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Classroom Study Material

**POLITY**

(September and October)

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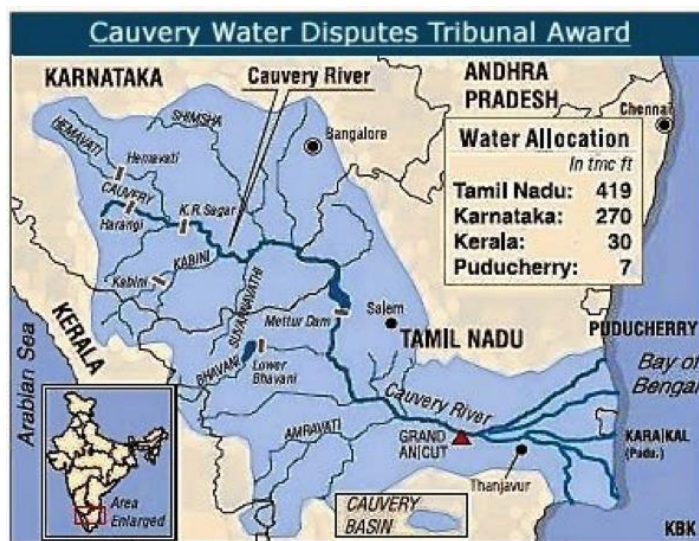
# 1. CENTRE STATE RELATIONS

## 1.1. INTERSTATE WATER DISPUTE

### 1.1.1. CAUVERY WATER ISSUE

#### Why in news?

- In August this year, the Tamil Nadu government showed a deficit of 50.0052 tmcft (thousand million cubic feet) of water released from Karnataka reservoirs, as directed by the CDWT.
- Tamil Nadu sought the apex court's intervention saying its farmers needed the water to begin cultivating samba crops.
- On September 5, the Supreme Court ordered the Karnataka government to release 15,000 cusecs of water a day for 10 days, to Tamil Nadu. This led to widespread protests and bandhs in Karnataka.
- The Karnataka government's stand was that the water could not be released due to drought conditions in South Karnataka.
- On September 22 two Houses of the Karnataka legislature unanimously passed a resolution stating that "it is imperative for the State government to ensure" that no water is drawn from the four reservoirs in the Cauvery basin "except for drinking water requirements of villages and towns in the Cauvery basin and for the entire city of Bengaluru."



#### Background

- As per 1924-agreement, Cauvery river water is distributed as 75% with Tamil Nadu and Puducherry, 23% to Karnataka and remaining to go to Kerala.
- In 1974, Karnataka (Mysore) asserted that the 1924 agreement entailed a discontinuation of the water supply to Tamil Nadu (Madras) after 50 years.
- Karnataka demanded that the river water should be divided according to international rules, i.e., in equal portions.

#### Cauvery waters tribunal

- Owing to Tamil Nadu government's appeal to the Central government 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.
- It concluded that the water availability in Cauvery stood at 740 tmcft. (*Divisions between states are shown in the infographic*).

#### Issue

- Endless cycle of sporadic litigation and ad hoc adjudication: Both Karnataka and Tamil Nadu continue to avoid any mutual engagement to share the shortfall during distress years.
- The Cauvery Water Disputes Tribunal, which gave its award in 2007, has asked the parties to share the deficiency on a pro rata basis.

#### Geographical factors

##### Karnataka

- **Deficiency in monsoon rainfall and less water due to el nino and 2yr drought is the main reason.** Karnataka had 18 percent short of normal rainfall.
- **Inefficient use of land:** Karnataka is cultivating large-scale water-intense crops such as sugar cane, despite their soil's dry-land-farming qualities.

##### Tamil Nadu

- Tamil Nadu is present on the leeward side of western ghat for SW monsoon and receive majority of its rainfall via N-E Monsoon.

- **Weak implementation of award:** Due to absence of a 'Cauvery Management Board' and a **Regulatory Authority**, which the Tribunal had wanted created to oversee implementation.
- **Supervisory Committee:** After notifying the final award in 2013, the Union government set up a Supervisory Committee (not independent Cauvery Management Board) comprising officials from the Union government and the Central Water Commission and representatives of both States. The court has now asked Tamil Nadu to approach the committee, which will decide on further releases.
- Excessive complication of the matter is due to regional politics and delayed judicial proceedings.
- Tribunal award has been criticized for ignoring the fact that ground water in the river basin is more in lower riparian state and less in the upper riparian state while assessing water availability.

#### What needs to be done?

- Ideally, any distress-sharing formula should come from a technical body and not courts. Thus a **Cauvery Management Board and Regulatory Authority** can be set up:
  - ✓ Once it is set up, all the Cauvery reservoirs in Karnataka will come under the control of the board and the state will lose its rights over the management of water.
  - ✓ It will take decisions on water usage and distribution.
  - ✓ It will also see to it that states ensure proper hydraulic structures at relevant sites. It will determine the amount of water to be received by the states.
  - ✓ **During Bad Monsoons:** The Board will ensure adequate storage by the end of May each year during good years. This will help during delays in the onset of monsoons.
    - In case of consecutive bad years, the Board will handle the issue appropriately by distributing water in a planned manner with minimum distress.
- Attempts to resolve dispute have focused mainly on resource sharing while ignoring equity and efficiency issues.
  - ✓ In a world of depleting water resources, fewer crop seasons and lower acreages, a resort to less water-intensive crops and better water management hold the key.
  - ✓ In the longer term there is need to devise a sustainable agricultural solution for the Cauvery basin, as the river does not seem to have the potential to meet the farming requirements of both sides.
  - ✓ Different types of irrigation like drip irrigation, sprinkler systems etc. should be adopted widely.
  - ✓ Re-Visiting MSP Policies esp. w.r.t. Water Intensive Food Crops
  - ✓ Crops should be planted according to Agro-Climatic conditions.
- **River basin planning:** Stakeholder states should plan collectively for the whole river basin. As the Cauvery basin is overdeveloped and legal instruments are insufficient to address the recurring water crisis.
- Non-political initiatives, such as the '**Cauvery Family**', a body formed a few years ago covering farmers of both States, could help co-operation between farmers.
- **Data:** Transmission of quick and accurate information — rainfall to reservoir storage — could help dispel the current mistrust among the different stake-holders.

### 1.1.2. KRISHNA WATER DISPUTES TRIBUNAL II VERDICT

#### Why in news?

- The Krishna Water Disputes Tribunal II headed by Justice Brijesh Kumar has turned down the demands of AP and Telangana regarding their demand for redistribution of the Krishna river water among the four riparian states, including Karnataka and Maharashtra.

#### Background

- Krishna Water Disputes Tribunal (KWDT I) was set up by the Central Government in 1969 under the Interstate River Water Disputes Act, 1956 to resolve the disputes between the states of Karnataka, Maharashtra and then undivided Andhra Pradesh over sharing of Krishna river water.
- The KWDT I (Bachawat commission) in its final award in 1973, divided the share of water between the three states as **Andhra Pradesh, Karnataka and Maharashtra.**
- In April 2004, KWDT II, was constituted by the Government of India following requests by all three states mainly over the issue of Alamatti dam height issue.

- The KWDT II gave its draft verdict on 31 December 2010. The KWDT II set the next review of water allocations after the year 2050.

#### What is the current case?

- Andhra Pradesh and Telangana in their current petition have sought fresh allocation of Krishna River water among all four riparian states.
- According to them, **Section 89** in the Andhra Pradesh Reorganisation Act, 2014 calls for redistribution of Krishna water among all the four riparian States not just between both of them.

#### The judgment

- The tribunal observed that the **section 89 of AP reorganisation act 2014 was not applicable to Maharashtra and Karnataka.**
- Allocations made on the basis of water utilisations outside the Krishna basin were valid on historic grounds.
- **AP and Telangana have to share water that was allocated to the undivided AP**, nothing more or nothing less.
- A claim made by Telangana that AP was bifurcated because of inequitable allocation of the Krishna river water was thrashed by the tribunal.
- The tribunal said that AP was divided not because of unequal distribution of water, but to fulfill the political aspirations of the people of TG.

#### Way forward

- One solution can be to bring water under concurrent list and according to Mihir shah report central water authority can be constituted to manage rivers.
- Centre can play the role of impartial arbitrator. This role cannot be done by courts as this is a political question with political consequences.
- A Parliamentary Standing Committee on Water Resources too has stated the need for bringing the subject in the Concurrent List.
- It also urged the Centre to initiate “earnest” efforts to build a national consensus for bringing water in the Concurrent List of Constitution so that a comprehensive plan can be prepared for water conservation.

## 1.2. WESTERN ZONAL COUNCIL MEETING

#### Why in news?

- The 22nd meeting of the Western Zonal Council was held in October, 2016 under the Chairmanship of Union Home Minister.
- The Zonal Councils are mandated to discuss and make recommendations on economy and social planning, border disputes, inter-State transport and linguistic minorities related issues.

#### Significance

- Zonal councils help to develop the habit of cooperative working among these States. Various aspects and agenda discussed in the meeting will enhance the comity between the states.
- The zonal councils also facilitate to create healthy inter-State and Centre-State environment with a view to solving inter-State problems and fostering balanced socio economic development of the respective zones.

#### About Zonal Council

- The idea of zonal councils emerged during the course of debate on the report of the States Re-organisation Commission 1956.
- In the light of the vision of Pandit Nehru, five Zonal Councils were set up under the States Re-organisation Act, 1956. (Zonal councils are **not** constitutional bodies, they are statutory bodies)
  - ✓ The Northern Zonal Council
  - ✓ The Central Zonal Council
  - ✓ The Eastern Zonal Council

- ✓ The Western Zonal Council
- ✓ The Southern Zonal Council
- The North Eastern States i.e. (i) Assam (ii) Arunachal Pradesh (iii) Manipur (iv) Tripura (v) Mizoram (vi) Meghalaya and (vii) Nagaland (viii) Sikkim are not included in the Zonal Councils and their special problems are looked after by the **North Eastern Council**, set up under the North Eastern Council Act, 1972.

### 1.3. EK BHARAT SHRESHTHA BHARAT INITIATIVE

#### Why in news?

“Ek Bharat Shreshtha Bharat” was launched by Hon’ble Prime Minister recently.

#### About the Initiative

- It is an **innovative measure that will lead to an enhanced understanding and bonding between the States** through the knowledge of the culture, traditions and practices of different States & UTs, for strengthening the unity and integrity of India.
- All States and UTs will be covered under the programme.
- According to the scheme, **two states** will undertake a **unique partnership for one year** which would be marked by cultural and student exchanges. **6 MoUs** between two States each were also signed on the occasion of launch, under this initiative.
- Students of a particular state would travel to another state to learn each other's culture.
- **District level pairings will also be done** and it would be independent of the State level pairings.
- The activity will be very useful to link various States and Districts in annual programmes that will connect people through exchanges in areas of culture, tourism, language, education trade etc.
- Citizens will also be able to experience the cultural diversity of a much larger number of States/UTs while realising that India is one.

#### Objectives of Ek Bharat Shreshtha Bharat

- To **celebrate** the Unity in Diversity of our Nation and to maintain and strengthen the fabric of traditionally existing emotional bonds between the people of our Country.
- To **promote** the spirit of national integration through a deep and structured engagement between all Indian States and Union Territories through a year-long planned engagement between States.
- To **showcase** the rich heritage and culture, customs and traditions of either State for enabling people to understand and appreciate the diversity that is India, thus fostering a sense of common identity.
- To **establish** long-term engagements and to create an environment which promotes learning between States by sharing best practices and experiences

#### Significance

- The idea of Ek Bharat Shreshtha Bharat will help in building a better nation through by enabling people to imbibe the innate chord of binding and brotherhood.
- It will help to induce a sense of responsibility and ownership for the nation as a whole through these close cross-cultural interactions.

#### Conclusion

Although it is still unclear about the specific provisions of the scheme, the idea sounds highly inspiring and futuristic. The government has formed a committee to work out the modalities of the scheme in consultation with the states.

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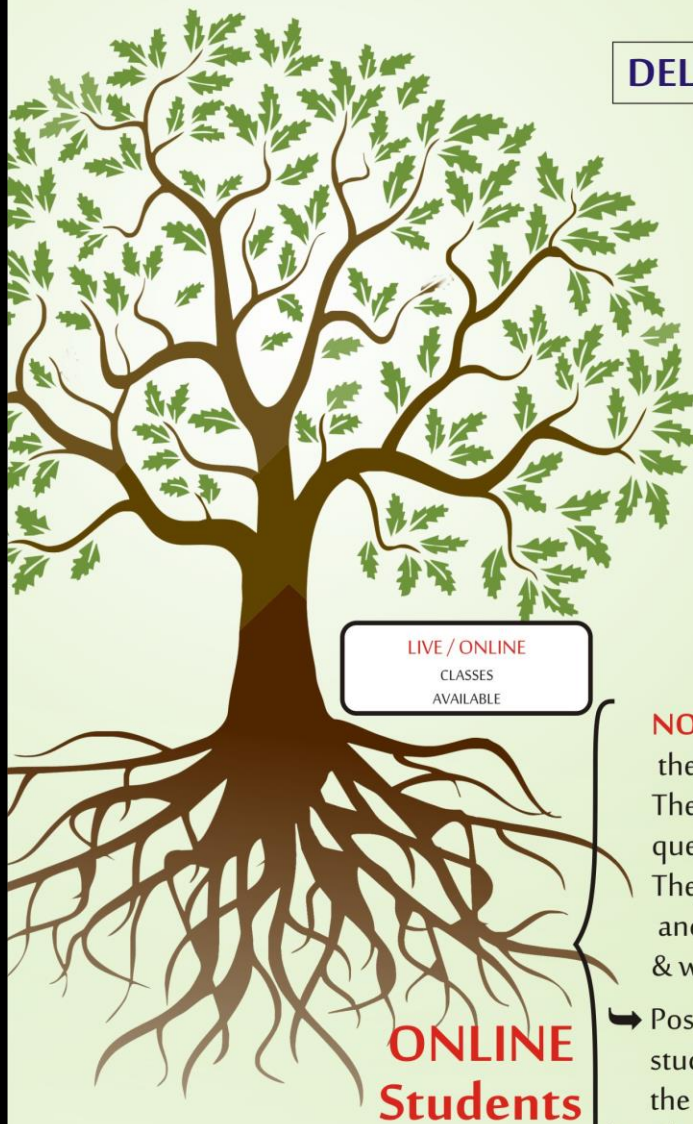
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## 2. ISSUES RELATED TO CONSTITUTION AND FUNCTIONING OF PARLIAMENT/ STATE LEGISLATURE

### 2.1. RELEVANCE AND SUITABILITY OF 'REFERENDUM'

#### Why in News

- The **Brexit referendum**, on whether Britain should stay in the European Union, concluded on June 23 with 52 per cent (of 72.2 per cent of the electorate that turned out) voting to "Leave".
- Recently, the **October 2 referendum** called by the **Colombian government** to ratify the accord with the Revolutionary Armed Forces of Colombia (FARC) resulted in a "No" vote favoured by 50.3 per cent of the less than 38 per cent of the electorate that turned out.
- Last year, in a **referendum on Scottish's stay in UK**, Scotland voted to remain with Britain in a close verdict.

#### Is it a right democratic tool?

In light of growing acceptance of referendums across the world, especially in western European countries, the demand to have referendums in India has also initiated.

#### Argument for

- It is a form of true democracy as it gives the power to the people directly.
- Referendums tend to add legitimacy to difficult legislative choices as it is more risky to take unpopular decisions without that stamp of legitimacy.
- Increasing demands for referendums (32 in 18 countries of EU) shows the growing frustration of people on various issues. Earlier this used to take the form of protests, uprising and even violence. Now, the change can be brought peacefully.

#### Argument Against

- **Tyranny of the majority:** For example in a referendum on whether to build mosque minarets in Switzerland in 2009, the people voted against building those. This was mainly because the majority of people were convinced that it was an Islamic invasion even though there were **just a total of 4** in the entire country.
- It reduces complex questions to simple 'yes or no' answers. Arguments without sufficient backing of evidences are enough to drive popular sentiments and demagoguery e.g. In Brexit, the popular opinion that migrants are responsible for their economic hardships made them vote. However, there wasn't evidence to support this argument.
- Many times key legislations may go against the popular opinion but the wisdom of the elected legislators could make them happen e.g. against racial discrimination, abolishing death penalty etc

#### Way Forward

- Decisions that profoundly affect not only the present but also succeeding generations should not be taken in a rush, or through one-time referendums.
- A mechanism can be developed that calls for referendums on select Bills and Acts based on a large quantum of public signatures seeking to vote on them. This could go a long way in not just sensitising the public towards important laws but also for a means of getting popular approval for them. E.g. a question on whether public welfare legislation like Aadhar should be made mandatory to avail social services could be put in a referendum.

#### What is a referendum?

- Referendums are instruments of direct democracy where citizens get to directly vote on specific and important issues rather than for representatives who will make a choice on their behalf on those issues.
- They are perceived to be a better democratic instrument especially in modern states where people have a better say in the decision making.

### 2.2. UNITED GROUP IN RAJYA SABHA

#### Why in news?

- Recently Vice-President of India formally recognised a **group of 22 MPs** belonging to parties with less than four MPs and certain independents as a consolidated block — **the United Group** in Rajya sabha.



## Background

- This is only the third time in the history of Indian Parliament that this is happening.
- In **1983**, the first such consolidated group was called **United Associations of Members** was recognised by the then Rajya Sabha Chairman.
- In **1990**, the then chairman of Rajya Sabha recognised **organised group of Parliamentarians** and was renamed as the United Group.

## Implications of the decision

- The united group will be the **third largest group** of MPs in the Rajya Sabha, after the Congress and the BJP.
- The group will find a place in the **Business Advisory Committee (BAC)** that decides time allotment.
- Time allotted to parties to speak on debates depends entirely on their strength in the House. Earlier due to their lean status numerically members of this bloc had **just three minutes of speech time**. Thus, the formation of the United Group would allow for enhanced deliberation and debates in the Rajya Sabha.

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- A current affairs classroom course of PT 365 & Mains 365 of year 2018/2019 (for students enrolling in 2019 program)



## 3. JUDICIARY

### 3.1. RIGHT TO CHOOSE

#### Why in news?

- Recently, Patna High Court in *the Confederation of Indian Alcoholic Beverage Companies v State of Bihar (2016)* holds the imposition of “prohibition” in Bihar as unconstitutional.

Right to Choose guarantees individuals the right to personal autonomy, which means that a person's decisions regarding his or her personal life are respected so long as he/she is not a nuisance to the society.

#### Background

- The Bihar government issued a notification under the Bihar Excise Act, 1915 banning the manufacture, sale, and distribution, as well as the possession and consumption of alcohol.
- It also reversed the burden of proof, requiring the accused to prove her innocence to avoid imprisonment.
- Supreme Court, however, has stayed the operation of the Patna High Court judgment, allowing the continuation of a draconian prohibition law in Bihar.

#### Significance of Patna High Court judgement

- For the first time, a constitutional court has addressed the question of imposition of prohibition in terms of its impact on the right to life and liberty of a citizen.
- This implies that the debate was not just about the right to business and trade of manufacturers and dealers, but individual liberty as well.

#### Concerns related to approach of SC vis-à-vis Right to Choose

- The Supreme Court’s jurisprudence on the scope of Right to life under Article 21 has largely been about incorporating socioeconomic rights contained in Part IV. But it has not focused on the individual’s right to determine what the “good life” itself is.
- There have been stray mentions of the right to choose by Supreme Court without fully articulating what they mean by it.
  - For instance, The Supreme Court overturned *Naz Foundation in Suresh Kumar Koushal v Naz Foundation* (2014), refusing to even engage with the argument that LGBTQ persons may have rights.
  - This after Delhi High Court’s judgement decriminalised voluntary homosexual acts on the premise (among other things) that it was a violation of the right to privacy of the individual, which is part of the right to life of a person. The right to privacy here is framed specifically in terms of choice of sexual partners.

#### Other judgements related to Right to Choose

- Bombay High Court, in *Shaikh Zahid Mukhtiar v State of Maharashtra (2016)*, struck down the sections of Maharashtra Animal Preservation Act, 1976, on the grounds that it is a breach of Article 21, specifically the right to consume food of one’s choice in private.
- Bombay High Court in *High Court on Its Own Motion v State of Maharashtra (2016)*, read in “choice” as a ground on which a woman may lawfully seek an abortion, even though the Medical Termination of Pregnancy Act, 1971 only permits abortions on the ground that the pregnancy might affect the mental health of the woman.

#### Way forward

- In its role as the ultimate arbiter of the rule of law and fundamental rights, it is time the Supreme Court re-examines its whole approach to Article 21.
- For instance, it can adopt a more straightforward approach to this issue, by reading a right to choose as something that is essential to leading a meaningful life.

### 3.2. SC DECISION ON SINGUR LAND PROJECT

#### Why in news?

- The Supreme court recently held that the land acquisition in Singur project **could not be said to be for a “public purpose”** and hence the land should be remitted back to farmers within 12 weeks.

#### Timeline of the issue

- **In 2006** it was announced that Tata would setup a car manufacturing unit to roll-out its Nano model for which close to 1000 acres of land would be allocated.
- **In 2008**, government acquired 997 acres of land in Singur, 40km from Kolkata, under the Land Acquisition Act 1894, under **“eminent domain principle and urgency clause”** for Tata Motors to build the Nano factory.
  - ✓ Massive demonstrations were held against the forcible land acquisition proposed for the project.
  - ✓ It became controversial because it was prime arable land that was forcibly acquired by the West Bengal government.
- **In 2008**, Calcutta high court upheld the acquisition of the land, holding it to be in the interest of the public and for public purpose. The Tatas moved the Nano project from West Bengal to Gujarat in the meantime to avoid judicial hassles.
- **In 2016**, the Supreme Court in an appeal overturned the decision and has ordered to return the acquired land to farmers in 12 weeks.

#### ‘Eminent domain principle’

Eminent domain is the right or power of a sovereign state to take private property for public use without the owner’s consent, after payment of just compensation.

#### Impact of the verdict on future land acquisition

- Although, this is a one off case and may not impact on a large scale in India but still its unclear if it will have detrimental effect on land acquisition and development in India.
- Supreme Court verdict gives emphasis on protecting individuals’ rights than development.
- The potential land reform amendments to make it easier for the government and companies to acquire land could meet even greater resistance now.
- The decision sets a precedent that land has to be acquired for public purpose and benefit and has to be proved.

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## 4. IMPORTANT ASPECTS OF GOVERNANCE/ TRANSPARENCY/ ACCOUNTABILITY

### 4.1. CIVIL SERVICE REFORMS

#### Why in news?

The paper, titled “**The Indian Administrative Service Meets Big Data**” was published recently. It also highlights about the need for immediate reforms should be brought about by the government.

#### Challenges

- **Flailing state of IAS**
  - ✓ Apex civil service is not functioning anywhere close to its highest capacity. A new report by a political consultancy rated that Indian bureaucracy as the most inefficient in Asia.
  - ✓ There are perverse incentives for career advancement, a lack of specialized expertise, and a perception of widespread corruption.
- **Declining Human Capital**
  - ✓ The government is finding it hard to lure young talent away from increasingly attractive private-sector opportunities.
  - ✓ The combination of rising average age and lack of advanced academic qualifications implies that many candidates spend a majority of their twenties preparing for and taking entrance examinations for the elite civil services.
- **Diminished Independence**
  - ✓ A deeply pervasive culture of political interference.
  - ✓ Short average tenure in posts. For example it is as low as six months in Uttar Pradesh.
- **Poor Incentives for Advancement**
  - ✓ Bias toward seniority in filling key posts reduces the ability of high-performing officers to swiftly obtain promotions. Even poorly performing officers are given promotion.
- **Lack of Specialization**
  - ✓ Some experts have questioned whether the IAS can continue to exist as a generalist service in a world that is increasingly complex and where domain knowledge has become more valuable.
- **Malfeasance**
  - ✓ Endemic political interference can lead to rent-seeking behavior even for honest officers, who might feel forced to comply with questionable demands from superiors for fear of being punished.
  - ✓ Furthermore, uncompetitive public-sector salaries encourage officers to make extra money while in office.
- **Status-quoist attitude:** Stiff resistance from incumbent IAS officers on civil service reform.

#### A Reform Agenda for the Civil Service

- **Transfers and Plum postings:** Central and various state governments should institute key safeguards to protect against arbitrary, politically motivated transfers and postings of civil servants.
- **Data:** The IAS should use data on civil servants’ abilities, education, and training when placing officers early in their careers. As officers gain experience, performance metrics can inform key decisions about promotion and allocation.
- **Lateral Exit:** The government should consider the proposal that officers deemed unfit for further service at certain career benchmarks be compulsorily retired through a transparent and uniform system of performance review.
- **State cadre:** State and central governments should discuss whether state cadres should be given greater latitude to experiment with increasing the proportion of local IAS officers and track their relative performance.

## 4.2. IMPROVEMENTS IN RTI

### Why in news?

- The Central Information Commission (CIC) now would function like an e-court with all its case files moving digitally and the applicant being alerted about case hearings through an SMS and email from September 2016.

### New Features in RTI

- Real time updates on filing a complaint or appeal under Right to Information (RTI) Act.
- As soon as an RTI applicant files an appeal or a complaint, he/she would be given a registration number and would get an alert on email and mobile phone about his case and progress.
- The case would then be electronically transferred immediately to the concerned information commissioner's registry electronically.
- CIC has already scanned 1.5 lakh files and converted them into electronic files.
- The Commission would also be able to separate complaints from the appeals.

### Impact of the changes

- **Currently**, the entire process of RTI takes a few days but after the changes are incorporated entire process would be done within hours.
- This would lead to faster hearings and more convenience.
- The facility would not only benefit the appellants but also information commissioners in quickly disposing off the cases.
- The changes could facilitate hearing of multiple appeals of the same person on a given day.
- It would directly impact in reducing pendency as more cases would be disposed in a day.

## 4.3. POLICE REFORMS

### Why in news?

Supreme Court of India in Youth Bar Association of India v Union of India and others, made it mandatory for the police to upload within 48 hours a First Information Report (FIR) drawn up by it suo motu or on a complaint.

### Background

- **Colonial legacy:** Police Act of 1861 has a managerial philosophy, which was based on distrust of the lower ranks in the organization. But in present also most of the states are following the same archaic Indian Police Act 1861 with few modifications.
- Police is an exclusive subject under the State List (List II, Schedule 7 of the Indian Constitution).
- Police have become the 'subjects' of Parliamentarians and legislators – with a high degree of politicization and allegiance towards ruling party.

### Seven directives regarding Police Reforms given in *Prakash Sinah case-2006*

#### THE SEVEN DIRECTIVES IN A NUTSHELL

##### *Directive One*

Constitute a State Security Commission (SSC) to:

- Ensure that the state government does not exercise unwarranted influence or pressure on the police
- Lay down broad policy guideline and
- Evaluate the performance of the state police

##### *Directive Two*

Ensure that the DGP is appointed through merit based transparent process and secure a minimum tenure of two years

##### *Directive Three*

Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) are also provided a minimum tenure of two years

##### *Directive Four*

Separate the investigation and law and order functions of the police

##### *Directive Five*

Set up a Police Establishment Board (PEB) to decide transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers above the rank of Deputy Superintendent of Police

##### *Directive Six*

Set up a Police Complaints Authority (PCA) at state level to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody and at district levels to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct

##### *Directive Seven*

Set up a National Security Commission (NSC) at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO) with a minimum tenure of two years.

## National Police Commission

During the period between 1979 and 1981, the NPC produced eight reports. Major recommendations were centered around the problem of insulating the police from illegitimate political and bureaucratic interference

### Benefits Of recent SC directive

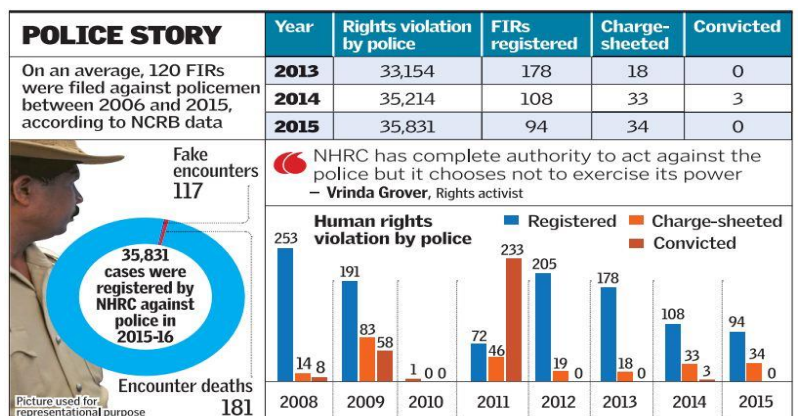
- **Protecting the accused**
  - ✓ Now he/she knows that he figures in an FIR.
  - ✓ He/ she will also know the allegations which formed the basis of his accusation.
- Makes it difficult for station house officers to ignore crime, a common practice adopted with a view to helping an offender
- Makes it difficult to dress police statistics up so that rise in crime is concealed.
- Will solve the problem of corruption involved in getting an FIR filed.

### Significance of police reforms

- The three greatest problems confronting the country today are:
  - ✓ The challenge of international terrorism,
  - ✓ The spread of maoist influence over vast areas of central india
  - ✓ The cancer of corruption.
- To tackle these problems we need a professional, well trained and equipped, highly motivated, and committed police force.
- The police are the first responders in the event of any terrorist attack or Maoist violence, and they are also the backbone of our intelligence, investigation and anti-corruption agencies.
- Economic progress cannot be sustained if we are not able to generate a safe and secure environment.
- The democratic structure may also crumble if we do not arrest the trend of criminals gaining ascendancy in public life.

### Problems

- Political interference
- Lack of internal and external accountability. (**Thomas committee** has shown that nearly all states have ignored **Prakash Singh case directives**.)
- **Numbers:** The global average ratio of police-population is 270 to 100,000, where it's 120 in India. With far less police – ill trained, ill-equipped and most of them are posted to protect the politicians, people of India are the least secure (most vulnerable) people in the world.
- **Criminal Investigation:** The important, but badly neglected, aspect of policing is criminal investigation. Standards have declined sharply in the last few years.
- **Human right violations:**
  - ✓ Compensation amount comes from public money, putting no burden on the policeman in question.
  - ✓ Convictions are few. In seven of the 10 years from 2006 to 2015, not a single policeman was convicted of human rights violations.
- Collection and analysis of preventive intelligence: Especially pertaining to terrorists and insurgents who pose a constant challenge to internal security.
- **Vacancies:** Central investigation agencies like the CBI, the National Investigation Agency (NIA) and the Enforcement Directorate continue to have huge vacancies
- Outdated arms and equipments: as seen in 26/11 attacks.
- Lack of proper training.



### Way forward

- Police are to give better security and protection to the people of the country, uphold their human rights and generally improve governance and attending to their grievances is dependent on the establishment of a police force, which is efficient, honest and professional to the core.
- Therefore the PM, at the Guwahati Conference of the Directors General of Police on November 30, 2014, enunciated the concept of SMART Police - a police which should be sensitive, mobile, alert, reliable and techno-savvy.
- Also the reforms package must include the establishment of statutory institutional arrangements,
- Insulating police force from outside illegitimate control and giving them functional autonomy.
- Once the police are given functional independence, they must be held accountable for the wrongs they do

The existing mechanisms of accountability must be strengthened and improved. In addition, new mechanisms, working independently to monitor the functioning of the police and to inquire into public complaints against the police, must be established.

#### **Accountability Mechanisms for Police:**

**Internal:** Police Act of 1861, the state governments' Police Acts and in rules laid down in state Police Manuals.

#### **External:**

- *Judiciary*
- *Human Rights Commissions:* holds the police accountable in cases of misconduct.
- *Non-government organizations and Media.*

## 4.4. PARITY ISSUES RELATED TO ARMY

**About the issue:** There are two kinds of inequalities around army:

- Between combat and non-combat officers
- Between military and civilian officers

### Combat vs Non-Combat officers

- The promotion of officers from combat support arms like engineers, logistics, signals etc are not at par with the promotions in combat services.
- In an unprecedented move, recently the Supreme Court ordered the army to pay financial compensation of Rs 20,000 to each of 141 officers from combat support arms, who continue being denied promotion despite a verdict from the apex court.
- The case relates to a discriminatory promotion policy instituted by the army in 2009, which the SC found biased in favour of officers from two arms — infantry and artillery — whose officers dominated decision-making during that period.

### Way forward

- There is a need to avoid a situation where officers refuse to serve in logistics due to low promotions there.
- Further, a less meritorious officer should not get precedence over other only for the reason that he is from combat arm. This is against meritocracy.

### Military vs Civilian Officers

- There is widespread disparity in the pay and allowances of officers. For example, the difference in the status and salary of an Army Brigadier and DIG of police has continuously reduced since third Central Pay Commission. Now, the Seventh CPC recommendation has placed a brigadier's allowances below those of the DIG. This is despite the fact that only 5% of army officers become brigadiers and that too after 26 years of service, whereas more than 90% of IPS officers become DIGs after 14 years.
- There are similar issues with respect to disability pension, non-functional upgrade etc.
- A lowered pay status compared to civilian counterparts with much less period of service leads to operational problems for the armed forces working in a multi-cadre environment as the civil authorities refuse to listen to them. This affects the morale of the forces and needs to be rectified.

### Suggestions

- Including the representatives of armed forces in Central Pay Commission or to constitute a separate Armed Forces Pay Commission



- An expert committee should be formed to inquire into the change in status and command and control issues of the armed forces, vis-a-vis the bureaucracy, and recommend course corrections in a time-bound manner. This is necessary to honour the military and give it what is rightfully theirs.
- In a latest move, the defence ministry has decided to have re-look over this matter.

#### 4.5. BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT ACT, 2016

##### Why in news?

- The Benami Transactions (Prohibition) Amendment Act will come into force on November 1, 2016.
- Following this, the existing Benami Transactions (Prohibition) Act will be renamed as the Prohibition of Benami Property Transactions Act (PBPT Act).

##### Background

- Benami Transactions (Prohibition) Act 1988 had several loopholes such as lack of proper implementation machinery, absence of appellate mechanism, lack of provision with centre for vesting confiscated property etc.
- The current government had introduced Benami Transactions (Prohibition) Amendment Bill in July 2016 in parliament. This bill has been now passed in both the houses of parliament and will come into effect from 1 November 2016.

##### Features of the bill

- **Objective:** The main aim is to route the unaccounted money into the financial system and seize Benami properties and punish those who are involved in these properties.
- The Act **defines benami transactions**, prohibits them and further provides that violation of the PBPT Act is punishable with imprisonment up to 7 years and fine.
- It also prohibits recovery of the property held benami from benamidar by the real owner.
- Properties held benami are liable for **confiscation by the Government without payment of compensation**.
- An appellate mechanism has been provided under the PBPT Act in the form of **Adjudicating Authority and Appellate Tribunal**.
- The Adjudicating Authority and the Appellate Tribunal have been notified on similar lines from **Prevention of Money Laundering Act, 2002 (PMLA)**.

##### Significance

- This law will have **long term impacts on real estate industry** in the country.
  - ✓ It will increase the practice of including the correct name in property transactions. This in turn would **bring transparency in residential market**.
  - ✓ The stringent law would also **bring down the prices of real estate** because such transactions are done by cash rich investors to park their unaccounted wealth in real estate.
- It will also **boost the confidence of lenders** esp banks and also private individuals.

#### 4.6. AWARD FOR CPGRAMS PERFORMANCE

##### Why in news?

- Government recently awarded the **Certificates of Appreciation** to the good performing ministries/Departments based on their performance in the Centralized Public Grievance Redress and Monitoring System (CPGRAMS).

##### Significance

- This is a great initiative for motivation towards redress of public grievances .as Grievance Redress Mechanism is part and parcel of the machinery of any administration.

- The grievance redress mechanism is the gauge to measure the efficiency and effectiveness as it provides important feedback on the working of the administration.
- The Public Grievances have jumped five-fold to 10 lakh complaints in 2015-16 over previous year.
- Award Scheme is expected to bring a sense of competitiveness in Ministries/ Departments to address public grievances.

#### What is CPGRAMS?

- The CPGRAMS is an online web enabled application to facilitate speedy redress of public grievances as it allows for online lodging and status tracking of grievances by the citizens.
- The system is flexible enough to be extended to multiple levels as per the requirement of concerned Ministry/Department/ Govt. Organization for speedy forwarding and redress of grievance.
- The Public Grievance Portal has evolved during the last few years aiming at the following objectives:
  - ✓ To serve as a platform for dissemination of information related to Public Grievances and to monitor the redress of these Grievances.
  - ✓ To enable the citizen to lodge and keep track of the status of his/her grievance online.
  - ✓ To enable Ministries/Departments/Organisations to scrutinize and take action without delay.
  - ✓ To reduce/eliminate physical forwarding of complaints to the Ministries/Departments Concerned.

### 4.7. BAN ON SHARING AADHAAR DETAILS

#### Why in news?

- The Union Government has banned agencies in possession of Aadhaar number to publish or post the information publicly to ensure that the details are not misused.
- The Unique Identification Authority of India (UIDAI) issued notification under the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and services) Act, 2016 regarding the same.
- The core biometrics that are fingerprints and iris scan along with bank details, form important sensitive information in Aadhaar.

#### Key takeaways

- The agencies under possession of Aadhaar details will have to **ensure security and confidentiality** of the 12-digit identification number.
- The biometric information collected by UIDAI **cannot be shared with anyone** for any reason whatsoever.
- The agencies will also have to inform Aadhaar holders the purpose for which their details will be used.
- Penalty has been prescribed for offences such as impersonation of the Aadhaar holder at time of enrolment, tampering with data and disclosing identity information under the Aadhaar act.

### 4.8. RECENT E-GOVERNANCE INITIATIVES

#### 4.8.1. WEB RESPONSIVE PENSIONER'S SERVICE PORTAL

#### Why in News?

- Finance Minister launched a new **Digital India** initiative, the Web Responsive Pensioner's Service Portal undertaken by the office of Controller General of Accounts.

#### What is it?

- This portal will help pensioner's access information relating to status of pension cases, and pension payments processed by Central Ministries/Departments and Banks.
- This portal will also serve as an effective platform for grievance redressal.
- It has been developed by the Central Pension Accounting Office.

## 4.8.2. EMPLOYEES ONLINE MOBILE APP

### Why in news?

- Recently, The Department of Personnel & Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions has launched Employees Online (EO) mobile App.

### Features of EO App

- IAS officers working across the country will be able to access details of their **Annual Performance Appraisal Reports, Immovable Property Returns**, postings, domestic and foreign training, among others, at their finger tip.
- The EO App will **reduce speculations regarding transfers and postings** in the Government of India
- It will also check on the number of repeated RTI applications filed by citizens to seek governance-related information as most of the details will be put online for public in a real-time basis.

EO App is a mobile application of the Department of Personnel & Training (DoPT) which would enable its users to stay updated on real time basis with appointments and postings approved by the Appointments Committee of the Cabinet (ACC) and vacancies at senior level in the Government of India.

### Significance

- EO App stands correct for the spirit of maximum Governance, minimum Government. It is another step towards transparency and e-governance.
- It will make the **system completely transparent** as all the relevant orders and notifications will now be instantly available in the public domain.

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## 5. ELECTIONS IN INDIA

### 5.1. REVIEW OF STATUS OF NATIONAL PARTY

#### Why in news?

- The Election Commission of India (EC) accorded national party status to the All India Trinamool Congress (TMC), making it the seventh party that can contest Lok Sabha and assembly polls across the country on its own symbol.
- Election Symbols (Reservation and Allotment) order was amended.
- TMC fulfilled conditions to qualify as a so-called state party in four states **West Bengal, Tripura, Arunachal Pradesh and Manipur**.

#### Recent changes made by ECI

- Under the revised rules of EC, a party's performance over two consecutive Lok Sabha or assembly elections is considered, as opposed to one previously, for granting recognition as a national party.
- The changes have helped other parties that performed badly in 2014 elections to maintain their nation party status.
- The other six are the Bharatiya Janata Party, the Congress, the Bahujan Samaj Party, the Nationalist Congress Party, the Communist Party of India (Marxist) and the Communist Party of India.

#### Criteria for becoming national party

A political party shall be eligible to be recognised as a National party if either of following conditions is met:

- It secures at least **six percent**(6%) of the valid votes polled in any **four** or more states, at a general election to the House of the People or, to the State Legislative Assembly; **and** in addition, it wins at least **four** seats in the House of the People from any State or States.
- It wins at least **two percent** (2%) seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least **three** different States.
- A party has got recognition as a state party in at least four states.

#### What are the benefits of being recognized as national party

- National party recognition leads to a reserved symbol for its candidates contesting from across the country. This is critical for political parties since a large section of voters in the country are illiterate and depend on symbols to identify the party they want to vote for.
- Candidates from a national party require only one proposer to file their nominations and are entitled to two sets of electoral rolls free of cost.
- National parties get dedicated broadcast slots on public broadcasters Doordarshan and All India Radio during the general elections.
- A national party can have a maximum of 40 'star campaigners' while a registered unrecognised party can nominate a maximum of 20 'star campaigners', whose travel expenses are not accounted for in the election expense accounts of candidates.

### 5.2. RELIGION AND ELECTIONS

#### Why in news?

The seven-judge Constitution Bench of Supreme Court is re-considering its 1995 verdict and has questioned whether the practice of using the mass religious appeal by leaders to canvas votes for candidates amounts to a corrupt electoral practice.

## Background

- SC is looking into the various means by which misuse of religion or faith of the masses for electoral gains can be categorised as a corrupt practice.
- It was also looking into electoral practices of political parties and candidates to rope in clerics or priests to flex their religious sway over particular religious community to swing votes.
- SC in its 1995 verdict held that canvassing votes in name of 'Hindutva/Hinduism' wasn't a corrupt electoral practice under Sec 123 of RoPA, as Hinduism was not a religion but a way of life in India.
- S. 123(3) of the RPA regards 'any appeal by a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language' as an electoral offence.

## Significance

### Why it should over-rule the 1995 judgment:

- Seeking votes in the name of religion could affect the secular concept of elections in our democracy, and hence such a thing could not be allowed.
- Fundamentalism of any colour or kind must be curbed with a heavy hand to preserve and promote the secular creed of the nation.
- The bench observed that the "right to contest is a statutory right. Secularism is a basic feature." So court is obliged to give a preference to it.
- Seeking votes in name of religion may exclude some sections cause a deep feeling of insecurity among minorities, free thinkers, atheists etc.,
- According to Justice S.A. Bobde, a judge on the Bench, the voters are pushed to either identify or differentiate between their religious identity and the faith of the candidate in question
- Against Unity and Diversity: the word 'Hindutva' is used and understood as a synonym of 'Indianisation', i.e., development of uniform culture by obliterating the differences between all the cultures coexisting in the country

### Why it should maintain status quo

- **Judicial overreach:** it was for parliament to revisit provision 123 (3).
  - ✓ Interpretation contrary to the earlier ruling that Hinduism is a way of life would have the unintended consequence of the court sanitising the whole poll process, which should be left to the parliament.
  - ✓ Poll process is heavily interlinked with caste and religious issues. So this is a political question and parliament itself has to solve this.
- **Close to Reality:** Democratic processes involving caste and religion are reality. Imposing this as corruption, may not be in touch with reality. This may lead to wide scale flouting. The change should be incremental and it should come from the society itself.
- **Many inconsistencies which need parliament legislation:** For instance, Section 123 is silent about whether a Jain or an atheist can seek votes in name of any religion.

### Way forward

- India is a secular country with lot of regional variations even among Hindu religion. 'Hindutva' should be understood in spirit rather than mis-using it for own political benefits.
- We see our neighbours and middle-east torn by religious conflicts. To avoid that the fundamental values of tolerance and peace etc., should be explicitly described as core value components of 'Hindutva' by SC to prevent further misuse.

## 5.3. E-POSTAL BALLOT SYSTEM FOR ARMED FORCES

- The service personnel especially the armed force members serving in the border and remote areas are not able to cast their votes in the elections in their native places. The present system of Postal ballot and proxy voting is inefficient causing delays.
- Earlier the SC had also asked the government and Election Commission to devise an effective mechanism to resolve this issue in Neela Gokhale vs. Union of India (2013)

- In light of this, the EC has come up with an e-Postal ballot system. Under this, a blank postal ballot paper would be transmitted to the service personnel electronically. They can cast their vote on it and post it to the Returning officer.
- This one-way electronic transmission will help in considerably cutting short the delay.
- Two-way electronic transmission has not been recommended by the Election Commission for security and secrecy reasons.

#### 5.4. EC: BAR ON POLITICAL PARTIES FROM USING PUBLIC FUNDS FOR PARTY ADVERTISEMENT

##### Why in news?

- In pursuance of Delhi's High Court's (Common Cause vs Bahujan Samaj Party) case order, the Election Commission of India (ECI) has issued directions barring political parties from using public resources that amount to advertisement for parties or propagating their election symbols.
- ECI clarified violations of above directions are under violation of a lawful direction of the Commission within the meaning of paragraph 16A of the Election Symbols (Reservation & Allotment).
- The clause confers power on the Commission to suspend or withdraw recognition of a recognised political party for its failure to observe Model Code of Conduct or follow its lawful directions and instructions.
- **Rationale:** It would be antithetical to the concept of free and fair election and the principle of level playing field for all stakeholders.

#### 5.5. ELECTION COMMISSION PARTNERS WITH FACEBOOK

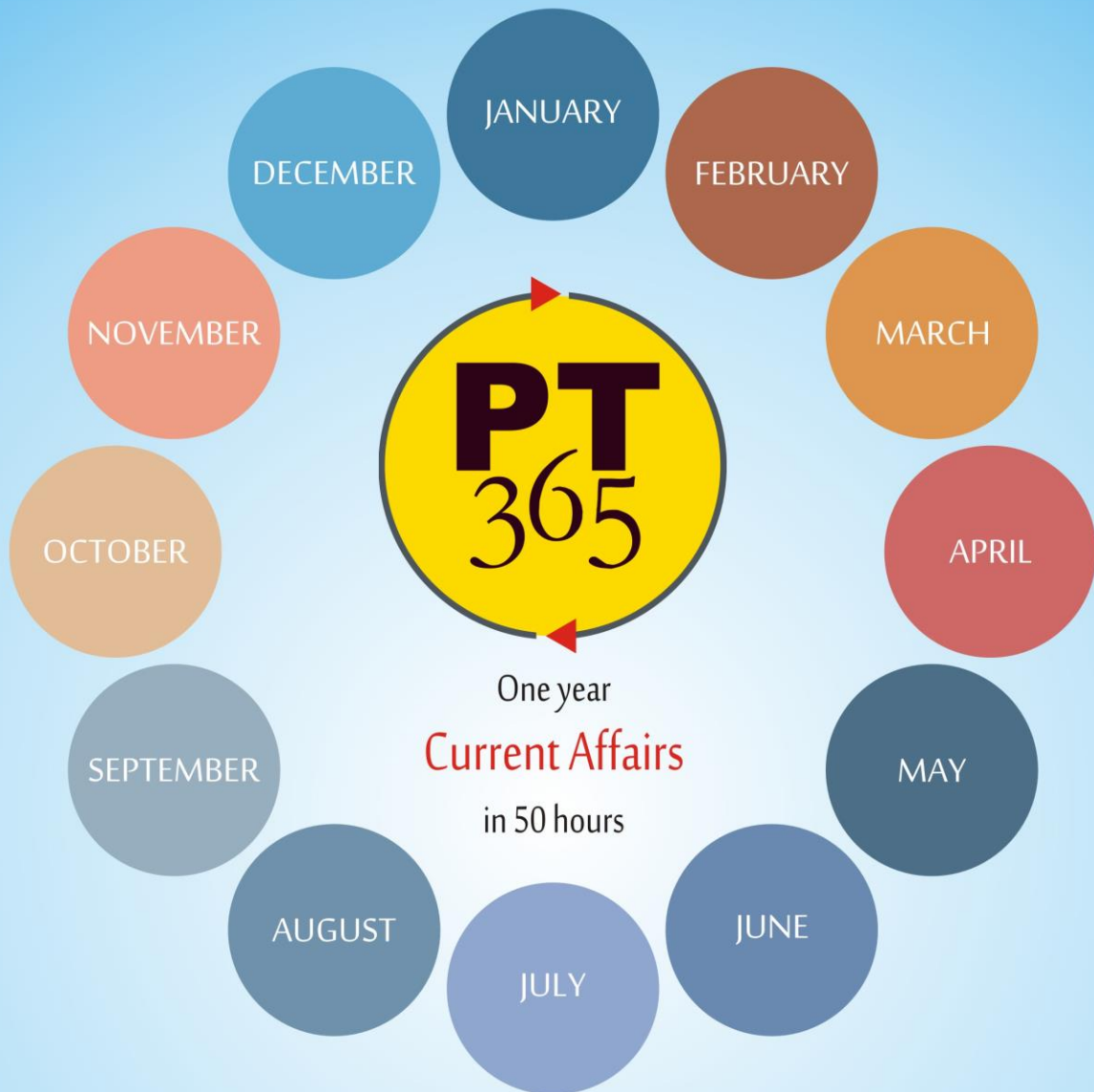
##### Why in news?

- Facebook is collaborating with the Election Commission and the office of Chief electoral officers in poll-bound Uttar Pradesh, Punjab, Goa, Manipur and Uttarakhand for the first time in the country to run a voter registration drive.
- Earlier 'Tamil Nadu 100 per cent' (100 per cent in registration, voting and honesty-ethical voting) initiative was taken up with facebook during polls in Tamil Nadu.

- The platform of facebook is significant as it has 15 crore monthly active users in India.
- This is an effective way in using technology to strengthen democracy.

##### About the initiative

- 'Register to vote' button is designed to encourage citizens across these five states to exercise their vote in the upcoming elections.
- By clicking on the 'Register Now' button, people will be directed to the National Voters' Services Portal which will guide them through the registration process.
- Facebook users in these states, who are 18 years and above will receive a reminder in their News Feed to register to vote.



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## 6. CONSTITUTIONAL, REGULATORY AND OTHER BODIES

### 6.1. NGOS: NEED OF REGULATORY LAW

#### Why in news?

- Supreme Court is to ask the Law Commission of India to bring an effective law to regulate the flow of money to a total 29.99 lakh NGOs functioning in the country.
- The government has clamped down on four American NGOs- Avaaz, Bank Information Centre (BIC), Sierra Club and 350.org. Earlier it had acted against Greenpeace. These events happened in January 2015.
- Recently there was proposal to bring all NGOs under home ministry.

As Presently, Home Ministry monitors foreign funds donated to NGOs and organisations through the **FCRA**. But for **effective monitoring** it wants the Finance Ministry to surrender its powers to monitor NGOs under FEMA as many International donors such as the Ford Foundation, the U.K.'s Department for International Development and Canada's International Development Research Centre are registered under FEMA.

#### Necessity

- A Intelligence Bureau report, "Concerted efforts by select foreign-funded NGOs to take down Indian development projects", in 2014 alleged that several foreign-funded environmental NGOs were targeting development projects across the country. This report says **~2% of GDP is lost** due to these activities.
- The CBI records filed in the Supreme Court in the case show that only 2,90,787 NGOs file annual financial statements of a total of 29,99,623 registered ones under the Societies Registration Act. In the Union Territories, of a total of 82,250 NGOs registered and functioning, only 50 file their returns.
- Also NGOs are getting money from all over the world and these may include enemy countries.
- Recently, Supreme Court (SC) voiced its concerns on the NGO becoming a "proxy litigant" and a front for settling corporate rivalry or personal vendetta.

#### NGOs argument

- Registration for the FCRA was easy a few years ago, it has now become a lot more stringent.
- Often, the larger NGOs do not face a problem when it comes to funding, but smaller ones does.
- There are several NGOs that exist only on paper. These have given others a bad name too and so the funding has dried up for many sectors.

#### Way Forward

- Anyone can register a society and it becomes an NGO. So there is a need to form an appropriate law.
- Sensitize all NGOs about compliance of FCRA act and rules when they receive funds from abroad.
- Agencies involved in creating engineered dissent just to influence the polity and economy of India should be selectively handled.
- Issues like misappropriation of funds, lack of transparency and accountability of NGOs need to be addressed to bridge trust deficit between government and civil society.
- All NGOs must respect the law of the land, maintain transparency and remain above board.
- NGOs have become an indispensable tool for social development. This was highlighted in National Policy on Voluntary sector. Success of various SHG initiatives, government schemes and laws such as FRA, CAMPA and processes such as EIA etc., is due to NGOs. So streamlining them will increase their productivity for the nation.



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## 7. MISCELLANEOUS

### 7.1. CENTRE ADDRESSES FEARS ON CITIZENSHIP BILL (UPDATE ONLY)

#### Why in news?

- Due to pressure from parliamentarians who objected to grant citizenship to migrants from Pakistan, Afghanistan and Bangladesh on religious grounds, the government decided to add the nomenclature “discriminated” to the Citizenship (Amendment) Bill, 2016 that was introduced in the Lok Sabha in July 2016.

#### Changes and Impact

- The term “religious minorities” in the bill will now be replaced with “discriminated religious minorities”
- This would mean muslim sects like Shias and Ahmediyas who also face persecution in Sunni-dominated Pakistan would be eligible for citizenship.
- This change was effected after many parliamentarians criticised the plan of government to allow all religious communities into India, except Muslims.

### 7.2. WAQF PROPERTIES

#### Why in news

- The Union Minority Affairs Ministry has been planning for the commercial and institutional utilisation of Wakf Board land across the country, including building malls, schools, hostels and offices.

#### Recommendations of Justice GR Bhattacharya Commission

- Decentralize Waqf properties management and form district Waqf boards in view of the mess over listed and unlisted properties throughout the state.
- Prevent concentration of power and plug the routes to escape responsibilities by the Waqf Board members and Waqf Commissioner.
- Fix collective and individual responsibility and bar anybody from holding office for more than one term. A member or his close relatives should not be involved in transfer and transaction of Waqf property.
- Laws and rules regarding lease and tenancy should be changed.
- Complete survey and enrolment of Waqf properties in the quickest possible time.
- Empower trustees of Waqf properties to move court against unauthorized sale.
- No sale of Waqf properties to be registered without the board’s permission.

### 7.3. PUBLIC FINANCIAL MANAGEMENT SYSTEM (PFMS)

- The government has decided to universalise the use of Public Financial Management System (PFMS) for all transactions or payments under the Central Sector Schemes.
- PFMS, managed by the Department of expenditure, is an end-to-end solution for processing payments, tracking, monitoring, accounting, reconciliation and reporting of transactions.

#### Significance

- It will provide information across Central Sector Schemes/ implementation agencies in the country on fund utilization leading to better monitoring, review and decision support system to enhance public accountability in the implementation of plan schemes.
- It will result in effectiveness and economy in Public Finance Management through better cash management for Government transparency in public expenditure and real-time information on resource availability and utilization across schemes.
- The roll-out will also result in improved programme administration and management, reduction of float in the system, direct payment to beneficiaries and greater transparency and accountability in the use of public funds.

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**GAURAV AGRAWAL**  
**AIR-1**

**CSE 2014**



**NIDHI GUPTA**  
**AIR-3**

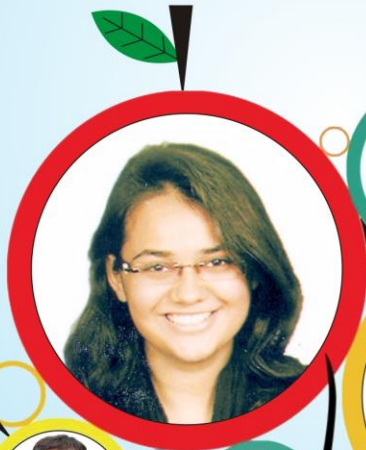


**VANDANA RAO**  
**AIR-4**



**SUHARSHA BHAGAT**  
**AIR-5**

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