



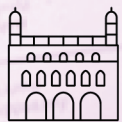
POLITY

Classroom Study Material

(May 2019 to February 2020)



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POLITY AND CONSTITUTION

Table of Contents


1. ISSUES RELATED TO CONSTITUTION _____	3	3.7. North-Eastern Council _____	21
1.1. Reservation _____	3	3.8. Inter-State Council _____	21
1.1.1. Reservation in Legislative Bodies _____	3	3.9. Dadra and Nagar Haveli and Daman and Diu Merged _____	22
1.1.2. Reservation in Promotions for SC/ST. _____	3	3.10. Sixth Schedule _____	22
1.1.3. Reservation in Promotion for Persons with Disabilities (PwDs) _____	4	4. JUDICIARY _____	23
1.1.4. Reservation for EWS _____	5	4.1. Provisions Related to Addition and Transfer of Judges _____	23
1.1.5. Job Reservations, Promotion Quotas not a Fundamental Right _____	5	4.1.1. Addition of Judges _____	23
1.1.6. Bill to include more Tribes in ST Category _____	5	4.1.2. Transfer of Judges _____	23
1.2. Rights _____	6	4.1.3. Acting Chief Justice _____	23
1.2.1. Internet as Basic Right _____	6	4.2. Regional Bench of Supreme Court _____	24
1.2.2. Right to Property _____	6	4.3. Gram Nyayalayas _____	24
1.2.3. Sedition _____	7	4.4. National Legal Services Authority (NALSA) _____	25
1.2.4. Minority Educational Institutions _____	7	4.5. New Rules for Tribunals _____	25
1.2.5. Sabarimala Temple Issue _____	8	4.6. Zero Pendency Courts Project _____	26
1.3. President _____	9	4.7. Curative Petition _____	26
1.3.1. Impeachment of US President _____	9	4.8. Witness Protection Scheme _____	27
1.3.2. Pardoning Power of President _____	9	5. ELECTIONS _____	28
1.4. 9th Schedule of Indian Constitution _____	9	5.1. Electoral Bonds _____	28
1.5. Overseas Citizen of India _____	10	5.2. National Party Status _____	28
1.6. UN not a State _____	10	5.3. Delimitation Commission _____	29
1.7. Other Constitutional Articles in News _____	10	5.4. Electronic Voting Machines (EVMs) _____	29
2. FUNCTIONING OF PARLIAMENT/STATE LEGISLATURE/LOCAL GOVERNMENT _____	12	5.5. Sections of Representation of the People Act (RP Act), 1951 in News _____	30
2.1. Legislature _____	12	5.6. Some Initiatives by Election Commission _____	30
2.1.1. Parliamentary Committees _____	12	5.6.1. Political Parties Registration Tracking Management System (PPRTMS) _____	30
2.1.2. Ethics Committee _____	12	5.6.2. Facial Recognition for Voter Verification _____	30
2.1.3. Parliamentary Privileges _____	12	5.6.3. Postal Ballot _____	30
2.1.4. Anti-Defection Law _____	13	5.6.4. Association of World Election Bodies (A-WEB) _____	30
2.1.5. Legislative Council _____	13	6. IMPORTANT LEGISLATIONS/BILLS _____	32
2.1.6. Leader of Opposition _____	14	6.1. Amendment to the RTI Act _____	32
2.1.7. Private Member's Bill _____	14	6.1.1. Recent Judgements Related to RTI _____	32
2.1.8. Lapsing of Bills _____	14	6.2. Protection of Human Rights (Amendment) Act 2019 _____	33
2.1.9. Office of Profit _____	15	6.3. The Inter-State River Water Disputes (Amendment) Bill, 2019 _____	35
2.2. Cabinet Committees Reconstituted _____	15		
3. CENTRE-STATE RELATIONS _____	17		
3.1. NITI Aayog _____	17		
3.2. Rationalisation of Centrally Sponsored Schemes _____	17		
3.3. Promotion of Hindi Language _____	18		
3.4. Article 131 _____	19		
3.5. Removal of Article 370 and 35A _____	19		
3.6. Inner Line Permit _____	20		

6.4. Arbitration Acts _____	35	8.1. Prevention of Corruption (Amendment) Act 2018 _____	45
6.5. National Population Register _____	36	8.2. IPC and CrPC _____	45
6.5.1. Nationwide NRC _____	37	8.3. India Enterprise Architecture (IndEA) Framework _____	46
6.5.2. Citizenship Amendment Act _____	38	8.4. E-Governance Initiatives _____	46
6.7. Scheduled Castes and Tribes (Prevention of Atrocities) Act _____	39	8.5. Good Governance Index _____	48
6.8. Aadhaar Report _____	39	8.6. Corruption Perception Index _____	48
6.8.1 Aadhaar and Other Laws (Amendment) Act, 2019 _____	39	8.7. One Nation, One Ration Card _____	49
7. IMPORTANT CONSTITUTIONAL/ STATUTORY/ EXECUTIVE BODIES IN NEWS 41		9. MISCELLANEOUS _____	50
7.1. Comptroller and Auditor General of India 41		9.1. Enemy Properties _____	50
7.2. Lokpal _____	41	9.2. Police Commissionerate System _____	50
7.3. Law Commission of India _____	42	9.3. Bru Community _____	51
7.4. Central Vigilance Commissioner _____	43	9.4. Democracy Index _____	51
7.5. National Crime Records Bureau _____	43	9.5. Central Adverse List _____	51
7.6. Controller General of Accounts _____	43	9.6. Waqf Properties _____	52
7.7. Competition Commission of India _____	44	9.7. Places of Worship (Special Provisions) Act 1991 _____	52
8. IMPORTANT ASPECTS OF GOVERNANCE 45			

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1. ISSUES RELATED TO CONSTITUTION

1.1. RESERVATION

1.1.1. RESERVATION IN LEGISLATIVE BODIES

Why in news?

Recently, 104th Constitutional Amendment Act (126th Constitutional Amendment Bill) was enacted.

Some recent amendments to constitution

- **103rd CAA**- 10% Reservation for Economically Weaker Sections (EWSs)
- **102nd CAA**- Constitutional status to National Commission for Backward Classes
- **101st CAA**- Introduced the GST.
- **100th CAA**- Exchange of enclave territories with Bangladesh and conferment of citizenship rights to residents of enclaves.

More on news

- This Act was brought for two objectives:
 - **Extend reservation** for Scheduled castes (SC) and Scheduled Tribes (ST) to Lok Sabha and legislative bodies.
 - **Not extending** the provision of nominating Anglo Indians to Lok Sabha and legislative bodies.
- The act has provisions for **amending article 334** and **extending reservation only** for Scheduled castes (SC) and Scheduled Tribes (ST) to Lok Sabha and legislative bodies till 25th January, 2030 (which was expiring in 2020).
- Article 334 originally provided that **reservation of seats** and special representation would **cease 10 years after the commencement of Constitution**. But this was extended every 10 years (8th, 23rd, 45th, 62nd, 79th and 95th amendments).
- Currently, only some state Assemblies like Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand etc. have one **Anglo-Indian member** each. **The Amendment does away with this as well.**
- No member from the Anglo-Indian community has been nominated to the current Lok Sabha.
- Since, the amendment falls within the purview of **Article 368 (2) (d)** dealing with “the representation of States in Parliament”, **it is required to be ratified by the Legislature of not less than half of the States by simple majority.**

- **Article 368** deals with power of Parliament to amend the Constitution and procedure therefor.

Who is An Anglo-Indian?

According to Article 366(2), An Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only”.

Constitutional Provisions for reservation of seats

- **For SC/STs**
 - **Article 330 and 332** provides for the reservation of seats for SC/STs in Lok Sabha and State Legislative Assemblies respectively, on the **basis of their population ratio.**
 - Also, there is **no bar** on SC/STs candidates contesting from general seats.
- **For Anglo-Indians:**
 - **Provisions**
 - ✓ Under **Article 331** **President can nominate two members** of Anglo-Indian community in Lok Sabha, if not adequately represented.
 - ✓ **Article 333** provides same powers to Governor of a state to nominate **one Anglo-Indian** member.
 - ✓ According to the **10th Schedule of the Constitution**, Anglo-Indian members of Lok Sabha and state Assemblies can take the membership of any party within six months of their nomination. But, once they do so, they are bound by their party whip.
 - ✓ The Anglo-Indian members enjoy the same powers as other MPs, but they **cannot vote** in the Presidential election.

1.1.2. RESERVATION IN PROMOTIONS FOR SC/ST.

Why in News?

- The Central Government has demanded for a review of 2018 Supreme Court Verdict in **Jarnail Singh vs Lachmi Gupta Case, related to reservations in promotions for SC/ST.**
- Recently, the Supreme Court upheld **‘The Karnataka Extension of Consequential Seniority to Government Servants Promoted on the Basis of Reservation (To the Posts in**

the Civil Services of the State) Act, 2018', granting a quota in promotions for state government employees from the Scheduled Caste and Scheduled Tribe communities.

Related cases, constitutional provisions and amendments

- **Article 15(4)** allows State to make special provision for the advancement of any socially and educationally backward classes of citizens or for SCs and STs.
- **Article 16(4B)**- provides that reserved promotion posts for SCs and STs that remain unfilled can be carried forward to the subsequent year. It ensures that the ceiling on the reservation quota – capped at 50% by Indira Sawhney Case – for these carried forward unfilled posts does not apply to subsequent years.
- **Article 335** mandates that reservations have to be balanced with the 'maintenance of efficiency'.
- In the **Indira Sawhney case (1992)**, the Supreme Court held that the reservation policy cannot be extended to promotions.
- However, **77th Constitutional Amendment (CA), 1995**, inserted **Clause 4A in Article 16**, which enables the state to make any law regarding reservation in promotion for SCs and STs.
- The court in 1990s restored seniority of general candidates.
- However, **85th CA Act, 2001** gave back "consequential seniority" to SC/ST promotees.

Background and Details

- **M. Nagaraj vs Union of India Case (2006)**
 - The Supreme Court upheld the constitutional validity of **reservations for SCs and STs to include promotions** with three conditions:
 - ✓ quantifiable data on the backwardness of Scheduled Castes (SC) and Scheduled Tribes (ST)
 - ✓ the facts about their inadequate representation
 - ✓ the overall administrative efficiency is not affected.
- The Centre approached supreme Court that the verdict in the M Nagaraj case put **unnecessary conditions in granting quota benefits**.
- Thus, In **Jarnail Singh vs Lachmi Gupta Case (2018)** Supreme Court allowed for grant of quota for promotions in the government jobs to SCs and STs **without the need to "collect quantifiable data"**.
- The court also asked the government to examine the possibility of **introducing creamy layer for Scheduled Castes (SCs) and Scheduled Tribes (STs)** by saying that if some sections bag all the coveted jobs, it will leave

the rest of the class as backward as they always were.

- It declined the demand to refer the case to a **7-judge bench** to reconsider its 2006 Nagaraj judgement.
- Now, the union government has urged the court to reconsider the ruling and refer the issue to a seven-judge Bench.

Creamy Layer

- The concept has its genesis in the **Indira Sawhney Case (1992)**. Supreme Court asked the Government to define the criteria by fixation of **income, property or status**.
- Currently creamy layer criteria is applicable to **Other backward classes (OBCs)** in reservation.
- At present, Group A and Group B officers of both Central and State Government, Employees of Armed Forces and PSUs along with people earning more than 8 lakh per annum come under the purview of Creamy layer.

- **Consequential Seniority** means elevation to a senior position consequential to circumstances, and not through normal rules.
- Illustrating it, suppose there are 100 sanctioned posts in a department, out of which 30 are occupied by unreserved candidates, 15 are occupied by reserved candidates and 55 remain 'vacant'. The reservation is 30%, which implies that 30 posts must be manned by reserved category employees. So, if a reserved category employee is junior to a general category employee, but there is vacancy for reserved category at a senior position, so reserved category employee will be considered senior and promoted above the general category employee.

1.1.3. RESERVATION IN PROMOTION FOR PERSONS WITH DISABILITIES (PWDS)

Why in news?

Supreme Court (SC) bench has upheld that **3% reservation should be given to persons with disabilities (PwDs) both in direct recruitment and in promotions**.

More on news

- SC held that **Indira Sawhney case** which **capped reservation at 50% and prohibited reservation in promotions** pertained only to Backward Classes (BC) not to PwDs.
- It held that the ceiling of 50% reservation applies only to reservation in favour of BCs under Article 16(4) whereas the **reservation in favour of PwDs is horizontal**, which is under Article 16(1).

- Vertical reservation is social reservation provided to reserved caste like SC/ST, OBC etc. whereas horizontal reservations are reservation within reservation like reservation to female, ex-service man etc.
- **Persons with Disabilities** (Equal Opportunities, Protection of Rights and Full Participation) **Act, 1995** provides for reservation in public employment for identified post for PWD.

1.1.4. RESERVATION FOR EWS

Why in news?

The **central government** recently told the **Supreme Court** that **state governments** were free to decide whether to implement the **10% reservation** for the **economically backward** in jobs and admissions.

About reservation for economically weaker sections (EWS).

- The **103rd Constitution Amendment Act 2019** inserted **Article 15 (6)** and **Article 16 (6)** in the Constitution to allow reservation for the EWS among the general category.
- Article 15 has been amended to enable the government to take **special measures** for the advancement of “**economically weaker sections**” (EWS).
- Up to 10% of seats may be reserved for such sections for admission in educational institutions. Such reservation **will not apply to minority educational institutions.**
- The newly added **Article 16(6)** permits the government to reserve up to **10% of all government posts** for the “**economically weaker sections**” of citizens.
- This reservation of up to 10% for the EWS will be in addition to the existing reservation cap of 50% reservation for SC, ST and OBCs.
- **Centre has no role in deciding the reservation policy** of a state government.
- **State governments are free to decide whether to implement the 10% quota for EWS** in state government jobs and admissions to state government educational institutions.

1.1.5. JOB RESERVATIONS, PROMOTION QUOTAS NOT A FUNDAMENTAL RIGHT

Why in news?

The Supreme Court ruled that there is no fundamental right to reservations in

appointments and promotions under articles 16(4) and 16(4A) of the Constitution.

The Court held that

- Article 16 (4) and 16 (4-A) are in the nature of **enabling provisions**, vesting a **discretion on the State Government** to consider providing reservations, if the circumstances so warrant.
 - **Article 16(4)** empowers state to make any provision for **reservation of appointments** in favour of any backward class which in opinion of the State, is not adequately represented in the services under State.
 - **Article 16(4A)**, empowers state to make provisions for **reservation in matters of promotion** to SC/ST employees.
- It is settled law that the **state cannot be directed to give reservations for appointment** in public posts. The order further adds that the state is not bound to make a reservation for SCs and STs **in matters of promotions.**

1.1.6. BILL TO INCLUDE MORE TRIBES IN ST CATEGORY

Why in news?

The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2019, which seeks to grant **Scheduled Tribes (ST)** status to certain communities in Karnataka, was passed by Parliament. Communities included: **Parivara, Talawara, Siddi tribes of Belagavi, Dharwad.**

Constitutional provisions

- **Article 366 (25)** defined 'Scheduled Tribes' (STs) as those deemed under Article 342 to be ST for the purposes of this constitution.
- **Article 342 prescribes procedure** to be followed in the matter of specification of STs.
 - First specification of STs in a particular State/ UT is by a notified order of President, after consultation with State governments concerned. These orders can be modified subsequently only through an Act of Parliament.
 - The **criterion followed** for specification of a community, as STs are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness. This criterion is not spelt out in the Constitution but has become well established.

- It also provides for listing of scheduled tribes State/Union Territory wise and not on an all India basis.

1.2. RIGHTS

1.2.1. INTERNET AS BASIC RIGHT

Why in news?

Recently, Supreme Court has delivered verdict on a bunch of petitions challenging the restrictions imposed on internet services and movement of people in Jammu and Kashmir.

Provisions for Internet shutdowns in India

- Suspension of Internet services are dealt with under the **Information Technology Act, 2000, the Criminal Procedure Code (CrPC), 1973 and the Telegraph Act, 1885.**

Supreme Court's observation

- **On Internet shutdown**
 - **Freedom of speech and expression through the medium of internet** is a fundamental right under **Article 19(1)(a)** of the Constitution.
 - The restrictions on internet have to follow the **principles of proportionality under Article 19(2).**
 - ✓ The doctrine essentially signifies that the **punishment should not be disproportionate to the offence committed** or the nature and extent of the **State's interference with the exercise of a right** must be proportionate to the goal it seeks to achieve.
 - **Freedom of trade and commerce through internet** is also a constitutionally protected right under Article 19(1)(g).
 - Suspension of internet for **indefinite period not permissible.**
- **On Section 144 of CrPC:**
 - When Sec 144 is imposed for reasons of apprehended danger, that **danger must be an "emergency"**.
 - **Powers under Sec 144 should be exercised in a reasonable and bona fide manner**, and the order must state material facts in order to **enable judicial review.**

Section 144 CrPC

- **Powers under the law:**
 - It is a colonial era law that empowers a **district magistrate, a sub-divisional magistrate or any other executive magistrate**

empowered by the state government to issue orders to prevent and address urgent cases of apprehended danger or nuisance.

- This **usually includes restrictions on movement, carrying arms and from assembling unlawfully.** It is generally believed that assembly of three or more people is prohibited under Section 144. However, it **can be used to restrict even a single individual.**
- **Duration of the order:** Order passed under Section 144 **cannot remain in force for more than two months from the date of the order**, unless the state government considers it necessary. Even then, the total period cannot extend to more than six months.

Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules, 2017 (Suspension Rules)

- These Rules were framed by **Ministry of Communications** under the **Indian Telegraph Act**, which talks about interception of messages in the "interests of the sovereignty and integrity of India".
- It **empowers the government to block transmission of messages** in case of a public emergency or for public safety in any part of the country.
- Any order suspending internet under the Rules, **can be only for a temporary duration and not for an indefinite period.**

Other judgements on Internet as right

- In **Faheema Shirin v. State of Kerala**, the Kerala High Court declared the right to Internet access as a **fundamental right, forming part of right to privacy under Article 21** of the Constitution of India.

1.2.2. RIGHT TO PROPERTY

Why in news?

Supreme Court was hearing a plea where land of the appellant was taken over by Himachal Pradesh government in 1967.

What Supreme Court said?

- To forcibly dispossess a person of his private property, without following due process of law, would be violative of a **human right.**
 - **Article 300A**, which provides for **Right to Property**, required the state to follow due procedure and authority of law to deprive a person of his or her private property. It **ceased to be a fundamental right with the 44th Constitution Amendment Act in 1978.**
- The State **cannot be permitted** to perfect its title over the land by invoking the **doctrine of adverse possession** to grab property of its own citizens.

- State government had opposed the petition stating that it had perfected title by 42 years of 'adverse possession'.
- Under "**doctrine of adverse possession**", a person who is not the original owner becomes the owner because of the fact that he has been in possession of the property for a minimum of 12-years, within which the real owner did not seek legal recourse against him.

1.2.3. SEDITION

Why in news?

The recent arrests in Bengaluru and Kashmir, on the grounds of protesting against the Citizenship Amendment Act and raising pro-Pakistan Slogans have reignited the **debate around India's sedition law**.

About Sedition Law in India

- Sedition, which falls under **Section 124A of the Indian Penal Code**, is defined as any action that brings or attempts to bring hatred or contempt towards the government of India.
- **Section 124A** was drafted by **Thomas Babington Macaulay** and included in the IPC in 1870.
- Punishment under Section 124A Sedition is a **non-bailable offence**.
- A person charged under this law **can't apply for a government job**. They have to live without their passport and must present themselves in the court as and when required.
- **Famous sedition trials: Jogendra Chandra Bose, 1891**, three sedition trials of **Bal Gangadhar Tilak** and **Mahatma Gandhi** in 1922, for his articles published in Young India.
- **Essential ingredients for a seditious act:** Various verdicts in **Romesh Thappar case**, **Kedar Nath Singh case**, **Kanahiya Kumar case** re-defined a seditious act only if it had essential ingredients as
 - Disruption of public order
 - Attempt to violently overthrow a lawful government
 - Threatening the security of State or of public.

1.2.4. MINORITY EDUCATIONAL INSTITUTIONS

Why in news?

Recently, the Supreme Court has held that **state can regulate minority institutions in national interest**.

NCMEI, a quasi-judicial body, regulates the certification of minority educational institutions all over India.

- Its Chairman should be who has been a Judge of the High Court and three members are to be nominated by Central Government.
- It has the **powers of a Civil Court**. It has both **original and appellate jurisdiction** in such matters, as laid down by the SC in **Joseph of Cluny v/s The State of West Bengal** case.
- Commission has **adjudicatory** functions and **recommendatory** powers.
- It **decides on disputes** regarding affiliation of a minority educational institution to a university.
- It has power to enquire, **suo motu**, into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice.
- It specifies **measures to promote and preserve the minority status** and character of institutions of their choice established by minorities.
- It can also **cancel the minority status** granted to institutions if they are found to have violated the conditions of the grant.

National Commissioner for Linguistic Minorities (NCLM)

- The **NCLM** established under **Article 350B** of the Constitution has less power than the NCMEI.
- It can only **review safeguards** for the protection of linguistic minority rights and **make recommendations** to the parliament based on its findings.

More on news

- SC stated that **regulation of minority institutions**, including in matter of appointment of teachers, is **permissible** if it is intended to **ensure excellence** in minority institution, without interfering with its minority status.
- The court referred to the **TMA Pai vs State of Karnataka 2002 case**, while deciding this case.
 - In this case, the Supreme Court held that the fundamental right under Article 30 (1) was neither absolute nor above the law.

Minority Educational Institutions (MEIs)

- **National Commission for Minority Educational Institutions (NCMEI) Act** defines MEI as a college or an educational institution established and administered by a minority or minorities.
- The Constitution of India does not define the term **minority**. The **NCMEI Act** defines **minority** means a community notified as such by the Central Government.
- As per notification of the Government of India, there are **6 notified religious minority communities** - Muslim, Sikh, Christian, Buddhist, Parsis and Jain.

- **No linguistic minority** has been notified by the Central Government till date. Thus, **linguistic minorities are outside the purview of the NCMEI.**
- **Eligibility criteria-**
 - Educational institution is **established and being administered** by the minority community.
 - If it is run by a trust/ registered society, **majority of members** must be from the minority community.
 - It has been established **for the benefit** of the minority community.
- Once conferred a status of minority educational institution, there is **no need for its renewal periodically.**
- **Rights obtained by Minority Educational Institutions (MEIs)**
 - In respect of control over representatives, minority educational institutions have **substantially more prominent power** than other institutions.
 - MEIs are **out of purview of reservation policy under Article 15.**
 - MEIs can have a **reservation of up to 50 percent for the student of their own community.**
 - **Section 12 of Right to Education Act (RTE) 2009**, which mandates **25% reservation** for children belonging to economically weaker section (EWS), is also **not applicable** on MEI. However, the SC has held that all schools run by minority institutions will have to grant free admissions to poor children on 25% on their seats, under the Right to Education (RTE) act.
 - They can also have **separate fee structure** but not allowed to charge capitation fee.

Minorities at state-level

- Constitution of India **does not define minorities. Centre**, under the powers conferred by Section 2 of the **National Commission for Minorities Act, 1992** can notify a community a minority community.
- Recently, **Supreme Court** ruled that **religious classification should be on all-India basis** and not state-wise.

Constitutional Provisions regulating Minority Institutions

- **Article 30 of the Constitution** deals with the Right of minorities to establish and administer educational institutions.
- Under **Article 30 (1)**, all minorities, whether based on religion or language, have the right to establish and administer educational institutions of their choice.

- **Article 30 (2)** prohibits the state in discriminating against such institutions in granting aid on the ground that it is under the management of minority.

1.2.5. SABARIMALA TEMPLE ISSUE

Why in news?

Recently, the Supreme Court has deferred its decision on review of **“2018 Sabarimala verdict”** until a Seven Judges’ Bench examines broader issues such as **essentiality of religious practices** and **constitutional morality.**

Constitutional Morality

- The term ‘morality’ or ‘constitutional morality’ has **not been defined** in the Constitution.
- In the 2018 Sabarimala verdict, the majority opinion defined ‘morality’ in **Article 25** to mean **constitutional morality.**
- As per the Supreme Court, the **magnitude of constitutional morality** is not confined to the literal text which a Constitution contains, rather it embraces within itself virtues of a **wide magnitude.**

More on news

- In the **“Indian Young Lawyers Association & Others vs The State of Kerala & Others”** case, 2018, a five-judge bench had delivered a landmark 4:1 ruling setting aside the decades-old restrictions on the entry of women of reproductive age inside Sabarimala Temple.
 - The judgment remarked that ban on the entry of women in Sabarimala **is a kind of untouchability, and thus violative of Article 17.**
- Review pleas were filed against above order.
- Now, the larger Bench would also consider the entry of women into mosques and the practice of female genital mutilation, prevalent among the Dawoodi Bohras Sect.

Doctrine of essentiality: It was invented by Supreme Court in the **‘Shirur Mutt’ case in 1954.** Court that the term **“religion” will cover all rituals and practices “integral” to a religion, and took upon itself the responsibility of determining the essential and non-essential practices of a religion.**

Related news: Karnataka High Court (HC) on Article 25 It said that **denial of permission** to put up temporary structures on roads and footpaths for religious festivals or functions **will not infringe upon the freedom** granted Article 25 (Freedom to free profession, practice and propagation of religion).

1.3. PRESIDENT

1.3.1. IMPEACHMENT OF US PRESIDENT

Why in news?

Donald Trump became the 3rd President of USA to have been impeached. But since he was acquitted by the Senate, he was not removed.

Procedure for Impeachment of President of India (Article 61)	Procedure for Impeachment of President of US
<ul style="list-style-type: none"> Indian President can be removed from office for “violation of the constitution” whose meaning is not defined in the constitution. 	<ul style="list-style-type: none"> US president can be removed from office for ‘Treason, Bribery, or other high Crimes and Misdemeanours’.
<ul style="list-style-type: none"> The impeachment charges can be initiated by either House of Parliament. 	<ul style="list-style-type: none"> Only House of Representatives (lower house) can initiate impeachment proceedings
<ul style="list-style-type: none"> These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days’ notice should be given to the President. 	<ul style="list-style-type: none"> Once this is passed with a simple majority, the process goes for trial.
<ul style="list-style-type: none"> After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges. 	<ul style="list-style-type: none"> Next, the Senate (upper house) is convened like a court, with both sides presenting evidence.
<ul style="list-style-type: none"> If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the bill is so passed. 	<ul style="list-style-type: none"> At the conclusion of these hearings, the President can be removed from office only if two-thirds of the Senate votes for it.

1.3.2. PARDONING POWER OF PRESIDENT

Why in news?

President has rejected mercy pleas by convicts in Nirbhaya case.

Pardoning power of president

- Article 72 of the Indian Constitution says that the President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence.
 - Pardon** – Completely absolves from all sentences and punishment
 - Commutation** –To replace the punishment with less severe punishment.
 - Reprieve** – Temporary suspension of death sentence.
 - Respite** – Awarding a lesser punishment on some special grounds like pregnancy etc.
 - Remissions** – Reduction of the amount of sentence without changing its character.
- The **President can exercise** these powers
 - In all cases where the punishment or sentence is by **court martial**;
 - In all cases where the punishment or sentence is for an offence against **any law relating to a matter to which the executive power of the Union extends**;
 - In all cases where the sentence is a **sentence of death.**
- The power to pardon of the president is **exercised on the advice of council of ministers.**

1.4. 9TH SCHEDULE OF INDIAN CONSTITUTION

Why in news?

Recently there was **demand to put reservation provisions** for schedule caste, schedule tribe and other backward classes **under 9th schedule of constitution.**

About 9th Schedule

- 9th Schedule of the Constitution **contains a list of central and state laws which cannot be challenged in courts.**
 - Any act which is added under the 9th schedule gets resistant from any encroachment from judiciary even if it infringes the fundamental rights of an individual.
 - It was **added with the First amendment in 1951.** It was created by the new Article 31B, which along with 31A was brought in by the government to protect laws related to agrarian reform and for abolishing the Zamindari system.

- In **IR Coelho versus State of Tamil Nadu case**, Supreme Court held that laws placed in the 9th Schedule were **open to judicial scrutiny**.
- SC laid down **dual test to examine the validity** of a law placed in the Ninth Schedule i.e. Whether it **violates any fundamental right** and if yes whether the violation also **damages the basic structure**.
 - If the **answer to both the questions is in the affirmative**, then only a law placed in the Ninth Schedule can be declared unconstitutional.

1.5. OVERSEAS CITIZEN OF INDIA

Why in news?

Recently, government held that Overseas Citizen of India (OCI) card holders do not enjoy fundamental rights guaranteed by the Constitution.

About OCI scheme

- OCI Scheme was introduced by **amending the Citizenship Act, 1955 in August 2005**.
- A foreign national, who was eligible to become citizen of India on 26.01.1950 or was a citizen of India on or at anytime after 26.01.1950 or belonged to a territory that became part of India after 15.08.1947 is eligible for registration as OCI.
 - **Minor children** of such person are also eligible for OCI.
- However, if the applicant had ever been a citizen of Pakistan or Bangladesh, he/she will not be eligible for OCI.
- OCI cardholders **do not get voting rights and cannot hold a government job**. They have been **granted statutory rights under the Citizenship Act, 1955**. Therefore, what right is granted depends on policy of Central government.
- A registered OCI is **granted multiple entry, multipurpose, life-long visa** for visiting India.
- OCI is entitled to **general parity with Non-Resident Indians** in respect of all facilities available to them in economic, financial and educational fields **except in matters** relating to the acquisition of agricultural or plantation properties.
- A registered OCI is exempted from registration with Foreign Regional Registration Officer or Foreign Registration Officer for any length of stay in India.

1.6. UN NOT A STATE

Why in news?

The Delhi High Court has ruled that the **United Nations is not a "State"** within the meaning of **Article 12** of the Constitution of India and is not amenable to the jurisdiction of the Court under **Article 226** of the Constitution of India.

Details

- According to Article 12 of the Constitution of India, the term '**State**' denotes the **union and state governments**, the Parliament and state legislatures and all local or other authorities within the territory of India or under the control of the Indian government.
- The government has also stated that the consent of the Government of India is not required to initiate a legal suit against UNO as it is not a foreign state and is only an Internal Organization.
 - **Section 86 of Civil Procedure Code, 1908** provides that a foreign State may be sued in any Court with the consent of the Central government.
- It, however, said UNO and its officials enjoy immunity under the United Nations (Privileges and Immunities) Act, 1947.
 - As per the act, UNO has immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity.

1.7. OTHER CONSTITUTIONAL ARTICLES IN NEWS

Article	What it says
Article 87	<ul style="list-style-type: none"> • It deals with Special Address by President and provides that President shall address both Houses of Parliament assembled together <ul style="list-style-type: none"> ○ at the commencement of first session after each general election to the Lok Sabha ○ at the commencement of the first session of each year. • President's address contains legislative and policy proposals that the government intends to initiate.
164 (3)	<ul style="list-style-type: none"> • It mandates that Governor shall administer the oaths of office and secrecy to a minister, before a Minister enters upon his/her office. • Form of oath is mentioned in Third Schedule of constitution. • Schedule requires the oath-taker either to —'swear in the name of God' or —'solemnly affirm'.

Article 340	<ul style="list-style-type: none"> Empowers President to appoint commission to investigate the conditions of backward classes. Under this, commission headed by Justice G. Rohini was formed to look into the sub-categorisation of Other Backward Classes (OBC) in 2017.
Article 371 to 371-J	<ul style="list-style-type: none"> It is part of XXI Constitution of India, and grants temporary, transition and special provisions to some states in the country. While article 371 was part of the Constitution at the time of its commencement; Articles 371A through 371J were incorporated subsequently. Article 371 deals with Gujarat and Maharashtra, 371A-Nagaland, 371B

	with Assam, 371C- Manipur, 371D & E- Andhra Pradesh, 371F- Sikkim, 371G- Mizoram, 371H- Arunachal Pradesh, 371I-Goa, 371J- Karnataka etc.
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फाउंडेशन कोर्स सामान्य अध्ययन

प्रारंभिक एवं मुख्य परीक्षा 2021

इनोवेटिव क्लासरूम प्रोग्राम

- 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 करेंट ओरिएंटेड अप्रोच
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लाइव/ऑनलाइन कक्षाएं भी उपलब्ध

2. FUNCTIONING OF PARLIAMENT/STATE LEGISLATURE/LOCAL GOVERNMENT

2.1. LEGISLATURE

2.1.1. PARLIAMENTARY COMMITTEES

Why in news?

In recent sessions of Parliament, certain bills were passed **without the scrutiny** by parliamentary standing committees.

About Parliamentary Committees

- Parliamentary committees are of two kinds:
 - **Standing Committees:** Permanent in nature; Constituted every year; work on a continuous basis.
 - **Ad Hoc Committees:** Temporary in nature; Cease to exist on completion of the task assigned to them.
- The constitution makes a mention of these committees at different places but **without making any specific provisions regarding their composition, tenure** etc. All these matters are dealt by the rules of two houses.
- **They**
 - **Ensure detailed scrutiny and uphold government accountability**
 - **work in non-partisan manner**
 - **aids the Opposition** to play a greater role in exercising control over the executive.
 - **engage with relevant stakeholders**
 - **ensure financial prudence.**

2.1.2. ETHICS COMMITTEE

Why in news?

Ethics Committee decided to form a code of conduct for Lok Sabha MPs.

About Ethics Committee

- This committee was constituted in Rajya Sabha in 1997 and in Lok Sabha in 2000.
- **Ethics committee in Lok Sabha** does not have more than 15 members and in Rajya Sabha it has 10 members.
- It **enforces the code of conduct** of members of Parliament and **examines the cases of misconduct** and recommends appropriate action.
- A code of conduct had come into force for the Rajya Sabha MPs in 2005.

2.1.3. PARLIAMENTARY PRIVILEGES

Why in news?

On the Rafale fighter jet deal issue, a **breach of privilege motion** was moved against Prime Minister and Defence Minister.

Types of Privileges

Collective

- Exclude strangers from proceedings. Hold a secret sitting of the legislature
- Freedom of press to publish true reports of Parliamentary proceedings. But, this does not in case of secret sittings
- Only Parliament can make rules to regulate its own proceedings
- There is a bar on court from making inquiry into proceedings of the house (speeches, votes etc.)

Individual

- No arrest during session and 40 days before and 40 days after the session. Protection available only in civil cases and not in criminal cases
- Not liable in court for any speech in parliament
- Exempted from jury service when the house is in session.

About parliamentary privileges

- **Art. 105** (for Parliament, its members & committees and **Art. 194** (for State Legislature, its members & committees) confers certain privileges on legislative institutions and their members to:
 - Protect freedom of speech and expression in the House and insulates them against litigation over matters that occur in these houses
 - Protect against any libel through speeches, printing or publishing
 - Ensure their functioning without undue influence, pressure or coercion
 - Ensure sovereignty of Parliament
- Currently, **there is no law that codifies all the privileges** of the legislators in India.
- Privileges are **based on five sources:** i) Constitutional provisions ii) Various laws of parliament (iii) Rules of both the houses iv) Parliamentary conventions v) Judicial interpretations
- **Privilege Motion** is moved by a member when (s)he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts.

Committee on Privileges

- Standing committee constituted in each house of the Parliament/state legislature.
- 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 investigate the cases of breach of privilege and recommend appropriate action to the Speaker/Chairperson.

2.1.4. ANTI-DEFECTION LAW

Why in news?

- The **Supreme Court recently upheld former Karnataka assembly speaker's decision to disqualify 17 rebel lawmakers** but allowed the rebels to contest the by-polls.
- Recently, the Supreme Court asked Parliament to amend the Constitution to strip Legislative Assembly Speakers of their exclusive power to decide on the matter of disqualification under the anti-defection law.

About Anti-defection Law

- The **Tenth Schedule** was inserted in the Constitution in 1985, by the 52nd Amendment Act.
- It lays down the process by which **legislators may be disqualified on grounds of defection** by the **Presiding Officer** of a legislature based on a petition by any other member of the House.
 - The presiding officer does not have the power to either indicate the period for which a person is disqualified, nor to bar someone from contesting elections.
- A legislator is deemed to have defected if
 - he either **voluntarily gives up** the membership of his party or
 - **disobeys the directives** of the party leadership on a vote. This implies that a legislator defying (abstaining or voting against) the party whip on any issue can lose his membership of the House)
- The law **applies to both** Parliament and state assemblies.
- **Exceptions under the law:** Legislators may change their party without the risk of disqualification in certain circumstances.
 - The law allows a party to merge with or into another party provided that at least two-thirds of its legislators are in favour of the merger.
 - If a person is elected as the speaker of Lok Sabha or the Chairman of Rajya Sabha

then he could resign from his party, and rejoin the party once he demits that post.

Related Information: Interpretation of various aspects of the Anti-defection law by the Supreme Court

Decision of the Presiding Officer is subject to judicial review	The law initially stated that the decision of the Presiding Officer is not subject to judicial review. However, the SC in Kihoto Hollohan vs Zachillhu And Others case (1992) , stated that the Speaker, while exercising the power to disqualify, acts like a Tribunal and hence, the validity of the orders is amenable to judicial review .
Time limit within which the Presiding Officer has to decide on anti-defection cases	The law does not specify a time-period for the Presiding Officer to decide on a disqualification plea. The Supreme Court asked the State Assembly Speaker to decide the disqualification petition in four weeks .

2.1.5. LEGISLATIVE COUNCIL

Why in news?

Andhra Pradesh assembly passed resolution to abolish Legislative Council.

Procedure for formation and abolition of Legislative Council

- Under **Article 169 (1)** of Constitution a **State legislative assembly can pass a resolution** requesting **Parliament** for **creation or abolition of legislative council** in the state. Based on resolution, Parliament makes an act for amending Constitution to that effect.
- **Resolution** by the assembly has to be passed by a **special majority** i.e. majority of the total membership of the Assembly and a majority of not less than 2/3rd of members of Assembly present and voting.
- The Parliamentary law makes amendment to **Article 168 (1) (a)** of Constitution which includes names of states that have two houses.
- This Act of Parliament is **not to be deemed as an amendment of the Constitution** for the purposes of Article 368 and is passed like an ordinary piece of legislation (i.e. by **simple majority**).
- **States with Legislative Council:** Currently, six states have Legislative Councils. These are Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka.

Powers of Legislative Council

- Council is **not a revising body** like the Rajya Sabha; it is **only a dilatory chamber** or an advisory body.
- The final power of passing an ordinary bill lies with the assembly. At the most, the council can **detain or delay the bill for the period of four months**—three months in the first instance and one month in the second instance.
- When an ordinary bill, which has originated in the council and was sent to the assembly, is rejected by the assembly, the bill ends and becomes dead.
- The council has no effective say in the ratification of a constitutional amendment bill. In this respect also, the will of the assembly prevails over that of the council.

2.1.6. LEADER OF OPPOSITION

Why in news?

In recent Lok Sabha Election, none of the political parties were able to secure minimum 10% of strength required to be eligible for Leader of Opposition post.

About Leader of Opposition (LoP)

- **LoP is a statutory post**, drawing its power from **Salaries and Allowances of Leaders of Opposition in Parliament (SALOP) Act, 1977**.
- The act defines LoP as the **Leader in that House of the party in opposition** to the Government having the greatest numerical strength and recognised as such by the Chairman of the Council of States or the Speaker of the House of the People.
- However, while recognizing LoP the Speaker should follow the **Directions by the Speaker of Lok Sabha issued in 1956**.
- According to the directions, Speaker is not obliged to recognise any member of the largest Opposition party in the Lok Sabha as LoP in case the said party does not have the strength equal to 1/10th of the quorum required for a sitting of the House.
- LoP enjoys the rank of a **Cabinet Minister** and is a **member of panels** that select candidates for key Constitutional and statutory posts like CVC, CBI Director, Lok Pal etc.

2.1.7. PRIVATE MEMBER'S BILL

Why in News?

A private member's bill was proposed in the Rajya Sabha that seeks removal of the limit on

candidate election expenditure and proposed state funding of elections.

About Private member's bill

- Any Member of Parliament (MP) who is not a minister is referred to as a **private member**.
- Its introduction in the House requires **one month's notice**.
- The government bills can be introduced and discussed on any day, private member's bills can be introduced and discussed **only on Fridays**.
- The last time a private member's bill was passed by both Houses was in **1970**.
 - It was the **Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968**.
- **14** private member's bills — five of which were introduced in Rajya Sabha — have **become law** so far.
- They can bring in constitutional amendment bills but not money bills.

Related information: Cap on election expenditure

- Election Commission of India has set an expenditure limit of **Rs 70 lakh for the candidates in the Lok Sabha** elections 2019. It is mandatory for all candidates to open an account in bank for the expenses, the payment of which will be made through cheque.
 - An incorrect account, or expenditure beyond the ceiling, **can attract disqualification for up to three years**.
 - However, there is no ceiling on campaign expenditure by political parties in the Lok Sabha and Assembly polls.

2.1.8. LAPSING OF BILLS

Why in news?

Recently, Vice President called for rethink on provision that provides for automatic lapsing of Bill leading to wastage of time in Lok Sabha.

Provisions for lapsing of bills

- **Article 107** deals with introduction and passing of bills.
- According to this article, on the **dissolution of Lok Sabha**, Cases when a **bill lapse** are
 - A bill originated in the Lok Sabha but **pending in the Lok Sabha** – lapses.
 - A bill originated and passed by the Rajya Sabha but **pending in Lok Sabha** – lapses.
 - A bill originated and passed by the Lok Sabha but **pending in the Rajya Sabha** – lapses.
 - A bill originated in the Rajya Sabha and returned to that House by the Lok Sabha

with amendments and still pending in the Rajya Sabha - lapses.

- Cases when a **bill does not lapse**
 - A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.
 - If the president has notified the holding of a **joint sitting before the dissolution** of Lok Sabha, does not lapse.
 - A bill passed by both Houses but **pending assent of the president** does not lapse.
 - A bill passed by both Houses but **returned by the president for reconsideration** of Houses does not lapse.

2.1.9. OFFICE OF PROFIT

Why in news?

Recently, President has rejected a petition demanding disqualification of Delhi MLAs for allegedly holding office of profit.

About office of profit

- **Articles 102(1) and 191 (1)** mention disqualifications on the basis of Office of Profit in the Parliament and state legislature respectively.
- But it is **neither defined in the constitution nor under Representation of People's Act.**
- Supreme Court in **Pradyut Bordoloi vs Swapan Roy (2001)** case, 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.

2.2. CABINET COMMITTEES RECONSTITUTED

Why in news?

Recently the central government has reconstituted eight key cabinet committees including **creation of two new committees.**

Cabinet Committees

- They are **extra-constitutional** bodies, which are provided by the **Governments of India Transaction of Business Rules, 1961.**
- They are **set up by the Prime Minister** according to the exigencies of the time and requirements of the situation. Hence, their number, nomenclature, and composition varies from time to time.
- **Classification-** They are of two types—**standing and ad hoc.** The former are of permanent nature while the latter are of temporary nature.
- **Function-** They are an **organisational device to reduce the enormous workload** of the Cabinet. They also **facilitate in-depth examination of policy** issues and effective coordination.
- The **Cabinet can review** their decisions.
- **Composition-** They usually **include only Cabinet Ministers.** However, the **non-cabinet Ministers are not debarred** from their membership. They not only include the Ministers in charge of subjects covered by them but also include other senior Ministers. Their membership varies from three to eight.
- **Head of the Committee-** They are **mostly headed by the Prime Minister.** Sometimes other Cabinet Ministers also acts as their Chairman. But, in case the Prime Minister is a member of a committee, he invariably presides over it.

More on news

- The committees that have been reconstituted are:
 - **Appointments Committee of the Cabinet:** It decides all higher-level appointments in the Central Secretariat, Public Enterprises, Banks, the three service chiefs etc. It also decides on the transfer of officers serving on Central deputation.
 - **Cabinet Committee on Economic Affairs:** It reviews economic trends, problems and prospects for evolving a consistent and integrated economic policy.
 - ✓ It also deals with fixation of prices of agricultural produce and prices of essential commodities.
 - ✓ It deals with industrial licensing policies and review rural development and the Public Distribution System.
 - ✓ It considers proposals for investment of more than Rs 1,000 crores.

- **Cabinet Committee on Parliamentary Affairs:** It draws the schedule for Parliament sessions and monitors the progress of government business in Parliament.
 - **Cabinet Committee on Political Affairs:** deals with all policy matters pertaining to domestic and foreign affairs.
 - **Cabinet Committee on Security:** It deals with issues relating to **law and order, internal security** and policy matters concerning **foreign affairs** with internal or external **security implications**.
 - ✓ It considers all cases involving capital defence expenditure more than Rs 1,000 crore.
 - **Cabinet Committee on Accommodation:** It determines the guidelines or rules with regard to the allotment of government accommodation, including that to Members of Parliament.
- The **new committees** include:
 - **Cabinet Committee on Investment and Growth:**
 - ✓ It will **identify key projects required to be implemented on a time-bound basis**, involving investments of Rs 1,000 crore or more, or any other critical projects, as may be specified by it, with regard to infrastructure and manufacturing. It will also **monitor the progress** of such projects.
 - **Cabinet Committee on Employment and Skill Development:**
 - ✓ It is supposed to **provide direction to all policies, programmes, schemes and initiatives** for skill development aimed at **increasing the employability** of the workforce.
 - **Prime Minister is part of six panels** except for the Committee on Accommodation and Committee on Parliamentary Affairs.

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3. CENTRE-STATE RELATIONS

3.1. NITI AAYOG

Why in news?

Recently Government has **reconstituted NITI Aayog**, renaming Rajiv Kumar as its vice chairman and appointing Home Minister as ex-officio member.

Background

- **Planning Commission** was initially set up in 1950 as an **agency to direct investment activity in a country**.
- Planning Commission of India had **two key duties to perform i.e.**; to implement five-year plan and second was to provide the finances to the state.
- **National Institution for Transforming India (NITI Aayog)** was constituted in 2015 as a **think tank and advisory body of the government**, replacing Planning Commission.

Performance of NITI Aayog

- **Launching of various initiatives and programmes**
 - Measuring performance and ranking States on outcomes in critical sectors
 - Sustainable Action for Transforming Human Capital (SATH)
 - Ek Bharat Shrestha Bharat
 - Development Support Services to States (DSSS) for Development of Infrastructure
 - ‘Aspirational District Programme (ADP)’: to realise the vision of ‘SabkaSaath, SabkaVikas’
- **Enabling evidence-based policy making and enhancing productive efficiency with long-term vision**
 - Three Year National Action Agenda and the Strategy for New India @75.
 - Balanced Regional Development
 - ✓ NITI Forum for North East
 - Health & Nutrition Sector Reforms
 - ✓ Evolving the National Nutrition Strategy
 - In energy sector
 - ✓ NITI has prepared a report on ‘India’s Renewable Electricity Roadmap 2030.’
- **Promote entrepreneurial and innovation ecosystem**
 - **Atal Innovation Mission**, which established Atal Tinkering Labs in India, has already done commendable work in improving the innovation ecosystem in India.
 - Global Entrepreneurship Summit 2017: Women First: Prosperity for All
 - Women Entrepreneurship Platform

NITI AAYOG

(National Institution for Transforming India)

AAYOG WILL HAVE

- Prime Minister to be the Chairperson
- Vice-Chairman and a CEO
- Full time members, number unspecified
- Up to two part-time members from leading universities and research organisations
- 4 Union ministers as ex-officio member
- Governing council comprising all Chief Ministers and Lt Governors
- Regional Councils which will be formed to address specific issue and contingencies impacting more than one state or a region
- *Experts, specialists and practitioners with relevant domain knowledge as special invitees

OBJECTIVE

To evolve a shared vision of national development priorities, sections and strategies with the active involvement of states in the light of national objectives

THE AAYOG WILL

- Seek to provide a critical directional and strategic input into the governance process
- Develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government
- Ensure, on areas that are specifically referred to it, that the interests of national security are incorporated in economic strategy and policy
- Pay special attention to the sections of the society that may be at risk of not benefiting adequately from economic progress

Through Commitment to a cooperative federalism-

- Promotion of citizen engagement
- Egalitarian access to opportunity
- Participative and adoptive governance
- Increasing use of technology

3.2. RATIONALISATION OF CENTRALLY SPONSORED SCHEMES

Why in News?

The chairman of the Fifteenth Finance Commission has voiced that there needs to be further rationalization of the **Centrally Sponsored Schemes (CSS)**.

About CSS

- CSS are plan transfers to States by the Union Government, which are implemented through the State Governments and in sectors falling in the State and Concurrent Lists of the Constitution.
- CSS is the **biggest component of Central Assistance to state plans (CA)**, where states don't have much flexibility.
- In the initial years of planning in India, the number of CSS was very large (190 at the end of Fifth Plan which increased to **360 at the end of Ninth Plan**).

Current Structure of Centrally Sponsored Schemes

Type of CSS	Criteria	Funding Pattern (Centre: States)	Schemes
Core of the Core (6)	Have compulsory participation of states	<ul style="list-style-type: none"> • General Category states: Existing pattern • Special Category states: Existing pattern 	<ul style="list-style-type: none"> • MGNREGA • National Social Assistance Program (For Senior citizens, widows etc.) • Umbrella Scheme for SC (All schemes for SC in one) • Umbrella Scheme for ST (All schemes for ST in one) • Umbrella Scheme for OBC (All schemes for OBC in one) • Umbrella Scheme for Minorities (All schemes for Minorities in one)
Core (20)	Have compulsory participation of states	<ul style="list-style-type: none"> • General Category states: 60: 40 • Special Category states: 90: 10 	Rashtriya Krishi Vikas Yojana, Rashtriya Pashudhan Vikas Yojana, Pradhan Mantri Gram Sadak Yojana, National Rural Drinking Water Mission, National Health Mission, Swachh Bharat Abhiyan, Integrated Child Development Scheme, National Education Mission, Forestry and Wild Life, Pradhan Mantri Awas Yojana etc.
Optional (2)	States could choose	<ul style="list-style-type: none"> • General Category states: 	<ul style="list-style-type: none"> • Border Area Development Program

some or all of them	50: 50 • Special Category states: 80: 20	<ul style="list-style-type: none"> • National River Conservation Plan
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Steps taken towards rationalization of CSS

- **States taken into deliberation-** From 2014-15 onwards, direct **transfers** to State implementing agencies have been done away with, and all transfers to States for Centrally sponsored schemes are now being routed through the Consolidated Fund of the State.
- **Reduced number of CSS-** from **66 to 28** and they were divided into three categories.
- **Increased choice given to states-** to select optional schemes they want to implement.
- **Reduced rigidity in usage of funds-** The flexi-funds available in each CSS has been raised from 10% to 25% for the States and 30% for the UTs of the overall annual allocation under each Scheme.
- **Evaluation of CSS-** Approval of the schemes is being made co-terminus with the Finance Commission cycle. NITI Aayog is in process of evaluation of all the CSS.

3.3. PROMOTION OF HINDI LANGUAGE

Why in news?

Recently, on the occasion of Hindi Diwas, the Union home minister had proposed to promote Hindi as the country's common language.

Constitutional Basis for promoting Hindi language

- **Article 351:** 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 and
 - to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule.
- **Article 120 and 210** regarding language to be used in Parliament and state legislature respectively gives the option of transacting business in Hindi as well in English.
- **Article 343** states Hindi written in Devanagari script is to be the official language of the Union and gives power to parliament to

decide by law, the languages to be used for official work.

- **Article 344** provides for constitution of a parliamentary committee every 10 years to recommend to the President regarding progressive use of the Hindi language for the official purposes of the Union and restrictions on the use of English.

Other Constitutional provisions with respect to languages

- **Article 29** gives every Indian the right to a distinct language, script & culture.
- **Article 30** provides for Right of minorities to establish and administer educational institutions for all minorities, whether based on religion or language.
- **Article 350A:** Facilities for instruction in mother-tongue at primary stage
- **Article 350B:** Special Officer for linguistic minorities

Three-language formula

- It is commonly understood that the three languages referred to are **Hindi, English and the regional language of the respective States.**
- Teaching of Hindi across the country was crystallised into a policy in an official document in **National Policy on Education, 1968.**
- It was again mooted in NPE 2019 but later the idea was dropped from the draft.
- State has been following the **two-language formula for many decades**, under which only English and one regional language are compulsory in schools.

3.4. ARTICLE 131

Why in news?

Recently **Kerala and Chhattisgarh** have filed a suit in the Supreme court challenging the constitutional validity of various central laws under **Article 131** of the Indian Constitution.

About Article 131

- Article 131 of the Constitution talks about the original jurisdiction of the **Supreme Court**, where the apex court deals with any dispute **between the Centre and a state; the Centre and a state on the one side and another state on the other side; and two or more states.**
- This means **no other court** can entertain such a dispute.
- A dispute to qualify under Article 131, it must involve a **question of law or fact** on which the existence of a legal right of the state or the Centre depends.
- **The original jurisdiction of the Supreme Court does not extend to:**

- A dispute arising out of any treaty, agreement, covenant, engagement or other similar instrument executed before the commencement of the constitution and continues to be in operation or which provides that the **jurisdiction of the Supreme Court shall not extend to such a dispute;**
- disputes relating to the use, distribution, or control of the water of any inter-state river;
- Suits brought by private individuals against the government of India.

Other Jurisdictions of the Supreme Court

- **Advisory:** Under its advisory jurisdiction, the President has the power to seek an opinion from the apex court under Article 143 of the Constitution.
- **Appellate:** Under its appellate jurisdiction, the Supreme Court hears appeals from lower courts.
- **Extraordinary original jurisdiction:** The Supreme Court has exclusive power to adjudicate upon disputes involving elections of the President and the Vice President, those that involve states and the Centre, and cases involving the violation of fundamental rights.
- **Writ Jurisdiction:** The Supreme Court is empowered to issue writs including habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen.

Related information

- **Article 256** states that the **executive power of every State** shall be so exercised as to ensure **compliance with the laws made by Parliament** and any existing laws which apply in that State.
- It also states that the **executive power of the Union shall extend** to the giving of such directions to a State to ensure compliance may appear to the Government of India to be necessary for that purpose.

3.5. REMOVAL OF ARTICLE 370 AND 35A

Why in news?

The Centre decided to end the special status given to Jammu and Kashmir (J&K) under Article 370.

Article 370 and Article 35A

- Art. 370 had “**temporary provisions with respect to the State of Jammu and Kashmir**” which gave special powers to the state allowing it to have its **own Constitution.**
- According to article 370, except for defence, foreign affairs, finance and communications, **Parliament needs the state government’s concurrence** for applying all other laws.

- Article 35A of the Indian Constitution, which stemmed out of Article 370, gave powers to the Jammu and Kashmir Assembly to define permanent residents of the state, their special rights and privileges.

More on news

- President of India in “concurrence” with the “Jammu and Kashmir government” promulgated **Constitution (Application to Jammu and Kashmir) Order, 2019** which states that provisions of the Indian Constitution are applicable in the State.
- This effectively means that all the provisions that formed the basis of a separate Constitution for Jammu and Kashmir stand abrogated. With this, **Article 35A is scrapped automatically**.
- Along with this, a **statutory resolution** was approved by the Parliament which – invoking the authority that flows from the effects of Presidential Order – recommended that the **President abrogate (much of) Article 370**.
- Also, **Jammu and Kashmir Reorganization Act, 2019** was passed by the Parliament. Jammu & Kashmir (J&K) was re-organized into two Union Territories - **J&K division with a legislative assembly** and the **UT of Ladakh without having an assembly**.

How the Scrapping of Article 370 and 35A became possible?

- President issued a **presidential order under Article 370 (1)** of the Constitution. This clause enables the President to specify the matters which are applicable to Jammu and Kashmir in concurrence with the Jammu and Kashmir government.
- The **order amended Article 367**. Article 367 contains guidance on how to read or interpret some provisions. The amended Article declares that “the expression ‘**Constituent Assembly** of the State...’ in Article 370 (3) shall be read to mean ‘**Legislative Assembly** of the State’. Article 370(3) provided that the Article 370 was to be amended by the concurrence of the Constituent Assembly. However, because of the amendment, it can now be done away by a recommendation of the state legislature.
- In other words, the government used the power under 370(1) to amend a provision of the Constitution (Article 367) which, then, amends Article 370(3). And this, in turn, becomes the trigger for the statutory resolution - Resolution for Repeal of Article 370 of the Constitution of India. As Jammu

and Kashmir was under the president rule, concurrence of governor is considered as “Jammu and Kashmir government”.

Implications of the move

- Complete applicability of Indian Constitution to J&K
- No separate flag
- Tenure of the J&K assembly to be five years, instead of the earlier six years.
- Replacing Ranbir Penal Code (the separate penal code for J&K) with the Indian Penal Code.
- Article 356 under which the President’s Rule can be imposed in any state, will also be applicable to the UT of Jammu and Kashmir.
- The central quota laws in school-college admissions and state government jobs will apply.
- People from other states may be able to acquire property and residency rights.
- RTI would be made applicable.
- Certain provisions of the J&K Constitution which denied property rights to native women who marry a person from outside the State may stand invalidated.

3.6. INNER LINE PERMIT

Why in news?

Recently, Manipur has launched an online portal for the travellers to seek Inner Line Permits.

About ILP

- It is a **travel document** that allows an Indian citizen to visit or stay in a state that is protected under the ILP system.
 - Foreigners need a **Protected Area Permit (PAP) to visit tourist places** which are different from Inner Line Permits needed by domestic tourists.
- The system is in force today in four North eastern states — **Arunachal Pradesh, Nagaland, Manipur and Mizoram**.
- No Indian citizen can visit any of these states unless he or she belongs to that state, nor can he or she overstay beyond the period specified in the ILP.
- The concept stems from the **Bengal Eastern Frontier Regulation Act, 1873**, where the British framed regulations restricting the entry and regulating the stay of outsiders in designated areas.
- This was to protect the Crown’s own commercial interests by preventing “**British subjects**” (Indians) from trading within these regions.
- In 1950, the Indian government replaced “British subjects” with “**Citizen of India**”.

- This was to address local concerns about protecting the interests of the indigenous people from outsiders belonging to other Indian states.
- An ILP is issued by the **state government** concerned.
 - It can be obtained after applying either online or physically.
- It states the dates of travel and also specifies the particular areas in the state which the ILP holder can travel to.



3.7. NORTH-EASTERN COUNCIL

Why in news?

Recently, government decided to allocated 30% of the North-Eastern Council's (NEC's) budget for developing deprived areas.

About North-Eastern Council

- It is a **statutory advisory** body established under the **North Eastern Council Act, 1971**, as amended in 2002.
- It is the **nodal agency** for economic and social development of 8 North Eastern Region States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.
- Organisation structure includes
 - **Ex-officio Chairman** – Union Home Minister
 - **Vice Chairman** - Minister of State (Independent Charge), Ministry of DoNER
 - **Members** - Governors and Chief Ministers of all the eight States and 3 members nominated by President.
 - It is mandated to function as a **Regional Planning Body** for the North Eastern Region.
 - While formulating the regional plans, it needs to give priority to schemes and projects, benefitting two or more States, provided that in case of Sikkim, the

Council shall formulate specific projects and schemes for that State.

3.8. INTER-STATE COUNCIL

Why in news?

Recently, **Inter-State Council (ISC)** has been reconstituted.

About Inter-State Council

- **Article 263** of the constitution provides for the establishment of an ISC.
- It was set up on the **recommendation of Sarkaria Commission** by a **Presidential Order in 1990**.
- It is a **recommendatory body** on issues relating to **inter-state, Centre-state and Centre-union** territories relations.
- It aims at **promoting coordination** between them by examining, discussing and deliberating on such issues.
- It is **not a permanent constitutional body**. It can be established 'at any time' if it appears to the President that the public interests would be served by its establishment.
- **Organisation structure** includes:
 - **Prime minister** as the **Chairman**
 - **Chief ministers of all the states**
 - **Chief ministers of union territories** having legislative assemblies
 - **Administrators of union territories** not having legislative assemblies
 - **Six Central cabinet ministers, including the home minister**, to be **nominated** by the Prime Minister.
- The Presidential Order of 1990 has been amended twice to provide for **Governor of a State under President's rule to attend** the meeting of the Council and **nomination by the Chairman of permanent invitees from amongst the other Union Ministers**, respectively.
- There is also a **Standing Committee of the Council** for continuous consultation and processing of matters for the consideration of the Council. It consists of the following members:
 - **Union Home Minister** as the **Chairman**
 - **Five Union Cabinet Ministers**
 - **Nine Chief Ministers**

3.9. DADRA AND NAGAR HAVELI AND DAMAN AND DIU MERGED

Why in news?

Recently, Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 was passed.

About Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019

- The Act **amends the First Schedule** to merge the two union territories into the UT of Dadra and Nagar Haveli and Daman and Diu. Amendment to First Schedule of constitution is **not recognized as a constitutional amendment under Article 368 of the constitution**.
 - First Schedule to the Constitution specifies the territories that come under various states and UTs.
- **Article 240(1)** of the Constitution allows the President to make regulations for certain UTs, including the UTs of Dadra and Nagar Haveli, and Daman and Diu. The Act amends the Article to replace these two UTs with the merged UT.
- The **First Schedule to the Representation of the People Act, 1950** provides **one seat in Lok Sabha** to each of the two UTs. The Act amends the Schedule to allocate two Lok Sabha seats to the merged UT.
- The Act provides that the **jurisdiction of the High Court of Bombay** will continue to extend to the merged UT.
- With this amendment total Union Territories in India become 8:
 - Andaman and Nicobar Islands
 - Jammu and Kashmir
 - Chandigarh
 - Ladakh
 - Dadra & Nagar Haveli and Daman & Diu
 - Lakshadweep
 - Delhi
 - Puducherry
- Out of these Delhi, Puducherry and Jammu & Kashmir have legislatures.

3.10. SIXTH SCHEDULE

Why in news?

Recently National Commission For Scheduled Tribes (Art 338A) has recommended **Union Territory of Ladakh** to be declared as a “tribal area” under the **Sixth Schedule of the Constitution**.

About sixth Schedule

- **Article 244** of provides special system of administration for certain areas designated as ‘**scheduled areas**’ and ‘**tribal areas**’.
- Sixth Schedule contains special provisions for the administration of tribal areas in the four north-eastern states of **Assam, Meghalaya, Tripura and Mizoram**.
- **Provisions under 6th schedule include:**
 - **Autonomous districts:** The tribal areas in these states have been constituted as **autonomous districts**, each of which has an **autonomous district council** and each autonomous region has a separate **regional council** consisting of 30 members. Currently, there are **10 such councils**.
 - **Legislative power:** To make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs and so on. These require **assent of the governor**.
 - **Judicial power:** The councils can constitute **village councils or courts** for trial of suits and cases between the tribes where the **jurisdiction of high court over these suits and cases is specified by the governor**.
 - **Regulatory power:** The district council can establish, construct or **manage primary schools**, dispensaries, markets, ferries, fisheries, roads and so on in the district. It can also make regulations for the control of **money lending and trading by non-tribals**. But such regulations require the **assent of the governor**.
 - **Tax revenue collection:** The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.

4. JUDICIARY

4.1. PROVISIONS RELATED TO ADDITION AND TRANSFER OF JUDGES

4.1.1. ADDITION OF JUDGES

Why in news?

- Parliament has recently passed the legislation to increase the sanctioned strength of the Supreme Court from 31 to 34 including the Chief Justice of India.
- **Constitutional provisions**
 - Originally, under **Article 124** of the Indian Constitution the strength of Supreme Court was fixed at eight (one chief justice and seven other judges).
 - **Article 124 (1)** provides the power to the **Parliament** to increase the number of judges if it deems necessary.
 - The Parliament through **The Supreme Court (Number of Judges) Act, 1956** increased strength of Supreme Court to ten.
 - The Act was **last amended in 2009** to increase the judges' strength from 25 to 31.

4.1.2. TRANSFER OF JUDGES

Why in news?

Recently, Chief Justice of the Madras High Court, was transferred to Meghalaya High Court.

Procedure for transfer of judges

- **Constitutional provision:** Transfer of Judges from one High Court to another High Court is made by the President after consultations with the Chief Justice of India under **Article 222 (1) of the Constitution**.
- **Judicial Interpretation:** The Supreme Court derives its power to select, appoint and transfer judges from its verdicts in **Three Judges Cases**. From the SC decisions on the subject of judges' transfer, following points emerge:
 - Transfer of a judge cannot be a punitive measure.
 - Transfer can be ordered only on 'public interest' for the 'better administration of justice'.
 - Transfer can be ordered by President only on the basis of concurrence of the CJI after effective consultation.

Three Judges Cases

- **First Judges Case, 1981** or **S P Gupta Case:** The Supreme Court ruled that the recommendation made by the CJI to the President can be refused for "cogent reasons", thereby giving greater say to executive.
- **Second Judges Case, 1993: Supreme Court Advocates-on Record Association vs Union of India.** CJI only need to consult two senior-most judges over judicial appointments and transfers. However, on objection raised by executive on appointment, Collegium may or may not change their recommendation, which is binding on executive.
- **Third Judges Case, 1998:** CJI should consult with four senior-most Supreme Court judges and the chief justice of two high courts (one from which the judge is being transferred and the other receiving him) to form his opinion on judicial appointments and transfers.

4.1.3. ACTING CHIEF JUSTICE

Why in news?

Recently Supreme Court has recently ruled that a judge who retired as an Acting Chief Justice of a High Court **cannot claim the pension** of a regular Chief Justice (CJ).

About Acting Chief Justice

- **Article 223** states that **President can appoint a judge of a high court** as an acting chief justice of the high court when:
 - the office of chief justice of the high court is **vacant**; or
 - the chief justice of the high court is **temporarily absent**; or
 - the chief justice of the high court is **unable to perform the duties of his office**.
- Similarly, under **Article 126**, **President can appoint a judge of the Supreme Court as an acting Chief Justice of India** when:
 - the office of Chief Justice of India is vacant; or
 - the Chief Justice of India is temporarily absent; or
 - the Chief Justice of India is unable to perform the duties of his office.

4.2. REGIONAL BENCH OF SUPREME COURT

Why in News?

Vice President of India has suggested setting up of four Regional Benches of the Supreme Court. Currently, the Supreme Court sits at Delhi.

More on news

- **Article 130** states that the Supreme Court may sit at place(s) other than Delhi on the order of the Chief Justice of India with the prior approval of the President of India.
- Also, no constitutional amendment would be required in order to set up such benches.
- Law commission had recommended the division of the Supreme Court into 1) Constitutional court and 2) National court of appeal.
- The Supreme Court itself, as early as in 1986, had recommended establishment of **National Court of Appeal with regional Benches at Chennai, Mumbai and Kolkata.**
- In **V. Vasantha Kumar case, 2016** the Supreme Court referred the matter to a Constitutional Bench for decision on the National Court of Appeal.
 - **The National Court of Appeal with regional benches** in Chennai, Mumbai and Kolkata is meant to act as final court of justice in dealing with appeals from the decisions of the High Courts and tribunals within their region in civil, criminal, labour and revenue matters.

4.3. GRAM NYAYALAYAS

Why in news?

Supreme Court has directed **all the states** to come out with notifications for establishing '**Gram Nyayalayas**' within a month and has asked the High Courts to expedite the process of consultation with state governments on this issue.

Background

- **114th Report of the Law Commission (1986)** recommended setting up of Gram Nyayalayas (**mobile village courts**) at the grass root levels to:
 - provide **access to justice to the most marginalized** sections of the society specifically to reduce barriers to access in terms of distance, time & associated costs.

- **reduce delay** by providing for summary procedure.
- **reduce workload** on higher tiers of judiciary.

- **Gram Nyayalayas Act, 2008** came into force on October 2, 2009. More than 5000 Gram Nyayalayas were expected to be set up under the Act for which the Central Government allocated about Rs.1400 crores by way of assistance to the concerned States/Union Territories.
- **However**, presently only 11 states have taken steps to notify Gram Nyayalayas so far. Only 208 Gram Nyayalayas are functioning in the country. Not a single Gram Nyayalayas have become operational in North- Eastern States.

About Gram Nyayalayas

- **Structure:** It is established for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district.
 - The **State Government**, in consultation with the High Court, **notifies the boundaries** of the area under the jurisdiction of a Gram Nyayalaya. It can also alter such limits at any time.
 - It can hold **mobile courts** in villages falling under its jurisdiction and State Government shall extend all required facilities.
- **Appointments:** The **State Government** shall appoint a presiding officer called **Nyayadhikari** for every Gram Nyayalaya in consultation with the High Court, who will be a person eligible to be appointed as a **Judicial Magistrate of the First Class.**
 - The salary and other allowances along with the other terms and conditions of service shall be on the same lines as well.
 - **Representation** shall be given to the members of the SC, ST, women and others.
- **Jurisdiction, powers and authority:** Gram Nyayalaya shall exercise **both civil and criminal jurisdiction.** The judgment passed by a Gram Nyayalaya in civil cases shall be deemed to be a decree.
 - Gram Nyayalaya can try **criminal cases, civil suits, claims or disputes** which are specified in the Act. For e.g.
 - ✓ Offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years.

- ✓ Offences related to **central acts** such as payment of wages, minimum wages, Protection of civil rights, bonded labour, Protection of Women from Domestic Violence Act, etc.
- The nature of jurisdiction specified in the Act can be **amended** by **both the central and state governments**.
- A Gram Nyayalaya is **not bound by the rules** of evidence provided in the **Indian Evidence Act, 1872** but is guided by the **principles of natural justice** and is subject to any rule made by the High Court.
 - An **appeal** against a judgement of a **criminal case** shall be taken to the **Court of Session**, while a **civil case** appeal shall be taken to **District court**. Appeals have to be heard and disposed of within six months.

4.4. NATIONAL LEGAL SERVICES AUTHORITY (NALSA)

Why in news?

NALSA issued Vision 2020 document “Mission Access Justice to All”.

About National Legal Services Authority (NALSA)

- NALSA 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.
- **NALSA** shall consist of the **Chief Justice of India who shall be the Patron-in-Chief** and a **serving or retired Judge of the Supreme Court** to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman.
- Act also proposes, in every State, a **State Legal Services Authority** and in every High Court, a High Court Legal Services Committee have been constituted.
- **District Legal Services Authorities**, Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks to provide free legal services to the people and conduct Lok Adalats in the State.
- Persons eligible for **getting free legal services** include
 - Women and children
 - Members of SC/ST
 - Industrial workmen
 - Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster.
 - Disabled persons.

- Persons in custody
- Persons whose annual income does not exceed Rs. 1 lakh (in the Supreme Court Legal Services Committee the limit is Rs. 5,00,000/-).
- Victims of Trafficking in Human beings or beggar.

Related information: Tele-Law initiative

- Tele-Law aims to facilitate **delivery of legal advice through a panel of lawyers** stationed at the state Legal Services Authorities (SALSA) and Common Services Center (CSC).
- **Department of Justice** has partnered with **NALSA** and **CSC e-Governance Service India Limited** for mainstreaming legal aid to the marginalized communities through CSC.
- Launched in 2017, this scheme has been expanded to 115 Aspirational Districts.

Legal aid as a human right

- Under **Article 21** of Indian constitution right to free legal aid or free legal service is fundamental right.
- **Article 39A** of constitution (added through 42nd Amendment Act along with articles 39, 43A, 48A) provides for free legal aid to the poor and weaker sections of the society and ensures justice for all.
- Legal aid as a human right is envisaged in the **Universal Declaration of Human Rights, 1948**.

4.5. NEW RULES FOR TRIBUNALS

Why in News?

Union Ministry of Finance has framed new rules prescribing uniform **norms for the appointment and service conditions** of members to various Tribunals.

About Tribunals

- A tribunal is a **quasi-judicial body** established in India by an Act of Parliament or State Legislature under **Article 323A or 323B** to resolve disputes that are brought before it.
- Articles 323-A and 323-B were inserted through the **42nd Amendment Act of 1976** on recommendation of **Swaran Singh Committee**.
 - **Article 323A** deals with administrative tribunals.
 - **Article 323B** deals with tribunals for other matters.
- They play an important role in the sphere of the adjudication of disputes especially when the subject demand **technical expertise**.
- They **do not have to follow** any uniform procedure as laid down under the Civil Procedure Code and the Indian Evidence Act but they have to **follow the principles of Natural Justice**.
- They enjoy some of the powers of a civil court, viz., issuing summons and allowing witnesses to give evidence. Its **decisions are legally binding on the parties**, subject to appeal.

About new rules

- The '**Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020**', were framed by the Ministry of Finance in exercise of powers under **Section 184 of the Finance Act 2017**.
- These apply to 19 Tribunals including **Central Administrative Tribunals; Income Tax Appellate Tribunal; Customs, Excise, Service Tax Appellate Tribunal etc.** Notably, **Foreigners Tribunals are not covered**.
- **Appointment:** appointments to the above Tribunals will be made by Central Government on the recommendations by the "**Search cum Selection Committee**" composed of:
 - The Chief Justice of India, or a judge nominated by the CJI
 - President/chairperson of tribunal concerned
 - Two government secretaries from the concerned ministry/department.
- **Removal:** Search Cum Selection Committee has the power to **recommend the removal** of a member, and also to **conduct inquiry** into allegations of misconduct by a member.
- **Qualifications for tribunal members:** Only persons having judicial or legal experience are eligible for appointment.
- **Term:** Rules also provide a **fixed term of four years** to the Tribunal members.
- **Independence:** The condition in the 2017 Rules (which were set aside by Court) that the members will be eligible for **re-appointment has also been dropped** in 2020 Rules.

4.6. ZERO PENDENCY COURTS PROJECT

Why in news?

Recently the Delhi High Court has released the report on its pilot project titled "**Zero Pendency Courts**".

More on news

- **Zero Pendency Courts Project** is started by Delhi High Court in certain subordinate courts in Delhi.
- The objectives of the project were to study the actual, real-time 'Flow of Cases' from the date of institution till final disposal.
- As per the National Judicial Data Grid (NJDG), in 2018, **2.93 crore cases are pending in the subordinate courts, 49 lakhs in High Courts**

and **57,987 cases** in Supreme Court respectively.

- **Uttar Pradesh (61.58 lakh) has highest pendency followed by Maharashtra (33.22 lakh).**

Related information: Legal Information Management & Briefing System (LIMBS) is a **web-based portal** developed by Ministry of Law & Justice for monitoring and handling of various court cases of Govt. Departments and Ministries.

4.7. CURATIVE PETITION

Why in news?

Curative petitions were filed in Nirbhaya case, recently.

About Curative Petition

- Concept of the curative petition first evolved by the Supreme Court in **Rupa Ashok Hurra vs. Ashok Hurra & another** case (2002) on the question whether an aggrieved person is entitled to any relief against the final judgement/order of the Supreme Court, even **after the dismissal of a review petition**.
- It is based on interpretation of **Article 137**, which provides that in the matter of laws and rules made under **Article 145, Supreme Court has the power to review any judgement pronounced** (or order made) by it.
- Its objectives are two: avoid miscarriage of justice and to prevent abuse of process.

Procedure

- A curative petition may be filed after a review plea against the final conviction is dismissed.
- It can be entertained if the petitioner establishes that there was a **violation of the principles of natural justice**, and that he was not heard by the court before passing an order.
- A curative petition must be first circulated to a **Bench of the three senior-most judges, and the judges who passed the concerned judgment**, if available. Only when a majority of the judges conclude that the matter needs hearing should it be listed before the same Bench.
- A curative petition is **usually decided by judges in the chamber** unless a specific request for an open-court hearing is allowed.
- In the event of the Bench holding at any stage that the petition is **without any merit, it may impose a penalty on the petitioner**.

4.8. WITNESS PROTECTION SCHEME

Why in news?

Recently Supreme Court asked the states to adopt Witness Protection Scheme.

Background

- Supreme Court under **Article 141/142** of the Constitution of India has provided legal sanctity to the scheme.
- Although National Investigation Agency (NIA) act provides for witness protection, the **scheme has extended it to the witnesses in all other cases** as per the threat perception.
- In **Zahira sheikh vs. State of Gujarat**, SC observed that witness protection is necessary for **free and fair trial**.

- **Art. 141** - law declared by the Supreme Court shall be binding on all courts within the territory of India.
- **Art. 142**- Under this, SC can grant appropriate relief for doing **complete justice**.

About the Witness Protection Scheme

- Under this, Secretary, District Legal Services Authority (DLSA) can pass witness protection order for the witness protection under this Scheme for protection of identity/change of identity/relocation of a witness, categorization of threat etc.
- It has provisions related to
 - procedure to be followed for witness protection,
 - use of technology like in-camera trials
 - **Witness Protection Fund** etc.

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5. ELECTIONS

5.1. ELECTORAL BONDS

Why in news?

Recently, the information received under the Right to Information revealed some startling facts on electoral bonds.

More on news

- Electoral bonds with denomination of Rs 1 crore accounted for more than 91 per cent of the amount raised.
- The four cities, i.e. Mumbai, Kolkata, New Delhi and Hyderabad, accounted for 83 per cent of all electoral bonds by value.

Electoral Bonds Scheme Notified

It was introduced in the Union budget of 2017-18 to clean up political funding without disclosing the identity of the donors

Nature

- 1 Bearer instrument in the nature of a Promissory Note
- 2 Interest free banking instrument

Lifespan

- 1 Shelf life of only 15 days
- 2 Can be used for making donation only to the political parties registered u/s 29A of the Representation of the Peoples Act, 1951 and has received not less than 1% of the votes in the last Lok Sabha or Assembly election.

Eligibility

- 1 A citizen of India or a body incorporated in India
- 2 On fulfilment of all the extant KYC norms
- 3 By making payment from a bank account

Period of Purchase

- 1 Available for purchase for a period of 10 days each in the months of January, April, July and October, as may be specified by the Government

How to use?

- 1 The party can encash the Bonds only by depositing these in its bank, registered with the EC within 15 days of the issuance of the Bond and it shall be credited on the same day. If not deposited within 15 days, the amount of the Bond will be credited to the Prime Minister's Relief Fund.

Value

- 1 Issued / Purchased in multiples of Rs.1,000, Rs.10,000, Rs.1,00,000, Rs.10,00,000 and Rs. 1,00,00,000
- 2 Available from the Specified Branches of only the State Bank of India (SBI)

It is not available for trading on stock exchanges and cannot be used as collateral for loans. It is available only in physical form.

5.2. NATIONAL PARTY STATUS

Why in news?

The Election Commission of India recently declared the **National People's Party (NPP)** as a national party, making it the first from the north-eastern region to earn this status.

More on news

- The NPP is recognised as a State party in Arunachal Pradesh, Manipur, Meghalaya and Nagaland.
- It became the **8th national political party** in the country. The **other national political parties** are: Indian National Congress, Bhartiya Janta Party, Bahujan Samaj Party, Communist Party of India, Communist Party of India (Marxist), National Congress Party, All India Trinamool Congress.
- A party is recognized as national party by the **Election Commission if it fulfils** at least one of the following qualifications:
 - If it secures **six per cent** of valid **votes** polled in any **four or more states** at a general election to the Lok Sabha or to the legislative assembly; and, in addition, it **wins four seats** in the **Lok Sabha** from any state or states; or
 - If it wins **two per cent** of **seats** in the **Lok Sabha** at a general election; and these candidates are elected from three states; or
 - If it is recognized as a **state party** in **four states**.
- EC, however, has **no power to de-register** political parties.

Related information: Star Campaigner

- A **recognised political party** can have **40 Star campaigners** and an unrecognized (but registered) political party can have 20.
- List of star campaigners must be communicated to Chief Electoral Officer and Election Commission within a week from the date of notification of an election.
- The **expenditure incurred on campaigning star campaigners is exempt** from being added to the election expenditure of a candidate.
- If a candidate or her election agent shares the stage with a star campaigner at a rally, then the entire expenditure on that rally, other than the travel expenses of the star campaigner, is added to the candidate's expenses.

General Elections 2019 - Important Data

- **Voter Turnout** - The final voter turnout stood at 67.11% and registered the highest voter turnout in the history of the Lok Sabha election.
- **NOTA** - In 2019, it was about 1.04% of the voters. In the 2014 Lok Sabha election, this was around 1.08% of the voters.
- **Women Voters** - Parity in the voting percentage of men and women at 66.79 per cent and 66.68 per cent, respectively.
- **Women Parliamentarians** - 17th Lok Sabha has a record number of women parliamentarians — the highest-ever standing at 78.

5.3. DELIMITATION COMMISSION

Why in news?

Central government has constituted the Delimitation Commission for the purpose of delimitation of Assembly and Parliamentary constituencies in the Union territory of Jammu and Kashmir and the States of Assam, Arunachal Pradesh, Manipur and Nagaland.

More in News

- Delimitation will be done in Jammu and Kashmir based on the Census of 2011 in accordance with the provisions of the **Jammu and Kashmir Reorganisation Act**.
- In Assam, Arunachal Pradesh, Manipur and Nagaland delimitation will be done in accordance with the provisions of the **Delimitation Act, 2002**.
 - Delimitation exercise for the purpose of elections to the Lok Sabha and to the State Legislative Assemblies on the basis of 2001 census figures was completed by November, 2008.
 - However, **this exercise was postponed in Arunachal Pradesh, Assam, Manipur and Nagaland** on apprehension of threat to the peace and public order.
- Commission will be **headed by former Supreme Court judge, Justice (Retd.) Ranjana Desai**.

About Delimitation

- Delimitation literally means **the act or process of fixing limits or boundaries of territorial constituencies in a country or a province** having a legislative body.
- **Under Article 82**, the Parliament enacts a Delimitation Act after every Census which establishes a delimitation commission.
- **Under Article 170**, States also get divided into territorial constituencies as per Delimitation Act after every Census.

- In India, such Delimitation Commissions have been constituted 4 times – in 1952, 1963, 1973 and 2002.
- The Delimitation Commission is **appointed by the President of India and works in collaboration with the Election Commission of India**.
- The commission has **three ex-officio members**:
 - a serving or retired judge of the Supreme Court as the chairperson,
 - the Chief Election Commissioner or Election Commissioner nominated by the CEC and
 - State Election Commissioner of the concerned state.
- Its functions include:
 - **Determining the number and boundaries of constituencies** to make population of all constituencies nearly equal and providing equal representation to equal segments of a population.
 - **Identifying seats reserved for Scheduled Castes and Scheduled Tribes**, wherever their population is relatively large.
- Its **orders have the force of law** and cannot be called in question before any court.
- There was **no delimitation after the 1981 and 1991 censuses** due to various family planning programmes implemented by the central government.
- In 2002, the **84th Constitutional Amendment** was used to freeze the process of delimitation for Lok Sabha and State assemblies till at least 2026.

5.4. ELECTRONIC VOTING MACHINES (EVMS)

Why in news?

Recently, Delhi High Court ruled that Electronic Voting Machines (EVMS) is not 'information' under RTI Act.

About Electronic Voting Machine (EVM)

- An EVM consists of a "control unit" and a "balloting unit". The control unit is with the Election Commission-appointed polling officer; the balloting unit is in the voting compartment into where voter casts her vote in secret.
- It runs on a single alkaline battery fitted in the control unit, and can even be used in areas that have no electricity.

- They are manufactured by Electronics Corporation of India Limited (ECIL) and Bharat Electronics Limited (BEL).

History of EVMs in Indian Elections

- EVMs were 1st used in 1982 Kerala Assembly elections (by-election).
- However, SC struck down the election since Representation of People Act, 1951, and Conduct of Elections Rules, 1961, did not allow use of EVMs.
- RP Act 1951 was amended in 1988 to allow usage of EVMs.
- In 1999, they were used for the 1st time in the entire state for Goa Legislative Assembly elections.
- In 2004, EVMs were used for the 1st time in Lok Sabha elections.

- are simply declared as **registered-unrecognised parties**.
- Registration of political parties is governed by the provisions of **section 29A of the Representation of the People Act, 1951**.

5.6.2. FACIAL RECOGNITION FOR VOTER VERIFICATION

- **Telangana State Election Commission** successfully tested the facial recognition application for voter verification at polling stations using real time authentication capabilities.
- It **helps to reduce impersonation or 'proxy-voting' cases**.
- The application using latest technologies like artificial intelligence, big data and machine learning was uploaded in mobile phones and tested in 10 polling stations for urban local body elections in **Kompally Municipality**.

5.5. SECTIONS OF THE REPRESENTATION OF THE PEOPLE ACT (RP ACT), 1951 IN NEWS

Section	What it says
Section 8 (1)	<ul style="list-style-type: none"> • A person convicted of an offence punishable under certain provisions of Indian Penal Code, Prevention of Corruption Act 1988, etc. shall be disqualified from contesting election.
Section 11	<ul style="list-style-type: none"> • Empowers the Election Commission to remove or reduce the period of disqualification.
Section 126	<ul style="list-style-type: none"> • Prohibits election campaign activities through public meetings, processions, etc., and displaying of election matter by means of television and similar apparatus 48 hours before voting day.
Section 29A	<ul style="list-style-type: none"> • Registration of political parties by election Commission.

5.6. SOME INITIATIVES BY ELECTION COMMISSION

5.6.1. POLITICAL PARTIES REGISTRATION TRACKING MANAGEMENT SYSTEM (PPRTMS)

- Launched by Election Commission, PPRTMS is an **online portal to facilitate tracking of status of application**.
- **Registration of Political Parties**
 - The Election Commission registers political parties for the purpose of elections and grants them **recognition as national or state parties on the basis of their poll performance**. The other parties

5.6.3. POSTAL BALLOT

- Recently, Person with disabilities (PwDs) and people over 80 years of age were allowed to cast their vote in Delhi Assembly Election through postal ballot.
- It is a type of voting whereby Electronically Transmitted Postal Ballot Papers (ETPB) are **distributed to electors and returned by post**.
- **Service voters**, have the option of either voting **through postal ballot or through a proxy voter**. It includes
 - members of Armed Forces of the Union
 - members of forces to which provisions of Army Act, 1950 applies.
 - members of armed police force of a State and serving outside that state
 - persons who are employed by GoI in a post outside India.
- Under Section 62 of the **Representation of the People Act, 1951 prisoners are not allowed to vote** but people under preventive detention can cast their votes through postal ballots.

5.6.4. ASSOCIATION OF WORLD ELECTION BODIES (A-WEB)

Why in news?

ECI hosted 4th General Assembly of Association of World Election Bodies (A-WEB) at Bengaluru.

About A-WEB

- It is largest association of Election Management Bodies (EMBs) worldwide.
- It was **established in 2013** in South Korea. Its **Permanent secretariat** is located at **Seoul**.
- It aims at **strengthening the processes of election management in member countries**.
- It seeks to foster efficiency and effectiveness in conducting free, fair, transparent and participative elections worldwide and achieving sustainable democracy.
- It also **undertakes Election Visitor and Observation Programmes** in various countries to study various election management practices and share knowledge with other Member of EMBs.
- The A-WEB Secretariat also **undertakes Election Management Capacity Building Programme** for the officials from Member EMBs.

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6. IMPORTANT LEGISLATIONS/BILLS

6.1. AMENDMENT TO THE RTI ACT

Why in news?

Recently, the Parliament passed the **Right to Information (Amendment) Act, 2019**.

About Central Information Commission

- CIC was established under the provisions of the **Right to Information Act, 2005**.
- The Commission consists of a **Chief Information Commissioner and not more than ten** Information Commissioners (IC).
- They are appointed by **President on the recommendation** of a committee consisting of **Prime Minister** as Chairperson, **Leader of Opposition in the Lok Sabha** and a **Union Cabinet Minister nominated by the Prime Minister**.
- They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- They are not eligible for reappointment.

Amendments brought in the RTI Act






- **Removal of fixed term-** As per the act, the CIC and ICs will hold office for a term of five years. The Amendment removes this provision and states that the **central government will notify the term of office** for the CIC and the ICs.
- **Determination of Salary-** As per the act, the salary of the CIC and ICs (at the central level) will be equivalent to the salary paid to the Chief Election Commissioner and Election Commissioners, respectively. Similarly, the salary of the CIC and ICs (at the state level) will be equivalent to the salary paid to the Election Commissioners and the Chief Secretary to the state government, respectively.
 - The Amendment empowers the **Central Government to determine the salaries, allowances, and other terms** and conditions of service of the central and state CIC and ICs.
- Following **RTI Rules** were introduced under the amended Act.
 - It grants absolute power to Government to decide “conditions of service” which are not expressly covered under the Rules (in exercise of residuary powers).
 - ✓ In such cases, decision of Central Government is **binding** upon the ICs.
 - Government has “**power to relax**” the **applicability** of provisions of rules.

- Final interpretation of all the rules rests with Central Government.

6.1.1. RECENT JUDGEMENTS RELATED TO RTI

- In **Central public information officer, Supreme Court of India vs Subhash Chandra Agarwal** case a five-judge Constitution Bench of Supreme Court (SC) declared that the **Office of the Chief Justice of India (CJI) is a ‘public authority’** under **Section 2(h) of RTI Act**.
 - Following information **can** be disclosed under RTI
 - ✓ Information about personal assets of judges and CJI is **not a violation of their right to privacy**.
 - ✓ Names of judges recommended by the Collegium.
 - Following information **cannot** be disclosed under RTI
 - ✓ Reasons cited by collegium for recommendation of judges
 - ✓ Information protected under **Section 8 of RTI Act**
- In **D.A.V. College Trust and Management Society Vs. Director of Public Instructions** case Supreme Court ruling has brought **non-government organizations (NGOs) receiving funds from the governments** under the ambit of RTI Act.
 - Currently, NGOs are regulated under the provisions of Foreign Contribution Regulation Act (**FCRA**) and Foreign Exchange Management Act (**FEMA Act**).
 - This ruling would mean that NGOs will have to **maintain records as provided under the RTI Act**, and every citizen will have the right to get information from them.

WHAT DOES THE ORDER SAY

-  Trusts and NGOs “substantially funded” by the government will be considered “public authorities” under the RTI Act
-  Whether an NGO/trust enjoys “substantial government financing” will be examined on a case-to-case basis
-  Substantial funding can be in both direct and indirect ways
-  Substantial funding does not necessarily have to be in the form of financial aid or be more than 50 per cent of funding
-  While determining substantial funding, the current value of land will also have to be evaluated.

- **Section 2(h) of the RTI Act** states that “public authority” means any authority or body or institution of self-government established or constituted
 - By or under the Constitution;
 - By any other law made by Parliament;
 - By any other law made by state legislature;
 - By notification issued or order made by the appropriate Government, and includes any
 - ✓ Body owned, controlled or substantially financed
 - ✓ Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.
 - The RTI Act does not define **substantial financing**.
 - Supreme Court in its judgement has widened the definition of substantial financing and held that it can be direct and indirect.
- **Section 8 (1) (j) of the RTI Act** says that personal information, which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual shall be disclosed only if the appellate authority is satisfied that the larger public interest justifies the disclosure of such information.
- **Any person who is a citizen of India** can file an RTI application.
- All below poverty line (**BPL**) families are exempt from paying any fees for other there is nominal fee of Rs 10 which may also vary from state to state.

Foreign Contribution Regulation Act (FCRA) 2010

It regulates the acceptance and utilization of foreign contribution by individuals or associations and prohibits acceptance and utilization of foreign contribution or foreign hospitality for any activities detrimental to national interest and for matters connected therewith or incidental.

- It required all NGOs to apply for a **license to receive foreign funding**.
 - NGO must be in **existence for at least 3 years** and **spending at least Rs 1,000,000 over 3 years** preceding the date of its application on its activities
 - It must have **undertaken reasonable activity in its field** for which the foreign contribution is proposed to be utilised.
 - NGO with **permanent FCRA licenses** now have to get these renewed **every five years**.
 - NGO **shall not spend more than 50% of Foreign Contribution received in a Financial Year** to meet administrative expenses without prior approval of Central Government.
- **Recent changes in FCRA**
 - Government barred several prominent NGOs from receiving funds from foreign countries after they failed to **file their annual returns for five consecutive years**.
 - NGOs are required to **validate the bank**

accounts in which they receive foreign funds.

- In 2017, the Ministry of Home Affairs issued circular under which all NGOs registered under FCRA **should receive foreign donations in a single designated bank account**.
- NGO have to file an affidavit declaring that the **individual has not been involved in any act of religious conversion or prosecuted for communal disharmony**.

Foreign Exchange Management Act (FEMA)

- It was introduced to **consolidate and amend the law relating to foreign exchange** with the objective of facilitating external trade and payments.
- Certain NGOs are also registered under FEMA come under **Ministry of Finance**.

Other regulations related to NGOs

- **Labour Laws:** Any NGO employing more than 20 employees must comply with the **Employees' Provident Fund** (compliance is voluntary if an NGO has less than 20 employees).
- **Accreditation:** Recently, New accreditation guidelines for NGOs had been formed on the basis of recommendations of **Vijay Kumar Committee**
 - **NITI Aayog** has been appointed as the **nodal agency for the purpose of registration and accreditation of NGOs seeking funding from Government**.

RTI and Judiciary

- The **RTI Act conferred powers** on the Chief justice of the Supreme Court of India and the chief justices of high courts of states for carrying out its provisions, and all these courts framed their own rules.
- However, the **Supreme Court Rules undermined the RTI** in four key ways. Unlike the RTI Act, the Rules do not provide for:
 - a time frame for furnishing information
 - an appeal mechanism
 - penalties for delays or wrongful refusal of information
 - makes disclosures to citizens contingent upon “good cause shown”
- 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.
- Further, SC has said that the decision of the Registrar General of the Court will be final and not subject to any independent appeal to Central Information Commission.

6.2. PROTECTION OF HUMAN RIGHTS (AMENDMENT) ACT 2019

Why in news?

President gave assent to the **Protection of Human Rights (Amendment) Act, 2019**.

Need for the amendment in the existing Act

- The NHRC was **denied A-grade accreditation in 2017** by the **Global Alliance of National Human Rights Institutions (GANHRI)**, a UN body based in Geneva, due to Commission's failure in **ensuring gender balance and pluralism in its staff and lack of transparency in selecting its members and rising political interference.**
 - However, in February 2018, GANHRI, re-accredited India's apex rights watchdog with the 'A' status.

About Paris Principles
<ul style="list-style-type: none"> UN Paris Principles provide the international benchmarks against which National Human Rights Institutions can be accredited under five heads: <ul style="list-style-type: none"> Monitor any situation of violation of human rights which it decides to take up. Able to advise the Government on specific violations, on issues related to legislation and general compliance and implementation with international human rights instruments. Be able to relate to regional and international organizations. Have a mandate to educate and inform in the field of human rights. Some institutions should be given a quasi-judicial competence

Amendments to the original Act of 1993

Provisions	Original Act of 1993	Amended Act of 2019
Composition of NHRC:	<ul style="list-style-type: none"> Under the Act, the chairperson of the NHRC is a person who has been a Chief Justice of the Supreme Court. It provides for two persons having knowledge of human rights to be appointed as members of the NHRC. Under the Act, chairpersons of various commissions such as the National 	<ul style="list-style-type: none"> It amends this to provide that a person who has been Chief Justice of the Supreme Court, or a Judge of the Supreme Court will be the chairperson of the NHRC. It amends this to allow three members to be appointed, of which at least one will be a woman. It provides for including the chairpersons of the National Commission for Backward Classes, the

	Commission for Scheduled Castes, National Commission for Scheduled Tribes, and National Commission for Women are members of the NHRC.	National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities as members of the NHRC.
Chairperson of SHRC:	<ul style="list-style-type: none"> Under the Act, the chairperson of a SHRC is a person who has been a Chief Justice of a High Court. 	<ul style="list-style-type: none"> It amends this to provide that a person who has been Chief Justice or Judge of a High Court will be chairperson of a SHRC.
Term of office:	<ul style="list-style-type: none"> The Act states that the chairperson and members of the NHRC and SHRC will hold office for five years or till the age of seventy years, whichever is earlier. Further, the Act allows for the reappointment of members of the NHRC and SHRCs for a period of five years. 	<ul style="list-style-type: none"> It reduces the term of office to three years or till the age of seventy years, whichever is earlier. It removes the five-year limit for reappointment.
Union Territories:		<ul style="list-style-type: none"> It provides that the central government may confer on a SHRC human rights functions being discharged by Union Territories.

		Functions relating to human rights in the case of Delhi will be dealt with by the NHRC.
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6.3. THE INTER-STATE RIVER WATER DISPUTES (AMENDMENT) BILL, 2019

Why in news?

Recently, the Lok Sabha passed the **Inter-State River Water Disputes (Amendment) Bill, 2019** which seeks to replace **Inter State River Water Dispute Act, 1956**.

Constitutional and Legal Provisions with regard to Water

- **Article 262(1)** provides that Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter State river or river valley.
- **Article 262(2)** empowers Parliament with the power to provide by law that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- Under Article 262, two acts were enacted
 - **River Boards Act 1956:** It was enacted with a declaration that centre should take control of regulation and development of Inter-state rivers and river valleys in public interest. However, not a single river board has been constituted so far.
 - **The Interstate River Water Disputes Act, 1956 (IRWD Act)** confers a power upon union government to constitute tribunals to resolve such disputes. It also excludes jurisdiction of Supreme Court over such disputes.
- However, if states feel that the order is not satisfactory only then they can approach supreme Court under **article 136**.
 - **Article 136** gives discretion to allow leave to appeal against order, decree, judgment passed by any Court or tribunal in India.

Key Provisions of Inter-State River Water Disputes (Amendment) Bill, 2019.

- **Dispute Resolution Committee** to resolve the dispute amicably by negotiations **within one year** (extendable by six months), before referring it to tribunal.

- Establishment of a **Single Inter-State River Water Disputes Tribunal** dissolving all existing tribunals.
- It prescribes composition of tribunal, timelines, and makes mandatory for the Central Government to make a scheme to give effect to the decision of the Tribunal.
- **Data Collection and maintenance of a databank-** at national level for each river basin by an agency to be appointed and authorized by central government.

6.4. ARBITRATION ACTS

Why in news?

Recently, government has passed **New Delhi International Arbitration Centre (NDIAC) Act** and **Arbitration and Conciliation (Amendment) Act**.

Arbitration

- It is the settlement of dispute between parties to a contract by a neutral third party (the arbitrator) without resorting to court action.
- It is one of the ways of alternative dispute resolution. Others being mediation, conciliation and Lok Adalats.
- It is confidential, speedier and cheaper than court.
- Arbitral awards are **binding and enforceable** through courts.

About NDIAC Act

- The Act envisages **NDIAC to replace International Centre for Alternative Dispute Resolution (ICADR)** as an Institution of National Importance.
 - ICADR was **registered as a Society** in May 1995 under the Societies registration Act, 1860 for the promotion and development of ADR facilities
- It will facilitate conducting of **international and domestic arbitration**, mediation and conciliation proceedings in a most professional, cost effective and timely manner.
- It will be headed by a chairperson, who has been a judge of the Supreme Court or a High Court or an eminent person having special knowledge and experience in the administration of arbitration.
- Other objectives of the centre include:
 - **maintaining panels** of accredited arbitrators, conciliators and mediators through a Chamber of Arbitration.
 - establishing an **Arbitration Academy** for training arbitrators.
 - **promoting studies and reforms** in the field of alternative dispute resolution and related matters.

- **co-operating** with other societies, institutions and organisations, national or international for promoting alternative dispute resolution.

About Arbitration and Conciliation (Amendment) Act, 2019

- It amends the Arbitration and Conciliation Act, 1996 to deal with domestic and international arbitration.
- Under it, an independent body called the **Arbitration Council of India (ACI)** will be set up for
 - promotion of alternative dispute redressal mechanisms,
 - framing policies for grading arbitral institutions and accrediting arbitrators,
 - maintaining a depository of arbitral judgments made in India and abroad, and
 - maintenance of uniform professional standards for all alternate dispute redressal matters.
- **Appointment of arbitrators** will now be done by the Supreme Court designated arbitral institutions, which was earlier used to be done by parties themselves.
- It seeks to **remove time restriction** for international commercial arbitrations and says tribunals must try to dispose of international arbitration matters within 12 months.
- **Completion of written submissions** to be completed within six months of the appointment of the arbitrators. Earlier there was no time limit.

Related news: Challenging Arbitral award

- Supreme Court recently held that High Courts should not interfere in the arbitral awards in a casual manner. It should only interfere if it concludes that there is completely unacceptable reasoning and not only merely on absence of reasoning.
- **Section 34 of the Arbitration and Conciliation Act** provides for setting aside of an arbitral award by making an application to the Court.
- **Section 34 (4)** of the Arbitration Act gives the opportunity to the Tribunal to cure the defects in award by itself.

6.5. NATIONAL POPULATION REGISTER

Why in News?

Recently, government has decided to prepare a **National Population Register (NPR)** by September 2020 to lay the foundation for rolling out a citizens' register across the country.

Data collected in NPR

- The NPR will collect both **demographic data and biometric data**.
- There are 15 different categories of **demographic data**, ranging from name and place of birth to education and occupation.
- For **biometric data** it will depend on Aadhaar, for which it will seek Aadhaar details of the residents.
- While registering with the NPR is mandatory, furnishing of additional data such as **PAN, Aadhaar, driving licence and voter ID is voluntary**.

About National Population Register

- A group of ministers created after the Kargil war **recommended compulsory registration of all residents in India**, to facilitate the preparation of a national register of citizens and curb illegal migration.
- In 2010 **Registrar General of India collected data for a National Population Registry** during Census 2011 enumeration. This data further updated in 2015.
- Thus, NPR is a **list of "usual residents of the country"**.
 - According to the Ministry of Home Affairs, a "usual resident of the country" is one who has been **residing in a local area** for at least the **last six months, or intends to stay** in a particular location for the **next six months**.
- NPR is being prepared under provisions of the **Citizenship Act 1955** and the **Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003**.
 - The **Citizenship Act 1955** was amended in 2004 by inserting **Section 14A** which provides for the following:
 - ✓ The Central Government may **compulsorily register every citizen of India** and issue National Identity Card.
 - ✓ The Central Government may maintain a **National Register of Indian Citizens (NRIC) or National Register of Citizens (NRC)**. and for that purpose, establish a National Registration Authority.
 - ✓ Out of the **universal data set of residents**, the subset of citizens would be derived after due verification of the citizenship status. Therefore, it is also **compulsory for all usual residents to register** under the NPR.
- NPR will be conducted at the local, sub-district, district, state and national levels.
- It will be conducted in conjunction with the first phase of the **Census 2021, by the Office**

of the Registrar General of India (RGI) under the Home Ministry.

- Only Assam will not be included, as it recently completed NRC.
- There is also a **proposal to issue Resident Identity Cards** to all usual residents in the NPR of 18 years of age.

NPR vs Aadhar

The data collected in NPR will be sent to UIDAI for de-duplication and issue of Aadhaar Number.

- **Voluntary vs. Mandatory:** It is compulsory for all Indian residents to register with the NPR, while registration with the UIDAI is considered voluntary.
- **Number vs. Register:** UID will issue a number, while the NPR is the prelude to the National Citizens Register. Thus, it is only a Register.
- **Authentication vs. Identification:** The UID number will serve as an **authenticator** during transactions. The National Resident Card will signify resident status and citizenship.
- **UIDAI vs. RGI:** The UIDAI is responsible for enrolling individuals in the UID scheme, and the RGI is responsible for enrolling individuals in the NPR scheme.
- **Door to door canvassing vs. center enrollment:** Individuals will have to go to an enrollment center and register for the UID, while the NPR will carry out part of the enrollment of individuals through door to door canvassing.
- **Prior documentation vs. census material:** The UID will be based off of prior forms of documentation and identification, while the NPR will be based off of census information.

Related news: Cabinet clears Census 2021

- The **Census Act, 1948** and the **Census Rules, 1990** provide the legal framework for conduct of Census.
- Census 2021 will be 16th Census in the country. Decennial Population Census was started in **1872 under British Viceroy Lord Mayo**.
- **New initiatives taken for the Census 2021 are:**
 - Use of **Mobile App** for the first time for data collection.
 - Facility of **online self-enumeration** for public during Population Enumeration phase.
 - **Census Monitoring & Management Portal** as a single source for all officers/ officials involved in Census activities to provide multi language support.

How is Census different from NPR?

- Census doesn't ask for individual identity details, and is a macro exercise. NPR collects identity details of every individual.
- Census data is protected by a confidentiality clause. The government has committed that it will not reveal information received from an individual for the headcount.

6.5.1. NATIONWIDE NRC

Why in news?

Recently, the Government of India has signalled its intent of not carrying out a nationwide National Register of Citizens (NRC).

About NRC

- The National Register of Citizens is a list of all the **legal citizens** of the country, with necessary documents.
- Earlier, following the Supreme Court's order, the Government conducted the NRC updating exercise in Assam and as a result over 19 lakh applicants failed to make it to the NRC list. (See box)

Criteria for determining the citizenship

- **Citizenship Act, 1955** states that anyone **born in India on or after January 26, 1950 up till July 1, 1987** is an Indian citizen by birth.
- Anyone **born on or after July 1, 1987** but before the commencement of the **Citizenship (Amendment) Act, 2003** and either of whose parents is an Indian citizen at the time of his birth is an Indian citizen.
- Anyone born after the commencement of the **Citizenship (Amendment) Act, 2003** and both of whose parents are Indian citizens at the time of his birth is an Indian citizen.
- The **only exception to this was Assam** where as per the **1985 Assam Accord** foreigners who came to the state up to March 24, 1971 were to be regularised as Indian citizens.
- To implement **Citizenship Amendment Act, 2019** (next section), citizens and illegal migrants have to be identified. So, a National Register Citizens (NRC) is the necessary first step.

The Assam Accord and NRC in Assam

- It was a Memorandum of Settlement signed between representatives of the **Government of India** and the **leaders of the Assam Movement** in New Delhi on 15 August 1985.
- The **Citizenship Act of 1955 was amended after the Assam Accord** as per which all Indian-origin people who came from Bangladesh before January 1, 1966 to be deemed as citizens.
- Those who came **between January 1, 1966 and March 25, 1971** were eligible for citizenship after registering and living in the State for 10 years.
- Those who came **after March 25, 1971** should be detected and deported under the **Illegal Migration Determination (by Tribunals) (IMDT) Act, 1983**. It also talked about the deletion of foreigners' names from the electoral rolls.
- **NRC was updated in Assam** as per Assam Accord.

Provisions for people having missed out the NRC list

- Assam government has assured people that those who find their names missing from the final NRC **will not** immediately be termed "foreigners" or illegal immigrants.
- Such people will be allowed to register protests with the **Foreigners Tribunal**. They can approach the High Court or even the Supreme Court for **further appeal** in the matter.
- The State government will also provide **legal aid to the poor** who find their names missing from the list.
- Under the **Foreigners Act of 1946**, the burden of proving whether an individual is a citizen or not, lies upon the individual applicant and not on the state.
- **Doubtful or D-voters** are those who are disenfranchised by the government on the account of their alleged lack of proper citizenship credentials and their inclusion will depend on decision of the **Foreigners Tribunal**.

Related News

Recently, Foreigners (Tribunals) Order, 1964 was amended to empower district magistrates in all States and Union Territories to set up Foreigners tribunals.

About Foreigners tribunals

- These were established through Foreigners (Tribunal) Order, 1964 of Ministry of Home Affairs under Foreigners Act, 1946.
- They were setup to decide whether a person staying illegally in India is a foreigner or not as per Foreigners Act.
- Recent amended order, also empowers individuals to approach the Tribunals. Earlier, only the State administration could move the Tribunal against a suspect.

6.5.2. CITIZENSHIP AMENDMENT ACT**Why in News?**

Citizenship Amendment Act (CAA), 2019 was recently enacted by the Parliament that seeks to amend the **Citizenship Act, 1955**.

Background

- **Article 11 of constitution** empowers Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.
- Citizenship (Amendment) Act, 2003 provided that **'illegal migrants'** will not be eligible to apply for citizenship by either registration or naturalisation.
- Section 2(1)(b) of Citizenship Act, 1955 defines **illegal migrant** as a foreigner who:
 - enters the country without valid travel documents, like a passport and visa or

- enters with valid documents, but stays beyond the permitted time period.

Key provisions of the Citizenship Amendment Act (CAA), 2019

- The amendment provides that illegal migrants who fulfil four conditions **will not be treated as illegal migrants under the Act**. The conditions are:
 - they are Hindus, Sikhs, Buddhists, Jains, Parsis or Christians
 - they are from Afghanistan, Bangladesh or Pakistan
 - they entered India on or before December 31, 2014 they are not in certain tribal areas of Assam, Meghalaya, Mizoram, or Tripura included in the Sixth Schedule to the Constitution, or areas under the "Inner Line" permit, i.e., Arunachal Pradesh, Mizoram, and Nagaland.
 - ✓ These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District.
- **All legal proceedings against above category of migrants** in respect of their illegal migration or citizenship will be closed.
- The **period of naturalisation** has been reduced **from 11 years to 5 years for above category of migrants**.
 - The 1955 Act allows a person to apply for citizenship by naturalisation, if the person meets certain qualifications. One of the qualifications is that the person must have resided in India or been in central government service for the last 12 months and at least 11 years of the preceding 14 years.
- **Grounds for cancelling OCI registration:** The amendment provides that the central government may cancel registration of OCIs, if the OCI has **violated Citizenship Act or any other law so notified by the central government**. Also, the cardholder has to be given an opportunity to be heard.
 - The Act provides that the central government **may cancel registration of OCIs on five grounds** including **registration through fraud, showing disaffection to the Constitution, engaging with the enemy during war, necessity in the interest of sovereignty of India, security of state or public interest**, or if within five years of registration the OCI has been sentenced to imprisonment for two years or more.

The Citizenship Act, 1955

- It provides for acquisition of citizenship by **birth, descent, registration, naturalization and by incorporation of territory** into India.
- The Act **prohibits illegal migrants** from acquiring Indian citizenship. It defines an illegal migrant as a foreigner: (i) who enters India without a valid passport or travel documents, or (ii) stays beyond the permitted time.
- It **regulates registration of Overseas Citizen of India Cardholders (OCIs)**, and their rights.

6.7. SCHEDULED CASTES AND TRIBES (PREVENTION OF ATROCITIES) ACT

Why in news?

Recently, Supreme Court **upheld the amendments** made by government in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The amendments were

- **Bar against anticipatory bail** under Scheduled Castes and Tribes (Prevention of Atrocities POA) Act, 1989.
- New section 18A was inserted which does away with **requirements of undertaking preliminary inquiry and of procuring approval prior to making an arrest.**
- In cases under the Atrocities Act, **no procedure other than that specified under the Act and Cr. P. C. shall apply.**
- Supreme court **upheld these amendments**, recalling its earlier judgement in **Subhash Kashinath Mahajan vs State of Maharashtra** case where SC diluted the Scheduled Castes and Tribes (Prevention of Atrocities POA) Act, 1989.

Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 (PoA Act in 1989.)

- In 1955, the **Protection of Civil Rights Act** was enacted to protect the fundamental and socio-economic, political, and cultural rights of SCs and STs. It was later replaced with PoA Act in 1989.
- It is an Act to **prevent the commission of offences of atrocities against SC/STs** by persons other than SC/ST against SC/ST.
- It is made in furtherance of the provisions for abolition of **untouchability (Article 17) and equality (Articles 14, 15).**
- It **establishes for Special Courts** for the trial of such offences and for the relief and rehabilitation of the victims of such offences.
- It **authorises the Central Government to frame rules** for carrying out the purpose of the Act.
- The Act **lists 22 offences** relating to various patterns of behaviours inflicting criminal offences for shattering the self-respect and esteem of SCs

and STs, denial of economic, democratic and social rights, discrimination, exploitation and abuse of the legal process, etc.

- The Act is **implemented by the respective State Governments and Union Territory Administrations**, which are provided due central assistance under the Centrally Sponsored Scheme for effective implementation of the provisions of the Act.
- The act was **amended in 2016** to add new offences to atrocities such as garlanding with footweares etc., addition of chapter on the 'Rights of Victims and Witnesses', defining 'willful negligence' of public servants clearly and addition of presumption of offence.

6.8. AADHAAR REPORT

Why in news?

A report by consulting firm Dalberg, - '**State of Aadhaar- A People's Perspective**' report was released.

About Aadhaar

- Aadhaar is a verifiable **12-digit identification number** issued by the **Unique Identification Authority of India (UIDAI)** to the resident of India.
 - UIDAI, is a statutory authority established under the provisions of **Aadhaar Act 2016**, under the Ministry of Electronics & Information Technology.
- Aadhaar collects **only four pieces of personal information** – name, age, gender and address – along with biometric data.
- In addition, Aadhaar has created **new features such as virtual IDs** that help protect an individual's privacy.
- An important objective of Aadhaar has been to improve the ability of the state to **provide efficient, transparent and targeted delivery of welfare services** to a large number of residents who depend on it.

Some Fact Findings

- 95% of adults have Aadhaar and 75% of children have Aadhaar.
- 8% of people do not have Aadhaar– or an estimated 102 million people.
- 80% of beneficiaries feel Aadhaar has made PDS rations, MGNREGS and social pensions more reliable.

6.8.1 AADHAAR AND OTHER LAWS (AMENDMENT) ACT, 2019

Why in news?

Aadhaar and Other Laws (Amendment) Act, 2019 was passed by Parliament to replace an ordinance promulgated in March 2019.

Key features of the Act

- **Offline verification of Aadhaar number holder:** It allows 'offline verification' of an individual's identity, without authentication, through modes specified by the Unique Identification Authority of India (UIDAI) by regulations.
- **Voluntary use:** An individual may voluntarily use his Aadhaar number to establish his identity, by authentication or offline verification. Authentication of an individual's identity via Aadhaar, for the provision of any service, may be made mandatory only by a law of Parliament.
- **Amends the Telegraph Act, 1885 and the Prevention of Money Laundering Act, 2002** to state that persons with a license to maintain a telegraph, banking companies and financial institutions may verify the identity of their clients by authentication or offline verification of Aadhaar, among other things.
 - The client has the choice to use either mode to verify his identity and no person shall be denied any service for not having an Aadhaar number.
- **Entities using Aadhaar:** An entity may be allowed to perform authentication through Aadhaar, if the UIDAI is satisfied that it is: (i) compliant with certain standards of privacy and security, or (ii) permitted by law, or (iii) seeking authentication for a purpose specified by the central government in the interest of the State.
- **Aadhaar number of children:** At the time of enrolling a child to obtain an Aadhaar number, the enrolling agency shall seek the consent of his parent or guardian. After attaining eighteen years of age, the child may apply for cancellation of his Aadhaar.
- **Disclosure of information in certain cases:** Allows disclosure only for orders by High Courts (or above).
 - Directions for disclosing information in the interest of national security cannot be made by officers below the rank of a Secretary.
- **UIDAI Fund:** Creates the Unique Identification Authority of India Fund. All fees, grants, and charges received by the UIDAI shall be credited to this fund. The fund shall be used for expenses of the UIDAI, including salaries and allowances of its employees.
- **Complaints:** Allows individual to register complaints in certain cases, including impersonation or disclosure of their identity.
- **Defines the Aadhaar ecosystem** to include enrolling agencies, requesting agencies, and offline verification-seeking entities.
- **Penalties:** UIDAI may initiate a complaint against an entity in the Aadhaar ecosystem for failure to (i) comply with the Act or the UIDAI's directions, and (ii) furnish information required by the UIDAI. The Telecom Disputes Settlement and Appellate Tribunal shall be the appellate authority against decisions of the Adjudicating Officer.

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7. IMPORTANT CONSTITUTIONAL/ STATUTORY/ EXECUTIVE BODIES IN NEWS

7.1. COMPTROLLER AND AUDITOR GENERAL OF INDIA

Why in news?

The Supreme Court's observations in connection with the **Rafale fighter aircraft** deal by citing the Comptroller and Auditor General of India's (CAG's) report on **redacted pricing** brought back into the spotlight the role of the supreme audit institution of India.

Redaction is the selection or adaption by '**obscuring or removing sensitive information**' from a document prior to publication. Consequently, the full commercial details were withheld and the figures on the procurement deal were **blackened** in the report.

About Comptroller and Auditor General of India (CAG)

- **Article 148** provides for an independent office of the CAG. He is the head of the Indian Audit and Accounts Department.
- CAG is **appointed by the President** of India.
- She holds office for a **period of six years or up to the age of 65 years**, whichever is earlier.
- She **can resign** any time from her office by addressing the resignation letter to the president.
- She **can be removed by the president** on same grounds and in the same manner as a judge of the Supreme Court. (On the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the **ground of proved misbehaviour or incapacity**.)
- She is **not eligible for further office**, either under the Government of India or of any state, after she ceases to hold his office.
- Administrative expenses of the office of CAG, including all salaries, allowances and pensions are **charged upon the Consolidated Fund of India and not subject to vote**.

Duties and powers of CAG

- Under **Article 149**, the Constitution empowers the Parliament to prescribe the duties and powers of the CAG and accordingly the **CAG's (Duties, Powers and Conditions of Service) Act, 1971** was enacted.
- CAG audits the accounts related to all expenditure from the following:

- **Consolidated Fund** of India, **Contingency Fund** of India and the **Public Account** of India
- **Consolidated fund** of each state and **Consolidated fund** of each union territory having a Legislative Assembly.
- **Contingency fund** of each state and the **public account** of each state.
- CAG audits the receipts and expenditure of the:
 - All bodies and authorities **substantially financed** from the Central or state revenues;
 - **Government companies**; and
 - Other corporations and bodies, when so **required by related laws**.
- The CAG submits **three audit reports** to the President
 - audit report on appropriation accounts,
 - audit report on finance accounts,
 - audit report on public undertakings.
- CAG acts as a guide, friend and philosopher of the **Public Accounts Committee** of the Parliament.

7.2. LOKPAL

Why in news?

Recent RTI enquiry revealed that Key provisions of Lokpal yet to be operationalised, after more than 5 years of passing the Lokpal Act.

About Lokpal

- **Lokpal and Lokayukta Act, 2013** establishes **Lokpal for the Union and Lokayukta for States** to inquire into allegations of corruption against certain public functionaries.
- **Composition:** Lokpal will consist of a **chairperson and a maximum of eight members**, of which 50% shall be judicial members and 50% shall be from SC/ST/OBCs, minorities and women.
- **Appointment process:** It is a two-stage process.
 - A **search committee** which recommends a panel of names to the high-power selection committee.
 - The **selection committee** comprises the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition, the Chief Justice of India (or his nominee) and an eminent jurist (nominated by President

- based on the recommendation of other members of the panel).
- President will appoint the recommended names.
 - **Jurisdiction:** The jurisdiction of Lokpal extends to
 - Anyone who is or has been **Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as officials of the Union government under Groups A, B, C and D.**
 - The chairpersons, members, officers and directors of any board, corporation, society, trust or autonomous body either **established by an Act of Parliament or wholly or partly funded by the Centre.**
 - Any society or trust or body that receives **foreign contribution above ₹10 lakh.**
 - **Exception for Prime Minister**
 - It does not allow a Lokpal inquiry if the allegation against the PM relates to international relations, external and internal security, public order, atomic energy and space.
 - Complaints against the PM are not to be probed unless the full Lokpal bench considers the initiation of inquiry and at least 2/3rds of the members approve it.
 - Such an inquiry against the PM (if conducted) is to be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry are not to be published or made available to anyone.
 - **Salaries, allowances and service conditions** of the Lokpal chairperson will be the same as those for the **Chief Justice of India**; those for other members will be the same as those for a judge of the Supreme Court.
 - **Inquiry wing and prosecution wing:** Inquiry Wing for conducting **preliminary inquiry** and Prosecution Wing for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act.
 - **Power with respect to CBI:** 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 would need approval of Lokpal.
 - **Timelines for enquiry, investigation:** Act specifies a time limit of **60 days for completion of inquiry and 6 months for completion of investigation** by the CBI. This period of 6 months can be extended by the Lokpal on a written request from CBI.

- **Confiscation of property:** The act also incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while prosecution is pending.
- The administrative expenses of the Lokpal, including all **salaries, allowances and pensions of the Chairperson, Members or Secretary or other officers or staff of the Lokpal**, will be charged upon the **Consolidated Fund of India** and any fees or other money taken by the Lokpal shall form part of that Fund.
- **Suspension, removal of Chairperson and member of Lokpal:** The Chairperson or any Member shall be removed from his office by order of the President on **grounds of misbehaviour after the Supreme Court report.** For that a petition has to be signed by at least one hundred Members of Parliament.
- **Special Court** shall be setup to hear and decide the cases referred by the Lokpal.

7.3. LAW COMMISSION OF INDIA

Why in news?

Recently, the Union Cabinet approved the creation of the **22nd Law Commission**, with a term of three years.

About the Law Commission

- The Law Commission is a **non-statutory body** constituted by the GoI, every **three years**.
- Its major function is to work for legal reform and works as an advisory body to the Ministry of Law and Justice.
- The **first Law Commission** was established during the British era in 1834 by the Charter Act of 1833 and was presided over by **Lord Macaulay**.
 - However, the **first Law Commission of Independent India** was constituted in 1955 with **Mr. M. C. Setalvad**, as its Chairman.
- It has so far **submitted 277 reports**.

About the 22nd Law Commission

- **Composition**
 - a full-time Chairperson (usually who is a retired Supreme Court judge or Chief Justice of a High Court);
 - four full-time Members (including Member-Secretary)
 - Secretary, Department of Legal Affairs as ex-officio Member;
 - Secretary, Legislative Department as ex officio Member; and
 - not more than five part-time Members.
- **Terms of reference**, include
 - **identify laws** which are no longer needed or

- relevant and can be immediately **repealed**;
- **examine the existing laws** in the light of Directive Principles of State Policy and suggest ways of improvement and reform.
 - **consider and convey to the Government its views** on any subject relating to law and judicial administration that may be specifically referred to it by the Government through **Ministry of Law and Justice**.

7.4. CENTRAL VIGILANCE COMMISSIONER

Why in news?

Recently, a committee headed by Prime Minister selected new Central Vigilance Commissioner (CVC).

About Central Vigilance Commission

- CVC is the main agency for **preventing corruption** in the Central Government.
- It was established in **1964 by an executive resolution** of the central Government on the **recommendation of Santhanam Committee on Prevention of Corruption (1962-64)**. In 2003, it got conferred with **statutory** status.
- The CVC is a **multimember body** consisting of a Central Vigilance Commissioner and not more than two Vigilance Commissioners.
- They are appointed by the **President** by warrant under his hand and seal on the **recommendation of a three-member committee** consisting of a **Prime Minister** at its head, **Union Minister of Home Affairs** and **Leader of Opposition in the Lok Sabha**.
- They hold office for a term of **four years or until the age of sixty-five years**, whichever is earlier.
- After their tenure they are **not eligible for further employment** under the Central or State government.
- **President can remove** CVC from the office under certain circumstances
- The salary, allowances and other service conditions are **similar to those of members of UPSC**. They **cannot be varied to his disadvantage** during service.

7.5. NATIONAL CRIME RECORDS BUREAU

Why in News?

National Crime Records Bureau (NCRB), recently released crime data for 2017.

About NCRB

- NCRB was set-up in 1986 to function as a **repository of information** on crime and criminals so as to assist the investigators in linking crime to the perpetrators.
- It was setup based on the recommendations of the National Police Commission (1977-1981) and the MHA's Task force (1985). It has been setup as an attached office of Ministry of Home Affairs.
- It acts as the **National storehouse of fingerprint (FP) records** of convicted persons including FP records of foreign criminals.
- It releases **Prison statistics of India**.

Some trends

- Increase in crimes against women from during 2016-17, topped by Uttar Pradesh.
- Cybercrimes increased by 77% in 2017 from 2016.
- **Decrease in number of prisons** from 2015 to 2017.
- **Overcrowding in Jails**, with **Uttar Pradesh** facing the steepest problem of overcrowding
- **Increase in undertrial Prisoners** during 2015-17.

7.6. CONTROLLER GENERAL OF ACCOUNTS

Why in news?

Recently new Controller General of Accounts (CGA) was appointed.

About CGA

- CGA works under **Department of Expenditure, Ministry of Finance**.
- It functions as **Principal Advisor on Accounting matters to the Union Government**
- It is **not a constitutional body**, but it derives its mandate and exercises the powers of the President from **Article 150** of the constitution.
- Article 150 states that, the **accounts of the Union and of the States** shall be kept in such form as prescribed by the **President on the advice of the Comptroller and Auditor-General**.
- **Allocation of Business Rules 1961** brings out the duties and responsibilities of CGA, which include the following:
 - It **administers the process of payments**, receipts and accounting in Central Ministries.
 - **Prepares, consolidates and submits the monthly and annual accounts** of the Central Government.

- It is responsible for maintaining the requisite technical standards of Accounting.
- It is responsible for coordination and monitoring the progress of submission of corrective action taken on the recommendations contained in Public Accounts Committee 's (PAC) and the CAG reports.
- CGA does the Cadre management of Group A (Indian Civil Accounts Service) and Group B Officers of the Central Civil Accounts Offices.

7.7. COMPETITION COMMISSION OF INDIA

Why in news?

In 2019, Competition Commission of India completed 10 years since its inception.

About Competition Commission of India

- It is a **statutory body** established under the Competition Act, 2002.
- Objectives of the Commission:
 - To prevent practices having adverse effect on competition.
 - To promote and sustain competition in markets.
 - To protect the interests of consumers and
 - To ensure freedom of trade
- Competition Act, 2002, stipulates that the CCI would comprise a chairperson and not less than two and not more than six members.
- Commission has regulatory and quasi-judicial powers. It has suo-moto power to enquire about an anti-competitive agreement.
- It is required to give opinion to the Central Government on matters relating to Competition Policies, but such opinion is not binding on the Central Government.

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8. IMPORTANT ASPECTS OF GOVERNANCE

8.1. PREVENTION OF CORRUPTION (AMENDMENT) ACT 2018

Why in news?

- Recently, Department of Personnel and Training (DoPT) issued **guideline** under **Prevention of Corruption (Amendment) Act, 2018** which replaced Prevention of Corruption Act 1988.
- Guidelines specify that in case of disagreement between disciplinary authority (any central government department) and the CVC in cases of granting the prosecution sanction, it shall be referred to DOPT, which is headed by Prime Minister, for final advice.

Key provisions of Prevention of Corruption (Amendment) Act, 2018

2 PRE-INVESTIGATION APPROVAL

What is new

- Police officer cannot begin probe without prior approval of relevant authority or govt (except when caught red-handed)

What it was

- No such provision in the Act, but a rule similar to it was struck down by Supreme Court

Protection formerly available to officials of rank of joint secretary and above (before SC struck it down) is extended to all public servants

3 SANCTION FOR PROSECUTION

What is new

- Sanction needed for prosecuting former officials for offences done while in office
- Center may notify guidelines for sanction
- Decision on request for sanction within 3 months, which may be extended by a month

What it was

- Sanction was required under PCA for serving officers only

Sanction for IPC offences covered both serving and retired officers. Guidelines and time limit may help make sanction process easier

5 FORFEITURE OF PROPERTY

What is new

- Section introduced for Special Court under this act to attach and confiscate property

What it was

- This was not done under the Prevention of Corruption Act but under a 1944 ordinance through civil courts

This helps avoid a fresh procedure to confiscate property obtained through corruption, enables court conducting trial to do so itself

1 BRIBERY

What is new

- Giving a bribe is now an offence, punishable by a 7-year prison term
- Except when one is forced to give a bribe. But it should be reported within seven days
- Bribe is termed 'undue advantage', defined as 'gratification other than legal remuneration'
- The trial in cases of bribe and corruption should be completed by the special judge within two years and in case of delays, the reasons for the same must be recorded and the total trial time must not exceed four years.

What it was

- No specific provision, except as abetment

It could empower the public to refuse to give a bribe but seven-day limit may not be enough. As to what happens if citizen's report of coercion is not registered by the police is unclear

4 CRIMINAL MISCONDUCT

What is new

- Only be two forms of criminal misconduct.
- Misappropriation of property entrusted to public servant
- Intentionally enriching oneself illicitly

What it was

- There were five kinds: omitted ones are taking bribe habitually, getting anything free or at a concession, obtaining pecuniary advantage for oneself or for another without public interest

This is to protect public servants from being wrongly prosecuted for official decisions. Earlier it was a crime to "obtain advantage to a private party without public interest"

- About Prevention of Corruption Act 1988**
- 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.
 - The act shifted the **burden of proof** from prosecution to the accused.
 - MPs and MLAs have been kept out of this act.
 - If the offences against the public servant have been proved, it is punishable with imprisonment of not less than six months which may extend upto five years.
 - Under this Act **special judges** were to be appointed by the Central and State Government.

8.2. IPC AND CRPC

Why in news?

Recently, the Union Ministry asked all state governments to send their suggestions for a **major overhaul and recasting** of the **Indian Penal Code (IPC)** and the **Code of Criminal Procedure (CrPC)**.

About IPC and CrPC

- IPC determines the definition of crime, while the CRPC informs about the criminal investigations process

- **Indian Penal Code:** It is the **official criminal code** of India.
 - It is a comprehensive code intended to cover all **substantive aspects** of criminal law.
 - The code was drafted in 1860 on the **recommendations of first law commission of India.**
- **CrPC** is the **main legislation on procedure for administration of substantive criminal law** in India.
 - It was enacted in 1973, though initially created in 1882.
 - It provides the machinery for the **investigation** of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the **determination of punishment** of the guilty.
- **Bureau of Police Research and Development (BPRD)** will undertake review of the laws such as IPC, CrPC, Indian Evidence Act and Narcotic Drugs and Psychotropic Substances Act.
 - BPRD under Ministry of Home Affairs was set up in 1970 in furtherance of the objective of the Government for the **modernisation of police forces.**

8.3. INDIA ENTERPRISE ARCHITECTURE FRAMEWORK (INDEA)

Why in News?

Shillong Declaration on e-governance adopted at the 22nd National Conference on e-Governance (NCeG) talked about India Enterprise Architecture (IndEA).

What is India Enterprise Architecture?

- IndEA, is a framework for **developing a holistic architecture** treating the Government as a single enterprise which are functionally inter-related.
- IndEA **provides a generic framework**, comprising a set of architecture reference models, which can be converted into an integrated architecture,
- With IndEA, there will be **one personalised account for each individual** and he or she can avail all government services from that account. This shall eliminate the need to visit separate sites and have separate logins on them to access government services.

8.4. E-GOVERNANCE INITIATIVES

Initiative	Features
National e-Governance Division (NeGD)	<ul style="list-style-type: none"> • It is an Independent Business Division established by Ministry of Electronics and Information Technology to undertake Programme Management of National e-Governance Plan (NeGP). • It is expected to support central ministries/departments/state governments in propagation of their e-Governance initiatives. • NeGP is an initiative of the Government to make all government services available to the citizens of India via electronic media.
PRAGATI (Pro-Active Governance and Timely Implementation)	<ul style="list-style-type: none"> • It is an integrating and interactive platform. • The platform is aimed at addressing common man's grievances, and simultaneously monitoring and reviewing important programmes and projects of the central as well as State Governments. • It is a 3-tier system (PMO, Union Govt. Secretaries, and Chief Secretaries of the States). • It bundles three technologies: Digital data management, video-conferencing and geo-spatial technology. • Recently, Prime Minister chaired PRAGATI meeting.
Government Instant Messaging System (GIMS)	<ul style="list-style-type: none"> • It is an Indian equivalent of popular messaging platforms, such as WhatsApp which will be used by Central and State government departments and organisations for intra and inter organisation communications. • It is designed and developed by National Informatics Centre (NIC). • It is considered safer as it has been developed in India. The server hosting it is installed within the country and the information stored would be in government-based cloud — NIC-operated data centers. • There are also provisions for documents and media

	<p>sharing.</p> <ul style="list-style-type: none"> It has been developed by National Remote Sensing Centre of ISRO. It is a user-friendly web Geo portal under ISRO's SISDP project (Space Based Information Support for Decentralised Planning) for better planning and monitoring of government projects. It will provide geo-spatial services to aid gram panchayat development planning process of Ministry of Panchayati Raj. It aids database visualization, data analytics, generation of automatic reports, model based products and services for the benefit of Gram Panchayat members and other stake holders such as PRIs and the public. For the first time, thematic database on high scale for the entire country is available with high integrated High Resolution satellite data for planning. Bhuvan, is the national Geo-portal developed and hosted by ISRO comprising of Geo Spatial Data, Services and Tools for Analysis.
Bhuvan Panchayat V 3.0	
Consumer App	<ul style="list-style-type: none"> Recently, the government launched a Consumer App that would help consumers register their grievances online as well as give suggestions on consumer-related issues. The complaint status will be monitored on a daily basis by the ministry and on a weekly basis by the Union Minister of Consumer Affairs, Food and Public Distribution. It will help consumers get information pertaining to 42 Sectors including Consumer Durables, Electronic Products, e-commerce, Banking, Insurance, etc.
DigiLocker	<ul style="list-style-type: none"> It is an initiative of Ministry of Electronics and Information Technology. It is a secure cloud-based platform for storage, sharing and verification of documents & certificates.

	<ul style="list-style-type: none"> It provides a storage space of up to 1GB to each account holder. On user's death, all documents uploaded on digilocker would not be accessible by his kin and would automatically pass on to government.
National E-Service Delivery Assessment	<ul style="list-style-type: none"> First-ever national e-service delivery assessment (NeSDA) rankings were released by Department of administrative reforms and public grievances. It primarily assesses all State/UT and Central Ministry service portals on 7 key parameters: Accessibility, Content Availability, Ease of Use, Information Security & Privacy, End service Delivery, Integrated Service Delivery and Status & Request Tracking. Framework covers six sectors, viz. Finance, Labour & Employment, Education, Local Government & Utilities, Social Welfare (including Agriculture & Health) and Environment (including Fire) sectors.
Portal Santusht	<ul style="list-style-type: none"> The objective of 'Santusht' is to promote transparency, accountability, effective delivery of public services and implementation of policies, schemes of Ministry of Labour and Employment at grassroot level through constant monitoring.
ASKDISHA Chatbot	<ul style="list-style-type: none"> It is an Artificial Intelligence based chatbot, launched in 2018 by Indian Railways, to resolve queries of railway passengers over internet pertaining to various services offered by IRCTC. Initially it was launched in English and now It is upgraded to converse in Hindi language.
Jan Soochna Portal	<ul style="list-style-type: none"> Recently, Jan Soochna Portal was launched by the Rajasthan State Government. The portal has been developed by the Department of Information Technology and Communication (DoIT&C) in collaboration with civil society and other stakeholders. It is the first of its kind system in the country and has

	<p>information about 23 government schemes and services from 13 departments on a single platform.</p> <ul style="list-style-type: none"> The initiative is inspired by the spirit of Section 4 (2) of Right to Information Act, 2005, i.e. Proactive Disclosure of Information”.
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8.5. GOOD GOVERNANCE INDEX

Why in News?

Recently, Ministry of Personnel, Public Grievances & Pensions launched ‘Good Governance Index’ on the occasion of Good Governance Day (25th December).

About Good Governance Index

- Good Governance Index (GGI) is a uniform tool across States to assess the Status of Governance and impact of various interventions taken up by the State Government and UTs.
- The objectives of GGI are to provide quantifiable data to compare the state of governance in all states and UTs.
- The GGI takes into consideration ten sectors as shown in Infographic.
- The states and UTs are divided into three groups: a) Big States, b) North-East & Hill States and c) UTs.
- The states and UTs are ranked on all indicators separately, at the same time composite ranking is also calculated for these states and UTs under their respective groups based upon these indicators.
- GGI helps to formulate and implement suitable strategies for improving governance and shift to result oriented approaches and administration.



Composite Ranking of All the States

- Big States category: Tamil Nadu has topped followed by Maharashtra, Karnataka, Chhattisgarh and Andhra Pradesh.
- North-East and Hill States category: Himachal Pradesh ranked first, followed by Uttarakhand, Tripura, Mizoram and Sikkim.
- UTs: Puducherry topped followed by Chandigarh and Delhi.

Related News

‘Nagpur Resolution: A holistic approach for empowering citizens’ was adopted during a regional conference on ‘Improving Public Service Delivery – Role of Governments’, in Nagpur.

- The conference was organised by the Department of Administrative Reforms and Public Grievances (Ministry of Personnel, Public Grievances & Pensions), in collaboration with the Government of Maharashtra and the Maharashtra State Commission for Right to Public Services.
- It aims to empower the citizens by policy interventions for better service delivery through timely updation of citizens charters, implementation of enactments and benchmarking standards for continuous improvement.

8.6. CORRUPTION PERCEPTION INDEX

Why in news?

The latest edition of Corruption perception Index (CPI) 2019 was released.

About the index

- It is released by Transparency International annually since 1995.
- It ranks 180 countries by their perceived levels of public sector corruption.
- It uses a scale of zero to 100, where zero is highly corrupt and 100 is very clean. More than two-thirds of countries score below 50 on this year’s CPI, with an average score of just 43.

Key Highlights

- Denmark and New Zealand are at the top spot, followed by Finland, Singapore, Sweden and Switzerland in the top ten. Somalia is ranked last, preceded by South Sudan and Syria.
- India slipped two positions to the 80th rank, while its score remained steady at 41.

Transparency International

- It is an international non-governmental organization based in Berlin, Germany, since 1993.
- With more than 100 national chapters worldwide, it

works with partners in government, business and civil society to put effective measures in place to tackle corruption.

- It also publishes **Global Corruption Barometer, and Global Corruption Report.**

8.7. ONE NATION, ONE RATION CARD

Why in News?

Recently, central Government has given states and Union Territories June 30, 2020 deadline, to roll out the **'one nation, one ration card' system.**

About ration card

- A Ration Card is a document issued under an order or authority of the State Government, **as per the Public Distribution System, for the purchase of essential commodities** from fair price shops (FPS).
- State Governments **issue distinctive Ration Cards** to Above Poverty Line, Below Poverty Line and Antyodaya families and conduct periodical review and checking of Ration Cards.
 - Families living below the poverty line are entitled to **Blue Cards**, under which they can avail special subsidies.
- It helps save money by aiding in the procurement of essential commodities at a subsidised rate.
- **Proof of identification:** It has become an important tool of identification when applying for other documents like Domicile Certificate, for inclusion of your name in the Electoral Rolls, etc.

Background

- **Partha Mukhopadhyay Working Group on Migration** in 2017 recommended portability of **Public Distribution System** benefits.
- An intra-state access to the Public Distribution System (PDS) under the **Integrated Management of Public Distribution System (IMPDS)** is already in practice in a few states like Andhra Pradesh, Gujarat, Haryana etc.

About the scheme

- Under the scheme the beneficiaries can **buy subsidized food grains from a ration shop in any part of the country.**
- Ration card **Aadhar linkage is must** to access the scheme.
- A person will **only be eligible for the subsidies supported by the centre** such as those under Nation Food security act, 2013.
 - Even if a beneficiary moves to a state where grains are given for free he/she will not be able to access those benefits.
- A migrant will be **allowed to buy maximum of 50% of the family quota.** This is to ensure that the individual, after shifting to another place does not buy the entire family quota in one go.
- No new ration cards are being made specifically for the 'one nation, one ration card' scheme. Old ration cards will also remain valid throughout the nation.
- Under the scheme Centre has designed a **standard format for ration cards** and has asked state governments to follow the pattern while issuing new ration cards from now on.

Integrated Management of Public Distribution System" (IM-PDS) Scheme

- IM-PDS is new **central sector scheme**, implemented under **Ministry of Consumer Affairs, Food & Public Distribution.**
- **Objectives**
 - Implementation of nation-wide portability in food grains distribution.
 - Creation of national level data repository for de-duplication of beneficiary data (Aadhaar based).
 - Use of advanced data analytics techniques to bring about continuous improvements.

9. MISCELLANEOUS

9.1. ENEMY PROPERTIES

Why in news?

The Centre announced the formation of committees and a group of ministers to sell enemy properties.

What is Enemy Property

- When **nations go to war**, they often seize the properties in their countries of the citizens and corporations of the enemy country. Properties that are seized under these circumstances are referred to as **alien properties** or **enemy properties**.
- During India-China war in 1962, and India – Pakistan war in 1965 and 1971, Central government took over properties of citizens of China and Pakistan in India **under the Defence of India Acts**.
 - The responsibility of the administration of enemy properties was handed over to the **Custodian of Enemy Property for India (CEPI)**, an office under the Central government.
- **Enemy Property Act, 1968**, defines ‘**enemy**’ as a country (and its citizens) that committed external aggression against India (i.e., Pakistan and China).
- **The expanded definition** of the term “**enemy subject**”, and “**enemy firm**” under **Enemy Property (Amendment and Validation) Act, 2017** include the **legal heir and successor** of an enemy, whether a citizen of India or a citizen of a country which is not an enemy; and the succeeding firm of an enemy firm, irrespective of the nationality of its members or partners.
- It **prohibits Indian citizens** who are legal heirs of enemies from inheriting enemy property and brings them within the definition of ‘**enemy**’.
- CEPI, with prior approval of the central government, may dispose or sale enemy properties.
- It **prohibits civil courts** and other authorities from hearing certain disputes relating to enemy property.

Custodian of Enemy Property for India (CEPI)

- The Office of the CEPI was set up in the year 1939 to deal with enemy properties confiscated during World War II.
- The legal status to the office was given under Enemy Property Act, 1968.
- It works **under the aegis of Ministry of Home**

affairs, **Freedom Fighters Division**, with its Head Office at New Delhi and three branch offices at Mumbai, Kolkata and Lucknow.

- The Custodian is a **quasi-judicial Authority** under the Enemy Property Act and a **Civil court** under the Civil Procedure Court, 1908.

9.2. POLICE COMMISSIONERATE SYSTEM

Why in news?

Recently, Uttar Pradesh cabinet approved implementation of the commissioner system of policing for the two cities, **Lucknow and Noida**.

Commissionerate system and Dual system

Dual system	Commissionerate system
Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive) .	Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city.
Separation of powers of the DM (e.g., issues arrest warrants and licenses) and the police (e.g., investigate crimes and make arrests). Therefore, less concentration of power in the police, and accountability to DM at the district level .	Powers of policing and magistracy concentrated in Commissioner . Directly accountable to state government and state police chief. Lesser accountability to the local administration. <ul style="list-style-type: none"> • It gives an integrated command structure which helps in speedy decision. It helps fix responsibility with the Commissioner and eliminates blame game between civil administration and police when something goes wrong. • It reduces workload of District Magistrate
SP is assisted by Additional/Assistant/Deputy SPs, Inspectors and constabulary.	Commissioner is assisted by Special/ Joint/ Additional/ Deputy Commissioners, etc. Inspector downwards rank structure is the same.

9.3. BRU COMMUNITY

Why in news?

Centre, governments of Tripura and Mizoram and representatives of Bru tribe signed a new agreement to settle the refugee crisis of the community.

About Bru community

- Bru is a community indigenous to Northeast India, living mostly in Tripura, Mizoram and parts of Southern Assam.
- In 1997, following ethnic clashes in Mizoram, nearly 34,000 Brus fled Mizoram and were accommodated in relief camps in Tripura. In Tripura, they are known as Reang.
- According to the new agreement, Bru refugees will settle in Tripura and will be given aid to help with their rehabilitation – **providing each family a small plot of land, grant of tribal status, voting rights and a one-time financial assistance.**
- The Mizoram government will be responsible for repatriated Bru refugees who were identified and verified as per the 1997 electoral rolls of Mizoram.



9.4. DEMOCRACY INDEX

Why in news?

Economist Intelligence Unit (EIU) Democracy Index provides a **snapshot of the state of world democracy for 165 independent states and two territories.**

Details

- It is based on electoral process and pluralism, functioning of government, political

participation, political culture and civil liberties.

- Based on the scores (on a scale of 0-10) on a range of indicators within these categories, **it classifies a particular country as one of four types of regime:**
 - full democracy (22 countries)
 - flawed democracy (54 countries)
 - hybrid regime (37 countries)
 - authoritarian regime (54 countries)
- **Norway topped the index**, while North Korea was at the bottom.
- India **dropped 10 places** in the Democracy Index's global ranking to **51st place**. India's overall score fell from 7.23 in 2018 to 6.90 in 2019.
- Index categorises India under **"flawed democracies"**.
 - These are countries that hold free and fair elections and where basic civil liberties are respected, but have **significant weaknesses in aspects of democracy**, such as problems in governance, an underdeveloped political culture and low levels of political participation.

9.5. CENTRAL ADVERSE LIST

Why in news?

Recently, Centre has removed names of 312 Sikh foreign nationals from its blacklist/the Central Adverse List.

About Central Adverse List

- This list is maintained by Ministry of Home Affairs, that contains:
 - Names of individuals **who supported the Khalistan movement** in 1980s and 90s but left India to take asylum in foreign countries.
 - Names of those individuals **who are suspected to have links with terrorist outfits** or have violated visa norms in their previous visit to India.
 - Names of those persons **who have indulged in criminal activities** or have been accused of sexual crimes against children in their respective countries.
- List is used by all Indian Missions and Consulates **to stop the individuals named in it from entering India**. This is done by **not granting visa** to such persons. It is a step taken by the Indian government to **maintain internal security**.
- Used to **keep serious offenders outside** India as somebody may commit a crime in his native

nation and then apply for an Indian visa to escape prosecution.

- List is maintained with inputs from all the state governments, central and state intelligence agencies.

9.6. WAQF PROPERTIES

Why in news?

Recently a programme has been launched for 100 per cent geo-tagging and digitalization of Waqf properties across the country to ensure these properties can be utilised for the welfare of the society.

About Waqf properties

- Waqf implies the **endowment of property**, moveable or immovable, tangible or intangible **to God by a Muslim**, under the premise that the transfer will benefit the needy.
- It typically involves **donating a building, plot of land** or other assets for Muslim **religious or charitable purposes** with no intention of reclaiming the assets.
- Waqfs are governed by **Waqf Act, 1995**. The waqf is managed by a **mutawali**, who acts as a supervisor.
- It is similar to a trust established under the Indian Trusts Act, 1882, but **trusts can be set up for a broader purpose** than religious and charitable uses.
- **Waqf Board** is a juristic person with **power to acquire and hold property and to transfer any such property**. The board can sue and be sued in a court as it is recognised as a legal entity or juristic person. **Each state has a Waqf Board**.

Central Waqf Council

- Central Waqf Council is a **statutory body** under the administrative control of the **Ministry of Minority Affairs** was set up in 1964 as per the provision in the **Waqf Act, 1954** as Advisory Body.
- The Council consists of **Chairperson**, who is the Union Minister In-charge of Waqf and such other members, not exceeding 20 in number, as may be appointed by the Government of India. As of now, **Union Minister of Minority Affairs is the ex-officio Chairperson** of the Central Waqf Council.

- The Council is empowered to **advise the Central Government, State Governments and State Waqf Boards**. It can issue directives to the boards/ State Government to furnish information to the Council on the performance of the board particularly on their financial performance, survey, revenue records, the encroachment of Waqf properties, Annual and Audit report, etc.

9.7. PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT 1991

Why in news?

Supreme Court in its **Ayodhya verdict** mentioned **Places of Worship (Special Provisions) Act, 1991**.

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

- The Act declares that the **religious character of a place of worship** shall continue to **be the same as it was on August 15, 1947**.
- It says **no person shall convert** any place of worship of any religious denomination into one of a different denomination or section.
- It also imposes a **positive obligation** on the State to **maintain the religious character of every place of worship** as it existed at the time of Independence.
- It declares that **all suits, appeals or any other proceedings** regarding converting the character of a place of worship, which are pending before any court or authority on August 15, 1947, will abate as soon as the law comes into force.
- Exemptions provided: **Exemption:**
 - The disputed site at **Ayodhya** is **exempted** from the Act.
 - The Act also does not apply monuments and sites covered by the **Ancient Monuments and Archaeological Sites and Remains Act, 1958**.
- **Penalty: Section 6 of the Act** prescribes a punishment of **maximum three-years imprisonment along with a fine** for contravening the provisions of the Act.

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