilege: There are no clearly laid out rules on what constitutes breach of privilege and what punishment it entails. As per Karnataka privileges panels, breach of privilege include to make speeches or to print or publish any libel reflecting on the character or proceedings of the house, its committees or any member of the house relating to his character or conduct as a member of Parliament.

2.1.4. PARLIAMENTARY SESSIONS

Why in news?

- There has been a two weeks delay in the winter session of Parliament, raising concerns regarding Parliamentary functioning.

Background

- By convention, Parliament meets for three sessions in a year: **the Budget session which is held towards the beginning of the year, a three-week Monsoon session (July-August) and Winter session (November-December).**
- The dates for each session are announced at least 15 days in advance so that members have time to submit their questions and give notice for parliamentary interventions.
- The Constitution does not specifically say that when or for how many days should the Parliament meet. **Article 85** of the constitution only requires that **there should not be a gap of more than six months**

between two parliamentary sessions. The same applies to state legislatures.

Also included under Article 85-

The President may from time to time

- prorogue the Houses or either House;
 - dissolve the House of the People
- The President can summon session of Parliament “at such a time and place as he thinks fit” acting on the advice of the Council of Ministers. Therefore, the summoning of the Parliament rests with the government.
 - The **Parliament sittings have reduced** from 120 days/year to 65-70 days/year due to various reason including disruptions leading to adjournment.
 - The situation of state assemblies also paints a dire situation. Data for 20 Assemblies over the last five years indicate that they meet for 29 days a year on average.

2.1.5. DEPARTMENTALLY RELATED STANDING COMMITTEES

Why in news?

It is being suggested that the DRSCs should be revamped to better perform their scrutinising roles.

DRSCs important facts

- All Bills are not referred to committees, as GST bill was passed without referring to DRSC.
- Recommendations of the committee are not binding.
- They can reach out to outside experts, but no internal expertise is present.
- It does not consider matters of day to day administration of the ministry.

What are DRSCs?

- They are also known as India's **Mini Parliaments**. 17 DRSCs were first formed in **1993**.
- Currently there are **24 DRSCs** and each of them have 21 members from Lok Sabha and 10 members from Rajya Sabha.
- In contrast to ad-hoc committees, Standing Committees are **permanent in nature**.
- They have three important functions
 - Examine Bills referred to them
 - Select Specific topics related to the ministries and examine implementation by the Government
 - Examine the budgetary outlays of the department.

- Bills are referred to them by the Speaker or Chairman of the House.

2.1.6. PRIVATE MEMBER BILL

Why in news?

A private member's bill will be presented in winter session of Parliament with the aim that MP's must declare their assets at the end of their tenure.

Private Member Bill

- All MPs other than ministers and the presiding officers are referred to as the private members.
- The bills introduced by Private members are called Private member bills unlike government bills which are introduced by Ministers.
- Its rejection in the House has no implication on the parliamentary confidence in the government or its resignation.
- Its introduction in the House requires one month's notice.
- The second half of every Friday, when parliament is in session, is reserved for debating private member bills and other business raised by private members.

General issues with private member bills

- Only 14 private member's bills have been passed in Parliament's history and last one of them was in 1970.
- The **Rights of Transgender Persons Bill** passed by the Rajya Sabha in 2014 was the first private member's bill to get the upper house's approval in around 47 years. But it was reintroduced with substantial changes in Lok Sabha and is currently pending with Parliamentary Standing Committee.
- In 15th Lok Sabha 372 private member bills were introduced but only 11 of them had any discussion whatsoever in the house. It means more than 96% private member bills lapsed without a single debate in the house.
- Thus, the problem with private member bills is twofold. First the Non Passage of them and second little or no debate is held on them.

2.1.7. NEUTRALITY OF SPEAKER

Why in news?

There have been many instances where questions have been raised on the impartiality of speaker while fulfilling his/her responsibility.

Key functions of speaker:

The detailed duties and responsibilities of the speaker are laid down in the **Rules of Procedure** which each

House is empowered to make under article **208 of the Constitution**.

- To preside over the House, whenever he is present in the House, excepting when a resolution for his removal from office is under consideration.
- To adjourn the House when there is no quorum.
- To permit a member who cannot adequately express himself in Hindi or English or the official language of the state, to address the House in his mother tongue.
- To determine whether a Bill is a Money Bill and to certify a Money Bill.
- Protection of the Privileges of the Members of the House.
- Directing any member guilty of disorderly conduct to withdraw from the House, and name a member for suspension if the member disregards the authority of the chair and persists in obstructing the proceedings of the House.

How neutrality and independence of speaker is ensured?

- The **Salary and allowances** of the Speaker is charged on the Consolidated fund of India
- The Speaker is provided with the **Security of tenure** and remains in office even if the house is dissolved i.e. until a new speaker is elected or he is removed from the office by a resolution of the house by absolute majority (more than 50% of total strength of the House).
- The conduct of the Speaker **cannot be discussed** in the house except on a motion adopted to that effect
- The rules of Procedure and Conduct of Business expressly vest "residuary powers" in him.
- He is the final interpreter of the rules and his regulation of the business of the house is not subject to jurisdiction of any court.
- Speaker does not cast her vote on the bills, motions before the house in the first instance but **exercise castings vote** in the case of an equality of votes.

2.1.8. WHIP

Why in News?

Recently, the issuing of whip by political parties on multiple issues has been questioned.

What is Whip?

- Every Political Party has its own whip, who is appointed by the party to serve as an assistant floor leader.

- He has the responsibility of ensuring the attendance of his party members in large numbers and securing their support in favour of or against a particular issue.
- He regulates and monitors their behaviour in the Parliament.
- He communicates the decision of the party leader to the members and the opinion of the party members to the party leader.
- The members are supposed to follow the directives given by the Whip. Failing to do so can invite disciplinary actions like disqualification from party membership or expulsion under the Anti-Defection Law.

Anti-defection law-

- The anti-defection law was passed by parliament in 1985.
- The **52nd amendment** to the Constitution added the **Tenth Schedule** which laid down the process by which legislators may be disqualified on grounds of defection.
- An MP or MLA is deemed to have defected if he either voluntarily resigned from his party or disobeyed the directives of the party leadership on a vote (against party's whip).
- Independent members would be disqualified if they joined a political party.
- Nominated members who were not members of a party could choose to join a party within six months; after that period, they were treated as a party member or independent member.
- The law also made a few exceptions.
 - Any person elected as speaker or chairman could resign from his party, and rejoin the party if he demitted that post.
 - A party could be merged into another if at least two-thirds of its party legislators voted for the merger.
- The law initially permitted splitting of parties, but that has now been outlawed.
- The office of Whip, in India, is mentioned neither in the Constitution nor in the rules of the house, nor in the Parliamentary statutes.
- It is based on the conventions of the Parliamentary government. In India, the concept of the whip was inherited from colonial British rule.

18th All India Whips' Conference

- It was held in January 2018.
- Organizing the All India Whips Conference is one of the functions assigned to the Ministry of Parliamentary affairs, under Government of India (Allocation of Business) Rules, 1961 made under **article 77(3) of the Constitution**.
- **Clause (3) of Article 77** ("Conduct of Business of

the Government of India ") of the Constitution of India lays down that "The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business".

Significance of Whip

- It may be possible that all the members of parliament, irrespective of their party affiliation, may hold different views (even different from the one held by their respective party leadership). In such a case, s/he might deviate from the party view/stand in times of voting.

2.1.9. TRIBAL SUB PLAN

Why in News?

Recently, the Public Accounts Committee submitted its report on 'Tribal Sub-Plan'.

Scheduled Tribes

- **Article 366** defined scheduled tribes as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under **Article 342** to be Scheduled Tribes for the purposes of this constitution".
- **Article 342-** The President may, with respect to any State or UT, after consultation with the Governor, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall, for the purposes of this constitution, is deemed to be scheduled tribes in relation to that state or Union Territory.

committee set up in 1972, which suggested Tribal Sub Plans (TSP) for scheduled Tribes in 1976 (5th Five Year Plan).

- The earlier approach for development intervention for SCs and STs relied solely upon "**incidental**" benefits flowing to them from various interventions by the government. TSPs were introduced in order to ensure **direct "policy-driven" benefits**.
- **Guidelines on formulation** and implementation of TSP have been issued by planning commission from time to time to states/UTs and the ministries. The latest revised Guidelines were issued in 2014 for the implementation of TSP.

Other Programmes/Schemes for Tribals

- Vocational Training in Tribal Areas.
- Strengthening of Education among ST Girls in Low Literacy Districts.
- Market Development of Tribal Products/ Produce
- Tribal Cooperative Marketing Development Federation of India Ltd. (TRIFED- under Ministry of Tribal Affairs)
- State Tribal Development Cooperative Corporation for Minor Forest Produce.
- Development of Particularly Vulnerable Tribal Groups (PVTGs).
- National Scheduled Tribes Finance & Development Corporation.

About TSP

- It forms a part of annual Plan of a State/UT and the funds provided under the TSP have to be in proportion to the ST population of each State/UT.
- The TSP funds are **allocated from the consolidated fund of India** under **article 275(I)** is a central sector scheme under which 100 per cent financial assistance is being provided to the states through the nodal Ministry of Tribal Affairs
- It aims to **bridge the gap** between the Schedule Tribes (STs) and the general population with respect to all socio-economic development indicators in a time-bound manner along with their protection against exploitation.
- The **benefits are in addition** to what percolates from the overall Plan of a State/UT. It is not applicable to states where tribals represent more than 60% of the population.



Background

- A comprehensive policy for development of Scheduled Tribes was prepared by an **expert**



- **Objectives of the TSP**
 - Human resource development by enhancing their access to education and health services,
 - Enhanced quality of life by providing basic amenities in tribal areas/localities including housing;
 - Substantial reduction in poverty and unemployment, creation of productive assets and income generating opportunities
 - Enhanced capacity to avail opportunities, gain rights and entitlements and improved facilities at par with other areas, and
 - Protection against exploitation and oppression.

Related Information

- **Schedules Caste Sub-Plan (SCSP)** which is an umbrella strategy to ensure flow of targeted financial and physical benefits from all the general sectors of development for the benefit of Scheduled Castes. Under the strategy, States/UTs are required to formulate and implement Special Component Plan (SCP) for Scheduled Castes as part of their Annual Plans by earmarking resources.
- At present 27 States/UTs having sizeable SC population are implementing Schedules Caste Sub-Plan.

2.1.10. HINDI AS OFFICIAL LANGUAGE

Why in news?

- Recently there have been demands to make Hindi sole official language in Indian constitution.
- Further there are demands for inclusion of 38 more languages including Tulu and Rajasthani in the Eighth Schedule of the Constitution.

Eighth Schedule of the Constitution

- It includes the lists 22 official languages recognised by the Constitution viz. Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Odia, Punjabi, Sanskrit, Tamil, Telugu, Urdu, Sindhi (added by 21st Amendment Act, 1967), Konkani, Manipuri, Nepali (added by 71st Amendment Act, 1992), Bodo, Dogri, Maithili, Santhali (added by 92nd Amendment 2003).
- The list had originally 14 languages only but subsequently through amendments 8 new languages were added.

- The Constitutional provisions relating to the Eighth Schedule occur in articles **344(1) and 351** of the Constitution.

Constitutional Provisions Vis a Vis Official Languages

- **Language to be used in Parliament (Article 120) –**
 - The business in Parliament shall be transacted in Hindi or in English.
 - Chairman of the Council of States or Speaker of the House of the People may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother-tongue.
- **Language to be used in the Legislature (Article 210) –**
 - Business in the Legislature of a State shall be transacted in the official language or languages of the State or in Hindi or in English however chairperson of the house may permit a member to speak in his mother tongue.
- **Official language of the Union (Article 343).**
 - Official language of the Union shall be Hindi in Devnagari script and the form of numerals shall be the international form of Indian numerals.
 - Parliament may by law provide for the use of the English language, or the Devnagari form of numerals.
 - Consequently, Parliament enacted **Official Languages act, 1963** to provide for continued use of English in addition to Hindi for all official purposes of the Union.
- **Article 344.** Commission and Committee of Parliament on official language
- **Regional Languages:**
 - Official language of the state to be decided by state legislature (**Article 345**)
 - The language of the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union (**Article 346**)
 - Special provision relating to language spoken by a section of the population of a State (**Article 347**)
- **Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc. (Article 348)**

- Until provided by the parliament all proceeding in the supreme court and in every high court shall be in English
- Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court.
- **Article 350B. Special Officer for linguistic minorities-**
 - There shall be a Special Officer for linguistic minorities to be appointed by the President to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution.
- **Article 351. Directive for development of the Hindi language-**
 - It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.

2.2. CONSTITUTIONAL ISSUES

2.2.1. PREVENTIVE DETENTION

Why in news?

- Recently Supreme Court held that Preventive detention of a person by a State merely because the normal legal process is ineffective and time-consuming is illegal.

About preventive detention

Preventive detention, is detaining without trial to prevent possible commitment of crime on suspicion that some wrong actions may be done by the person concerned. The four grounds for Preventive detention are:

- security of state
- foreign affairs or security of India
- maintenance of public order
- maintenance of supplies and essential services and defence

A detainee under preventive detention can have no right of personal liberty guaranteed by Article 19 or Article 21. The Article 22 (3) also provides that the protection against arrest and detention under Article 22 (1) and 22 (2) shall not be

available, if a person is arrested or detained under a law providing for preventive detention.

2.2.2. SEPARATE TRIAL FOR DISTINCT OFFENCES

Why in news?

- SC recently gave a judgement that separate trials should be conducted in all cases related to multi-crore fodder scam saying “**joint trial is an exception** and the norm is separate trials for distinct offences.”

Article 20(2) says that no person shall be prosecuted and punished for the same offence more than once.

2.2.3. STATE FLAG ISSUE

- A tricolour with stripes of red, white and yellow with the **Karnataka State** emblem featuring a two-headed mythical bird in the middle is proposed to become the **new flag** of the State.

Important Facts-

Officially only J&K state has a flag. While unofficially there are two states that have their individual states flags, viz. Sikkim (since 1967) and Karnataka (2018).

- Karnataka already had a red and yellow flag as an unofficial state flag since the mid-1960s which is hoisted every year to commemorate state formation day.
- If demand for separate flag is accepted, Karnataka will be the second state to have its official flag after Jammu and Kashmir, which enjoys a special status under Article 370 of the Constitution.
- Supreme court in **S.R. Bommai v/s Union of India case** said that **federalism** is a basic feature of the Constitution and States are supreme in their sphere. So State flag is not unauthorized. However, the manner in which the State flag is hoisted should not dishonour the national flag.

Related Provisions

- Under **Article 51A**, every citizen of India has the duty to ‘Abide by the Constitution and **respect its ideals** and institutions, the **National Flag and the National Anthem**’.
- **Prevention of Insults to National Honour Act, 1971** (amended in 2005) prohibits the desecration of or insult to the country's national symbols, including the National Flag, The Constitution and the National Anthem.

- It is applicable to all cases where a case of insult to National Honour, through disrespect to National Symbols, is reported, public or not, as well as intentional or otherwise.
- **Flag Code of India, 2002** is **not a law** but a consolidation of **executive instructions** issued by the Government of India from time to time and contains detailed instruction for observing such behaviour which will not disrespect the National Flag.

2.2.4. RIGHT TO PRIVACY

Why in news?

- Recently, in **Justice K. S. Puttaswamy (retired.) vs Union of India**, a nine-judge Constitution Bench of the Supreme Court ruled that right to privacy is an intrinsic part of life and liberty under Article 21.

Background

- Constituent Assembly after discussing this issue decided not to put right to privacy in constitution
- Earlier **M.P. Sharma** (8-judge Bench) and **Kharak Singh** (6-judge Bench) cases delivered in 1954 and 1961, respectively, held that privacy is not protected under the Constitution.
- In **Maneka Gandhi vs Union of India** (1978), it was held that any law interfering with personal liberty and right of privacy must be just & not arbitrary.
- However, the IT (information technology) Act of 2003 was silent on privacy laws.

- A Committee of Experts was constituted under Justice **A P Shah** to study the privacy laws & make suggestions on proposed draft Bill on Privacy 2011
- Recently, the Data (Privacy and Protection) Bill, 2017 was tabled in the Lok Sabha.

Recommendation of AP Shah Panel

Among other recommendations two important ones are:

- Listed **nine principles of privacy** to be followed by data controllers - *Notice, Choice & consent, Collection limitation, Purpose limitation, Access & correction, Disclosure of information, Security, Openness, Accountability*
- Listed **exceptions** to the right to privacy - national security, public order & public interest, tackling criminal offences, protection of the rights of freedom of others.

2.2.5. NOTA IN RAJYA SABHA POLLS

Why in News?

In the context of the recent Gujarat elections (April, 2017) for Rajya Sabha, following issues have been raised regarding the Proportional representative election system followed in RS polls, viz-

- None Of The Above
- Open Ballot system (under Rule 39AA of the Conduct of Election Rules of 1961)

None Of The Above (NOTA)

- When a voter is not satisfied with any of the candidates posed by the political parties in an election they can register their discontent through NOTA.
- The Election Commission had issued a circular in January 2014 that the provisions of NOTA be included in the Rajya Sabha elections too, after it was included as one of the options in the Electronic Voting Machines in 2013.

Elections to Rajya Sabha

- Elections to one-third of the RS seats happen every two years.
- Members of a state's legislative assembly vote in the Rajya Sabha elections in what is called the **proportional representation with the single transferable vote** (STV) system.
- Each voter ranks his preferences and if the first choice candidate has enough votes already or no chance of being elected, the



vote is transferred to the second choice and so on.

- Only the elected members of the Legislative Assemblies participate in the election of the members of Rajya Sabha.
- In Rajya Sabha polls, the MLAs have to show their ballot paper to an authorised party agent before putting it in ballot box.

Kuldip Nayar v.s Union of India, 2006 case-

- It challenged amendments made in the Representation of People Act, 1951 (for short, 'the RP Act', 1951) through Representation of People (Amendment) Act 40 of 2003 which came into force from August, 2003.
- In the writ petition, Open Ballot System was also challenged which, according to the petitioner, violates the principle of 'secrecy'.

Rule 39AA of the Conduct of Election Rules of 1961

- This rule says that a voter may show his/her marked ballot paper to the authorised representative of his/her political party before dropping it into the ballot box.
- The EC has observed that Rule 39AA "is very clear that the elector has to show his ballot paper **only to the authorised representative of his party** and to no one else. While, in case of independent MLAs, they do not have to show their votes to anyone at all.
- However, Rule 39AA is silent on who would be the authorised representative for a rebel MLA.
- In the **Kuldip Nayar v.s Union of India, 2006, case**, the five-judge Constitution Bench of the Supreme Court said that "free and fair elections" would not stand defeated by "open ballot" to give effect to concept of proportional representation.

2.2.6. HATE SPEECH

Why in News?

The **T.K. Viswanathan committee**, constituted by the Centre, has recommended introducing stringent provisions for hate speech.

Related Constitutional Provision

Article 19 of the Constitution- Freedom of Speech and Expression is guaranteed to all the citizens of India. However, the right is subjected to **reasonable restrictions** in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

Hate Speech

- The **Human Rights Council's 'Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression'** expressed that freedom of expression can be restricted on the following grounds:
 - Child pornography (to protect the rights of children),
 - Hate speech (to protect the rights of affected communities)
 - Defamation (to protect the rights and reputation of others against unwarranted attacks)
 - Direct and public incitement to commit genocide (to protect the rights of others)
 - Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (to protect the rights of others, such as the right to life).

3. EXECUTIVE

3.1. MPLADS

Why in News?

Central Information Commission (CIC) has recently made recommendations regarding MPLADS Funds.

Related information

- The elected members of Lok Sabha can recommend work within their constituencies.
- The elected Rajya Sabha members can recommend works in one or more districts in the State from where he/she has been elected.
- The Nominated Members of the Lok Sabha and Rajya Sabha may select any one or more Districts from any one State in the Country for implementation of their choice of work under the scheme.

About Members of Parliament Local Area Development (MPLAD) Scheme

- The MPLAD scheme was **introduced in 1993**.
- It is implemented by the **Ministry of Statistics and Programme Implementation (MoSPI)**.
- It is a centrally sponsored scheme in which each MP has the choice to **suggest to the District administration (DA)** for works to the tune of **Rs.5 Crores per annum, non-lapsable** in nature, to be taken up in the constituency.
- Further, out of the total amount, 15% and 7.5% funds must be entitled to areas with **SC and ST population** respectively.
- In case of insufficient tribal population in the area, the MP may recommend this amount for the creation of community assets in **tribal areas outside of their constituency**, within their State of election.
- All recommended eligible works should be sanctioned **within 75 days** from the date of receipt of the recommendation, after completing all formalities.
- DA will furnish **Utilization Certificate** every year to the State Government and the Ministry of Statistics and Programme Implementation.

3.2. PRIOR SANCTION

Why in news?

Rajasthan government recently introduced Criminal Laws (Rajasthan Amendment) Bill granting immunity to public servants, judges and magistrates from investigation without prior sanction.

Debate surrounding the concept of Prior Sanction

Prior sanction is generally mandated to protect public servants from legal harassment for their public action. The issue is whether prior sanction is required before beginning investigation, or before prosecution in court.

- **Government's View** -Prior sanction will protect honest officials from frivolous allegations levelled by vested interests and thus prevent a situation of policy paralysis.
- **Supreme Court's View** - There have been conflicting views of Supreme Court on issue of prior sanction-
 - In MK Aiyappa case, 2013 and Narayana Swamy, 2016 case Supreme Court held that even an investigation cannot be ordered under Section 156(3) CrPC without prior sanction.
 - While in some other cases SC has held opposite view saying that prior sanction for investigation impede an unbiased and efficient investigation.
- **Current Legal Status** - Currently under CrPC prior sanction is required before prosecution in courts. Section 19 of Prevention of Corruption Act also requires prior sanction for prosecution of public servants for offences such as taking a bribe or criminal misconduct.

3.3. APP FOR MPS TO TRACK DEVELOPMENT

Why in news?

The Government recently introduced a new app called **UPaAI (unified planning and analysis interface) or 'solution' in English**, which will help the members of parliament to track the development work in their states.

More about the App

- It will provide an integrated platform for data on infrastructure and social indices for each constituency.
- It is expected to provide district-wise information to the MP on his/her constituency and help him or her take better decisions related to MPLAD funds and also other Central Scheme.
- It will be **monitored by PMO** and is in line with Digital India initiative.
- In the next phase, it will be extended to include state schemes, and bring district magistrates and members of legislative assemblies on same platform.

- The administration of the Real Estate (Regulation and Development) Act, 2016 and the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 will be done by the same ministry.
- Merger taken on the recommendation of group of secretaries, which were formed in October 2016.
- MoUD and MoHUPA were one entity before being separated into two independent ministries in 2004.

3.4. MINISTRY OF HOUSING AND URBAN AFFAIRS

- Recently government has merged the Ministry of Urban Development (MoUD) and Ministry of Housing and Urban Poverty Alleviation (MoHUPA), and now it will be called as Ministry of Housing and Urban Affairs.

Group of secretaries

- Ten Groups of Secretaries were formed in October 2016 by the central government.
- They were formed sector specifically like on health, education, urban development etc. to raise issue pertaining to every sector and recommend practical remedies to overcome those challenges
- Term of reference for them were to harness demographic dividend, elimination of poverty, further the '**Maximum governance, Minimum government**' philosophy of government etc.

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4. ELECTIONS IN INDIA

4.1. ISSUES RELATED TO ELECTION COMMISSION

4.1.1. CEC APPOINTMENT ISSUES

Issues related to Chief Election Commissioner

- The appointment of CEC and other ECs according to the **Article 324**, shall be done as per the law made by the Parliament in this regard. However, no such law has yet been made which leaves a “gap”. Recently, Supreme Court had asked the centre why no enabling law has yet been framed.
- This leaves the appointment of such a crucial post solely to the executives (President on the advice of PM and Council of Ministers).

Constitutional Provisions related to EC

As per the **Article 324** of the constitution, “The Election Commission shall consist of Chief Election Commissioner and such numbers of other Election Commissioners, if any, as the President may from time to time fix and appointment of CEC and other ECs shall, subject to provisions of any law made in that behalf by the Parliament, be made by the President.”

- The constitution has **not prescribed the qualifications** (legal, educational, administrative, or judicial) of the members of election commission.
- The constitution has **not debarred the retiring** Election commissioner from any further appointment by the government.
- There is also **no clarity regarding the power division** between the Chief Election Commissioner and other Election Commissioners.
- The CEC and the Election Commissioners enjoy the **same decision-making powers** which are suggestive of the fact that their powers are at par with each other.
- Although the proviso to Article 324 (5) of the Constitution **safeguards the CEC from arbitrary removal**, the same provision is silent about the procedure for removal of the two EC. It only provides that they cannot be removed from office except on the recommendation of the CEC.

4.1.2. SECTION 29A OF RPA

Why in News?

The Supreme Court has recently decided to examine the **powers of Election Commission** in terms of disqualifying convicted persons from forming political parties or becoming office-bearer of a party.

About Section-29A

- Section 29A of Representation of People’s Act, 1951, lays down various provisions in regards to the **registration and recognition of political parties** in India.

By virtue of section **8, 8A, 9, 9A, 10 and 11 of the Act of 1951**, it has already been held that candidates convicted under criminal laws are disqualified from contesting elections with immediate effect.

- Before its introduction, in 1988, the process was fully regulated by the **Election Symbols (Reservation and Allotment) Order, 1968** which is operated by the Election Commission.
- Under the **Symbols Order**, an association needed to achieve tangible proof of 1% of the valid votes to be secured by applicant party for registration.
- The **Goswami Committee (1990)**, had shed light on various issues related to the section-
 - Now any association to be registered as a political party **needs to conform in form only to the provisions of the Constitution**, especially to the preamble. Hence, the powers of the Election Commission in regard to registration of political parties under the Symbols Order has been taken away.

4.1.3. ELECTION SYMBOLS

Why in news?

A PIL in Allahabad court questioned whether political parties are actually authorized to use election symbols reserved for them during and beyond the periods of elections.

Classification of symbols:

1. **Reserved Symbol:** reserved exclusively for a recognized political party (National or State) and allotted to contesting candidates set up by that party.

2. **Free Symbol:** Other than a reserved symbol. From the list of free symbols, 3 preferences have to be provided by the contesting candidates of unrecognized parties or independents in their nomination paper.

Background

- Symbols are allotted according to **Election Symbols (Reservations and Allotment) Order, 1968** issued by Election commission of India.
- These symbols may be reserved in the name of parties but are **allotted to the contesting candidates** (not to any party), only for the period of notified election.

Criteria for recognition of a political party:

STATE PARTY

- Secures **6% of the valid votes** polled in vidhan sabha elections of the state concerned and wins **2 seats** in the Assembly.
- Secures **6% of the valid votes** in Lok Sabha elections from the State concerned and in addition **wins 1 seat** in Lok Sabha from there.
- Wins **3% seats in vidhan sabha elections or 3 seats in Assembly**, whichever is more.
- Wins at least **one seat in Lok Sabha for every twenty-five seats** allotted to the state in Lok Sabha election.
- **secures 8% of the total valid votes** polled in the state at Lok Sabha or Vidhan Sabha elections (Added in 2011)

NATIONAL PARTY

- If a political party is **recognised in 4 or more states**, it is known as a National Party.
- Secures **6% of valid votes** polled in any 4 or more states at lok sabha or vidhan sabha elections and in addition **wins 4 seats** in Lok Sabha from any state.
- If it **wins 2% of seats in Lok Sabha elections** and these candidates are selected **from 3 states**.
- The EC recently amended rules whereby it will now review the national and state party status of political parties every 10 years instead of the present five.
- India has seven recognised national parties - Congress, BJP, BSP, CPI, CPI-M, NCP and All India Trinamool Congress.

Privileges of National Parties

- Unique symbol
- Free airtime on public broadcasters AIR and Doordarshan during the Lok Sabha elections.

- Two free copies of electoral rolls while their candidates need only one proposer to file their nomination papers.
- Deploy 40 star campaigners whose expenditure is not clubbed with the election expenses of an individual candidate.

4.2. ELECTORAL REFORMS

4.2.1. HYBRID ELECTORAL SYSTEM

Why in News?

Various political parties have told a Parliamentary panel that the existing first-past-the-post-system needs to be replaced with a hybrid format.

What is Hybrid Electoral System?

- A hybrid/mixed system refers to an electoral system in which two systems are merged into one combining the positive features from more than one electoral system.
- In a mixed system, there are two electoral systems using different formulae running alongside each other. The votes are cast by the same voters and contribute to the election of representatives under both systems.
- One of those systems is a plurality/majority system (or occasionally an 'other' system), usually a single-member district system, and the other a List PR system.
- There are two forms of mixed system-
 - When the results of the two types of election are linked, with seat allocations at the PR level being dependent on what happens in the plurality/majority (or other) district seats and compensating for any disproportionality that arises there, the system is called a **Mixed Member Proportional (MMP) system**.
 - Where the two sets of elections are detached and distinct and are not dependent on each other for seat allocations, the system is called a **Parallel system**.
- While an MMP system generally results in proportional outcomes, a Parallel system is likely to give results the proportionality of which falls somewhere between that of a plurality/majority and that of a PR system.

Various types of Electoral Systems

- First Past The Post System
- Proportional Representation
- Mixed systems also sometimes referred to as

Hybrid System

- In India, we follow both FPTP as well as Proportional Representation systems of voting. For example, in the elections for the Lok Sabha we have FPTP and for the Presidential Elections we follow Proportional Representation.

What is FPTP?

- The First Past the Post system is the simplest form of plurality/majority system, using single member districts and candidate-centred voting.
- The voter is presented with the names of the nominated candidates and votes by choosing one, and only one, of them.
- The winning candidate is simply the person who wins the most votes; in theory, he or she could be elected with two votes, if every other candidate only secured a single vote.
- It is used in the UK to elect members of the House of Commons, both chambers of the US Congress and the lower houses in India and Canada as well as other place that used to be British colonies.

Why we chose FPTP?

The country chose FPTP for of election system because of following reasons-

- **Simplicity** - most of the Indian population was not literate at the time of independence, and unable to understand the complexity of the PR SYSTEM.
- **Familiarity** - Before independence several elections were held regularly on the basis of FPTP system which made this process more familiar to the general public of the country.
- PR SYSTEM establishes party as a major centre of power whereas FPTP gives an individual as a representative of the people of certain specific area. Given India's condition at the time of independence this was a big concern for our leaders as people connected more to their leaders rather than a certain political party.

Difference between FPTP & PR

Proportional Representation	First Past The Post
<ul style="list-style-type: none"> • Faithfully translate votes cast into seats won. • Facilitate minority parties' access to representation 	<ul style="list-style-type: none"> • It does not completely translate the number of votes into seat. • It might not

depending on the or the district magnitude.

- Makes power-sharing between parties and interest groups more visible.
- The single party dominance is difficult to achieve.
- This system does not exclude the smaller parties from representation

encourage minority parties.

- The power sharing between various groups is not as visible.
- It gives rise to single-party governments.
- It excludes smaller parties from 'fair' representation.

4.2.2. ELECTORAL BONDS

Why in news?

- The government has recently **notified the Electoral bonds scheme** announced in budget 2017-18 to boost transparency in political funding.
- Electoral bonds were announced in Union Budget 2017-18 and the required amendments in Reserve Bank of India Act, 1934 (Section 31(3)) and the Representation of People Act, 1951 were made through Finance Bill, 2017.

POLITICAL FUNDING CLEAN-UP

<p>What Is An Electoral Bond An interest- free financial instrument for making anonymous donations to political parties; resembles a promissory note</p>	<p>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</p>
<p>Who May Purchase These Bonds A Citizen of India or a body incorporated in the country</p>	<p>Other Details Political parties will be required to file returns to the Election Commission of the quantum of money itreceives 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.</p>
<p>When May Such Bonds Be Bought Available for purchase for 10days each in January, April, July, & October</p>	
<p>Lifespan Redeemable in the designated account of a registered political party within 15 days since issuance</p>	

4.2.3. TOTALIZER MACHINES

Why in news?

Recently, Attorney General and Election Commission opposed Central Government's stand against 'totalizing' of votes for counting after elections.

Electronic Voting Machines

- EVMs were developed by two PSUs - Bharat Electronics Limited, Bangalore (BEL) and Electronics Corporation of India Limited (ECIL), Hyderabad

- EVMs manufactured in 1989-90 were used on **experimental basis** for the first time in 16 Assembly Constituencies in the States of Madhya Pradesh (5), Rajasthan (5) and NCT of Delhi (6) at the General Elections to the respective Legislative Assemblies held in November, 1998.
- An EVM normally consists of a **Ballot Unit (BU)** and a **Control Unit (CU)** if the number of candidates is not more than 16
- If greater than 16, another BU (maximum of 4) can be attached to one CU.

Voter Verified Paper Audit Trail

- It helps voters ascertain that the vote was cast to the intended party through a paper verifiable by the voter himself.
- For the first time, VVPAT with EVMs was used for the Noksen Assembly seat in Tuensang district of Nagaland in 2013.

Background

- The first recommendation for amending the Election Rules to provide for the use of Totalizer Machine was put forward by **Election Commission of India (ECI) in 2008**.
- It was also recommended by **Law Commission in its 255th Report of 2015**.

Totalizer Machines

- It is an interface, to which a cluster of EVMs can be connected simultaneously and the consolidated result of the group of EVMs can be obtained without disclosing the votes polled by a candidate polling-station-wise.
- Counting of votes polling-station-wise reveals the voting trends in each polling station thus leaving the voter open to **pre and post poll intimidation**, harassment and victimization by the political parties (for e.g. delaying infrastructure developing or other welfare activities).
- It will add an **extra layer of security** to the voting process thus upholding the basic **principle of secret ballot** as the present EVMs do not provide any avenues for mixing of votes. Mixing of votes is analogous to physical mixing of votes as mandated under the **Rule no 59A of the Election Rules** which states “mixing of votes in cases where it is considered ‘absolutely necessary’.”
- However, it has been argued that it **camouflages the booth-wise performance** of candidates which is essential for parties to devise **“booth-management”** strategies (working at booth level to mobilise voters).

4.2.4. PAID NEWS AND ELECTORAL REFORMS

Why in news?

The Election Commission (EC) has disqualified Madhya Pradesh Minister for three years for filing wrong accounts of election expenditure, under **section 10A of the Representation of the People Act, 1951**.

Section 10A of RPA- Disqualification for failure to lodge account of election expenses. If the Election Commission is satisfied that a person—

- has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

Press Council of India

- The PCI was **first constituted on 4th July, 1966** as an autonomous, statutory, quasi-judicial body. The present Council functions under the **Press Council Act 1978**.
- It has its **own funds for performance of its functions** under the Act that comprises of the fee collected by it from newspapers, other receipts and also Grants in-Aid by from the Central Government.
- The decisions of the Council are final and cannot be questioned in any court of law except by way of writ under relevant article of the constitution.
- The important functions of the Council are to:
 - help newspapers and news agencies to maintain their independence,
 - build up a code of conduct for newspapers, news agencies and journalists,
 - keep under review any development likely to restrict supply and dissemination of news of public interest and importance.
 - concern itself with the developments such as concentration of or other aspects of ownership of newspapers and news agencies which may effect the independence of the press.

What is paid news?

As per Press Council of India, paid news refers to propaganda in favour of a candidate masquerading as news reports or articles for a price in cash or kind as consideration. It is considered a “grave electoral malpractice” on the part of candidates to circumvent expenditure limits. Paid news is not an electoral offence yet.

Steps taken by ECI

- Starting in 2010, **ECI has issued instructions** to state and district officers to scrutinize, identify and report cases of Paid News.
- The Commission has appointed a **Media Certification & Monitoring Committee (MCMC)** at District and State level for checking Paid News.
- The Committee will scrutinise all media within its jurisdiction to identify political advertisement in the garb of news.
- MCMC shall also actively consider paid news cases referred to it by the Expenditure Observers.

4.2.5. DECLARING SOURCES OF INCOME

Why in news?

Recently, in a **Lok Prahari vs Union Of India** judgment, Supreme Court attempted to increase transparency in electoral process.

Section 123(3) of RPA Act, 1951

It declares a corrupt practice if the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language.

Background

- **Current practice:** Candidates file affidavits on their assets but not the source of their assets at the time of filing nomination papers.
- **Central Board of Direct Taxes (CBDT)** in 2017 informed Supreme Court about substantial hike in the assets of seven Lok Sabha MPs and 98 MLAs across the country.

Committees related to Electoral Reforms-

- Tarkunde Committee- Unofficially appointed by JP Narayan in 1974
- Dinesh Goswami Committee on Electoral Reforms (1990)
- Indrajit Gupta Committee on State Funding of the Funding of elections (1998)
- Law Commission of India report on Reform of the Electoral Laws (1999)
- National Commission Review under MN Venkatachaliah to review the working of the constitution (2000-2002)
- Election Commission of India report on proposed electoral reforms (2004)
- 2nd ARC (2007)
- Tankha Committee to look into election laws and electoral reforms (2010)

Highlight of Judgement

- **Declaring Source of Income:** To qualify for contesting elections, candidates and their associates (spouses and dependents) must disclose their sources of income and assets.
- **Declare other stake:** Candidate must also disclose his/her interest or stake in any government contract that he/she or any family member has with the government.
- **Violation of RPA, 1951:** Non-disclosure of sources of income by candidates and their associates would constitute a **corrupt practice** under **Section 123(2)** of the **Representation of the People Act (RPA) of 1951.**

4.2.6. ICT VISION DOCUMENT 2025

Election commission has come up with ICT vision document 2025 which spells out the strategy of adopting recent technologies and consolidating existing **technologies in the Election ecosystem.** There are four major components of the ICT 2025.

- Integrated Software application.
- GIS, Analytic and Integrated Contact Centre.
- IT infrastructure including data center, IT security, disaster recovery.
- Knowledge Management, Capacity building and social media engagement.

4.2.7. NRIS PROXY VOTING

Why in news?

The Union cabinet has recently approved proposal to change the electoral laws to allow NRIs to vote in the Lok Sabha and assembly elections through a proxy. Earlier, this was permitted only to service personnel.

Current Status

- In 2010, Representation of the People (Amendment) Act was amended to introduce Section 20A to make NRI eligible to be registered as a voter in the constituency mentioned in her Indian passport.
- Before this amendment, only "ordinary residents" could cast their vote.
- However, Section 20A required NRIs to be physically present in their respective constituencies at the time of elections.
- Under the Representation of the People (Amendment) Act, 2010, overseas Indians can now furnish the documents self-attested by them and get their name enrolled in the electoral roll of their respective constituency.

Details

- **Overseas electors** will have to appoint a nominee afresh for each election — one person can act as proxy for only one overseas voter. This is unlike the armed forces who can nominate their relatives as permanent proxy to vote on their behalf.
- **Service voters** can cast their vote through post as well but this is not permitted for NRIs

as the government felt that it could become an administrative and logistic nightmare.

- It has not yet been passed in Parliament. If the proposal passes political passage in Parliament, NRIs will be able to exercise their voting rights through “proxy”.

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5. JUDICIARY

5.1. ISSUES RELATED TO JUDICIARY

5.1.1. ARTICLE 142

Why in news?

- There are criticisms on the frequent usage of Article 142 by the apex court in various cases such as highway liquor ban, ordering joint trial of the two Babri Masjid demolition cases.

Article 142 states that “the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing **complete justice** in any cause or matter pending before it...”

Causes of concern

- **Unlimited power** - Article 142 is not a source of unlimited power and there should be self-restraint in using it that the orders under 142 does not amount to **judicial overreach**.
- **Unconstitutional** - It is against the **doctrine of ‘separation of powers’**, which is part of the basic structure of the Constitution.
- **Uncertainty about discretion as** in the apex court, 31 judges sit in thirteen divisions of two or three to decide the cases and each bench is independent of the other.

5.1.2. A CASE FOR LARGER BENCHES

Why in News?

- Setting up of 9-judge bench to hear case of right to privacy has once again renewed the debate on setting up of larger constitutional benches to deal with important cases.

Reason for demands for larger benches:

- **Article 145(3) of constitution:** states that any “substantial question of law” relating to the interpretation of the Constitution must be heard by benches of at least five judges
- More judges mean that there will be **more points of view**, greater reflection and more thorough analysis in vital cases. It will also add to **legitimacy** thus, minimizing coming up of same issue frequently. For example - The issue of privacy itself has been debated in eight or more instances
- It is more **difficult to overturn** a five-judge bench than a two- or three-judge bench,

meaning the public can have more confidence in the stability of the law.

- Stability would also set the **doctrine of precedent** because as of now both High Courts and lower courts are left confused as to which of the various pronouncements they are meant to follow

5.1.3. APPOINTMENT TO HIGH COURT JUDICIARY

Why in news?

Recently Supreme Court bench has clarified some aspects of appointment to High court judiciary.

Details

- The SC bench rejected a petition (challenging the appointment of two judges as Additional judges of Rajasthan HC, filed on the basis of previous SC judgments) stating that -
 - Retired judicial officers can be appointed as HC judges under **Article 217(2)(a)** as it did not make it mandatory that the appointee in question should be holding a judicial office at the time when the notification of appointment was issued.
 - Additional Judges of High Courts may also be appointed for tenure of less than 2 years (in context of **Article 224**) even if the pendency is more than 2 years as was disputed in S.P. Gupta v. Union of India case.
- Along with this it was held that the process of appointing HC judges needs to be done expeditiously.

Article 217 - Deals with the appointment and conditions of the office of a Judge of a High Court

- (1) Every Judge of a High Court shall be appointed by the President ... and shall hold office, in the case of an additional or acting Judge, as provided in Article 224, and in any other case, until he attains the age of sixty two years.
- (2) A person shall not be qualified for appointment as a Judge of a High Court unless he is a citizen of India and
 - (a) Has for at least ten years held a judicial office in the territory of India; or
 - (b) Has for at least ten years been an advocate of a High Court or of two or more such Courts in succession.

Article 224- Deals with appointment of additional and acting Judges

(1) Additional Judges

Any temporary increase in the business of High Court or by reason of arrears of work... the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify.

(2) Acting Judge

Absence of or inability to perform duties by any Judge of a HC other than the Chief Justice the President may appoint a duly qualified person to act as a Judge of that Court until the permanent Judge has resumed his duties

(3) No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of **sixty two years**.

Article 224 A- Appointment of retired Judges at sittings of High Courts (Ad-hoc Judges) by the Chief Justice of HC for any State with the previous consent of the President.

5.1.4. ADR MECHANISMS**Why in News?**

The High-Level Committee, under the **Chairmanship of Justice B. N. Srikrishna**, to review the institutionalization of arbitration mechanism and suggest reforms thereto has submitted its report recently.

New Delhi International Arbitration Centre (NDIAC) Bill 2018 was recently introduced in Lok Sabha.

A new institution — New Delhi International Arbitration Centre (NDIAC) — is proposed to be set up for better management of arbitration in the country.

The committee had recommended that International Centre For Alternative Dispute Resolution (ICADR), which was set up in 1995, should be taken over with complete revamp of its governance structure.

Tools of Alternative Dispute Redressal

- **Arbitration** is a process in which a neutral third party or parties render a decision based on the merits of the case.
 - It can start only if there exists a valid arbitration agreement between the parties prior to the emergence of the dispute.
- **Mediation** aims to facilitate the development of a consensual solution by the disputing parties.
 - It is overseen by a non-partisan third party - the Mediator. The authority of the mediator vests on the consent of the parties that he should facilitate their negotiations.

- The **ICADR** is an autonomous organization with its headquarters at New Delhi. The Regional Centres of ICADR are fully funded and supported by the respective State Governments.
- It was set up by the Department of Legal Affairs as an autonomous body registered under the Societies Registration Act, 1860.
- The Minister for Law & Justice is the Chairman of ICADR. Its main object is to promote popularise and propagate Alternative Dispute Resolution to facilitate early resolution of disputes to reduce the burden of arrears in the Courts.

- **Conciliation** is a process by which resolution of disputes is achieved by compromise or voluntary agreement.
 - In contrast to arbitration, the conciliator does not render a binding award. The parties are free to accept or reject the recommendations of the conciliator.
- The **Arbitration and Conciliation (Amendment) Act, 2015** envisages various ways to encourage foreign investment by projecting India as an investor friendly country having a sound legal framework and ease of doing business in India.

- **Article 39A** of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes.
- **Articles 14 and 22(1)** also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all.

- **National Legal Service authority (NALSA)** - It has been constituted under the **Legal Services Authorities Act, 1987** to provide free Legal Services to the weaker sections of the society and to organize **Lok Adalats** for amicable settlement of disputes. National Legal Services Authority was constituted on 5th December, 1995. It **issues guidelines** for the State Legal Authorities to implement the legal programs and schemes through the country.
- **Gram Nyayalaya** - mobile village courts in India established under **Gram Nyayalayas Act, 2008** for speedy and easy access to justice system in the rural areas of India. In terms of Section 3(1) of the the Act, it is for the State Governments to establish Gram Nyayalayas in consultation with the respective High Courts.

5.1.5. TRIBUNALS

Why in News?

Law Commission of India (LCI), in its 272nd report, has laid out a detailed procedure for improving the working of the tribunal system in the country.

What are Tribunals?

- 'Tribunal' is an **administrative body** established for the purpose of discharging **quasi-judicial duties**.
- An **Administrative Tribunal** is neither a Court nor an executive body rather a midway between the two.
- Tribunals function as an effective mechanism to **ameliorate the burden** of the judiciary.
- The Tribunal has to observe the **principles of natural justice** or act in accordance with the statutory provisions under which the Tribunal is established.

Tribunals in India

- On recommendation of **Swaran Singh Committee**, the 42nd Amendment Act of 1976 provided for the insertion of **Articles 323-A and 323-B** in the Constitution.
 - **Article 323A** deals with administrative tribunals.
 - **Article 323B** deals with tribunals for other matters.
- The **Administrative Tribunals Act, 1985**- An Act to provide for the adjudication by Administrative Tribunals of disputes with respect to recruitment and conditions of service of persons appointed to public services.
- In **Chandra Kumar case, 1997 SC** held restrictions on jurisdiction of high courts as unconstitutional and laid down that appeals against orders of CAT shall lie before the division bench of concerned high court.

5.2. REFORMS

5.2.1. TELE-LAW INITIATIVE

Why in news?

In order to **make legal aid easily accessible to the marginalized communities and citizens living in rural areas**, Government of India has launched the '**Tele-Law**' pilot project on June 11, 2017.

Details

Union Ministry of Law and Justice has partnered with the **Ministry of Electronics and Information Technology**, to provide legal aid services through its **Common Service Centres (CSC)** at the Panchayat level across India.

- In the first phase, 'Tele-Law' scheme will be tested as a pilot across 500 CSCs in UP and Bihar to understand the challenges and make necessary corrections before it is scaled up and rolled out across the country.
- A portal called 'Tele-Law' will be launched, which will be available across the CSC network. It will enable people to seek legal advice from lawyers through video conferencing.
- Law school clinics, District Legal Service Authorities, voluntary service providers and NGOs working on legal aid can also be connected through the CSCs in order to strengthen access to justice for the marginalized. The National Legal Services Authority (NALSA) will also provide a panel of lawyers from State capitals.
- A fully functional monitoring and evaluation system is also being designed that will help to assess the quality of legal advice.
- Every CSC will engage a Para Legal Volunteer (PLV), who will be the first point of contact for the rural citizens.

Para Legal Volunteers

- They will be the first point of contact for the rural citizens and will help them in understanding the legal issues, explain the advice given by lawyers and assist in further action required.
- Women PLVs will be encouraged and trained under the Scheme. The aim is to promote women entrepreneurship and empowerment and ensure women participation.

5.2.2. PRO BONO LEGAL SERVICES

It is a web-based initiative which can be accessed through the website www.doj.gov.in.

- Litigants who cannot afford legal services can apply for legal aid and advice from pro bono lawyers.
- The idea behind this online initiative is to promote the concept of legal aid in an institutionalized manner and ensure that those lawyers who volunteer for such services are duly recognized.

5.2.3. 'NYAYA MITRA' SCHEME

It aims to reduce pendency of cases across selected districts, with a special focus on those pending for more than 10 years.

- This scheme would play a pivotal role in assisting litigants who are suffering due to delay in investigation or trial, by actively identifying such cases through the National Judicial Data Grid, providing legal advice and connecting litigants to government agencies and civil society organizations.
- This initiative would be launched in 227 districts—27 districts in the North-east and J&K and 200 in Uttar Pradesh, Bihar, Maharashtra, Rajasthan, Odisha, Gujarat, West Bengal.

5.2.4. ACCESS TO JUSTICE PROJECT FOR MARGINALIZED PERSONS

- It is being implemented by Department of Justice and United Nation Development Programme (UNDP). The Access to Justice Project has already partnered with CSC-E-governance Services India Limited to mainstream legal literacy through CSCs in Jharkhand and Rajasthan.
- Importance: Using technology for providing access to justice is in tandem with the Digital India initiative, the primary focus being transparency, good governance and digital delivery of services.

5.2.5. NATIONAL MISSION FOR JUSTICE DELIVERY & LEGAL REFORMS

- It was set up in 2011 with **twin objectives** of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities
- The mission has been pursuing **co-ordinated approach** for phased liquidation of arrears and pendency in judicial administration.
- Its advisory council is Chaired by the **Union Minister of Law and Justice**.

5.2.6. INTEGRATED CASE MANAGEMENT INFORMATION SYSTEM

Why in news?

- The 'Integrated Case Management Information System' (ICMIS) has been introduced in the apex court for digital filing.

Functions of ICMIS

- Its functions include the option of e-filing cases, checking listing dates, case status, online service of notice/summons, office reports and overall tracking of progress of a case filed with the apex court registry.

It will operate as an online gateway for payment of court fee and process fee, an online court fee calculator.

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6. IMPORTANT ASPECTS OF GOVERNANCE/ TRANSPARENCY & ACCOUNTABILITY

6.1. CO-OPERATIVE MOVEMENT IN INDIA

Why in News?

Recently the Prime Minister talked about the importance and the contribution of the Cooperative Sector in Indian society. Cooperative Movement in India is one of the biggest cooperative movements in the World with over **8 Lakh Cooperative Societies** in India.

Constitutional Provisions-

- **Part IV, Article 43** as a Directive Principle which enjoins the State Government to promote cottage industry on an individual or cooperative basis in rural areas.
- It is a **State Subject** under entry No.32 (7th schedule) of the State List of the Constitution of India.

Committees appointed to go into various issues of cooperatives

- All-India Rural Credit Survey Committee Report (1954)
- Choudhary Brahm Prakash Committee (which proposed a model law) (1990)
- Mirdha Committee (1996)
- Jagdish Kapoor Committee (2000)
- VikhePatil Committee (2001) and
- V. S. Vyas Committee (2001 and 2004) These Committees strongly advocated the **need to replace the existing government dominated cooperative laws by a new people centric legislation.**

Cooperative Movement

- A cooperative is an **autonomous association** of persons united voluntarily to **meet their common economic, social and cultural needs** and aspirations through a jointly owned and **democratically controlled enterprise.**
- Cooperatives as business enterprise possess some **basic interests such as ownership and control** but these interests are directly vested in the hands of the user.
- Therefore, the need for profitability is balanced by the needs of the members and **the wider interest of the community.**
- Government of India announced a **National Policy on Co-operatives in 2002.** The ultimate objective of the National Policy is to-

- Provide support for promotion and development of cooperatives
- Reduction of regional imbalances
- Strengthening of cooperative education, training and human resource development

97th Amendment Act - It involves three insertions to the Constitution-

- **Article 19(1)(c)** that ensures that cooperative societies are explicitly recognised as one of the forms of associations that come within the right of citizens to organise themselves as part of the fundamental right to association.
- **Article 43B** that exhorts the state to promote voluntary formation and autonomous functioning of coops. It also asks the state to promote democratic control and professional management of coops.
- A whole chapter in the form of **IX B** that is extremely prescriptive of what sort of law each state should have for cooperatives. The prescriptions includes the creation of an authority to conduct coop elections and provides for the power to supersede the Board of coops that have Government shareholding or loan or financial assistance or guarantee.

6.2. ISSUES RELATED TO RTI

6.2.1. JUDICIARY & RTI ACT

Why in News?

A recent High Court judgement overturned the Central Information Commissioner's order regarding SC rules being inconsistent with RTI Act.

Judiciary and RTI

- Numerous petitions seeking information from the court under RTI are **asked to be applied under SC rules.** Apart from this various courts have also framed their own rules under which various regulations.
- Further, although the courts were included in the definition of Public Authorities (**section 2 (h)**) most of the HCs **did not even appoint Public Information Officers (PIOs)** even

months after this act came to force which denied people their right to information.

- In sum, the Judiciary Rules allowed the judiciary to provide information at its unquestionable discretion, violating the text and spirit of the RTI.
- On the other hand, the RTI Act does not permit any appeals to be entertained by any court under **Section 23**. Nevertheless, the **contradiction arises** from the fact that the Indian Constitution gives powers to the Supreme Court and the high courts that override any statute.

Section 23 of RTI Act- forbids courts from entertaining “any suit, application or other proceeding in respect of any order made under this Act”.

Information related to following is exempted under RTI

- National security or sovereignty
- National economic interests
- Relations with foreign states
- Law enforcement and the judicial process
- Cabinet and other decision making documents
- Trade secrets & commercial confidentiality
- Individual safety
- Personal privacy

- The Delhi High Court has unambiguously stated that the mere establishment of a body under a statute will not automatically render it a public authority for the purposes of the RTI Act.
- Therefore, companies incorporated under the Companies Act, 1956, societies and trusts registered under laws providing for their creation and registration do not become public authorities merely by virtue of Section 2(h)(d) of the RTI Act.

"Public authority" according to Section 2(h) of Right to Information Act, 2005 includes:

- Any authority or body or institution of self-government established or constituted
 - By or under the Constitution (or)
 - By any other law made by the Parliament or a State Legislature (or)
 - By notification issued or order made by the Central Government or a State Government
- Bodies owned, controlled or substantially financed by the Central Government or a State Government.
- Non-Government organisations substantially financed **directly or indirectly** by the Central Government or a State Government.

Entities clearly treated as “public authorities” –

- Constitutional authorities such as the Union and state executives, Union and state Council of Ministers, the President and Governors, Parliament and state legislatures, Election Commission, Comptroller and Auditor General of India, etc.
- Bodies created by law made by Parliament or state legislatures, such as regulatory bodies (SEBI, RBI etc.), high courts, educational institutions created by law, etc.
- Bodies created by notification or order of the appropriate government, such as Planning Commission, UIDAI, etc.

6.3. REGULATING NGOS

- Recently, one SC judgment suggested centre to frame a statutory law for regulating flow of Public Money to NGOs.

Council for Advancement of People’s Action and Rural Technology (CAPART)

- It chaired by the Union Minister for Rural Development, was launched for sustainable development of rural areas.
- It is an autonomous body registered under the Societies Registration Act 1860.
- It works as a nodal agency for catalyzing and coordinating the emerging partnership between voluntary organizations and the Government.

- It also directed the government to audit nearly 30 lakh NGOs which receive public funds but do not explain their expenditure.
- Thus, Centre framed new accreditation guidelines for NGOs and voluntary organisations in the country which are as follows:
 - Evaluating past track record of applicant and internal governance and ethical standard of the NGOs.
 - Their outcome evaluation through independent third parties and performance audit by the CAG
 - Prescribed procedure for recovery in case they fail to submit their balance sheets
 - The government and CAPART will not only blacklist such NGOs as earlier but also move to file civil suit for recovery of money siphoned off.

Related information - About FCRA, 2010

- It regulates the acceptance and utilization of foreign contribution or foreign hospitality by

certain individuals or associations or companies.

- It prohibits acceptance and utilization of foreign contribution or foreign hospitality for any activities detrimental to national interest.
- Funds can be collected only for research, training, awareness, rehabilitation and relief for victims of manmade and natural calamities, maintenance of buildings and real estate for philanthropic activities.

FEMA and FCRA – presently, Home Ministry monitors foreign funds donated to NGOs and organisations through the FCRA. But for effective monitoring it also wants to monitor NGOs under FEMA (under finance ministry) as many International donors such as the Ford Foundation, Canada's International Development Research Centre etc. are registered under it.

6.4. CRIMINAL JUSTICE SYSTEM

Why in News?

The government is considering revisiting the **Malimath Committee report** on reforms in the criminal justice system (CJS).

Inquisitorial System

- It is a **legal system** where the court or a part of the court is actively involved in investigating the facts of the case.
- This is opposed to an **adversarial system**, usually followed in India, where the role of the court is primarily that of an impartial referee between the prosecution and the defence.

Criminal Justice System

- It refers to the **agencies of government** charged with enforcing law, adjudicating crime, and correcting criminal conduct.
- It is composed of **three components**: police, courts, and prisons which are seen as interrelated, interdependent, and striving to achieve a unified goal.
- The Indian Penal Code (IPC) 1860, the Code of Criminal Procedure (CrPC) 1973, along with parts of the Indian Evidence Act 1872, constitute **Indian criminal law**. A large number of special and local laws take care of various other antisocial activities.

Some important recommendations of the Report

- **Borrowing from inquisitorial system** in countries such as Germany and France. Also, the courts be bestowed with powers to summon any person — whether or not listed

as a witness — for examination, if it felt necessary.

- **Right to silence- Article 20 (3)** of the Constitution that protects the accused from being compelled to be a witness against himself/herself may be modified. The court be given freedom to question the accused to elicit information and draw an adverse inference against the accused in case the latter refuses to answer.
- **Police investigation-** To improve the quality of investigations National Security Commission and State Security Commissions may be constituted.
- **Courts and judges-** It specified the need for more judges in the country.
 - Further, the higher courts have a separate criminal division consisting of judges who have specialised in criminal law.
 - National Judicial Commission be constituted and Article 124 be amended to make impeachment of judges easier.

Police Reforms

Expert bodies that have examined police reforms are-

- National Police Commission (1977-81)
- Ribeiro Committee (1998)
- Padmanabhaiah Committee (2000)
- Malimath Committee (2002-03)
- Police Act Drafting Committee (2005)
- SC directions in Prakash Singh Case (2006)
- Second ARC (2007)
- Police Act Drafting Committee II (2015)

6.5. CHAKMA-HAJONG REFUGEES

Why in news?

The Centre has decided to provide citizenship to Chakma (Buddhist) and Hajong (Hindus) Refugees as per Supreme Court's 2015 order.

Background

- The Chakmas and Hajongs are ethnic people who lived in the Chittagong Hill Tracts, most of which are located in Bangladesh.
- They had to leave their homeland bordering India and Myanmar because of **Kaptai dam** project in 1960s.
- They allegedly faced religious persecution and entered India through Lushai Hills district of Assam (now Mizoram).

- The Centre had moved majority of them to North Eastern Frontier Agency (now Arunachal Pradesh).

6.6. THE CITIZENSHIP (AMENDMENT) BILL 2016

Why in News?

The government has recently proposed certain changes in Citizenship Rules through **The Citizenship Amendment Bill, 2016**.

Indian Citizenship

- **Indian Citizenship Act 1955**: the criteria of Indian Citizenship are Birth, Descent, Registration (PIO and OCI) and Naturalisation (rendered distinguished services).
- **The Citizenship Amendment Act, 2015**: The schemes for Person of Indian Origin (PIO) and Overseas Citizen of India (OCI) got merged into Overseas Citizen of India Cardholder (OCC).
- **The Citizenship (Amendment) Bill 2016** to make illegal immigrants (except Muslims) from Afghanistan, Bangladesh, and Pakistan eligible for citizenship is still pending.

Background

- The original **Citizenship Act, passed in 1955**, defines the concept of Indian citizenship and lists out ways to acquire the same, explicitly denying citizenship to all undocumented migrants.
- As per this law the citizenship can be acquired on following grounds:
 - Being born in the country, or
 - Being born to Indian parents, or
 - Having resided in the country over a period of time.
- The act prohibits illegal migrants from acquiring Indian citizenship.
- Under the Foreigners Act 1946, and Passport Entry into India Act, 1920, illegal migrants may be imprisoned or deported.

Features of Amendment

- It deals with two categories of people-
 - Illegal immigrants
 - Overseas Cardholders
- It makes illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship.
- Now they cannot be imprisoned or deported on not having valid papers.

- The bill widens the ground for the cancellation of an OCI registration by the Central Government, i.e. if a person violates any law in force in the country.
- The eligibility criteria has been reduced from 12 years to 7 years for citizenship by **naturalisation**.

Who is an illegal migrant?

Illegal migrant is a foreigner who either:

- Enters the country without valid travel documents
- Enters with valid documents but stays beyond the permitted time.

Who are Overseas Citizens of India?

- OCIs are foreigners who are persons of Indian origin. For example, they may have been former Indian citizens or children of current Indian citizen. They enjoy various rights like to travel to India without visa.
- Overseas Citizenship of India (OCI) Scheme was introduced by amending the Citizenship Act, 1955 in August 2005.

6.7. MINORITY STATUS FOR INSTITUTIONS

Why in news?

- Educational trusts and societies seeking minority status will now be required to register as non-governmental organisation with the NITI Aayog, whether they are seeking government aid or not.

National Commission for Minority Educational Institutions (NCMEI)

- National Commission for Minority Educational Institutions is a **statutory body under NCMEI Act, 2005**.
- Commission is a **quasi-judicial body** and has been endowed with the **powers of a Civil Court**.
- It is to be headed by a **Chairman** who has been a Judge of the High Court and **three members** are to be nominated by Central Government.
- The Commission is mandated to look into specific complaints regarding deprivation or violation of **rights of minorities** to establish and administer educational institutions of their choice.

Rights of Minorities under Indian Constitution

Apart from rights under common domain such as right to equality (Article 14, 15, 16) and right to freedom of religion (article 25-28) other minority rights are:

- Obligation of State 'to promote with special care' the educational and economic interests

of 'the weaker sections of the people [Article 46]

- Citizens' duty to promote harmony and the spirit of common brotherhood amongst all the people of India 'transcending religious, linguistic and regional or sectional diversities and to value and preserve the rich heritage of our composite culture [Article 51A]
- Right of 'any section of the citizens' to 'conserve' its 'distinct language, script or culture'; [Article 29(1)]
- Restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, 'on grounds only of religion, race, caste, language or any of them'; [Article 29(2)]
- Right of all Religious and Linguistic Minorities to establish and administer educational institutions of their choice; [Article 30(1)]
- Freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the State; [Article 30(2)]
- Provision for a Special Officer for Linguistic Minorities and his duties; and [Article 350 B]
- Sikh community's right of 'wearing and carrying of kirpans; [Explanation 1 below Article 25]

6.8. SOCIAL AUDIT

Why in News?

Meghalaya became the **first state in India to operationalise a social audit law**- 'The Meghalaya Community Participation and Public Services Social Audit Act, 2017'.

Audit of local self-government institutions is a **States subject** and the primary (external) audit of PRIs and ULBs is with the **State Local Funds Audit Department (LFAD)**, or with the designated auditors as specified in the State laws.

What is Social Audit?

- Social audits refer to a **legally mandated process** where potential and existing beneficiaries evaluate the implementation of a programme by comparing official records with ground realities.
- The beneficiaries, implementing agency and the oversight mechanism come together and discuss at length about the implementation and progress of a particular programme.

Importance of SA

- Following the recommendations of **14th Finance Commission** in regards to expansion in the role of **PRIs, ULBs** and other agencies, social audit becomes crucial as the CAG's audit jurisdiction over such entities is nebulous.
- The mechanism is well established providing direct evidence for inputs, processes, financial and physical reporting, compliance, physical verification, assurance against misuse, fraud and misappropriation, and utilisation of resources and assets.
- **Strengthening the democratic process** – People directly observe the implementation of Government programmes in their region making the process participatory. This, in the long run, empowers the people and makes the process of development more inclusive.

Limitations of Social Audit

- The scope of social audits is intensive but highly localised and covers only certain selected aspects out of a wide range of audit concerns in the financial, compliance and performance audits.
- The monitoring through social audits is informal and unprocessed with limited follow-up action.

6.9. PROJECT MONITORING GROUP

- It was set up in 2013 under cabinet secretariat and is presently functioning under PMO since 2015.
- It is an institutional mechanism for resolving a variety of issues including fast tracking of approvals for setting up an expeditious commissioning of large Public, Private and PPP projects.
- It is monitoring the development and operation of online digital platforms by various ministries and departments through its web portal e-nivesh monitor.
- The portal tracks all digitalized proposals starting from the online submission till clearance by pulling the information from various ministries/departments, etc.

6.10. PUBLIC AFFAIRS INDEX

Why in News?

- Recently, Public Affairs Index 2017 came out which ranked the Indian states in terms of various parameters like governance, physical and social infrastructure etc.

Background

- It was **started in 2016 by Public Affairs Centre (PAC), India**. PAC, headquartered in Bangalore, is a **not for profit think tank** which aims to improve the governance in India.
- The **survey has been based on 10 themes**, 26 focus subjects and 82 indicators.

Findings

- Kerala and Tamil Nadu** have maintained their first and second position as in 2016 in 2017 followed by Gujarat, Karnataka and Maharashtra.
- The last four positions are with **Assam, Odisha, Jharkhand and Bihar**.

6.11. CORRUPTION PERCEPTION INDEX 2017

Why in news?

Recently the Corruption Perception Index was released by **Transparency International**.

Transparency International

- It is a global civil society organization leading the fight against corruption. It is based in Berlin, Germany.
- It also publishes **Global Corruption Barometer**.

About Corruption Perception Index

- The index ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and businesspeople on a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean.

- The latest Index is an analysis on the **relationship between corruption and freedom of the press, association and expression**. The report also found that the countries with least protection for press and NGOs tend to have the worst rates of corruption.

Findings of the Report

- The index has found that more than two-third of the countries have scored below 50 with an average score of 43.
- India ranked 81st with a score of 40. The list was topped by New Zealand with Somalia ranking lowest.
- Sub-Saharan Africa and Eastern Europe and Central Asia are the regions with worst performance.

6.12. COMMIT

Why in news?

A new training programme Comprehensive Online Modified Modules on Induction Training (COMMIT) for State Government officials has been launched.

Objective: To improve the public service delivery mechanism and provide citizen centric administration through capacity building of officials who interact with the citizens on day-to-day basis.

Details

The COMMIT programme has been developed by DoPT **in collaboration with United Nations Development Programme (UNDP)**. It will supplement the existing ITP (Induction Training Program) launched in 2014-15 for newly recruited state Government officials to develop in them Generic & Domain specific competencies.

7. LOCAL GOVERNANCE

7.1. MUNICIPAL BONDS

Why in News?

- Recently, 94 cities across 14 states received credit ratings from agencies such as Crisil as part of their preparations for issuing municipal bonds.
- It rated the cities covered under Smart city Mission and AMRUT mission.
- 55 of these cities got “investment grade” ratings, 39 received credit ratings below the investment grade (BBB-).

- which bonds were raised are to be **kept in a separate escrow account** and banks or financial institutions would monitor the account regularly.
- In 2017, NITI Aayog in its Three-year Action Agenda document also talks of utilizing Municipal Bond market.

Related Information-

- **No separate list of taxes is provided in the constitution** for the urban local bodies. The imposition of taxes or change in their rates etc. requires the approval of state government.
- Article 243W and 243X of the constitution of India impose a **duty upon the state legislature to endow the municipalities with such powers** and functions in the form of taxation, fee etc. to enable them to perform their functions
- The constitution of India, under Article 276 makes provision to facilitate the levy of this tax **by the local bodies viz. professional tax** is a levy on the incomes earned while entering in a profession or trade or business etc.

Municipal Bonds (MB)

Related Facts

- In India, urban local bodies (ULBs) can raise funds of Rs 10,000 cr from markets by issuing MB
- Now even these find it hard to raise funds via MB
- Only large ULBs such as Ahmedabad, Indore, Pune Kolkata, Hyderabad etc. able to utilize MB
- MB market saw promising start, but drastically slowed last decade
- Market for MB in India almost non-existent unlike countries such as US where this is principal mode of financing urban infrastructure
- Unrealistic to expect cities to have track record and credibility to mobilise private funding
- Ahmedabad municipal corp first ULB to access Indian capital market
- States willing to tap market need projects rated by Crisil, ICRA or Fitch
- Small/medium ULBs can't access capital markets directly on strength of their balance sheets

Related Issues

- It's complex web at the ULB level that hinders an enabling environment to access funds in India's debt market
- The borrower-lender interface with states but most of the responsibility affecting lenders with the Government of India
- For access to funds and to leverage additional resources, municipalities need to become creditworthy
- Urban Development is a 'state subject'
- In the event of municipal insolvency or bond default, difficult to visualise who will bail out the ULB
- Multiple authorities have overlapping jurisdictions, both at city & state-level

Background

- The **committee on urban infrastructure** headed by **Isher Judge Ahluwalia (2011)** had estimated that Indian cities would need to invest around Rs 40 trillion at constant prices in the two decades to 2031.
- **Municipal bond regulations were released by the SEBI in 2016.**
 - Municipal bonds in India shall enjoy tax-free status if they conform to certain rules and their interest rates will be market-linked.
 - Municipal Corporation needs to have **investment grade credit rating and must contribute at least 20 per cent of the project cost.**
 - The corporation must **not have defaulted on any loans in the last one year.**
 - The corporation is required to **maintain full asset cover** to repay the principal amount. Revenues from the project for

Significance

- Low cost of borrowing will be an advantage for the ULBs, whose projects typically have low viability, long gestation period and low to moderate cost recovery. Higher the rating of corporation, lower is the interest and cost of borrowing.
- Municipal Bonds are necessary for the financial independence of the Urban Local Bodies.

7.2. TRAINING ELECTED WOMEN REPRESENTATIVES OF PRIS

Why in News?

The Ministry of Women & Child Development (MoWCD) has recently launched an intensive training program for Elected Women representatives (EWRs) of Panchayati Raj Institutions.

More about the news

- The program aimed at **capacity building of EWRs** is being organized by National Institute of Public Cooperation and Child Development (NIPCCD) of the MoWCD.

- It is the first ever initiative which will train approximately twenty thousand EWRs covering nearly 50 EWRs from each district (by March, 2018) who will go out and **administer the villages professionally.**

About the Programme

- It will include simple engineering skills to give them an insight into women's issues as well as focus on education and financial matters.
- Awards will be given to the Master Trainers to those who have succeeded in empowering EWRs of their areas.
- It will help in creating model villages, ensure their effective participation in governance process and help preparing women as political leaders of the future.

Steps taken for political participation of women

- 73rd (Article 243D) and 74th (Article 243T) constitutional amendment acts mandating at least one third of seats for women in PRIs.
- 108th (Women Reservation Bill which seeks to reserve one-third of all seats for women in the Lok Sabha and the state legislative assemblies.), 110th and 112th (mandating 50 % seats for women in PRIs and Urban local bodies) constitutional amendment bills were proposed, although they have lapsed.
- Bihar, Uttarakhand, Madhya Pradesh, Punjab and Himachal Pradesh have already reserved 50% seats and Sikkim reserved 40% seats for women in local governance.

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8. CONSTITUTIONAL, REGULATORY & OTHER BODIES

8.1. NITI AAYOG

Why in News?

- NITI Aayog recently prepared a draft three year action agenda which is a part of the overall National Development Agenda.

Background

- Planning Commission was abolished in 2014 and thereby the relevance of five year plans ended.
- Thereafter the Prime Minister Office advised NITI Aayog to prepare a National Development Agenda comprising of Fifteen Year Vision, Seven Year Strategy and Three Year Action Agenda.



Initiatives by NITI Aayog

NITI Aayog has initiated numerous ways for the development. Its major initiatives include-

- Promoting Competitive Cooperative Federalism- Two key aspects are
 - Joint development of national development agenda by centre and states
 - Advocacy of state perspectives with central ministries.
- Developing Farmer Friendly Reforms index
- Indices measuring States' Performance
- Performance on Health Outcomes Index
- School education Quality Index
- Water Management Index, etc.

About NGO DARPAN

- The NGO-DARPAN is a platform offered by NITI Aayog and it was developed in association with National Informatics Centre under the aegis of Ministry of Electronics & Information Technology (MeitY), Government of India.
- It aims to bring about greater partnership between government & voluntary sector and foster better transparency, efficiency and accountability.
- The Portal facilitates VOs/NGOs to obtain a system generated **Unique ID** which is mandatory to apply for grants under various schemes of Ministries/Departments/Governments Bodies.

8.2. LOKPAL

Why in news?

- Recently, the Supreme Court made it clear that the existing Lokpal and Lokayuktas Act, 2013 is workable in its present form.

Issues with lokpal

- Dilution of provisions through amendment** – The bill passed in 2016 has done away with statutory requirement of public disclosure the assets of public servants' spouses and dependent children.
- Non-convergence with PCA** – The vesting of power of prior sanction with Lokpal has been almost nullified with amendments in prevention of corruption act.
- Free hand to states** – The determination of nature and type of lokayuktas has been completely left on the state's discretion which leads to various problems.
- Ambit of Lokpal** – judiciary is totally excluded.

Some important features of the Lokpal and Lokayuktas Act

- Constitution** of Lokpal at the Centre and Lokayukta in states - States to set up lokayukta within a period of 365 days from the date of commencement of the Act.
- Composition** - Lokpal will consist of a chairperson and a maximum of eight members, of which 50 per cent shall be judicial members and 50 per cent of

members of Lokpal shall be from SC/ST/OBCs, minorities and women.

- **Selection committee** - The selection of chairperson and members of Lokpal shall be through a selection committee consisting of Prime Minister, Speaker of Lok Sabha, Leader of Opposition in the Lok Sabha, Chief Justice of India or a sitting Supreme Court judge nominated by CJI, eminent jurist to be nominated by the President of India on the basis of recommendations of the first four members of the selection committee.
- **Jurisdiction of lokpal** - Prime Minister has been brought under the purview of the Lokpal. All entities receiving donations from foreign source in the context of FCRA in excess of Rs 10 lakh per year are brought under the jurisdiction of Lokpal.
- **Power with respect to CBI** - Lokpal will have power of superintendence and direction over any investigation agency including CBI for cases referred to them by Lokpal. Transfer of officers of CBI investigating cases referred by Lokpal with the approval of Lokpal.
- **Attachment of property** - The act also incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while prosecution is pending. The act lays down clear time lines for preliminary enquiry, investigation and trial.

8.3. FINANCE COMMISSION

Why in News?

- The Union cabinet recently approved the setting up of the 15th Finance Commission (FC) with N.K. Singh as its Chairman.
- It has been asked to submit its report by 30 October 2019.

About the Finance Commission

- **Article 280** of the Constitution provides for a FC as a **quasi-judicial body**.
- It is **constituted by the President** every 5th year or at such earlier time as he considers necessary.
- The FC makes recommendations to the President on following matters-
 - The **distribution of the net proceeds of taxes** between the centre and the states, and the allocation between the states of the respective shares of such proceeds.

- The **principle that should govern the grants-in-aid** to the states by the centre (out of the Consolidated Fund of India).
 - The **measures to augment the Consolidated Fund of a state** to supplement the resources of local governments on the basis of recommendations made by the state finance commission.
 - Any other matter referred to it by the President.
- Recommendations made by the FC are **only advisory in nature**.
 - The **Constitution empowers** the FC to go beyond the core issues of how to divide taxes vertically between centre and the states on the one hand and horizontally between states on the other.
 - It also allows FC to make **broader recommendations in the interests of sound finance**.

Composition & Qualifications-

It is composed of a Chairman and four other members to be appointed by the President.

The constitution authorizes the Parliament to determine the qualifications of the commission and the manner in which they should be selected. Accordingly-

- Chairman should be an experienced person with experience in public affairs.
- Four other members can be selected from amongst the following-
 - A judge of the High Court or one qualified to be one.
 - A person with special knowledge of finance and accounts of the government.
 - A person having wide experience in financial and administrative matters
 - A person who has special knowledge of economics.

8.4. CVC

Why in news?

- RBI has given approval to CVC to probe allegations of corruption against private sector banks and their employees.
- Supreme Court had earlier ruled that the chairman, managing directors and other officers of a private bank could be seen as public servants when it came to the **Prevention of Corruption (PC) Act, 1988**.
- Supreme Court had also said that as per Section 46A of the **Banking Regulation Act**

such bank officials were considered public officials.

Functions and powers of the CVC Under the Central Vigilance Commission Act, 2003

- Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or an offence under the Cr.PC for certain categories of public servants – section 8(1)(a);
- Give directions to the Delhi Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 – section 8(1)(b);
- To inquire or cause an inquiry or investigation to be made on a reference by the Central Government – section 8(1)(c);
- To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 – section 8(1)(d);

Central Vigilance Commission Act, 2003

- The Commission shall consist of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (members).
- The CVC and the Vigilance Commissioners shall be **appointed by** the President on recommendation of a Committee consisting of the Prime Minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the House of the People (Member).
- The term of office of the CVC and the VC would be four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier.
- The Commission, while conducting the inquiry, shall have all the powers of a Civil Court with respect to certain aspects.

Prevention of Corruption Act, 1988

- It inculcated provisions of Prevention of corruption Act, 1987, Indian penal code, the Criminal Procedure Code and the Criminal Law Act, 1952.
- The act extends to whole of India except Jammu and Kashmir. MP's and MLA's have been kept out of this act
- **Special judges** are being appointed by the Central and State Government to conduct trials of public servants.
- The '**public servant**' as per the definition includes any person in service of a government and in the

pay of the government, or its department, its companies or any undertaking or control of the government.

- It provides for the imprisonment of not less than six months which may extends to five years.
- Misappropriation, abusing official position, misappropriate to income, obtaining a pecuniary advantage etc. are being taken as offences under this act.

8.5. NATIONAL GREEN TRIBUNAL

Why in news?

The Supreme Court **stopped implementation** of a notification by central government which allowed the Chairperson of NGT to **constitute single member benches** in **“exceptional circumstances”**.

Background

- NGT benches consist of “two or more members” with **at least one judicial member** and another **environmental expert**.
- As **not enough appointments** had been made, the government issued notification to allow single member benches.

About NGT

- It was established under the **National Green Tribunal Act 2010** for **effective and expeditious disposal** of cases relating to environmental protection.
- Only an existing or retired **judge** of a high court or Supreme Court can be a judicial member
- **Expert** members need to have been in any **environment related field with at least 15 years of administrative experience**.
- The Tribunal is guided by **principles of natural justice**.
- The Tribunal is mandated to **dispose appeals within 6 months of filing of the same**.
- **New Delhi** is the principal bench with **Bhopal, Pune, Kolkata** and **Chennai** being other benches
- It adjudicates matters relating to **following Acts-**
 - Water (Prevention and Control of Pollution) Act, 1974
 - Air (Prevention and Control of Pollution) Act, 1974
 - Environment (Protection) Act, 1986
 - The Public Liability Insurance Act, 1991

- Forest Conservation Act
- Biological Diversity Act
- As per the Act, **appeals** from NGT lie directly to **the Supreme Court**.

8.6. AUTONOMOUS BODIES

Why in news?

- **Ratan Watal Committee** submitted a report on review of Autonomous Bodies.
- The Union Cabinet has approved the proposal for closure of two Autonomous Bodies and the functions are proposed to be vested in Department of Health & Family Welfare (DoHFW).

What are ABs?

- They are set up and funded by the government for some specific purpose.
- Though they are independent in their day-to-day functioning, Government has some control over them.
- According to **General Financial Rules, 2016**, the ministry shall put in place an **external or peer review** of autonomous organisations every three or five years depending on the size and nature of activity.
- The review should be focused on areas like whether the task has been completed or not, similar functions are exercised by some other organization and if so then is there a scope of merging, etc.
- **The Asiatic Society** established in 1784 by William Jones is the oldest AB. In 1984, it became institution of national importance.

Details

- Government had constituted an **Expenditure Management Commission (EMC)** in 2014 to look into various aspects of expenditure reforms to be undertaken by the Government. It was mandated with the task of suggesting an overhaul for reducing the food, fertilizer and oil subsidies and other ways of controlling India's fiscal deficit.
- Based on the recommendations of **EMC**, NITI Aayog undertook a review of the 19 Autonomous Bodies under the DoHFW and submitted the Interim Report of the **Committee for the Review of Autonomous Bodies** (headed by Ratan Watal).
- The main concern of the Government is that Autonomous Bodies are required to be reviewed and rationalized with a view to improve their outcomes, effectiveness and efficiency.

Bodies approved for closure-

- **Rashtriya Arogya Nidhi (RAN)** was set up as a registered society to provide financial medical assistance to poor patients receiving treatment in designated central government hospitals.
- **Jansankhya Sthirata Kosh (JSK)** was set up with a corpus grant of Rs. 100 crores in the year 2003 to raise awareness for population stabilization strategies.

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9. IMPORTANT LEGISLATIONS/BILLS

9.1. AMENDMENTS TO WHISTLE BLOWER PROTECTION ACT

Why in News?

Recently the government suggested amendments to the Whistle Blower Protection Act, 2014 to address the concerns of national security, which has seen opposition from the civil society.

Provisions under Whistle Blower Protection Act (WBPA), 2014

- It provides a broad definition of a whistle blower which goes beyond government officials and includes any other person or non-governmental organisation.
- The person may make a public interest disclosure to a competent authority (CA), notwithstanding anything contained in the provisions of Official Secrets Act, 1923.
- The CA may seek assistance of the CBI or police authorities or any other authority to carry out inquiries under the Act. For the purpose of inquiries, CA shall have all the powers of a civil court.
- Directions of this authority are binding. The organization in question is to act on recommendations within 3 months (max 6 months) or record reasons in writing for disagreement, else pay penalty for non-compliance.
- It ensures confidentiality and penalizes any public official that reveals a complainant's identity, without proper approval, with up to three years imprisonment and a fine of up to 50,000 rupees.

Recommended Amendments to the Act

- The amendment Bill seeks to remove immunity provided to whistle-blowers from prosecution under the draconian Official Secrets Act (OSA) for disclosures made under the WBP law. Offences under the OSA are punishable by imprisonment of up to 14 years.
- To bring the WBP Act in line with the RTI Act, complaints by whistle-blowers containing information which would prejudicially affect the sovereignty, integrity, security or

economic interests of the state shall not be inquired into.

- In addition, certain categories of information cannot form part of the disclosure made by a whistle-blower, unless the information has been obtained under the RTI Act. This includes what relates to commercial confidence, trade secrets which would harm the competitive position of a third party, etc. These exemptions have been modelled on Section 8(1) of the RTI law which lists information which cannot be disclosed to citizens.

These categories include information related to: (i) economic, scientific interests and the security of India; (ii) Cabinet proceedings, (iii) intellectual property; (iv) that received in a fiduciary capacity, etc.

9.2. IIIT (PPP) BILL, 2017

Why in News

Recently Lok Sabha passed the Indian Institute of Information Technology Public Private Partnership (IIIT-PPP) Bill 2017 that seeks to allow 15 IIITs established on a PPP model to grant degrees and get statutory status.

Institutions of National Importance

- They are established **by Act of Parliament**.
- They serve as a pivotal player in developing highly skilled personnel within the specified region of the country/state
- They are usually supported by the Government of India or even any other international institutes to **develop centers of excellence** in research, academics, and other such elite schools of education.

Highlight

- Bill declares 15 existing Indian Institutes of Information Technology established through public-private partnership as **institutions of national importance**.
- Move will enhance the prospects of the graduating students in the job market.

It will also enable the Institutes to attract enough students required to develop a strong research base in the country in the field of information technology.

9.3. ANTI TORTURE LEGISLATION

Why in news?

Law Commission of India has recommended the Centre to ratify the United Nations Convention Against Torture and frame a standalone anti-torture law.

UN Convention against Torture (CAT)

It is an international human rights instrument aimed to prevent torture and cruel, inhuman degrading treatment or punishment around the world. This convention is in force since 1987.

Key Provisions:

- **Prohibition on deportation/extradition** of person to another State where there is danger of person being subjected to torture.
- **Universal Jurisdiction** must be established to try cases of torture where an alleged torturer cannot be extradited.
- **Criminal liability for torture:** States need to ensure that all acts of torture are offence under their criminal law.
- **Education and information** for prevention of torture to law enforcement, civil and military, public officials etc.
- **Procedures** for prompt investigation for allegations or victims of torture must be established. Courts must ban the use of evidence produced by use of torture.
- **Protection, Compensation and rehabilitation** to victims and witnesses and providing a system of effective remedies.

Background

- Though India had signed the U.N. Convention against Torture in 1997 but it is yet to ratify it, making it one among the nine countries across the globe yet to do so.
- After this the issue was referred to the Law Commission which recommended **Prevention of Torture Bill 2017** in its 273rd report.

Prevention of Torture Bill, 2017

- **Wide Definition of Torture** not confined to physical pain but also includes “inflicting injury, either intentionally or involuntarily, or even an attempt to cause such an injury, which will include physical, mental or psychological”.
- **Sovereign Immunity not for agents of the State-** State to own the responsibility for injuries caused by its agents on citizens as the principle of sovereign immunity cannot override the rights assured by the Constitution.

- **Punishment for torture** for public officials inflicting torture.

9.4. NATIONAL MEDICAL COMMISSION BILL

Why in news?

Recently, National Medical Commission Bill, 2017 was introduced in Lok Sabha.

Background

- **Prof. Ranjit Roy Chaudhury committee (2015)** recommended structurally reconfiguring the MCI's functions and suggested the formation of a **National Medical Commission**.
- **Lodha Panel**, constituted in 2016 by Supreme Court to oversee the functioning of MCI and its policy decision making. However, its recommendations were not implemented.
- **Committee headed by Dr. Arvind Panagariya** formed to address concerns over quality of medical education, **proposed** to repeal Indian Medical Council Act, 1956.

Medical Council of India (MCI)

- It is a **statutory body**, established under Indian Medical Council Act 1956.
- It regulates-
 - standards of medical education.
 - permission to start colleges, courses or increase the number of seats.
 - standards of professional conduct of medical practitioners such as registration of doctors etc.

Key Features of the Bill

- **Establishing National Medical Commission (NMC):** It will be an Umbrella body which will subsume the MCI and regulate the medical education and practice in India.
- **State Medical Councils (SMC):** Each state will establish their respective SMC within three years which will have a role similar to the NMC, at the state level.
- **Medical Advisory Council (MAC):** It will provide platform to states/union territories to express their views and concerns before the NMC and help in shaping the overall agenda, policy and action relating to medical education and training.
- **Four Autonomous Boards** under supervision of NMC:
 - **Under-Graduate Medical Education Board (UGMEB)**

- Post-Graduate Medical Education Board (PGMEB)
- Medical Assessment and Rating Board (MARB)
- Ethics and Medical Registration Board
- **Uniform National Eligibility-cum-Entrance Test (NEET)** will be conducted for admission to under-graduate medical education in all medical institutions regulated by the Bill.
- **National Licentiate Examination** for the students graduating from medical institutions to obtain the license for practice and admission into post-graduate courses at medical institutions.
- **Bridge course-** It allows practitioners of homoeopathy and Indian systems of medicine to prescribe allopathic medicine upon completion of a course.
- **Ease of regulation:** Medical colleges will need permission only once for establishment and recognition, with no need for annual renewal. Colleges can also increase the number of undergraduate seats and start postgraduate courses on their own.

- The new law conforms to the **Beijing Protocol, 2010** of the International Civil Aviation Organisation (ICAO) provides for **stringent measures**.
- **Ensures to deal with civilian aircraft being used as a weapon** of mass destruction by terrorists.
- The ICAO, a **UN body**, creates regulations for **aviation safety, security, efficiency and regularity and environmental protection**.

Amendments

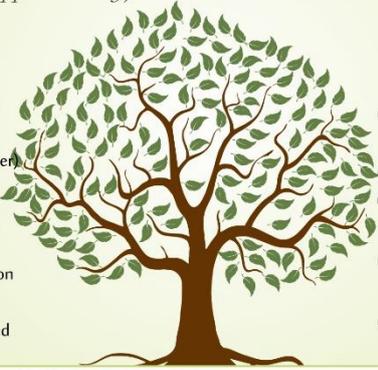
- Provision of capital punishment in the event of death of **"any person"** including ground staff
- The **definition** of hijacking has been **expanded** to include: (i) attempt and abetment of hijacking; (ii) making a credible threat to commit hijacking; (iii) organising or directing others to commit hijacking; (iv) agreeing with another to commit the offence, and acting on the agreement; etc.
- The law empowers concerned security forces to **immobilize** an aircraft or **prevent** its take-off.
- The Indian Air Force can scramble its fighters to **intercept** a hijacked aircraft and **force it to land**.
- A hostile plane could be **shot down** in likelihood of it being used as a missile.

9.5. ANTI-HIJACKING ACT, 2016

Why in news?

- Anti-Hijacking Act, 2016 came into force replacing the 1982 law.

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<p style="font-weight: bold; color: #c00000;">Duration: 90 classes (approximately)</p> <p style="background-color: #fff9c4; padding: 2px; font-weight: bold; color: #000080;">4th Dec 9 AM</p> <ul style="list-style-type: none"> ☞ Includes comprehensive coverage of all the major topics for GS Prelims ☞ Includes All India Prelims (CSAT I and II Paper) Test Series ☞ Our Comprehensive Current Affairs classes of PT 365 (Online Classes only) ☞ Access to LIVE as well as Recorded Classes on your personal online student platform ☞ Includes comprehensive, relevant & updated study material for prelims examination 	<p style="font-weight: bold; color: #c00000;">Duration: 110 classes (approximately)</p> <p style="background-color: #fff9c4; padding: 2px; font-weight: bold; color: #000080;">21st Nov 1 PM</p> <ul style="list-style-type: none"> ☞ Includes comprehensive coverage of all the four papers for GS MAINS ☞ Includes All India GS Mains and Essay Test Series ☞ Our Comprehensive Current Affairs classes of MAINS 365 (Online Classes only) ☞ Access to LIVE as well as Recorded Classes on your personal online student platform ☞ Includes comprehensive, relevant & updated study material
	
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10. POLICIES/SCHEMES

10.1. NATIONAL SPORTS TALENT PORTAL

- The Government of India launched the National Sports Talent Search Portal.
- It is an initiative of the **Ministry of Youth Affairs and Sports in order to attract sporting talent from across the country.**
- The portal is also available as a Mobile App, which can be downloaded on the smartphones.
- All interested citizens can apply online using the portal for various schemes of the Sports Authority of India (SAI) through a three step simple process.
- Eligible youth will be called for selection trials. The admission to the schemes will be subject to fulfillment of the eligibility criteria and battery of tests as well as skill tests.

10.2. KHELO INDIA

Why in news?

- The Union Cabinet has approved the revamped 'Khelo India-National Programmer for Development of Sports' scheme.

Background for Khelo India

- The Khelo India Programme was launched in 2016 by subsuming three different scheme into one namely: Rajiv Gandhi Khel Abhiyan (RGKA), Urban Sports Infrastructure Scheme (USIS) and National Sports Talent Search Scheme (NSTSS).

Objectives of the Programme

- This programme strives to promote **"Sports for All"** as well as **"Sports for Excellence."**
- It aims at mainstreaming sport as **a tool for individual development, community development, economic development and national development.**
- It aims at impacting the entire sports ecosystem, including infrastructure, community sports, talent identification, coaching for excellence, competition structure and sports economy.
- The programme also aims at engaging youth living in disturbed and deprived areas, in sporting activities, to wean them away from unproductive and disruptive activities and mainstream them in the nation-building process

- It also aims at creating an active population with healthy lifestyle.

Olympic Task Force

- In the background of performance of Indian Sportspersons in 2016 Olympic Games, Prime Minister has announced formation of Olympic Taskforce in 2016 to prepare a plan for **effective participation of Indian Sportspersons in next three Olympics** i.e. – 2020, 2024 and 2028.
- Major suggestions of the OTF are-
 - **Restructuring the role of Sports Authority of India (SAI)** from just a facilitator to being a provider of training and preparation of elite athletes, providing **full financial autonomy etc.**
 - Sports person should be considered **active only till the age of 28 years**, after which they should be "reskilled" as a **Coach or referee**, depending on their national ranking.

Salient Features of the Program

- **Pan India Sports Scholarship Scheme** – This would cover 1,000 most talented young athletes each year across select sports disciplines. Each athlete selected under the scheme shall receive an annual scholarship worth Rs. 5.00 lakh for 8 consecutive years.
- **Sports Hub at the University Level** – 20 universities across the country are to be promoted as sporting hubs which would enable talented sports persons to pursue the dual pathway of education and competitive sports.
- **National Fitness Drive** - The Programme would cover about 200 million children in the age group of 10-18. It will not only measure the physical fitness of all children in the age group, but also support their fitness related activities.
- **Use of Latest User-friendly Technology** – Latest technology shall be used in all aspects of sports promotion such as, use of mobile apps for dissemination of sports training; National Sports Talent Search portal for talent identification; interactive website for indigenous sports; GIS based information system for locating and using sports infrastructure, etc.

10.3. TARGET OLYMPIC PODIUM

- Ministry of Youth Affairs and Sports (Department of Sports) have formulated 'NSDF Target Olympic Podium (TOP) Scheme' in the National Sports Development Fund (NSDF).
- The objective of the scheme is to identify and support potential medal prospects for 2016 and 2020 Olympic Games.
- Focused disciplines will be Athletics, Archery, Badminton, Boxing, Wrestling and Shooting.
- The selected athletes will be provided financial assistance for their customized training at Institutes having world class facilities and other necessary support. Benchmark for selection of athletes under the scheme will be in relation to international standards.

10.4. E-SAMIKSHA

Why in news?

Central government departments have been asked to work out specific targets to be achieved by 2022 which will be monitored by PM under **e-Samiksha platform**.

E-Samiksha

- E-Samiksha is an **online monitoring and compliance mechanism** developed by Cabinet secretariat with technical help from National Informatics Centre.
- It is used for **tracking the progress on projects** & policy initiatives and follow up actions of various ministries by cabinet secretary and Prime Minister on a **real-time basis**.
- An **E-Patrachar** facility has been launched which sends meeting notices and agendas, circulars, letters, etc. through e-mail and SMS, thus promoting the maxim of '**Minimum Government and Maximum governance**'.
- E-Samiksha portal is designed to **enhance efficiency, bring transparency, increase accountability, and improve the communication** between Government to Government, Business to Government and vice versa.

10.5. PUBLIC FINANCE MANAGEMENT SYSTEM

Why in news?

Government has recently made the use of Public Finance Management System (PFMS) mandatory to monitor all Central Sector Schemes.

What is PFMS?

- It is a web-based software application developed and implemented by the Office of **Controller General of Accounts (CGA)**.
- Its coverage includes Central Sector and Centrally Sponsored Schemes as well as other expenditures including the Finance Commission Grants.
- It acts as a **financial management platform** for government schemes as well as a payment cum accounting network. It is further integrated with the core banking system and has an interface with 170 Banks across the country including the Reserve Bank of India (RBI).

10.6. MISSION ANTYODAYA

Why in News?

Department of Rural Development released the ranking of Gram Panchayats under Mission Antyodaya.

Context

- **Article 243G of the Indian Constitution** mandates preparation of plans for economic development and social justice by Panchayats and through this process Panchayats are expected to evolve into institutions of local self-governance.
- However, due to multiple layers of planning, administration and resource allocation to tackle deprivations, the efforts are often dispersed in time and space, leading to suboptimal results.

What is Mission Antyodaya?

Mission Antyodaya is an accountability and convergence framework for transforming lives and livelihoods on measurable outcomes.

- Convergence and Saturation**
 - Convergence of programmes/ schemes with HH/ GP as unit
 - Simultaneous interventions to tackle multidimensionality of poverty
 - Saturation approach- REGION & NEED SPECIFIC
 - Many departments working together, improved access to infrastructure and public services
- Focus on Raising Income**
 - Thrust on raising income of deprived households through sustainable economic activity and diversified livelihoods
 - Organize women and youth - social capital
 - Linking micro-enterprises to markets - scale
- Institutional Strengthening**
 - Professionals, Institutions and Enterprise as drivers of major transformation.
 - Platform for Community, PRIs, Civil Society, Corporates
- Integrated Monitoring Dashboard**
 - Measuring Outcomes against baseline for defined indicators
 - Data shared through APIs for integrated view to stakeholders

Ranking of Gram Panchayats

- The broad parameters used are-
 - Infrastructure Parameters
 - Economic development and Livelihood
 - Health, nutrition and sanitation
 - Women Empowerment
 - Financial Inclusion
- Tellapur gram panchayat in Telangana has been found to be the best village in the country followed by Parapatla in Andhra Pradesh.
- The most developed panchayats include 33 from Andhra Pradesh and 21 in Tamil Nadu.
- Just 7 Gram panchayats from north India figure among the top 83 panchayats.
- The Mission aims to transform 5000 rural clusters/50,000 gram panchayats through cluster specific sustainable livelihood development.

Framework for Implementation for Mission Antyodaya

- The framework makes use of Information & Communication Technology to ensure that the benefits reach those who are most deserving as per SECC Data.
- Through a robust Management Information System linked to schemes data bases, it would be possible to ensure end-to-end targeting against defined set of indicators to measure progress against the base line.
- Over 25 Departments and ministries of central and state governments will be participating in this mission.
- The data from different schemes would be put in public domain for complete transparency.
- The states have selected Gram Panchayats (GPs)/clusters which are either GPs with achievements like ODF, crime/dispute free GPs award winning GPs, or are covered under other schemes.

Key Processes under Mission Antyodaya

- Carry out baseline survey of households and monitor the progress periodically.
- Ensure convergence of programmes/schemes targeted towards development of rural areas.
- Institutionalize partnerships at Gram Panchayat/cluster between PRIs, community organizations, NGOs, SHGs, institutions and field level functionaries of different departments (e.g., ASHA workers, Anganwadi Workers, etc.)
- Promote enterprise through partnership with institutions and professionals.

10.7. INITIATIVES FOR NORTH-EAST

10.7.1. NITI FORUM FOR NORTHEAST

- Task assigned to the forum-** Identifying various constraints in the way of accelerated, inclusive and sustainable economic growth of the eight states of the north-eastern region (NER) of India and recommend suitable interventions for the same. It will also review the development works in the NE.
- Constitution-** It will be co-chaired by the Vice-Chairman of NITI Aayog and Minister of State, Ministry of Development of North-eastern Region (DoNER).
 - The chief secretaries of all the eight states of the NER will be members of the forum. It will also have representations from various ministries.

10.7.2. NORTH EAST RURAL LIVELIHOOD PROJECT

- It is a **central sector externally aided multi-state project** which was launched in 2012 with World Bank assistance.
- It is being implemented in four states – **Mizoram, Nagaland, Tripura and Sikkim** with an aim of assisting over 10,000 Self Help Groups which would further benefit over 3 lakh households.
- The project has four major components namely – Social empowerment, Economic empowerment, Partnership development and management and Project Management

Objective of the project

- Creating **sustainable community institutions** for development of women, youth and community and strengthening existing ones (SHGs and youth groups etc.).
- Capacity building for **self-governance, bottom up planning, democratic functioning** with transparency and accountability.
- Increasing **economic and livelihood opportunities** especially tribal and non-tribal groups in remote areas.
- **Developing partnership of community institutions** for natural resource management, microfinance, market linkages etc.

10.7.3. NORTH EAST CALLING FESTIVAL

About the Festival

- The “North East Calling” Festival is an event to promote the **art, culture, heritage, cuisine, handicrafts, business and tourism** of North East India.
- This Festival has been organised by the MoDNER’s “**Destination North East**”.
- On the occasion the Minister also launched
 - **North East Venture Fund** as a joint venture of Ministry of DoNER and **North Eastern Development Finance Corporation** to attract young entrepreneurs in North East region.
 - **North East Tourism Development Council** with the objective to promote **sustainable tourism** in North East India.

Destination North East

- It is an event which is being organised to promote North East Region through Business Summit, exhibition stalls showcasing best of North Eastern Features and attract investment in tourism, skill, start-up, handloom and handicrafts, horticulture, medicinal and aromatic plants.
- Destination North East is one of the steps taken by MoDNER towards assimilation with rest of the country and its diversity.

North Eastern Development Finance Corporation

- It is a Public Limited Company registered under the Companies Act 1956 in August 1995.
- It provides financial assistance to micro, small, medium and large enterprises for setting up industrial, infrastructure and agri-allied projects in the North Eastern Region of India and also Microfinance through MFI/NGOs.

10.7.4. NORTHEAST SPECIAL INFRASTRUCTURE DEVELOPMENT SCHEME

- It is a **central sector scheme** with **100% funding** by Union government launched to fill the gaps in creation of infrastructure under following sectors:
 - **Physical infrastructure** relating to water supply, power, connectivity and specially the projects promoting tourism;
 - **Infrastructure of social sectors** of education and health.

10.7.5. NON-LAPSABLE CENTRAL POOL OF RESOURCES SCHEME (NLCPR)

- It is an accrual of the unspent balance of the mandatory 10% budgetary allocation for the North-Eastern Region of the Ministries/Departments. It was created in 1997-98, with a funding pattern of 90:10, to
 - Ensure **speedy development of NER** by increasing the targeted flow of budgetary resources.
 - Finance **social and physical infrastructure projects** pertaining to subjects in the Union and Concurrent Lists of the Constitution.
- It is utilized by the Ministry of Development of North Eastern Region (DoNER) under the two Schemes of **NLCPR – State** (fund the priority projects of North Eastern States) and **NLCPR-Central** (funds projects of national and regional importance by the central ministries).
- Recently a NLCPR - Central funded **Tuerial Hydro Electric Project** was inaugurated in Mizoram.

10.7.6. CENTRAL CAPITAL INVESTMENT SUBSIDY SCHEME

- To promote the **North Eastern Industrial and Promotion Policy, 2007** central government introduced the **Central Capital Investment Subsidy Scheme in 2007**.
- It promotes **development of new industrial units as well as existing ones**.
- It provides a **subsidy of 30% on the capital investment** in Plant and Machinery or any additional investment.

North Eastern Industrial and Promotion Policy (NEIPP)

- NEIPP was launched in 2007 with a view to boost industrialisation in NER. It is the revision of North East Industrial Policy, 1997.
- It covers the entire NER and comprise of following benefits:
 - Central Capital Investment Subsidy Scheme, 2007
 - Central Interest Subsidy Scheme
 - Central Comprehensive Insurance Scheme
 - Excise Duty exemption on value addition basis
 - 100% Income Tax exemption for a period of 10 years.

10.8. UMANG APP**Why in news?**

Government has recently launched **UMANG or Unified Mobile Application for New-age Governance** app.

Highlight

- It aims to build a common, unified platform and mobile app to facilitate single point of access for government services (centre, state and utility services) through mobile.
- It is a **multi-utility app** and integrates with other core government services of Aadhaar, DigiLocker, Rapid Assessment System, and Bharat Bill Payment System etc. and supports 13 Indian languages
- It has been developed by the **Ministry of Electronics and Information Technology (MeitY)** and **National e-Governance Division (NeGD)**.

10.9. GOVERNMENT E-MARKETPLACE (GEM) 3.0**Why in news?**

Government has announced launching of GeM 3.0.

More about the news

- GeM 3.0 would offer standardised and enriched catalogue management, powerful search engine, real time price comparison, user rating, advanced MIS and analytics.
- A **Special Purpose vehicle** for Government e-Marketplace (**GeM SPV**) was also formed under Section 8 of the Companies Act, 2013, for providing procurement of goods & services required by Central & State Government organizations
- **National Sellers On-boarding Campaign** has also been launched to train sellers/ service providers for transition from GeM 2.0 to GeM 3.0.

GeM

- Government E-Marketplace, initially launched in 2016, is an **Online Market platform** to facilitate procurement of goods and services by various Ministries and agencies of the Government. Till date, 17 states have signed an MoU to be part of the GeM.
- It has been envisaged by Government of India as the **National Procurement Portal of India**.
- It is directly monitored by the PMO office.
- GeM makes the process more transparent and efficient with complete security features due to e-sign at various stages. It also enables the government buyers to procure make in India and small scale industries goods very easily.

11. MISCELLANEOUS

11.1. INTERNATIONAL COMPARISON PROGRAM

- India is participating in the current phase of International Comparison Programme (ICP) with reference to 2017.
- ICP is a global statistical initiative led by **World Bank** under the auspices of the **United Nations Statistical Commission**.
- It supports inter-country comparisons of Gross Domestic Product (GDP) and its components, in terms of PPP (Purchasing Power Parity).
- The data collection of prices in rural and urban areas will be taken **up by Ministry of Statistics & Programme Implementation (MOSPI)** all over the country.

11.2. NATIONAL REGISTER OF CITIZEN

Why in news?

State of Assam published the first draft of updated National Register of Citizen (NRC).

About National Register of Citizen

- NRC contains the **names of bona fide Indian Citizens** (of Assam) that distinguish them from the foreigners.
- NRC is now being updated in a time bound manner to incorporate Assam Accord of 1985 in order to tackle the **issue of illegal immigration from Bangladesh**.
- The NRC will include names of person or their descendants whose name appear in NRC 1951 or any of the Electoral Rolls up to the midnight of 24th March 1971.

Related Information

Section 6a of the Citizenship Act 1955 was added after amending citizenship act in 1985 to accommodate the Assam Accord. It gave citizenship to all migrants from Bangladesh who came to Assam till the midnight of March 24, 1971, while the cut-off date for the rest of the country is July 19, 1948.

11.3. 2016 INDIAN EXCLUSION REPORT (IXR)

- The 2016 Report released by **Center of Equity Studies** reviews exclusion with respect to four public goods: pensions for the elderly,

digital access, agricultural land, and legal justice for undertrials.

- Most severely and consistently excluded from provisioning tend to the same historically disadvantaged groups: Dalits, Adivasis, Muslims, and persons with disabilities and age-related vulnerabilities.

11.4. UN-PUNJAB COLLABORATION ON DRUG MENACE

Why in news?

- MoU will be signed between the Punjab's Health Department, a Special Task Force (STF) and the UNODC (United Nations office on Drugs and Crime) to root out drug menace.

About UNODC

- It fights against illicit drugs and international crime by enhancing capacity of member states, undertaking research to increase knowledge and assisting states in implementing relevant treaties.
- Almost 90% of its budget comes from voluntary contributions, mainly from Governments.

Strategy to combat drug abuse

- Improving law enforcement to control supply of drugs.
- Preventive action at the district level by involving students in the anti-drug awareness drive and by involving mothers as it has proved successful in other countries.
- Rehabilitation which is being overseen by the Health Department.

11.5. GLOBAL INDEX OF COUNTRIES

Why in News?

- OECD's Government at a Glance report states that 73 per cent Indians have faith in their government which is third highest in the world.

Highlight of report

- It show people **confidence** in their government and faith of people in government ability to effectively deliver public services and protect its citizens from risk.

- Index is topped by Switzerland (80%) while Greece is at the bottom (13%).
- It would further help in improving India's ranking in ease of doing business, as report confirms government stability and reliability.

OECD

- Organisation for Economic Co-operation and Development (OECD), established on Dec. 14, 1960, is a group of 34 member countries that discuss and develop economic and social policy.
- OECD members are mostly highly developed democratic economies, that support free market economies
- OECD maintains a "**black list**" of nations that are considered uncooperative tax havens.
- It publishes ECONOMIC OUTLOOK, twice in a year.

11.6. MERGER OF NCRB WITH BPRB

Government has recently notified the merger of National Crime Records Bureau (NCRB) with Bureau of Police Research and Development (BPRD).

- NCRB is an attached office to the Ministry of Home Affairs which was established in 1986 to empower Indian Police with the power of information Technology solutions and criminal intelligence to enforce the law effectively.
- BPRD was established in 1970 as a national police organisation to study, research and develop on subjects and issues related to policing.

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