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1. Issues related to safety of women

- The Standing Committee on Human Resource Development (Chair: Dr. Satyanarayan Jatiya) submitted its report on issues related to safety of women in March 2020. Key observations and recommendations of the Committee include:
- Strengthening of legislation: Several laws have been framed for the welfare of women. In spite of the legislative framework in place, women continue to face inequality, discrimination and violence.Laws to protect women should be strictly implemented.
- Some ways include: (i) filing of charge sheets within 30 days, (ii) denial of bail to accused, and (iii) trial of pending cases within six months.
- Representation of women: Crimes against women are due to their lack of representation in decision-making positions. It recommended 33% reservation for women at all levels of government.
- Fast Track Courts: The importance of the timely delivery of justice in reducing crimes against women. The Department of Justice should ensure that 1,800 FTSCs become operational across India at the earliest. There should be one FTSC within a 500 km of radius.
- Human Trafficking: There is no comprehensive law for the prevention of human trafficking. A National Anti-Trafficking Bureau should be established. It should be composed of police, NGOs, and other stakeholders. It should have the power to investigate intra-state trafficking cases, and coordinate anti-trafficking efforts with international bodies. Further, an Anti-Trafficking Relief and Rehabilitation Committee should be constituted for providing relief and rehabilitation to victims of human trafficking.
- Nirbhaya Fund: The total amount under the Nirbhaya Fund is Rs 7,436 crore for 32 projects and schemes across India. However, only Rs 2,647 has been disbursed to the concerned bodies for implementation of the projects and schemes. It recommended that the projects and schemes should be implemented in a timely manner and funds should be utilised effectively.
- Infrastructure: To address crimes against women the Committee recommended certain infrastructural and institutional mesaures which may be implemented. These include: (i) setting up of women's cells in police stations, (ii) increasing the number of women police officers, (iii) setting up a single helpline number for complaints related to women's safety, (iv) setting up forensic labs in all state capitals to convict offenders, and (v) installing CCTV and panic buttons in all public transport.
- Education and awareness: Textbooks and school curriculums should teach values of respect towards women. Universities should set up Departments of Women Studies which can counsel distressed women. The Ministry of Health and Family Welfare should educate healthcare workers on dealing with victims of gender based violence.

2. The alarming issue of pornography on social media and its effect on children and society as a whole

- Definitions: The Protection of Children from Sexual Offences Act, 2012 defines child pornography as any visual depiction (such as photographs or videos) of sexually explicit conduct involving a child, or appearing to depict a child. The Committee recommended that the definition of child pornography should be expanded to include written material and audio recordings that advocate for or depict sexual activity with a minor. It also recommended that the term 'sexually explicit' should be defined in

the Act. The International Labour Organisation defines 'grooming' as the process of building a relationship with a child (online or offline) to facilitate sexual contact with the minor. The Committee recommended that a similar definition of grooming should be adopted in the Protection of Children from Sexual Offences Act, 2012. Further, it should be considered a form of sexual harassment.

- Exceptions for possessing child pornography: Minors should not be prosecuted for taking, storing, or exchanging indecent pictures of themselves if the image under certain conditions.
- The Committee recommended two exceptions for adults in possession of child pornography: (i) for the purpose of reporting it to authorities, and (ii) for use in investigations.
- Offences: The Committee recommended that using a misleading domain name to deceive a minor into viewing obscene material should be considered an offence. Penalties should be included in the Information Technology Act, 2000 for those who give children access to pornography and those who access, produce or transmit child sexual abuse material (CSAM)
- Responsibilities of intermediaries: Responsibilities of intermediaries (such as internet service providers and search engines) should be clearly outlined in the Information Technology Act (Intermediaries Guidelines) Rules, 2011. These responsibilities include: (i) proactively reporting, identifying and removing CSAM, and (ii) reporting identities of persons accessing child porn or CSAM. A non-negotiable timeframe for reporting and taking down of CSAM should be instituted. Violations of the timeframe should be punishable.
- Social Media: Certain measures that social media sites and apps may take to protect minors and, to regulate and remove CSAM-related content. These include: (i) age restrictions at the stage of account creation, (ii) banning of users posting child exploitation, and (iii) providing information on illegal content to users in multiple languages.
- Awareness and training: Awareness campaigns should be initiated such as; (i) a campaign for parents on early signs of child abuse, and (iii) a nationwide campaign on cyber bullying. The Committee also recommended training for (i) responders in child abuse investigations, and (ii) media persons reporting on child exploitation.
- Authorities: National Commission on Protection of Child Rights should be designated to deal with issues related to child pornography. State Commissions on Protection of Child Rights should be constituted in each state. States may also appoint e-safety commissioners to ensure, (i) implementation of social media guidelines, (ii) flagging of content, and (iii) age verification.
- International cooperation: India should sign agreements with other countries for sharing information in dark web investigations. India should employ liaisons in priority countries who can fast-track requests for the take down of online content under the Mutual Legal Assistance Treaty.
- Research: National Crime Records Bureau must mandatorily record and report all cases of child pornography.

3. 59 mobile apps banned on the grounds of national security and public order

The Ministry of Electronics and Information Technology banned 59 apps on the grounds that these pose a threat to the sovereignty, integrity, defence and security of the state, and public order.

- These apps include TikTok, ShareIt, UC Browser, Mi Video Call, and Cam Scanner.
- Use of these apps has been disallowed in both mobile and non-mobile internet-enabled devices.
- Ban imposed under the Information Technology Act, 2000.
- The Act empowers the central government to issue directions to block public access of any information through any computer resource where it is in the interest of national security or public order. An intermediary failing to comply with the direction may be punished with imprisonment up to seven years and fine.
- These apps have engaged in stealing and secretive transmission of users' data in an unauthorised manner to servers which are outside India.
- The ban on these apps has also been recommended by the Indian Cyber Crime Coordination Centre of the Ministry of Home Affairs.

4. Extension of tenure of the Commission constituted under Article 340 of the constitution to examine the issue of sub-categorization within Other Backward Classes in the Central List

Extension of the term of the Commission to examine the issue of Sub-categorization of Other Backward Classes, by 6 months i.e. upto 31.1.2021.

The Commission is headed by Justice (Retd.) Smt. G. Rohini.

Benefits:

All persons belonging to the castes/communities which are included in the Central List of SEBCs but which have not been able to get any major benefit of the existing scheme of reservation for OBCs in Central Government posts & for admission in Central Government Educational Institutions would be benefitted.

Implementation schedule:

Orders for extension of the term of the Commission and addition in its Terms of Reference will be notified in the Gazette in the form of an Order made by the President.

Background:

The Commission was constituted under article 340 of the Constitution with the approval of President on 2nd October, 2017.

The Commission is headed by Justice (Retd.) Smt. G. Rohini.

5. Need for Land Leasing Legislation

Issue

- The government's recently announced set of agricultural marketing reforms as part of the Atmanirbhar Bharat Abhiyan is largely welcome.

Present scenario

- Leasing of agricultural land is either banned or severely restricted in most states.
- Only some states allow selected individuals to let out their lands.
- These include disabled people, widows or armed forces personnel.
- The landholders do not lease them out for fear of losing the ownership rights.
- As a result, many tiny land parcels and land holdings of migrant farmers remain unutilised.
- But cumulatively, they amount for a sizable part of the cultivable land.
- Besides, tenant farmers and share-croppers are denied the compensation for crop damages.
- They also find it hard to access cheap bank loans and other government subsidies and doles.
- E.g. the direct income support through annual cash transfer of Rs 6,000 per hectare

What does this call for?

- The small farmers are now forced to either rent out their fields to quit farming or hire more land to make their holdings viable.
- A valid land lease market is, in fact, believed to have become an economic necessity for the small farmers.
- Legal validation of land leasing is imperative to undo the gross injustice done to farmers.
- Tenurial security, on the other hand, will incentivise tenant cultivators to invest in land improvement and crop yield-enhancing measures to raise their income.

What are the proposals in place?

- Legalisation of land leasing has long been a part of the agricultural reforms agenda laid down by the NITI Aayog.
- This has subsequently been endorsed by the high-level committee on doubling farmers' income too.
- The committee (headed by an agriculture ministry official Ashok Dalwai) mentioned it in its report submitted in 2019.
- The NITI Aayog also appointed a committee headed by the former chairman of the Commission for Agricultural Costs and Prices, T Haque.
- This has already drafted a model land leasing Bill to serve as a guide for the states to amend their land laws.
- Several states are said to be favourably inclined to reform their land-related statutes.
- But, concrete action has not been forthcoming in this field by them.

What is the way forward?

- The land acquisition law faced stiff resistance from farmers who did not want to be uprooted from their ancestral lands.
- But unlike this, the land lease statute is non-controversial as it does not affect land ownership.

- All that the Centre needs to do now is nudge the states to make the necessary provisions in their laws for leasing of land.
- The reform needs the cooperation of the state governments, which the Centre will have to seek through persuasion.
- If brought into place, a land lease law can potentially help the rural poor move out of poverty.

6. Manipur Defections - Speaker's Powers to Disqualify

What is the issue?

- Manipur Speaker Y Khemchand disqualified 3 Congress MLAs and the state's lone TMC (Trinamool Congress) MLA, ahead of the Rajya Sabha election.
- The decision has brought to the fore the concerns with Speaker's powers to disqualify under the Constitution.

What is the case?

- In 2017, seven legislators who won on a Congress ticket switched sides.
- With this, the BJP formed the government in Manipur.
- The Congress party asked the Speaker to disqualify these seven MLAs under the Tenth Schedule of the Constitution.
- [The Schedule provides for disqualifying members who win the election as a candidate of one party and then join another.]
- Since no action was taken by the Speaker, a writ petition was filed before the High Court of Manipur in Imphal.
- The case sought directions for the Speaker to decide on the petition within a reasonable time.
- However, the larger issue of whether a HC can direct a Speaker to decide on a disqualification petition within a certain timeframe was pending before a Constitution Bench of the Supreme Court.
- So, the High Court did not pass an order, citing this.
- The parties were left with the option to move the apex court or wait for the outcome of the cases pending before it.

What was the pending case in the Supreme Court?

- It is the 2016 SA Sampath Kumar vs Kale Yadaiah and Others case.
- It was in relation to the disqualification of a Telangana MLA.
- A two-judge bench of the Supreme Court had asked a larger bench to clarify the legal position on -

  ✓ the Speaker's powers to disqualify

  ✓ the extent to which such decisions of the Speaker can be reviewed by the courts

How then did the High Court hear the case in 2018?

- In 2018, the High Court of Manipur, refusing the preliminary objections of the Speaker, decided to hear the case on merits.
- It reasoned that the remedy under the Tenth Schedule is an alternative to moving courts.
- It thus said that if the remedy were found to be ineffective due to deliberate inaction or indecision on the part of the Speaker, the court would have jurisdiction.
- However, the High Court again did not pass orders since the larger issue was pending before the Supreme Court.
- Meanwhile, the Manipur case reached the Supreme Court.

Supreme Court ruling?

- In January 2020, a three-judge bench of the SC expressed its displeasure with the Speaker's lack of urgency in deciding the disqualification petitions.
- It ruled that Speakers of assemblies and the Parliament must decide disqualification pleas within a period of 3 months.
- The ruling settled the law for situations where the timing of the disqualification is misused to manipulate floor tests.
- The court also recommended the Parliament to consider taking a relook at the powers of the Speakers, citing instances of partisanship.
- The court also suggested independent tribunals to decide on disqualifications.
- In the context of Manipur, this ruling meant that Speaker Khemchand had to rule on the disqualification within 3 months since.
- Importantly, this three-judge bench also ruled that the 2016 reference to a larger bench by a two-judge bench was not needed. [Decisions of a larger bench are precedents, and binding on smaller benches.]

Why did the Court intervene again and what was the ruling?

- Even 3 months after the Supreme Court order, the Speaker did not take a call on the disqualifications.
- On 18 March 2020, in an extraordinary move, the Supreme Court removed Manipur Minister Thounaojam Shyamkumar Singh from the state cabinet.
- It was against him that disqualification petition was also pending before the Speaker since 2017.
- The Court also restrained him "from entering the Legislative Assembly till further orders".
- Relying on this SC verdict, on 8 June 2020, the Manipur High Court also passed similar orders in the case of the 7 Congress MLAs.

What is the recent happening?

- On 17 June 2020, 3 BJP MLAs resigned.
- Also, 4 ministers in N Biren Singh's government, all MLAs of NPP (National People's Party), switched camps.

- They offered support to the Congress.
- So, of the 7 MLAs who had in 2017 jumped to BJP, 4 MLAs once again pledged their votes to the Congress.
- One of those four and one among the seven facing disqualification, Congress MLA Paonam Brojen Singh, approached the HC against Khemchand's conduct a day before the RS election.
- As he had filed a petition, Brojen Singh received protection from the HC and was allowed to vote in the RS election.
- Meanwhile, the HC also instructed the Speaker to announce the disqualifications only after 19 June 2020, the day of RS election.
- But, despite the HC's instructions, Khemchand disqualified three Congress MLAs and one TMC MLA on the day of RS election.

What is the political agenda here?

- The three other Congress MLAs (who had jumped to BJP in 2017) allowed to vote, went in favour of BJP.
- With the disqualifications, the Congress, which earlier had the numbers to send its candidate to the Upper House, could secure only 24 votes.
- On the other hand, erstwhile royal Leisemba Sanajaoba, the BJP's Rajya Sabha candidate, was elected, securing 28 votes.
- [The 60-member Assembly has a current strength of 59 MLAs.]
- In essence, the disqualification decision by the Speaker worked in favour of the BJP.

Can the EC interfere?

- The Congress complained to the Election Commission that one of its MLAs voted for the BJP.
- It thus sought cancellation of that vote.
- The EC, however, said that no interference from the Commission was warranted in the matter.
- The EC could not interfere or interject as far as the Speaker's power under the Tenth Schedule of the Constitution is concerned.

Tenth Schedule of the Constitution

- The Tenth Schedule is also referred to as the anti-defection law.
- It was added to the Constitution through the Fifty-Second (Amendment) Act, 1985.
- The power for this disqualification is vested in the Speaker, who is usually a nominee of the ruling party.

7. Custodial Deaths - Tamil Nadu Case (Sathankulam)

Why in news?

- 'Custodial death' of a father and son in Sathankulam town in Tamil Nadu's Thoothukudi district has led to protests.

What happened?

- The deceased have been identified as P. Jayaraj (58), a timber trader, and his son, J. Benicks, 31.
- They ran a mobile phone service and sales centre in Sattankulam town in Thoothukudi district.
- On June 19, 2020, Jayaraj was in the mobile phone showroom of his son Benicks.
- Personnel from the Sathankulam police station were on patrol duty in the evening.
- The police picked him up for allegedly keeping the shop open in the evening in violation of lockdown restrictions.
- The police reportedly verbally abused Jayaraj and assaulted him.
- His son Benicks, appealed to the police to release his father.
- When the police allegedly assaulted Jayaraj with a baton and roughed him up, Benicks tried to save his father.
- After thrashing the father and the son, the officers took them to the police station.
- The father and the son were arrested for allegedly keeping their outlets open after permitted hours.
- Both of them were booked under several sections of the IPC including -
  - ✓Section 188 (disobedience to order duly promulgated by public servant)
  - ✓Section 383 (extortion by threat)
  - ✓Section 506 (ii) (criminal intimidation)
- They were remanded to judicial custody.
- The third day, after a medical check-up, the duo was lodged in the Kovilpatti sub-jail.
- That evening, local residents alleged that Benicks had complained of chest pain and Jayaraj had high fever.
- Both were taken to the Kovilpatti government hospital, where Benicks died the next day evening.
- The morning of the following day, Jayaraj too developed “chest pain”, had respiratory illness and died.
- Relatives alleged that both of them were thrashed again in the police station, as they were witnessing it from the entrance of the police station.
- Eye-witnesses have said that the father-son duo had suffered sexual torture (inflicted using lathis) at the police station.
- Jayaraj’s wife Selvarani has lodged a complaint, alleging that police brutality led to the death of her husband and son.

What was the State's response?

- The Madurai Bench of the Madras High Court took suo motu cognisance of their death.
- It has decided to monitor the progress of the statutory magisterial probe.
- It has asked for a status report from the police, and also directed that the autopsy be video-graphed.

- Chief Minister Edappadi K. Palaniswami has announced a compensation of Rs. 10 lakh each.
- The two sub-inspectors involved have been suspended and an inspector placed on compulsory wait.

What are the serious concerns involved in this?

- Custodial violence is not new to India.
- Custodial deaths are often the result of the use of torture in India's police stations for extracting admissions of crime.
- It is also common for the police to use their power and authority to settle personal scores.
- But even with such track record, the death of Jayaraj and Benicks is alarmingly absurd given the cause of arrest and the kind of violence inflicted.
- It is a wrongful abuse of authority by the law enforcement machinery.
- In this case, the father was thrashed even before being taken to the police station.
- Lockdown - Since the lockdown, there have been innumerable reports of the police and officials attacking citizens in the name of enforcing restrictions.
- They have been awarding personalised punishment on violators, and sometimes kicking and overturning carts containing items for sale.
- The custodial deaths flag the failure to have guidelines to handle lockdown violations.
- Cases filed - Their offence would have only attracted Section 188 of IPC (for disobeying the time restrictions ordered by a public servant).
- But they were also booked under other Sections stating extortion by threat and criminal intimidation.
- It is well known that the police include 'intimidation' in the FIR solely to obtain an order of remand, as it is non-bailable.
- The inclusion of non-bailable sections for a lockdown violation indicates a prior inclination to harass the two and cause suffering.
- Larger concern - If ultimately established as custodial murder, it would only mean that the problem is much deeper.
- The issue goes beyond mere lack of professionalism in investigative methods.

What does it call for?

- The mere suspension of police personnel involved is an inadequate response to this.
- The police should register a case of murder.
- The matter should be taken over by an independent agency for a fair investigation.
- The higher authorities in the police too will have to bear responsibility for this atrocity.
- Because, it indicates a failure to lay down norms for policemen on the field to handle lockdown violations with humaneness.

8. DK Basu Judgment - Custodial Deaths

What is the issue?

- 'Custodial death' of a father and son in Sathankulam town in Tamil Nadu's Thoothukudi district has brought the question of police brutality to the fore.
- In this context, the DK Basu judgments since 1987 gain significance and needs a revisit.

What are the judgements about?

- A letter was received in 1986 from an organization regarding the matter of lock up deaths in the state of West Bengal.
- This letter was treated as a writ petition and taken as a PIL.
- It spawned four crucial and comprehensive judgments - in 1996, twice in 2001 and in 2015 - laying down over 20 commandments.
- Additionally, it led to at least 5 other procedural, monitoring and coordinating judicial orders.
- These have created a valuable and seamless web of legal principles and techniques.
- All of them are aimed at reducing custodial death and torture and to have control on police and a set of guidelines for arresting a person.

What was the impact?

- Relatively little highhandedness occurred after formal arrest, but most torture was done before the arrest was recorded.
- Safeguards obviously kick in only after the arrest is shown.
- This is a perennial, insoluble dilemma and all devious police forces globally use it.

What were the subsequent developments?

- In light of the above, the first 11 commandments in 1996, therefore, focused on vital processual safeguards -
  - ✓ all officials must carry name tags and full identification
  - ✓ arrest memo must be prepared, attested by one family member or respectable member of the locality
  - ✓ memo must contain all details regarding time and place of arrest
  - ✓ the location of arrest must be intimated to one's family or next friend
  - ✓ details must be notified to the nearest legal aid organisation
  - ✓ arrestee must be made known of each DK Basu right
  - ✓ all such compliances must be recorded in the police register
  - ✓ the arrestee must get periodical medical examination
  - ✓ inspection memo must be signed by arrestee also and all such information must be centralised in a central police control room

- Significantly, breach of this was to have severe departmental action and additionally contempt also.
- This would all be in addition to, and not substitution of, any existing remedy.
- This first judgement went further, applying the principle that rights without remedies are illusory and futile.
- Hence, all of the above preventive and punitive measures could go along with, and were not alternatives to, full civil monetary damage claims for constitutional tort (a wrongful act or infringement of a right).
- Later, after considering detailed reports, general and state-specific directions were formulated.
- The last phase of the judgements ended in 2015.
- It had stern directions to set up SHRCs (State Human Rights Commissions.
- But, more importantly, it ordered filling up large vacancies in existing bodies.
- The as yet unused power of setting up human rights courts under Section 30 of the NHRC Act was directed to be operationalised.
- All prisons had to have CCTVs within one year.
- It was directed that non-official visitors would do surprise checks on prisons and police stations.
- Prosecutions and departmental action were unhesitatingly mandated.

What is the concern though?

- Little more by way of theoretical structure is required if DK Basu's comprehensive coverage is genuinely implemented.
- But the real problem is in operationalising the spirit of DK Basu.
- This encompasses -
  - ✓ punitive measures
  - ✓ last mile implementation
  - ✓ breaking intra-departmental solidarity with errant policemen
  - ✓ ensuring swift, efficacious departmental coercive action plus criminal prosecution
- India still has abysmal rates of even initiating prosecutions against accused police officers.
- Actual convictions are virtually non-existent.
- Figures for initiating departmental action are better.
- But they are woefully low, and hardly ever taken to successful dismissal.

How does it make sense in the Sathankulam case?

- The Tamil Nadu police and their political masters have suggested that DK Basu judgements apply only in police and not in judicial custody.
- This only shows their ignorance of the procedures, and a distortion of the case.

- DK Basu is all-encompassing, loophole covering and makes absolutely no such distinction amidst categories of custody.

What is the way forward?

- A 1985 Law Commission report directed enactment of section 114-B into the Evidence Act.
- This gave way for raising a rebuttable presumption of culpability (guilty) against the police if anyone in their custody dies or is found with torture.
- This has still not become law, despite a bill introduced as late as 2017. This should be processed soon.
- More importantly, monitoring and implementation of DK Basu judgements is the need of the hour.
- This should be taken up by independent and balanced civil society individuals at each level, under court supervision.

9. Assessing the National Institutional Ranking Framework

The National Institutional Ranking Framework's (NIRF) rankings have become the big game in higher education. In this context, here is an assessment if the rankings are really working to fulfil the purpose or not.

NIRF

- The NIRF was approved by the MHRD (Ministry of Human Resource Development) and launched in 2015.
- The framework outlines a methodology to rank institutions across the country.
- The ranking framework evaluates institutions on five parameters:
  - ✓Teaching, Learning & Resources
  - ✓Research & Professional Practice (RP)
  - ✓Graduation Outcomes
  - ✓Outreach & Inclusivity (OI)
  - ✓Perception (PR)
- The number of participating higher educational institutions (HEI) has risen sharply.
- It has increased from 233 universities and 803 colleges in 2017 to 294 and 1659, respectively, in 2020.
- [There are about 1,000 universities and 40,000 colleges in India.]

What is a trend?

- As seen globally, there is a predominance of STEM (Science, Technology, Engineering and Mathematics) in the top ranks.
- In the 'Overall' category, the score ranges from 42 to 85.
- But there are only 13 institutions with a score above 60.
- Moreover, IITs and the IISc make eight of these thirteen.

- In the 'University' category, the scores of top 100 range from 40 to 84.
- But an overwhelming 65 universities have a score below 50.
- Regional inequality, too, is glaring, and 42 of the top 100 universities are from 3 states: Tamil Nadu, Maharashtra and Karnataka.
- Similarly, 81 colleges in the top 100 are from Tamil Nadu, Delhi and Kerala.
- Worryingly, directing resources to the top rankers would only widen the gulf.

How rational and fair are the rankings?

- Rankings attempt to introduce competition between institutions operating in quasi-market environments.
- It is laudable that the government is generating a credible benchmark through the NIRF.
- It is also noteworthy that it is mostly based on objective indicators.
- The PR parameter, which is widely criticised in rankings literature as 'reputation', is given only a small weight of 10%.
- However, there are unintended consequences of measurement.
- The view that anything that can be measured and rewarded will be gamed cannot be denied totally.
- 'Teaching to the test' is one way in which institutions are distorted, attempting to achieve something in letter, ignoring the spirit.

How does the teaching parameter work on ground?

- There are differences between types of institutions in terms of their functions and objectives too.
- But the parameters and the assigned weights can distort the perception of agents.
- For example, the core function of colleges is to produce graduates with a strong base in their subjects.
- Hence, the NIRF assigns a higher weight for teaching in colleges.
- Still, colleges persuade teachers, who are inclined to teaching, to increasingly do research and publish for which they are ill-equipped.
- A 16-hour teaching load and the task of conducting all the programmes to score on various ranking parameters fall on teachers.
- Over and above this lies the maintenance of an MIS (Management information system).
- Faced by these constraints, teachers resort to low-quality research, and the mushrooming of predatory journals in India is the living proof for this.
- In this process, colleges end up compromising on something that is difficult to measure - teaching.
- According to education researchers, one major factor that helps students graduate is 'student engagement'.
- An important aspect of this engagement is the quality of contact with faculty.
- In fact, it is this aspect that enriches the career of a teacher too.

- This is severely affected in colleges due to the above said burden on teachers.
- Students will definitely benefit by studying in institutions where teachers are happy and their job satisfaction level is high.

What are the changes needed?

- It is certainly encouraging to see HEIs in India responding to the rankings framework.
- Given this response, the policymakers should innovate and modify the metrics suitably.
- Primarily, the metrics should include feedback from teachers.
- Secondly, the rankings on the basis of different parameters should be published.
- Although some data is available on the website, official publication of such rankings will help students make more informed decisions.
- Another issue is that the use of PhD as a measure of quality of faculty is fraught with serious drawbacks, for the quality of PhD varies a lot.
- A better indicator, at least for non-university categories, would be UGC-CSIR-NET.
- The NIRF should also increase the number of ranked institutions gradually as institutions are improving their scores.
- Notably, the score of 100th ranked college is 50 in 2020 compared to 35 in 2017.

What is the way forward?

- Essentially, it is important not to get carried away by rankings.
- It should be ensured that rankings inform decisions and never drive decisions.
- The real need is heterogeneous institutions with varied missions, programmes and approaches.

10.Match-fixing

What is the issue?

- Match-fixing is not an independent offence in India.

What is the CBI's definition of match-fixing?

- The Central Bureau of Investigation (CBI) has defined the following as the instances, which are to be treated as match-fixing.
- Instances where an individual player or group of players received money to underperform;
- Instances where a player placed bets in matches in which he played that would naturally undermine his performance;
- Instances where players passed on information to a betting syndicate;
- Instances where grounds men were given money to prepare a pitch in a way that suited the betting syndicates; and
- Instances of current and ex-players being used by bookies to gain access to players to influence their performances for a monetary consideration.

Is there a law against match-fixing in India?

- Match-fixing is not an independent offence in India and there are no laws covering it.
- Investigating authorities mostly try to book the accused for cheating under Section 420 of the IPC.
- Other laws like the Prevention of Corruption Act, 1988 have been used.
- After every match-fixing scandal, investigators, legislators and lawyers have called for reforms.
- They argue that the absence of laws makes it difficult for them to incriminate someone for match-fixing.

How have alleged match-fixers been punished in the past?

- Punishments were handed out by the cricket board under its anti-corruption rules.
- These punishments, too, were later reduced or overturned by courts.
- In fact, lawyers use these cases to illustrate the need to have separate, foolproof laws for match-fixing.

What powers do the investigators have?

- They have all the powers to collect evidence if it is available.
- However, there has to be an offence to investigate.
- Since match-fixing is not defined as an offence, it is difficult to bring it under the domain of Section 420 of the IPC.

Have there been attempts to make laws against match-fixing?

- In 2013, the Ministry of Sports drafted the Prevention of Sporting Fraud Bill that suggested a jail term for offenders.
- Two Private Member's Bills too were introduced in the Lok Sabha,
  - ✓ In 2016, Anurag Thakur introduced National Sports Ethics Commission Bill and
  - ✓ In 2018, Shashi Tharoor introduced the Sports (Online Gaming and Prevention of Fraud) Bill.
- Neither has been debated yet.

11.Need for 'One Nation One Voter ID' - Re-enfranchising Migrant Voters

What is the issue?

- Migrant workers have, for long, been forgotten voters, given their conditions of work.
- Given this, there must be the political will to usher in a 'One Nation One Voter ID' to ensure ballot portability.

What are the recent changes made by the ECI?

- In response to the pandemic, the Election Commission of India (ECI) has made it possible for senior citizens above the age of 65 to vote by postal ballot.

- This is given the fact that they are at greater risk from exposure to the novel coronavirus.
- [Until now, this option was available only to disabled citizens and those above 80 years.]
- The same empowering approach could be extended to the migrants who evidently face difficulties in exercising their franchise.

How significant are the migrant workers?

- Internal migrant workers constitute about 13.9 crore as in the Economic Survey of 2017.
- This is nearly a third of India's labour force.
- They travel across India in search of an economic livelihood.
- They engage in the construction sector, as domestic work, in brick kilns, mines, transportation, security, agriculture, etc.

What is the present scenario?

- With COVID-19 pandemic and the lockdown, the country witnessed the magnitude of internal migration.
- The hardships that migrant workers endured in their quest for livelihoods were also apparent.
- The humiliation they faced showed how politically powerless they were perceived to be.

Why are they called the forgotten voters?

- Most of the migrant workers never intend to settle down in their locations of work.
- They only wish to return to their native villages and towns once their work is completed or the working season ends.
- Often they toil in exploitative low-wage jobs, lacking identity and proper living conditions.
- So, they often go without access to welfare.
- Internal migrant workers do not enrol as voters in their place of employment.
- This is because they find it hard to provide proof of residence.
- They also cannot afford to return home on election day to vote.
- Thus, migrant workers become quasi-disenfranchised, and forgotten voters.
- It is perhaps this group does not constitute a vote bank worthy of attention.
- Also, since they do not have a vote where they work, their concerns are easy to ignore in their host State.
- Sometimes, they are targeted for allegedly taking jobs away from the local population.

What do the voters turn out show?

- It is indeed a matter of pride that India currently has over 91.05 crore registered voters.
- In the 2019 general election, a record 67.4% cast their vote.

- The ECI would do well to focus attention on the one-third, a substantial 29.68 crore, who did not cast their vote.
- National Election Study surveys have shown that about 10% of registered voters refrain from voting due to a lack of interest in politics.
- That leaves approximately 20 crore voters who want to vote but are unable to do so.
- Of these there are about 3 crore Non Resident Indians (NRIs).
- Only about 1 lakh NRIs have registered to vote, presumably because voting requires their physical presence in India.
- Of them, about 25,000 voted in the 2019 elections.
- To enable NRIs to exercise their franchise, the government brought in legislation in the previous Lok Sabha to enable voting through authorised proxies.
- The legislation lapsed.
- However, it is interesting to contrast the concern for NRIs with the lack thereof for poor migrant workers.

What are the models in place for voter portability?

- Service voters (government employees) posted away from home can vote through the Electronically Transmitted Postal Ballot System (ETPBS).
- Classified service voters (e.g., military personnel) can do so through their proxies.
- The ECI has said that it is testing an Aadhaar-linked voter-ID based solution.
- This is to enable electors to cast their votes digitally from anywhere in the country.
- It will be some time in the future before this becomes a functional reality.

What is the way forward?

- Ensuring that every Indian who is eligible to vote can do so must be a central mission for the ECI.
- Voting must be viewed not just as a civic duty but also as a civic right.
- In developing the Aadhaar-linked voter-ID based solution, it must be ensured that the linkage does not result in the exclusion of eligible individuals.
- Meanwhile, the existing forms of voter portability can be utilised for re-enfranchising migrant workers as well.
- To facilitate migrant workers voting, the ECI could undertake substantial outreach measures using the network of District Collectorates.
- Migrants should be able to physically vote in their city of work, based on the address on their existing voter IDs and duration of their temporary stay.
- The COVID-19 crisis has mobilised governments and NGOs to set up registers and portals to reach out to migrant workers.

- So, in the lines of the 'One Nation One Ration Card', a 'One Nation One Voter ID' will ensure native ballot portability and empower the forgotten migrant voters.
- Ensuring that every Indian voter can participate in elections is imperative to ensure a democratically inclusive India.

12.Role of Independent Directors - Corporate Governance

What is the issue?

- Despite strong legal framework, corporate frauds and mis-governance continue to happen - the recent ones being the PNB banking fraud case, IL&FS, DHFL, PMC Bank, CG power, and sudden collapse of Jet Airways.
- In this context, here is an overview on the current mechanisms and the reforms needed, especially as to the role of independent directors.

What is the 'independent directors' provision?

- World over, several corporate frauds and mis-governance issues are being witnessed.
- Following this, an important reform, among many, was giving statutory recognition to the position of independent directors in the overall governance framework.
- An Independent director is a non-executive director who does not have any kind of relationship, material or financial, with the company.
- Independent directors are to ensure the independence of decisions taken in matters related with the board.
- A larger say for independent directors was believed to have an effective deterrent to fraud, mismanagement, and mis-governance.

What is the case with India?

- In India, the Companies Act, 2013 defines 'independent directors' and codifies their duties and responsibilities.
- Schedule IV of the Act lays down the guidelines for professional conduct, role, functions, and duties of independent directors.
- The Directors' Responsibility Statement under Section 135 requires an affirmation by directors on the adherence to -
  - ✓accounting standards, accounting policies
  - ✓maintenance of adequate accounting records for safeguarding of a company's assets and prevention of frauds
  - ✓adequacy of internal financial controls, and their effectiveness and compliance with applicable laws
- The Listing Regulations exhaustively list out the specific responsibilities of the directors.

What does this demand from the independent directors?

- The law casts onerous duties, obligations, and responsibilities on directors and collectively on the board.

- So, a thorough understanding of the legal provisions and the various regulations is crucial to ensure compliance and discharge the responsibilities.
- These can be acquired only by a combination of formal training, experience, and knowledge sharing.

What are the common challenges?

- Directors face difficulty when a company has conflicts with society or the public at large.
- This happens when their working or the company's products/services create an issue with the interests of the public.
- Promoter-shareholders have a strong say on the selection of independent directors.
- So, it is challenging for the independent directors to function with independence and effectiveness at the board.
- Access to information remains in the hands of the promoters and the KMP (Key Managerial Personnel) reporting to them.
- This again makes it hard for independent directors to exercise independent judgment.

What are the key problems?

- Despite the exhaustive duties and regulations, the difficulties in implementation, adoption and compliance have led to many gaps.
- The evident factors across these cases are lack of integrity and fraudulent practices.
- Again, majority of the cases are in the financial sector.
- These are, in fact, regulated and classified as systemically important companies.
- Naturally, the question arises as how they escape the several layers of checks and balances some of which include -
  - ✓ the professionals or the management running the company independent of the promoters
  - ✓ the audit and risk committees
  - ✓ the internal auditors
  - ✓ the statutory auditors
  - ✓ the board
  - ✓ the regulators wherever applicable
- Certainly, there have been shortfalls in terms of regulations and supervision.

What are the possible measures at this end?

- The recent regulation calling for mandatory registration of independent directors and prescribing a qualifying examination for them are in the right direction.
- Besides this, meanwhile, many other things may have to be put in place.
- If audit committee, risk committee and the nomination and remuneration committee are to be strengthened, the independent directors chairing/manning them have to be strengthened.

- The eligibility, role responsibility, and the authority of the independent director need to be reformed/ strengthened.
- There need to be separate regulations governing the entire functioning of independent director.
- Currently, the rules/regulations relating to the eligibility and appointment of independent director are the same for all applicable companies. This will have to change.
- Companies in the financial sector need to have a stronger criterion.
- Systemically important companies need to have a different set of independent directors.
- Also, larger companies in terms of size, complexities need to have different criteria for choosing and appointing independent directors.
- These will have to cover key managerial personnel as well.
- Independent directors, to be effective, should possess knowledge of the regulations, working of the company and the ability to speak out.
- Training to acquire the skills shall be made compulsory.
- The remuneration structure for independent director needs to be overhauled.
- It should provide for differential remuneration as per grade in the regulations.
- Remuneration shall be commensurate with the responsibility and liability to which independent director are exposed.
- A separate body needs to be constituted under the Ministry of Corporate Affairs to oversee the functioning of independent directors.
- The funding required can be collected as an annual cess and subscription from the corporate sector.
- Notably, there might be a need for a large number of competent independent directors to meet the demand of the next decade.
- They will have to take up several positions from companies to trusts, NGOs, and organisations where public interest is involved.
- So, at least till the system gets fully established and starts functioning as intended, micromanagement appears to be the need of the hour.

13.Committee for the Reform of Criminal Laws

Why in news?

The Ministry of Home Affairs (MHA) has constituted a national level 'Committee for the Reform of Criminal Laws'.

What is the committee for?

- The criminal law in India comprises -
  - ✓the Indian Penal Code of 1860
  - ✓the Code of Criminal Procedure that was rewritten in 1973

✓the Indian Evidence Act that dates back to 1872

- The idea that the current laws governing crime, investigation and trial require meaningful reform has long been in place.
- There have been several attempts in recent decades to overhaul the body of criminal law.
- Given this, the committee's mandate now is to recommend reforms in the criminal laws in a principled, effective, and efficient manner.
- The reforms should ensure the safety and security of the individual, the community and the nation.
- It should prioritise the constitutional values of justice, dignity and the inherent worth of the individual.

How does it work?

- The committee has several leading legal academicians on board.
- It would be gathering opinions online, consulting with experts and collating material for their report to the government.
- Questionnaires have been posted online on the possible reforms.
- The committee has invited experts in the field of criminal law to participate in the exercise through an online consultation mechanism.
- The consultation exercise would go on for 3 months (starting on 4 July 2020).

What are the concerns?

- Timeframe - Comprehensive legal reform requires careful consideration and a good deal of deliberation.
- An apparently short timeframe and limited scope for public consultation has thus been raised as concerns.
- This has caused considerable disquiet among jurists, lawyers and those concerned with the state of criminal justice in the country.
- Timing - The Committee has begun its work in the midst of a pandemic.
- This may not be the ideal time for wide consultations.
- Activists and lawyers functioning in the hinterland may be at a particular disadvantage in formulating their opinions.
- Mandate - The panel's mandate is also vague and open to multiple interpretations.
- It is also not clear why the Law Commission has not been vested with this task.
- Members - The committee being an all-male, Delhi-based one has led to concerns of lack of diversity.

What is the way ahead?

- Reform is best achieved through a cautious and inclusive approach.
- If at all criminal law is to be reformed, there should be a genuine attempt to reach wide consensus.

- The priorities should be on ways to speed up trials, protect witnesses, address the travails of victims, improve investigative mechanisms and, most importantly, eliminate torture.

14.Farm Trade Ordinance & Punjab's Opposition

Why in news?

Punjab is opposing the Centre's Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance.

Why Punjab is opposing the Ordinance?

- This Ordinance may end the state's Agriculture Produce Market Committee (APMC) Act, which was amended in 2017.
- This Ordinance is opposed on the pretext that it will privatise the entire sale/purchase system and will end the MSP regime.

What is the difference?

- As per the state's APMC Act, only a licence holder from the government after meeting the provisions laid under this Act can do trade.
- As per the Centre's ordinance, no licences are required and any PAN cardholder can do trade.

Where can trade be done?

- As per the state's APMC Act, trade will be allowed in both,
  - ✓State-owned mandis under Punjab Mandi Board (PMB) and
  - ✓Private mandis allowed under the amended Act.
- In private mandis, trade is allowed in the government-notified yards.
- The PMB charges a fee/cess that is used for the development of the mandis and the rural areas.
- As per the Centre's ordinance, trade can be done at any place.
- Also, farmers can sell their product anywhere in the country.

What type of private market committees can be set up under the state Act?

- Apart from the mandis under PMB across the state, there is a provision of setting up of private market yards demarcated by the government.
- These mandis can be owned by the private players.
- The owners of these private yards and their relatives cannot trade but only operate these mandis.
- The government will have full control over these mandi.
- Taxes and other duties decided by the government will be levied on the sale and purchase of farmers' produce.
- Centre' ordinance, however, has no such provision.

What if there is a high fluctuation of prices?

- As per state Act, there is a provision of setting up of 'Price Stabilisation Fund' by the government.

- This fund can be utilised to facilitate farmers in case of high fluctuation of the crop prices.
- There is no such provision under the Ordinance.

What about the market fee/cess charged by the PMB?

- The state APMC Act says that cess/fee would be levied on sale/purchase in the notified private market yards.
- There is no such provision in the Ordinance.

What are the provisions regarding payment to farmers?

- The State APMC makes the provision that farmers will be paid for selling their products within 48 hours.
- The sale/purchase is regulated by the government because only licence holders can do trade in such mandis.
- If the trader fails to pay the farmer on time, the matter can be resolved by presenting the case to PMB's Market Committee or to the Secretary, Agriculture.
- The concerned Deputy Commissioner (DC) also has the power to sell any property of the trader to pay the dues of farmers.
- Finally, the matter can also reach the court for settlement.
- As per the Centre's ordinance, the farmers will be paid either on the same day or within 3 working days.
- If a trader does not pay, the matter can be resolved by presenting their respective case to SDM or DC.
- There is no provision for taking the matter to court.

What is the status of e-trading?

- As per the state Act, only licence holding dealer can do e-trading.
- As per the ordinance, any PAN cardholder can do it without any fee.

How big companies can enter the trade of crops, food processing?

- The state government had introduced a Unified Licence System, so that big food processing companies to take steps in the interest of farmers.
- As per the ordinance, there is no need for a licence for big companies.
- Farmers are specifically against this provision.

What would happen to the MSP regime?

- After the APMC Act was amended, the MSP regime continued in the state as such.
- Even now, major agricultural products are brought only in the PMB owned markets where farmers sell on fixed MSP.
- It seems like the provisions of the ordinance may end the MSP regime.

15.Padmanabhaswamy Temple Case

Why in news?

The Supreme Court upheld the right of the Travancore royal family to manage the property of deity at Padmanabha Swamy Temple.

What is the case about?

- The central legal question was whether Marthanda Varma could claim to be the "Ruler of Travancore".
- [Marthanda Varma is the younger brother of Balarama Varma, the last Ruler of Travancore who died in 1991.]
- The court examined this claim within the meaning of that term as per the Travancore-Cochin Hindu Religious Institutions Act, 1950.
- This claim also includes the ownership, control and management of the temple, Thiruvananthapuram.
- The court said that the shebait rights survive with the family members even after the death of the last ruler. [Shebait rights - Right to manage the financial affairs of the deity.]
- This SC decision has reversed the 2011 Kerala High Court decision.

Who had these claims of the temple before 1991?

- Before 1947, the Travancore Devaswom Board controlled the temple that was under the control of the former Princely State of Travancore.
- The Instrument of Accession was signed between the princely state of Travancore and the Government of India in 1949.
- Since then, the administration of the Padmanabhaswamy Temple was "vested in trust" in the Ruler of Travancore.
- In 1971, privy purses to the former royals were abolished through a constitutional amendment stripping their entitlements and privileges.
- The move was upheld in the court in 1993.
- The last ruler of Travancore who died during the pendency of this case continued to manage the affairs of the temple till then.

When did the legal issue begin?

- In 1991, when the last ruler's brother took over the temple management, it created a furore among the devotees.
- They moved to the courts leading to a long-drawn legal battle.
- The government joined in; supporting the claims of the petitioner that Marthanda Varma had no legal right to claim the control of the temple.

Is the temple the property of the royal family?

- The character of the temple was always recognised as a public institution governed by a statute.

- The argument of the royal family is that, as per custom, the temple management would vest with them for perpetuity.
- The last ruler had not included the Sree Padmanabhaswamy Temple as his personal property or dealt with it in his will.

What about the temple's property, including the riches in the vaults?

- A consequence of who has administrative rights over the temple is whether the vaults of the temple will be opened.
- In 2007, Marthanda Varma claimed that the treasures of the temple were the family property of the royals.
- Several suits were filed objecting to this claim.
- A lower court in Kerala passed an injunction against the vaults' opening.
- In 2011, the Kerala High Court ordered that a board be constituted to manage the affairs of the temple, ruling against the royal family.
- The royal family filed the appeal in the SC against this verdict immediately.

What did the SC rule?

- The SC had stayed the HC verdict.
- It also appointed two amicus curiae to prepare an inventory of items in the six vaults.
- While five vaults were opened, vault B was not.
- Since 2011, the process of opening the vaults has led to the discovery of treasures within the Padmanabhaswamy temple.
- This prompted a debate on who owns temple property and how it should be regulated.

How temples are controlled?

- India is a secular country that separates religion from the state affairs.
- However, Hindu temples and its assets are governed through statutory laws and boards heavily controlled by state governments.
- This system came into being through the development of a legal framework to outlaw untouchability by treating temples as public land.
- It has resulted in many legal battles.

16.Supreme Court on Criminalisation in Politics

Why in News?

A Supreme Court judgment on criminalisation in politics will be implemented in the Bihar elections in October 2020.

What is the Court decision?

- The Court has asked the political party and its leadership to publicly own up to criminalisation of politics.

- It has asked the political parties to state the reasons for such selection.
- It has also asked why other individuals without criminal antecedents could not be selected as candidates.
- If a political party fails to comply, it would be in contempt of the Supreme Court's orders/directions.
- It is also not clear what penalty would be imposed if the recent orders are not followed.

What do some earlier orders state?

- Each candidate shall submit a sworn affidavit giving financial details and criminal cases.
- Each candidate shall inform the political party in writing of criminal cases against him or her.
- The party shall put up on its website and on social media as well as publish in newspapers the names and details of such candidates.

Why did the Court pass such an order?

- The judgment notes that in 2004, 24% of the Members of Parliament had criminal cases pending against them.
- In 2019, 43% of MPs had criminal cases pending against them.
- India is the only democratic country with a free press where we find a problem of this dimension.

What is the current situation?

- Surveys show that people around the country are unhappy with the quality of governance.
- However, no matter how many parties are changed, governance does not really improve, a few exceptions apart.
- Several laws and court judgments have not helped much as they lack of enforcement.
- Politics dominates the bureaucracy, and reins in business, civil society and the media.
- Therefore, we need governance that is free of criminals.

What needs to be done?

- The affidavits of the election candidates should be monitored.
- The compliance with the SC judgment should be monitored.
- Information about these should be made available on the Election Commission website.
- This information should be widely circulated to voters using available social media tools.
- The SC has said that voters also need to be vigilant about misuse of money, gifts and other inducements during elections.
- Ensuring prosecution with public pressure may help.
- There may not be any dramatic changes in the quality of candidates.
- But all these steps are required, however insignificant they may seem.

17.SC/ST Quota Benefits to the Disabled

Why in news?

- The Supreme Court has confirmed that persons suffering from disabilities are also socially backward.
- With this, they become entitled to the same benefits of relaxation as Scheduled Caste/Scheduled Tribe candidates in public employment and education.

What is the case about?

- The present decision came on a petition filed by Aryan Raj, a special needs person, against the Government College of Arts, Chandigarh.
- [It is an appeal against a Punjab and Haryana High Court order.]
- The college denied Mr. Raj relaxation in minimum qualifying marks in the Painting and Applied Art course.
- The college insisted that disabled persons too need to meet the general qualifying standard of 40% in the aptitude test.
- Notably, the SC/ST candidates were given a relaxation to 35%.
- Setting aside the college decision, the Supreme Court said that the same 35% shall apply so far as the disabled are concerned in future.
- The apex court allowed Mr. Raj to apply afresh for the current year.
- The Court said that it is 'following' the principle laid down in an earlier Delhi High Court judgment.

What was the 2012 HC Judgement?

- It relates to the Anamol Bhandari (Minor) through his father/Natural Guardian v. Delhi Technological University 2012 case.
- The Delhi Technological University prospectus provided 10% of concession of marks in the minimum eligibility requirements for SC/ST candidates.
- But relaxation of only 5% was permissible for People with Disabilities.
- On a petition against this, the Delhi HC ruled against this differential treatment, terming it discriminatory.
- It held that people suffering from disabilities are also socially backward.
- It observed that reservation for the disabled is called horizontal reservation.
- So this cuts across all vertical categories such as SC, ST, OBC & General.
- Therefore, at the very least, it said, they are entitled to the same benefits as given to the SC/ST candidates.
- A three-judge Bench of the Supreme Court has now upheld this 2012 judgment.
- The public sector employers and colleges / universities will now have to allow the same relaxations to the disabled as to SC / ST candidates.

What is the clarity offered?

- The Supreme Court also cited the following from the High Court judgment.
- Intellectually/mentally challenged persons have certain limitations, which are not there in physically challenged persons.
- The subject experts would thus be well advised to examine the feasibility of creating a course, which caters to the specific needs of such persons.
- They may also examine increasing the number of seats in the discipline of Painting and Applied Art with a view to accommodating such students.

Why is this a welcome move?

- The judgement recognises the difficulties faced by the disabled in accessing education or employment, regardless of their social status.
- Even though drawn from all sections of society, the disabled have always been an under-privileged and under-represented section.
- The larger principle is that without imparting proper education to the disabled, there cannot be any meaningful enforcement of their rights.

Can physical/mental and social disabilities be equated?

- A question arises if 'physical or mental disability' could really be equated with the 'social disability' and experience of untouchability suffered by marginalised sections for centuries.
- For instance, the social background of disabled persons from a traditionally privileged community may give them an advantage.
- This stands in contrast with a similar kind of a person suffering from historical social disability as well.
- However, as per the court's view this may not always be the case.
- Evidently, the Delhi High Court had cited the abysmally low literacy and employment rates among persons with disabilities.
- Indicators - The 2001 Census put the illiteracy rate among the disabled at 51%.
- This is much higher than the general population figure.
- The share of disabled children out of school was quite higher than other major social categories.
- There was similar evidence of their inadequate representation in employment too.

What is the way forward?

- It can only be more applicable now that a fresh law that aims for a greater transformative effect, the Rights of Persons with Disabilities Act, 2016, is in place.
- The 2016 law sought to address the above gap by raising the quota for the disabled from 3% to 5%.
- It also envisaged incentives for the private sector to hire them.
- It is vital that this is fully given effect to, so that this significant segment of the population is not left out of social and economic advancement.

18.Karnataka HC's Remarks - Rape Myths and Stereotypes

What is the issue?

- A single bench of the Karnataka High Court recently granted anticipatory bail to a man accused of rape.
- The reasons given and the remarks made by the court highlight the grave shortfalls and insensitivities in the justice system.

What were the judge's remarks?

- Justice Krishna S. Dixit of the Karnataka high court made the following remarks:
  - ✓ nothing is mentioned by the complainant as to why she went to her office at night that is, 11.00 pm
  - ✓ she has also not objected to consuming drinks with the petitioner and allowing him to stay with her till morning
  - ✓ the explanation offered by the complainant that after the perpetration of the act she was tired and fell asleep , is unbecoming of an Indian woman
  - ✓ that is not the way our women react when they are ravished
- He then went on to grant anticipatory bail to the accused.
- One of the reasons - the seriousness of the offence alone cannot be a ground for depriving a citizen (accused) of her/his liberty.

What are the contentions?

- The Judge's observation on the seriousness of the offence is true.
- But, the Court ought to have considered that, in cases of rape, the issue in granting bail is not just seriousness of the offence.
- It is rather the very real possibility of intimidation of the complainant.
- This would prevent her from being an effective witness in the trial.
- Also, the Court based its reasoning in unsubstantiated, damaging inferences drawn from the behaviour of the complainant.
- The contentious remarks were subsequently removed on an application made by the state.
- However, the continued and frequent use of these rape myths and stereotypes deserves discussion.

What are the prevailing rape myths and stereotypes?

- Rape myths or stereotypes are widely held, false and prejudicial notions about rape, rapists, and the survivors of rape.
- The underlying assumption here is that 'genuine' victims/survivors of rape can be recognised by some common patterns of behaviour they exhibit.
- To begin with, they are expected not to put themselves in situations which, it is believed, might lead to rape.
- These are the situations that include anything that is seen as a social taboo for women.

- These may include drinking, partying, or indeed, as stated by the defence in the infamous Nirbhaya case, simply being out at night.
- The implication here is that willingness to participate in such activities is equivalent to consent to sex.
- Otherwise, engaging in social taboo is tantamount to inviting rape.
- Another common stereotype is that 'genuine' victims/survivors physically resist their assailants or shout for help.
- In Mahmood Farooqui v. NCT of Delhi (2017), the Delhi HC had held that the complainant's 'feeble no', even when spoken, would not be sufficient evidence of lack of consent.
- The above case also repeated the widely held belief of Courts that where the victim/survivor had a past sexual history with the accused, her consent would be assumed.
- And so, any 'unwillingness' or 'hesitation' on her part would be disregarded.

What is the grave concern with these notions?

- These prevailing rape myths and stereotypes shift the burden onto the victim.
- The greatest evil thus is that they put the victim, rather than the accused and society, on trial.
- The focus shifts from whether the accused committed the offence or not to whether the victim/survivor's behaviour met standards demanded by patriarchy.
- The focus is on the narrative that the victim/survivor could have avoided the rape, or indeed, asked for it.
- The blame is thus conveniently shifted from large-scale social and systemic failures to the victim/survivor herself.

What does the law specify?

- The rape law for adults in India was amended in 2013.
- The Criminal Law (Amendment) Act in 2013 widened the definition of rape and made punishment more stringent.
- It specifically states that failure to resist cannot be taken as evidence of consent.
- In fact, consent, whether verbal or non-verbal, has been defined to mean 'unequivocal voluntary agreement'.
- The following cannot and should not be equated with consent to sex -
  - ✓ passive submission (which may arise out of fear or deep-rooted social conditioning)
  - ✓ acquiescence to non-sexual acts such as drinking together
- The Amendment also laid down that consent would mean willingness to participate in a 'specific' sexual act.
- Therefore, consent given for a particular sexual liaison cannot be read as ongoing consent, given in perpetuity.

What does this suggest of the justice system?

- The reliance on rape myths and stereotypes is painfully common in the Indian criminal justice system.
- Rape myths and stereotypes reflect the deeply entrenched patriarchal biases of those in India's criminal justice system and the society at large.
- Those tasked with implementing the legislation continue to put the victim/survivor on trial.
- This defeats the very purpose of making the legislation progressive or 'victim-centric'.
- When used in judgments, they become a permanent part of the legal record.
- As precedent, they create a chilling effect for all future victims/survivors of rape.
- This makes the criminal justice system even more unapproachable than it is.

What is the way forward?

- It is impossible and unjust to have a universal script against which the behaviour of individual victims/ survivors is assessed.
- Each person and each circumstance in cases of rape is distinct.
- India has abysmally low rates of reporting for sexual offences, and even lower rates of conviction.
- Given this, the continued reliance on such stereotypes is worrying.
- Expecting the survivors of rape to come forward knowing that they would be doubted every step of the way is highly unfair.
- The present case calls for urgent and renewed efforts towards sensitisation.
- The need of the hour is to make sensitivity in handling sexual offences part of India's judicial structure.

19.Custodial Torture - Existing Provisions

What is the issue?

- The 'Custodial death' of a father and son in Sathankulam town in Tamil Nadu's Thoothukudi district gave way to demands for separate law against torture.
- In this context, it is essential to look into how implementing the existing laws and recommendations of various commissions would help.

What are the provisions in place?

- IPC - Torture is not defined in the Indian Penal Code.
- However, the definitions of 'hurt' and 'grievous hurt' are clearly laid down.
- The definition of 'hurt' does not include mental torture.
- But, Indian courts have included among others, in the ambit of torture -

  ✓ psychic torture

  ✓ environmental coercion

  ✓ tiring interrogative prolixity (excessive wordiness)

✓overbearing and intimidatory methods

- Voluntarily causing hurt and grievous hurt to extort confession are also provided in the Code with enhanced punishment.
- CrPC - Under the Code of Criminal Procedure, a judicial magistrate inquires into every custodial death.
- NHRC - The National Human Rights Commission has laid down specific guidelines for conducting autopsy under the eyes of the camera.
- SC Judgements - The Supreme Court judgment in DK Basu v. State of West Bengal was a turning point in matters of custodial torture.
- The Court's decision in Nilabati Behera v. State of Orissa is also notable.
- It ensured that the state could no longer escape liability in public law and had to be compelled to pay compensation.
- Therefore, there is neither a dearth of precedents nor any deficiency in the existing law.
- It is not the law per se but the improper implementation that fails to deter incidents of custodial torture.

What are the drawbacks in the Prevention of Torture Bill?

- A fresh draft of the Prevention of Torture Bill was released in 2017 for seeking suggestions from various stakeholders.
- The Bill was vague as well as very harsh for the police to discharge its responsibilities without fear of prosecution and persecution.
- It was inconsistent with the existing provisions of law.
- It included 'severe or prolonged pain or suffering' as a form of torture but that was left undefined.
- The proposed quantum of punishment was too harsh.
- The 262nd Law Commission Report recommended that the death penalty be abolished except in cases of 'terrorism-related offences.'
- Despite this, the Bill provided for the death penalty for custodial deaths.
- Most countries have deleted or are deleting the death penalty from their statute books.
- But India is on path to enact fresh legislation with death penalty as the ultimate form of punishment.
- The Bill also makes the registration of every complaint of torture as an FIR.
- There is a blanket denial of anticipatory bail to an accused public servant.
- This seems less reasonable.
- The bail can be refused in appropriate cases.
- But, excluding an investigating officer from availing such an opportunity shall amount to putting him/her on the highest pedestal of mistrust.
- Overall, the proposed Bill was less reformative and more vague, harsh and retributive in nature.

What about the UN CAT?

- In 2017, the Central government admitted in the Supreme Court that it was seriously considering the 273rd Report of the Law Commission (LC).
- The LC recommended ratification of the UN Convention against Torture and other Cruel, Inhumane or Degrading Treatment (CAT).
- CAT was signed by India, but is yet to be ratified.
- However, except for minor discrepancies, the prevalent law in India is adequate and well in tune with the provisions of CAT.

What is to be done?

- There is first the need to implement the existing laws and provision in its true spirit.
- The investigations and the prosecutions are not fair; these must be rectified first.
- There is also the need to make better the police training.
- The temptation to use third-degree methods must be replaced with scientific skills.
- Thus, the need of the hour is to strike at the root cause of the problem and implement recommendations of various commissions to bring in necessary reforms.

20.Anti-Defection Law

What is the issue?

- Political hustlers over the years have evolved a new practice to bring down the government.
- They have displayed an uncanny flair to subvert the Anti-Defection law to their advantage.

What is the new practice?

- It is now no longer necessary for the party in opposition to bring down a government by splitting the ruling party.
- This was a practice that this law had effectively curbed by mandating that two-thirds of the legislators have to leave in order for it to be a legitimate split.
- The new-age hustlers circumvent this provision by getting the required number of ruling party legislators to resign.
- This shrinks the size of the House to the extent that the opposing party numbers form the majority.

What is an example?

- In Karnataka, last year 17 MLAs from Congress, JD (S) and one provincial party resigned.
- This adequately shrank the size of the House for the BJP party to gain majority.
- Of 17 MLAs who toppled the Congress-JD (S) coalition government, 14 were re-elected to the Legislative Assembly on a BJP ticket.
- The Speaker disqualified the MLAs under the 10th Schedule, barring them from seeking re-election for the entire term of the Assembly.

What did the SC rule on the Karnataka crisis?

- The Supreme Court (SC) had rejected the ruling of the Speaker of the Karnataka Assembly.
- Indeed, the Speaker had exceeded his ambit here as the Representation of the People Act (RPA), 1951 does not provide for such disqualification.
- But the Supreme Court can create the law here if it so chooses.

What did the SC do previously?

- The SC has effectively amended the RPA law earlier in an attempt to reform the political arena.
- In Lily Thomas case (2013), it had ruled that a member of any legislature who is convicted of a crime involving 2 years imprisonment, loses membership of the House.

What could be done?

- Barring the legislators from seeking re-election for an entire term of the Assembly would check smartly engineered defections.
- There is a need for a legal solution to the political cynicism of the day.

21.Maratha Quota

Why in news?

The Supreme Court (SC) will hear petitions challenging the Maratha quota.

What are the petitions about?

- The petitions challenge the reservation granted to the Maratha community in education and jobs in Maharashtra.
- They challenge the June 2019 Bombay High Court (HC) decision that upheld the constitutional validity of the Maratha quota.
- [This reservation was given under the Socially and Educationally Backward Classes (SEBC) Act, 2018.]
- The SC will also hear a petition challenging admission to postgraduate medical and dental courses under the quota in the state.

Who are the Marathas?

- The Marathas are a group of castes comprising peasants, landowners among others.
- Not all Marathi-speaking persons belong to Maratha community.
- A politically dominant community in Maharashtra, it comprises nearly one-third of the population of the state.
- Historically, Marathas have been identified as a 'warrior' caste with large land-holdings.

What did the Bombay HC rule?

- In 2019, a division bench commenced hearing in petitions filed by advocate Jishri Laxmanrao Patil and others.
- The Bombay HC held that the limit of reservation should not exceed 50%.
- It ruled that the 16% quota granted by the state was not 'justifiable'.
- It reduced the quota to 12% in education and 13% in government jobs.
- For this, the court relied on findings of the 11-member Maharashtra State Backward Class Commission (MSBCC).
- It also said that in exceptional circumstances and extraordinary situations, this 50% limit can be crossed.
- This limit should be subject to availability of contemporaneous data reflecting backwardness, inadequacy of representation and without affecting the efficiency in administration.
- The Court had said that while the backwardness of the community was not comparable with SCs and STs.
- It was comparable with several other backward classes (OBCs), which find place in the list of OBCs pursuant to the Mandal Commission.

What is MSBCC?

- The MSBCC surveyed about 45,000 families from two villages from each of 355 talukas with more than 50% Maratha population.
- It reported that the Maratha community is socially, economically and educationally backward.
- The HC observed that the Commission had conclusively established the backwardness of the community.
- It had also established inadequacy of representation of the Maratha community in public employment in the state.

What is the existing reservation in Maharashtra post HC verdict?

- In Mandal Commission case 1993, the SC had ruled that total reservation for backward classes cannot go beyond the 50%-mark.
- Maharashtra is one of the few states that are an exception to this.
- Following the 2001 State Reservation Act, the total reservation in the state was 52%.
- Along with the 12-13% Maratha quota, the total reservation is 64-65%.
- The 10 % Economically Weaker Sections (EWS) quota announced by the Centre is also effective in the state.

How challenges to Maratha quota have been dealt by the courts?

- The Bombay HC dismissed a petition filed by a group of aspiring medical students.
- This petition challenged the constitutional validity of amendment to the SEBC Act that allows Maratha reservation for 2019-20 admissions to MBBS courses.

- In 2019, the SC refused to stay the Bombay HC judgement, which had upheld the validity of the reservation.
- It had clarified that the reservation will not have retrospective effect.
- Thereafter, the SC has refused to put an interim stay on the quota.

22.Law of Contempt

Why in news?

The proceedings for criminal contempt of court against lawyer-activist Prashant Bhushan have been initiated.

What are the proceedings about?

- Mr. Bhushan is no new to the art of testing the limits of the judiciary's tolerance of criticism.
- The latest proceedings concern two tweets by him,
  - ✓One comments on the role of some Chief Justices of India in the last six years, and
  - ✓Another one targets the current CJI based on a photograph.

What do these proceedings highlight?

- They have brought under focus the necessity for retaining the law of contempt as it stands today.
- The social media are full of critics who deem it necessary to air their views in many unrestrained and uninhibited ways.
- So, the higher judiciary should not really be expending its time and energy invoking its power to punish for contempt of itself.
- But, a wide latitude should be given to publicly voiced criticism and strident questioning of the court's ways and decisions.

What is the law of contempt?

- There is a dilemma about how India's highest court should react to its outspoken critics.
- The origin of this dilemma lies in the part of contempt law.
- This law criminalises anything that scandalises or tends to scandalise the judiciary or lowers the court's authority.
- It may be time to revisit this clause.

Why contempt law should be retained as such?

- Only few would disagree that contempt power is needed to punish wilful disobedience to court orders, as well as interference in the administration of justice and overt threats to judges.
- The reason why the concept of contempt exists is to insulate the institution from unfair attacks.
- It will prevent a sudden fall in the judiciary's reputation in the public eye.
- However, each time the offence of scandalising the court or lowering its authority is invoked, some believe that the court is hiding something.

- In contemporary times, it is more important that courts are seen to be concerned about accountability, and processes are transparent.
- But, the fear of scandalising the judiciary restrains much of the media and public from a more rigorous examination of its functioning.

23.NFRA's Action against Deloitte

Why in news?

The National Financial Reporting Authority (NFRA) has taken action against an auditor who led the audit of IFIN in 2017-18.s

What is NFRA?

- The NFRA is a national regulator for auditors.
- It was set up in 2018 under the Companies Act, 2013.
- It was set up specifically to investigate the role of auditors in frauds in listed and large public interest entities.
- Previously, only the Institute of Chartered Accountants of India can bar chartered accountants from being appointed as auditors for a company.
- Also, the Securities and Exchange Board of India (SEBI) was permitted to bar CAs from auditing listed companies.

What is IFIN?

- IL&FS Financial Services (IFIN) is a subsidiary of IL&FS.
- It ran into deep financial trouble after running out of cash in 2018.

What action has been taken in this case?

- The NFRA has fined Udayan Sen, the former CEO of Deloitte Haskins and Sells, Rs 25 lakh for lapses in the audit.
- It also barred the auditor from auditing activities for seven years.
- The NFRA noted that Deloitte was providing such non permitted services to companies related to IFIN, including the IL&FS.
- This is the first order of its kind by NFRA.

What are the roles of auditors?

- The role of an auditor is to report on whether a company's financial statements have been reported in line with accounting standards.
- An auditor has to raise red flags in case the auditor notes any concerns regarding the statement of accounts or in any financial transactions entered into by the company.
- Auditors are also required to ensure that there is no conflict of interest in their own appointment.

On what grounds can auditors be barred?

- Auditors can be barred for professional misconduct including not exercising due diligence, or for gross negligence in their duties.
- The Companies Act prohibits audit firms from providing certain non-audit services to clients that they are auditing.

What kind of action has been taken against auditors earlier?

- In 2018, SEBI barred an audit firm from auditing listed companies for two years.
- It barred two auditors from auditing listed companies for three years.
- They were barred for professional misconduct in the Satyam Computers scam, which came to light in 2009.
- But, the Securities Appellate Tribunal (SAT) quashed the order in 2019.
- SEBI has appealed against the order by the SAT in the Supreme Court.

24.Rajasthan HC & Sachin Pilot Camp

Why in news?

The Rajasthan High Court's (HC's) order pertaining to Sachin Pilot camp borders on judicial indiscipline.

What is the order?

- The HC order has admitted a petition filed by the 19 legislators in the Sachin Pilot camp.
- It does not give any reason for admitting the petition and overruling objections to its admissibility.
- Illogically, the petition has been declared maintainable on the ground that a Constitutional court proposes to examine its maintainability.
- The order has directed the assembly speaker not to disqualify these legislators under the anti-defection law (ADL), until further notice.
- The HC has passed this order despite an existing judgment of the Supreme Court (SC) on the constitutionality of the ADL.

What is the Anti-Defection Law?

- The ADL is contained in the Tenth Schedule of the Constitution.
- Purpose - To curb political defection by the legislators.
- It came into effect in 1985.
- Reason - In the Indian political scene for a long time, the legislators used to change parties frequently.
- Due to this, the governments had fallen, creating political instability.
- This caused serious concerns to the right-thinking political leaders of the country and at last, the ADL was enacted.

What is the problem with the HC's move?

- It has disregarded the doctrine of precedent.

- The SC prohibits the courts intervening in disqualification matters at a stage prior to a presiding officer giving a ruling.
- The question is whether the SC's judgment in Kihoto Hollohan (1992) is a bar on the HC examining the issues.

What was the 1992 judgment?

- This judgment upheld the validity of the anti-defection law.
- It also declared that Para 2 does not violate the freedom of speech, vote or conscience of elected members.
- [Para 2 has been used by Speakers to disqualify MLAs.
- Para 2 is the part of the law which is now under challenge and is the ostensible reason for the HC to entertain the petition.]

What is the HC trying to find out?

- It wants to examine the disqualification of lawmakers who voluntarily give up membership of their party.
- It wants to know whether this disqualification has been examined by the SC from the point of view of intra-party democracy.

Why does the HC's move amount to judicial indiscipline?

- If at all the provision's validity is to be tested, it can only be done in a case arising out of it.
- But, it is a fact that no decision has been rendered by the Speaker.
- So, it is beyond comprehension how the court entertained arguments on the issuance of the notice.
- Another question is regarding whether dissidents can be disqualified for questioning the party line.
- Para 2 has been used by Speakers for years, and many such disqualification orders have been upheld by the SC.
- Admitting a matter without explaining how the law laid down by the SC does not bind a HC raises grave questions of judicial propriety.

What should the SC do?

- The SC appears to be raising the question whether dissent within a party can attract disqualification proceedings.
- Whatever the circumstances, the SC should not excuse improper and premature judicial intervention.

25.New Education Policy 2020

Why in news?

The Union Cabinet cleared a new National Education Policy (NEP) 2020.

What purpose does an NEP serve?

- Purpose - An NEP is a comprehensive framework to guide the development of education in the country.

- In 1964, Kothari Commission was constituted to draft a national and coordinated policy on education.
- Based on the suggestions of this Commission, Parliament passed the first NEP in 1968.
- NEPs till now - In 1968, the first NEP came under the Prime Ministership of Indira Gandhi.
- In 1986, the second NEP came under Rajiv Gandhi (Revised in 1992).
- The third one is the NEP 2020 under Narendra Modi.

What are the key takeaways of NEP 2020?

- School education - The new NEP focuses on overhauling the curriculum and easier Board exams.
- It also focused on a reduction in the syllabus to retain core essentials and thrust on experiential learning and critical thinking.
- It pitches for a "5+3+3+4" design of school education in the place of a "10+2" structure.
- This design will be corresponding to age groups 3-8 years (foundational stage), 8-11 (preparatory), 11-14 (middle), and 14-18 (secondary).
- This brings early childhood education (pre-school education for children of ages 3 to 5) under the ambit of formal schooling.
- The mid-day meal programme will be extended to pre-school children.
- The NEP says students until Class 5 should be taught in their mother tongue or regional language.
- Higher education - The NEP proposes to open up Indian higher education to foreign universities.
- It proposes to dismantle the UGC and the All India Council for Technical Education (AICTE).
- It proposes to introduce a 4-year multidisciplinary UG programme with multiple exit options, and discontinuation of the M Phil programme.
- It also proposes phasing out of all institutions offering single streams.
- It says that all universities and colleges must aim to become multidisciplinary by 2040.

How will these reforms be implemented?

- The NEP only provides a broad direction and is not mandatory to follow.
- Since education is a concurrent subject, the reforms proposed can only be implemented collaboratively by the Centre and the states.
- The government has set a target of 2040 to implement the entire policy.
- The government plans to set up subject-wise committees with members from relevant ministries at both the central and state levels.
- These committees will help in developing implementation plans for each aspect of the NEP.
- Planning will be followed by a yearly joint review of progress against targets set.

What does the emphasis on mother tongue/regional language mean?

- Such an emphasis is not new: Most government schools in the country are doing this already.

- As for private schools, it is unlikely that they will be asked to change their medium of instruction.
- The provision on mother tongue as medium of instruction was not compulsory for states.
- As education is concurrent subject, the policy clearly states that kids will be taught in their mother tongue/regional language wherever possible.

What about the children of multilingual parents?

- The NEP said that the teachers will be encouraged to use a bilingual approach.
- This approach will help those students whose home language may be different from the medium of instruction.

How will the higher education be opened to foreign players?

- The document states universities from among the top 100 in the world will be able to set up campuses in India.
- But the document doesn't elaborate the parameters to define the top 100.
- The government may use the 'QS World University Rankings'.
- However, the HRD Ministry needs to bring in a new law that includes details of how foreign universities will operate in India.
- It is not clear if a new law would enthuse the best universities abroad to set up campuses in India.

How will the 4-year multidisciplinary bachelor's programme work?

- Under this proposed 4-year programme, students can exit,

  ✓ After one year with a certificate,

  ✓ After two years with a diploma, and

  ✓ After three years with a bachelor's degree.
- Four-year bachelor's programmes generally include a certain amount of research work.
- Therefore, the student will get deeper knowledge in the subject s/he decides to major in.
- After four years, a UG student could enter a research degree programme directly depending on how well s/he has performed.
- However, master's degree programmes will continue to function as they do, following which student may do a PhD.

What impact will doing away with the M Phil programme have?

- This would not affect the higher education trajectory at all.
- In normal course, after a master's degree a student can register for a PhD programme.
- This is the current practice almost all over the world.
- In most universities, M Phil was a middle research degree between a master's and a PhD.
- MPhil degrees have slowly been phased out in favour of a direct PhD programme.

26.Three-language Formula

Why in news?

Tamil Nadu has rejected the three-language formula advocated in the National Education Policy (NEP 2020).

What does this rejection reiterate?

- By rejecting, Tamil Nadu Chief Minister has only reiterated the State's unwavering position on an emotive and political issue.
- Tamil Nadu has a two-language policy that remains non-negotiable for almost the entire political class.
- This policy was implemented decades ago after a historic agitation against the imposition of Hindi.

Did the policy talk about any imposition?

- The policy said that no language will be imposed on any State.
- But, it has expectedly cut no ice with parties in Tamil Nadu, which have risen in near unison to oppose the proposal.
- Tamil Nadu Chief Minister appealed to the Prime Minister to allow States to follow their own language policy.
- In a State that resisted multiple attempts to impose Hindi since 1937, political parties are wary of any mandate to impart an additional language in schools.
- They fear this would eventually pave the way for Hindi to enter the State through the back door.
- Since 1985, the State has even refused to allow Jawahar Navodaya Vidyalayas to be set up as they teach Hindi.

What is the effectiveness of the two-language policy?

- The two-language policy of Tamil and English was piloted by former Chief Minister C.N. Annadurai in 1968.
- It has thus far worked well in the State.
- In a liberalised world, more windows to the world are being opened up for those proficient in English, a global link language.
- The State's significant human resources contribution to the IT sector is attributed to its recruits' English fluency as much as to their technical knowledge.
- There is an argument that Tamil Nadu is depriving students of an opportunity to learn Hindi, touted as a national link language.

What is the reality?

- The State's voluntary learning has never been restricted.
- The growth over the past decade in the number of CBSE schools, where the language is taught, would bear testimony to this.

- The patronage for the 102-year-old Dakshina Bharat Hindi Prachar Sabha, based in Chennai, also proves this.
- In the Sabha's centenary year, Tamil Nadu accounted for 73% of active Hindi pracharaks (teachers) in South India.
- Out of necessity, many in the State have picked up conversational Hindi to engage with the migrant population.
- Only compulsion is met with resistance.
- India's federal nature and diversity demand that no regional language is given supremacy over another.

27.National Policy on Migrant Labour - Needed

What is the issue?

- Insecurities (job, income and food) coupled with a fear psychosis forced migrant workers to reverse migrate to their homes.
- There is a need for a national policy on migrant labour to protect the interests of the migrant workers.

What is the condition of migrant workers?

- The migrant workers account for 20% of the total workforce.
- They are said to be responsible for 10% of GDP.
- But, they are paid less and are denied formal contracts even though they work harder and put in longer hours.
- They are not given gratuity or medical benefits and are not entitled to any leave with pay.
- When at work, they do not have adequate occupational safety.
- Out of work, they lack a social safety net.
- They lack political support as they are disenfranchised (they rarely get an opportunity to cast their vote).
- The local population hates them as they are seen as job-stealers.

Why do they still migrate?

- Even under the above circumstances, they continue to migrate for work.
- This is because they earn much more than what they can back home.
- Despite the relatively poor pay, they manage to save and wire money back home to supplement the family's income.
- But the traumatic experience they were subjected to post-lockdown would deter them from migrating in search of work again.

What is the current reality?

- With lockdown easing across the country and manufacturing picking up pace, industry is beginning to miss the migrant workers.
- Some companies in host States have already sent buses all the way to Odisha, UP and other home States to fetch the workers.
- Migrant workers, on their part, have realised that there is no way they can earn enough staying back in their villages.
- The demand for jobs under MGNREGS is far more than what is being offered.
- The migrant workers' return is critical for the country's rapid economic revival post-Covid.
- But, it is only fair that when they do come back, they are treated with the respect they deserve.

What is the existing legislation?

- Inter-State Migrant Workmen Act, 1979 is a law to prevent exploitation of migrant labour.
- It calls for registration of all establishments employing migrant labour and licensing of contractors.
- Contractors are mandated to provide details of immigrant labour they have deployed to the relevant authority.
- They should also ensure regular payment, suitable accommodation, no discrimination, free medical facilities and protective clothings.
- There is a reason why this law has remained just on paper.
- It is onerous to implement and makes the cost of hiring a migrant labour more than a local.
- Yet another case of an over-enthusiastic bureaucrat defeating the very purpose for which the law was made.

How would a policy protect the migrant workers' interests?

- The national policy should ensure that a migrant worker's economic, social and political rights are protected.
- They should not be discriminated against when it comes to pay and other benefits that regular workers get.
- They should be registered and given an ID which can be linked to their Aadhaar and Jan Dhan account.
- Once this is done, the government can use direct benefit transfer to send their benefits.
- The Government's plan to have a one nation-one ration card will help them source their entitlements from whereever they are based.
- Similarly, their voter ID card has to be made portable.
- The policy should also ensure that contractors and the employers are made accountable when they employ migrants.

- Efforts should be made to skill/re-skill the labourers and a national registry created for them based on their skills.

What could be done further?

- Home States like Uttar Pradesh should discuss with host States like Maharashtra about the safety of migrant workers.
- A smarter way is to start economically developing the home States and creating local employment.
- If they do so, supply of workers to host States will reduce and employers will be forced to treat them better.

28.Hindu Woman's Inheritance Right

Why in news?

The Supreme Court expanded on a Hindu woman's right to be a joint legal heir and inherit ancestral property on terms equal to male heirs.

What is the ruling?

- A three-judge Bench has ruled that a Hindu woman's right to be a joint heir to the ancestral property is by birth.
- It says that the rights do not depend on whether her father was alive or not when the law was enacted in 2005.
- The Hindu Succession (Amendment) Act, 2005 gave Hindu women the right to be coparceners or joint legal heirs like a male heir does.
- The ruling said that since the coparcenary is by birth, it is not necessary that the father coparcener should be living as on 9.9.2005.

What is the Hindu Succession Act, 1956?

- The Mitakshara school of Hindu law was codified as the Hindu Succession Act, 1956.
- It governed succession and inheritance of property but only recognised males as legal heirs.
- The law applied to everyone who is not a Muslim, Christian, Parsi or Jew by religion.
- Buddhists, Sikhs, Jains and followers of Arya Samaj, Brahmo Samaj are also considered Hindus for the purposes of this law.
- In a Hindu Undivided Family (HUF), several legal heirs through generations can exist jointly.
- Traditionally, HUF includes only the male descendants of a common ancestor along with their mothers, wives and unmarried daughters.
- The legal heirs hold the family property jointly.

What is the 2005 law?

- Women were recognised as coparceners or joint legal heirs for partition arising from 2005.
- Section 6 of the Act was amended that year to make a daughter of a coparcener also a coparcener by birth in her own right.

- The law also gave the daughter the same rights and liabilities in the coparcenary property as she would have had if she had been a son.
- It applies to ancestral property and to intestate succession in personal property - where succession happens as per law and not through a will.
- The 174th Law Commission Report had also recommended this reform in Hindu succession law.
- Even before the 2005 amendment, Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu had made this change in the law.

How did the case come about?

- While the 2005 law granted equal rights to women, questions were raised in multiple cases on whether the law applied retrospectively.
- There were questions regarding whether the rights of women depended on the living status of the father through whom they would inherit.
- Different benches of the SC had taken conflicting views on the issue.
- In Prakash v Phulwati (2015), the SC held that the benefit of the 2005 amendment could be granted only to living daughters of living coparceners as on September 9, 2005.
- [September 9, 2005 - The date when the amendment came into force.]
- In 2018, the SC held that the share of a father who died in 2001 will also pass to his daughters as coparceners during the partition of the property as per the 2005 law.
- These conflicting views by Benches of equal strength led to a reference to a three-judge Bench in the current case.
- The ruling now overrules the verdicts from 2015 and 2018.

How did the court decide the case?

- The court looked into the rights under the Mitakshara coparcenary.
- Section 6 creates an unobstructed heritage or a right created by birth for the daughter of the coparcener.
- So, the right cannot be limited by whether the coparcener is alive or dead when the right is operationalised.
- The court said that the 2005 amendment gave recognition of a right that was in fact accrued by the daughter at birth.
- The conferral of a right is by birth, and the rights are given in the same manner with incidents of coparcenary as that of a son.
- She is treated as a coparcener in the same manner with the same rights as if she had been a son at the time of birth.
- The ruling said that though the rights can be claimed, w.e.f. 9.9.2005, the provisions are of retroactive application.
- They confer benefits based on the antecedent event.

- The Mitakshara coparcenary shall be deemed to include a reference to a daughter as a coparcener.
- The SC also directed High Courts to dispose of cases involving this issue within six months since they would have been pending for years.

What was the government's stand?

- Solicitor General Tushar Mehta argued in favour of an expansive reading of the law to allow equal rights for women.
- He referred to the objects and reasons of the 2005 amendment.
- He said that the Mitakshara law contributed to gender discrimination and was oppressive.
- He also said that the law negated the fundamental right of equality guaranteed by the Constitution of India.

29.EWS Quota Law

Why in news?

The Supreme Court has referred to a five-judge Constitution Bench a batch of petitions challenging the Economically Backward Section (EWS) quota law.

What is the law?

- The 103rd Constitution Amendment of 2019 provides for 10% reservation in government jobs and educational institutions for EWS.
- This reservation is provided by amending Articles 15 and 16 of the Constitution that deal with the fundamental right to equality.
- [Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth.
- Article 16 guarantees equal opportunity in matters of public employment.]
- The amendment adds an additional clause to both the provisions.
- This clause gives Parliament the power to make special laws for EWS like it does for Scheduled Castes, Scheduled Tribes and OBCs.
- The states are to notify who constitute EWS to be eligible for reservation.

What does the reference mean?

- A reference to a larger Bench means that the legal challenge is an important one.
- Article 145(3) - The minimum number of Judges who are to sit for deciding any case involving a question of law as to the interpretation of this Constitution shall be five.
- The SC rules of 2013 - A bench of two judges will generally hear writ petitions that allege a violation of fundamental rights, unless it raises substantial questions of law.
- In that case, a five-judge bench would hear the case.
- Laws made by Parliament are presumed to be constitutional until proven otherwise in court.
- The SC had refused to stay the 103rd Amendment.

- A reference will make no difference to the operation of the EWS quota.

What are the grounds of challenge?

- The law was challenged on the ground that it violates the Basic Structure of the Constitution, which says that.
- The special protections guaranteed to socially disadvantaged groups are part of the Basic Structure.
- The argument is that the amendment departs from this Basic Structure by promising special protections on the sole basis of economic status.
- Although there is no exhaustive list of what forms the Basic Structure, any law that violates it is understood to be unconstitutional.
- The petitioners have also challenged the amendment because it violates the SC's 1992 ruling in Indra Sawhney case.
- This ruling upheld the Mandal Report and capped reservations at 50%.
- In the ruling, the court held that economic backwardness cannot be the sole criterion for identifying backward class.
- Another challenge has been made on behalf of private, unaided educational institutions.
- They have argued that their fundamental right to practise a trade/profession is violated when the state compels them to implement its reservation policy.

What are the government's arguments?

- The Ministry of Social Justice and Empowerment filed counter-affidavits to defend the amendment.
- When a law is challenged, the burden of proving it unconstitutional lies on the petitioners.
- The government argued that under Article 46 of the Constitution, it has a duty to protect the interests of EWSs.
- [Article 46 - It is a part of Directive Principles of State Policy.
- It states that the State shall promote with special care the educational and economic interests of the weaker sections of the people.
- It also says that special care should be given, in particular, to the Scheduled Castes and the Scheduled Tribes.]
- Countering Basic Structure argument - The government argued that to sustain a challenge against a constitutional amendment, it must be shown that the very identity of the Constitution has been altered.
- Countering Indra Sawhney argument - For this, the government relied on a 2008 ruling in Ashok Kumar Thakur v Union of India case.
- In this 2008 ruling, the SC upheld the 27% quota for OBCs.
- The argument is that the court accepted that the definition of OBCs was not made on the sole criterion of caste but a mix of caste and economic factors.
- It made this argument to prove that there need not be a sole criterion for according reservation.

- For the unaided institutions, it argued that the Constitution allows the Parliament to place reasonable restrictions on the right to carry on trade.

What are the terms of reference framed by the court?

- The SC agreed that the case involved at least three substantial questions of law, whether:
  - ✓The economic criteria alone cannot be the basis to determine backwardness;
  - ✓The EWS quota exceeds the ceiling cap of 50% set by the court;
  - ✓The rights of unaided private educational institutions.
- Although Chief Justice of India S A Bobde heads the Bench that made the reference, the case could wait to be heard by a larger Bench.
- The timing depends on the court's resources, as it would have to spare five judges and allocate time to the larger Bench hearing.

30.Prashant Bhushan Case

Why in news?

The Supreme Court found that the two tweets by lawyer Prashant Bhushan amounts to serious contempt of court.

What were his tweets?

- One tweet was about the role of the last four Chief Justices of India.
- The other one was about the current CJI riding an expensive motorcycle while the court was in "lockdown".

How did the court respond to the first tweet?

- The court held the tweet tends to give an impression that the SC has in the last six years played a role in the destruction of Indian democracy.
- It said that the tweet tends to shake the public confidence in the institution of judiciary.
- It said that the tweet undermines the dignity and authority of the institution of the SC and the CJI and directly affronts the majesty of law.

How did the court respond to the second tweet?

- The Bench held that this tweet was not against the CJI in his individual capacity but as the head of the judiciary.
- It took exception to the "lockdown" remark and said that from March 23 to August 4, its various Benches had 879 sittings.
- It noted that Bhushan himself not only appeared as a lawyer during this period but also challenged the FIR against him.
- The court refused to accept his tweet as written out of anguish.
- It said magnanimity cannot be stretched to such an extent that may amount to weakness in dealing with an attack on the very foundation of the institution of judiciary.

What is so worrying about this SC response?

- The court rejected the argument that the tweet was only a matter of opinion, although experts like former SC judges have said or written similar things.
- In 2018, the then senior-most SC judges had held a press conference to say that the credibility of the highest judiciary is at stake.
- They asserted that democracy would not survive as an independent judiciary is the hallmark of successful democracy.
- The SC had tolerated such a strong indictment of itself, and then CJI Justice Dipak Mishra.
- Now, it has chosen not to ignore tweets by a lawyer-activist.

What is Criminal contempt?

- Criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971 means any publication which
  - ✓ Scandalises or tends to scandalise, or lowers or tends to lower the authority of any court; or
  - ✓ Prejudices, or interferes or tends to interfere with, the due course of any judicial proceedings, or
  - ✓ Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

What were the court's key arguments?

- Actual Interference: It rejected the argument that the tweet has not really interfered with administration of justice.
- It relied on Brahma Prakash Sharma (1953) verdict.
- This verdict had held that it is enough if a statement is likely, or tends in any way, to interfere with the proper administration of justice.
- The Bench also relied on C K Daphtary (1971) verdict.
- In this, the SC held that an attack on a judge in respect of a judgment or past conduct has adverse effect on the due administration of justice.
- It also said that this sort of attack has an inevitable effect of undermining the confidence of the public in the judiciary.
- Scandalising Of Court: The SC Bench cited Baradakanta Mishra (1974) verdict.
- In this verdict, the SC had held that scandalising of the court is a species of contempt, and a common form is vilification of the judge.
- The question the court has to ask is whether the vilification is of the judge as a judge, or as an individual.
- If the latter, the judge is left to his private remedies, and the court has no power to commit for contempt.
- The Bench held that fair criticism of judges, if made in good faith in public interest, is not contempt.

- But, how to ascertain the good faith is the million-dollar question.

How good faith could be ascertained?

- The Bench said that for ascertaining good faith and the public interest, the courts have to see all the surrounding circumstances.
- These circumstances should include the person responsible for comments, his knowledge in the field, and the intended purpose.

Is it different from previous rulings on contempt?

- There is nothing new in the judgment compared to earlier ones on the contempt law, several of which the Bench quoted.
- In a case involving Bhushan himself (2001), the SC had held that personal criticism of a judge does not amount to fair criticism.
- In 2006, government brought in an amendment, which provides "truth" as defence provided it is bona fide and in public interest.
- The expression "scandalising the court" has not been defined.
- In 1988, the SC held that a criticism of the court that doesn't hamper the administration of justice cannot be punished as contempt.
- This raises the question whether a mere tweet can really obstruct the administration of justice.
- It also raises a question whether judicial dignity is so fragile that it would get lowered in mature Indian people's eyes because of a lawyer's opinion.

Why is the contempt law seen as problematic?

- The judge himself acts as prosecutor and victim, and starts with the presumption of guilt rather than innocence.
- Contempt proceedings are quasi-criminal and summary in nature.

31.Definition of Assamese people

Why in news?

A report by a government-appointed committee has proposed a definition for "Assamese people".

What is the debate?

- The Assam Accord was signed at the end of a six-year Assam agitation (1979-85) against illegal migration from Bangladesh.
- In the context of the Accord, the question of who is Assamese stems from the language of Clause 6.
- Clause 6 says that certain safeguards shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.
- This gives rise to a question of who these "Assamese people" are.

Isn't any resident of Assam, Assamese?

- The definition of "Assamese" cannot be so narrow as to mean only those who speak Assamese as their first language.
- Assam has many indigenous tribal and ethnic communities with their own ancestral languages.
- For Clause 6, it was necessary to expand the definition of "Assamese" beyond the Assamese-speaking population.
- Those not eligible for the safeguards under Clause 6 would clearly be from among the migrant populations.
- But there is a debate on whether the entire migrant populations would be excluded, or would some of them be eligible for Clause 6 benefits.

Who is a migrant?

- In popular conversation, the idea of "indigenous" is taken to mean communities who trace their histories in Assam before 1826.
- This was the year when the erstwhile kingdom of Assam was annexed to British India.
- Large-scale migration from East Bengal took place during British rule, followed by further waves after Independence.
- The Assam agitation was triggered by fears that the Bengali Muslim and Bengali Hindu migrants may overrun the indigenous population, and dominate them.
- During the agitation, the demand was for the detection and deportation of those who had migrated after 1951.

Was this demand accepted?

- Not 1951. The Assam Accord was settled at a cut-off of March 24, 1971.
- Anyone who arrived in Assam before that cut-off would be considered a citizen of India.
- This date was also the basis of the National Register of Citizens (NRC), published in 2019.
- As the Accord legalised additional migrants (1951-71), Clause 6 was added as a safeguard for the indigenous people.

How has Clause 6 been taken up since?

- Because of the complexities involved, previous efforts to work out a framework made little headway.
- The matter got urgency last year amid protests by the Assamese against the Citizenship Amendment Bill (now an Act).
- This Act makes it easier for certain categories of migrants to get Indian citizenship — the key here being Hindus from Bangladesh.
- The Home Ministry set up a new committee, which submitted its report in February 2020, and its contents were made public.

What are the recommendations?

- The proposed definition of the Committee is limited to the purpose of implementing the Clause 6 of the 1985 Assam Accord.
- This definition includes indigenous tribals, other indigenous communities, all other citizens of India residing in Assam on or before January 1, 1951 and indigenous Assamese, and their descendants.
- As for safeguards, the committee has recommended reservations in legislature and jobs for "Assamese people".
- It also recommended that land rights to be confined to them.

What are implications of the definition?

- Migrants who entered Assam after 1951 but before March 24, 1971 are not Assamese but are Indian citizens who can vote.
- Not just indigenous groups, but East Bengal migrants who entered Assam before 1951, too, would be considered Assamese.

What issues does this raise?

- Some find it too inclusive.
- The committee had received some suggestions that had proposed a base year of 1826 for anyone being considered Assamese.
- Those who speak for indigenous Assamese Muslims told that there should not be a base year for identifying the indigenous people.
- Some say that only communities living in Assam during Ahom rule (pre-1826) be included in the definition.
- Others find it exclusionary.
- Those who speak for Bengali Muslims had been demanding that the 1971 cut-off be used for deciding Clause 6 eligibility too.
- As 1951 NRC is unavailable in many parts of Assam, there is a question on how could one prove that a person has been in Assam prior to 1951.

What is the judicial constraint?

- Several issues come up for both the state and central government.
- The key issue is whether it will stand the test of judicial scrutiny because it is bound to be challenged in the courts.
- There is a doubt whether it will stand the test of constitutional validity.

32.Tribal Affairs hosts Webinar along with Facebook India for sensitization of MPs from ST Constituencies on GOAL project

Going Online As Leaders (GOAL) is a digital skilling and mentorship initiative that will engage renowned leaders and experts in their respective domains—from business, education, health, politics, arts and entrepreneurship among others, to personally mentor scheduled tribe youths across India through digital mechanisms.

- This program will empower and enable scheduled tribe youths to become change makers of tomorrow. The initiative primarily targets at capacity building of youths living in tribal areas which will inspire, guide and encourage them to boost their confidence level and ignite higher aspirations among them.
- The acquired skills and abilities will help them gain leadership skills, identify problems in their society, find solutions to fight the challenges and use their knowledge to support their livelihood as well as the society's socio-economic status. The core areas of mentorship program are Digital Literacy, life Skills and Leadership & Entrepreneurship.
- GOAL will be a bridge between Mentor and Mentee for the exchange of their creative ideas as the aim of GOAL is to create opportunities for them. Digital Medium has become a part of our life. Tribal people need to come on Digital platforms.
- GOAL (Going Online as Leaders) is an initiative launched by Ministry of Tribal Affairs (MoTA) in partnership with Facebook India to digitally skill and empower 5000 youth from tribal communities to become leaders of tomorrow by leveraging the power of digital technology.
- GOAL Project is aimed at identifying and mobilizing 2500 renowned people from industry (policy makers and influencers), teachers, artists, entrepreneurs, social workers etc. known for their achievements in their domain areas, to personally mentor tribal youths across India. The initiative has been designed to allocate two mentees to a mentor.
- The program also seeks to provide handholding support to the youth even after they graduate out for upcoming jobs or self-employment / entrepreneurial initiatives through government schemes. The program seeks to have a strong component of quality assurance, monitoring, concurrent evaluation protocols and uses analytics and technology for continuous improvement, decision making and sustainability.
- No financial remuneration will be provided to any mentor or mentee. The interested tribal youth, can write to facebook-goal@tribal.gov.in if they have any queries related to GOAL program or through 'Contact Us' section on GOAL portal.
- Youth from tribal communities between 18-35 years of age can apply to become mentee. It is open for all youth from tribal communities irrespective of whether they are part of any educational institute or not or in any kind of profession or even undertaking any training.

33.Tied Grants are to be used for the basic services of: Sanitation and maintenance of open-defecation free (ODF) status. Supply of drinking water, rain water harvesting and water recycling can apply to become a mentor

Upon the recommendations of Ministry of Panchayati Raj and Department of Drinking Water and Sanitation, Ministry of Jal Shakti, an amount of Rs.15187.50 crore, as grants-in-aid, in respect of 2.63 lakh Rural Local Bodies (RLBs) spread in 28 States of the country has been released by the Ministry of Finance on 15th July 2020. This grants-in-aid forms part of the Tied Grant as recommended by Fifteenth Finance Commission (XV-FC) for the period FY 2020-21 and is to be used by RLBs to facilitate taking up of various developmental work concerning supply of drinking water, rain water harvesting, water recycling, sanitation and maintenance of ODF status, which are national priorities.

- Availability of this fund with the RLBs will boost their effectiveness in delivery of basic services to the rural citizens and would also empower them in providing gainful employment to migrant labourers who have returned to their native places owing to Covid-19 pandemic situation as well as in augmenting rural infrastructure in a constructive way.
- This grants-in-aid was part of the Untied Grant as recommended by Fifteenth Finance Commission (XV-FC) for the period FY 2020-21, to be used by RLBs for the location-specific felt needs. The Commission has worked out the total size of the grant to be Rs.60,750 crore for the period FY 2020-21 for the Rural Local Bodies (RLBs) which is the highest ever allocation made by the Finance Commission in any single year.
- The Commission has recommended Grants-in-aid to all tiers of the Panchayati Raj including the Traditional Bodies of Fifth and Sixth Schedule areas, in 28 States, in two parts, namely, (i) a Basic Grant and (ii) a Tied Grant.
- Fifty percent of the grant will be Basic Grant and fifty percent will be the Tied Grant.
- The basic grants are untied and can be used by RLBs for location-specific felt needs, except for salary or other establishment expenditure.
- The Tied Grants are to be used for the basic services of (a) sanitation and maintenance of open-defecation free (ODF) status and (b) supply of drinking water, rain water harvesting and water recycling.
- The RLBs shall, as far as possible, earmark one half of these Tied Grants each to these two critical services. However, if any RLB has fully saturated the needs of one category it can utilize the funds for the other category.
- The State Governments will be distributing the XV FC Grants to all the tiers of panchayats – village, block and district and the traditional bodies of Fifth and Sixth Schedule areas based on the accepted recommendations of the latest State Finance Commission (SFC) and in conformity of the following bands recommended by XV FC.

  ✓ 70-85 % for village/gram panchayats

  ✓ 10-25 % for block/intermediate panchayats

✓ 5-15 % for district/zila panchayats

✓ In states having two-tier system with only village and district panchayats, the distribution will be in the bands of 70-85 % for village/gram panchayats and 15-30% for district/zilla panchayats

The intra-tier distribution among the relevant entities in a tier across the State (including Fifth and Sixth Schedule areas) will be on the basis of population and area in the ratio of 90:10 or as per the accepted recommendations of the latest SFC.

34.Triple Talaq- Big Reform, Better Result

The month of August is recognised as a "Month of Revolution, Rights & Reforms" in the Indian history; 08th August Quit India Movement, 15th August Independence Day, 19th August "World Humanitarian Day", 20th August "Sadbhavana Diwas", 370 was abolished on 5th August, these days have been written in golden pages of the Indian History.

- 1st August is a day which made Muslim women free from social evil of Triple Talaq; 1st August has been recorded in the country's history as "Muslim Women Rights Day".
- Triple Talaq or Talaq-a-Biddat was neither Islamic nor legal. Despite of the fact, the social evil of Triple Talaq was given "political patronage" by "Merchants of Votes".
- 1st August became the day which ensured gender equality and strengthened constitutional, fundamental and democratic rights of the Muslim women and it also gave confidence to the women, which constitute almost half of the population in India.
- The law against social evil of Triple Talaq could have been passed in 1986 when the Hon'ble Supreme Court had given historic judgement in the Shahbano Case.
- Triple Talaq law has nothing to do with religion, the law has been made purely to ensure gender equality by ending a social evil, inhuman, cruel and unconstitutional practice. Instant divorce by verbally saying Talaq thrice is illegal.
- There were several incidents coming where women had been given Talaq through letter, phone or even through message and whatsapp. Such incidents are unacceptable to a sensitive country and to a government committed to inclusive development.\
- Several Muslim-majority nations of the world had declared Triple Talaq as illegal and un-Islamic much earlier.
- Egypt was the first Muslim nation which abolished this social evil in 1929. Sudan in 1929, Pakistan in 1956, Bangladesh in 1972, Iraq in 1959, Syria in 1953, Malaysia in 1969 had abolished the practice of Triple Talaq. Besides, countries such as Cyprus, Jordan, Algeria, Iran, Brunei, Morocco, Qatar, UAE also ended this social evil many years ago. But it took 70 years for India to get rid of this inhuman and cruel practice.
- A large number of Muslim women have been provided employment and employment opportunities through "Hunar Haat". More than 10 lakh Minority youths have been provided employment and employment opportunities through skill development schemes such as "Seekho aur Kamao", "Garib Nawaz Swarojgar Yojna", "Usttad", "Nai Manzil", "Nai Roushni" etc and more than 50 per cent beneficiaries are women.

35.Gram Panchayat training goes digital under Jal Jeevan Mission

The Ministry of Jal Shakti is implementing Jal Jeevan Mission in partnership with States with an aim to provide 100% functional household tap connections (FHTC) to every rural household of the country by 2024 to improve their lives and ensure 'ease of living' as commitment of the

Government is to ensure 'equity and inclusiveness', so that none is deprived of basic amenities with focus on empowering the rural community as enshrined in 73rd Constitutional Amendment, Jal Jeevan Mission mandates to involve the local community in planning, managing, implementing, operation and maintaining the water supply schemes meant for them, which will not only instil sense of ownership and responsibility, but will help in long-term sustainability.

- Local village community/ Gram Panchayats (GPs) and/ or its sub-committee/ will play a key role in planning, implementation, management, operation and maintenance of in-village water supply systems in villages to ensure long-term sustainability to achieve drinking water security. Gram Panchayat or its sub-committee i.e. Village Water & Sanitation Committee (VWSC) or Paani Samiti will have of 10–15 members comprising elected members of Panchayat up to 25% of the composition; 50% women members; and remaining 25% may consist of representatives of weaker sections of the village proportional to their population.
- Gram Panchayat or sub-committee needs to develop the Village Action Plans (VAP) with the support of communities. The Plan is to be prepared for each village by mobilization and participation of local community with focus on strengthening of drinking water sources, in-village water supply infrastructure, grey water treatment and reuse and operation & maintenance of water supply systems so as every family gets assured supply of potable water.
- The online training for village action plan preparation exercise was for 100 Gram Panchayats of Osmanabad. Osmanabad is one of the 'Aspirational Districts'. The workshop was conducted to enhance understanding and capacities of stakeholders involved in the rural water supply including line departments and Gram Panchayat functionaries (Sarpanch, Gram sevak and Jalsurakshaks).
- Each session was conducted by using audio-visuals and reference material developed by the resource organisations. The presentations and videos were developed keeping the ethos of JJM guidelines and the Covid-19 protocols. The resource material including presentations and videos were shared with all the participants at the end of the training.
- Under Jal Jeevan Mission, Gram Panchayat or its sub-committee is being empowered as a 'responsible and responsive' local level 'public utility' with focus on 'service delivery' i.e. supply of potable water in adequate quantity and of prescribed quality on regular and long-term basis.

36.ECI decides not to extend postal ballot facility to electors above 65yrs of age in Assembly Elections in Bihar & by elections due in near future in view of constraints of logistics, manpower and safety protocols of Covid 19

"Protection of vulnerable persons: Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for essential and health purposes."

- Considering this extraordinary situation, Commission had recommended extension of optional postal ballot facilities to voters above 65 years in order to minimize their vulnerability and exposure at the Polling stations and to Covid positive voters and voters under quarantine so that they are not deprived of their voting rights.
- On the recommendation of the Commission, Ministry of Law & Justice notified the amended rules accordingly on 19.06.2020. However, before implementing this enabling provision, due notification is issued by the Commission, under section 60(c) of the Representation of the People Act, 1951 at the time of election. Before implementing these enabling provisions, Commission continually assesses the field situation and logistics of operationalization.
- The State is creating additional 34,000 (approximately) polling stations (45% more), which will increase the total number of polling stations to around 1,06,000. This would entail formidable logistical challenges of mobilizing 1.8 lakh more polling personnel and other additional resources including requirement of much larger number of vehicles in the State of Bihar. Similar challenges would be there for the coming by-elections also.
- Considering all these issues, challenges and constraints and in view of the decision to limit the number of electors at each polling station to 1000, Commission has decided not to issue the notification to extend the facility of postal ballot to the electors above 65 years of age in the coming General Elections in Bihar and by- elections due in the near future. However, facility of optional postal ballot to electors who are above 80 years of age, PwD Voters, the electors engaged in essential services and voters who are COVID-19 positive/suspect in quarantine (home/institutional) will be extended in these elections.

37.Prof. (Dr.) Pradeep Kumar Joshi takes oath as Chairman, UPSC

Prof. (Dr.) Pradeep Kumar Joshi, presently Member, Union Public Service Commission, took the oath of office and secrecy as Chairman, Union Public Service Commission (UPSC) today. The oath was administered by Shri Arvind Saxena, outgoing Chairman of the Commission.

- Prof.(Dr.) Joshi joined the Commission as Member on 12/05/2015. Prior to joining the Commission, he held the post of Chairman, Chhattisgarh Public Service Commission and Chairman, Madhya Pradesh Public Service Commission.
- He also served as Director, National Institute of Educational Planning and Administration (NIEPA). In his illustrious academic career, Prof.(Dr.) Joshi taught more than 28 years at post-graduation level and held many important positions in various policy making, academic and administrative bodies.
- A specialist in the field of Financial Management, Prof.(Dr.) Joshi has published and presented research papers in several national and international conferences and seminars.

38.Centre to assist J&K to establish Grievances Portal in each district.

In a significant drive to strengthen the ongoing good governance initiatives in Jammu and Kashmir, A plan was finalised to extend and establish a Portal in each of District Headquarters in Jammu & Kashmir for addressing the grievances of citizens and for providing services seamlessly at their doorstep.

- To implement this initiative, Department of Administrative Reforms and Public Grievances (ARPG), Government of India will further enhance the ongoing collaboration with the Jammu & Kashmir Government to revamp the "Awaaz e-Awam" Portal with mapping of last mile grievance officers for improved quality of grievance redressal and reduced timelines in effective disposal of cases. A focused team of officials from DARPG would be constituted to work with Jammu & Kashmir Government in the coming days.

39.National Panchayat Awards 2020

Sarpanches and elected representatives of Panchayats should perform their responsibility for the overall development of villages. Panchayat representatives should also come forward to work on subjects like education, health and nutrition so that every village in the country can move forward on the path of complete development.

- On National Panchayati Raj Day on 24th of April 2020, Prime Minister Shri Narendra Modi had direct interaction with the panchayat representatives of the country through a webcast. The winners of three categories of National Panchayat Awards - Nanaji Deshmukh Rashtriya Gaurav Gram Sabha Purasakar, Child Friendly Gram Panchayat Award and Gram Panchayat Development Plan Purasakar were also announced.
- At the core of Self-Reliant India is a village and agro-based economy. In such a situation, the role of the people's representatives of the panchayats increases further so as to realize the vision of Atma Nirbhar Bharat.
- Every child of the village should go to school, all programs from vaccination to nutrition should run smoothly, farmers should get information about farming techniques to make it a reality the sarpanches will have to work in coordination with the local government. Sarpanches should monitor the benefits of every government scheme for villagers.
- Svamitva Yojana of the Ministry of Panchayati Raj scheme will provide legal documents to the people living in the villages for their residential properties. \
- The Gramoday Sankalp, a magazine of the Ministry of Panchayati Raj contains important information about the works of Panchayats, inspiring themes and success stories as well as the plans of the departments.
- Two categories of Rashtriya Panchayat Awards - Pandit Deendayal Upadhyay Panchayat Sashatikaran Puraskar and E-Panchayat Puraskar were also announced. The elected representatives of the award-winning panchayats informed about the outstanding work done in their panchayats.

40.Goa joins MyGov Citizen Engagement Platform; 12 states had already launched their MyGov Platforms

Dr. Pramod Sawant, Chief Minister of Goa, launched the MyGov Goa portal, on 4th August 2020 in an online event making Goa join the MyGov Citizen Engagement Platform for enabling participative governance.

- “MyGov Goa portal will go a long way in strengthening public participation in the governance process and allow the state to connect to nationwide audience allowing citizens to participate in different forums and give their view/inputs on government policies/scheme.

- MyGov (mygov.in), the Government of India's citizen engagement and crowdsourcing platform, aims to promote active citizen participation in governance and policymaking.
- Since its launch on 26th July 2014, MyGov has adopted multiple engagement methodologies like discussions, tasks, innovation challenges, polls, surveys, blogs, talks, quizzes and on-ground activities by innovatively using internet, mobile apps, IVRS, SMS and outbound dialing (OBD) technologies.
- In order to engage with citizens at the State level, MyGov has enabled state instances to crowdsource ideas and creative content for state specific initiatives in a Software-as-a-Service (SaaS) mode.
- 12 states had already launched their MyGov platforms State Instance, namely, Maharashtra, Haryana, Madhya Pradesh, Assam, Arunachal Pradesh, Manipur, Tripura, Chhattisgarh, Jharkhand, Nagaland, Himachal Pradesh and Uttarakhand. With consistent efforts of MyGov Team and respective state government's support, the initiative has been a great success and is able to efficiently achieve its objective.

41.Webinar Organised On Technology Aspects of Remote Voting

Election Commission of India, in partnership with Tamil Nadu e-governance Agency organized a webinar on "Technology aspects of remote voting: Exploring Block chain".

- The webinar brought together technologists, academicians, policy practitioners, cyber security experts from India and around the world.
- Election Commissioner Sh Sushil Chandra stressed upon the importance of ensuring greater "inclusiveness in elections." He emphasized that a large number of voters are unable to exercise their franchise on account of a geographical barrier.
- By virtue of occupation, education, medical treatment or other reasons, there have been instances of current residence of such electors being different from the place of registration in electoral rolls.
- In designing a technology based solution, the primary consideration should be the ability to "inspire trust of all stakeholders, assure integrity of electoral process and secrecy and inviolability of ballot." Political parties need to be reassured that the system is tamper proof and secure.
- Remote voting marks a departure from conventional polling station, which was tied to a geographical location. Commission is not envisioning internet based voting from home. Remote voting project aspires for enablement of voters residing in remote locations, away from their designated polling stations, to cast ballot in a secured fashion.

42.Issue of Local Reservation in Private Sector Jobs

Why in News?

Recently, Haryana Cabinet cleared a draft ordinance that seeks to reserve 75% of the jobs in private enterprises for local residents to address the aspect of unemployment of the local population on a priority basis.

Background

A survey done by the Centre for the Study of Developing Societies (CSDS) in 2016 showed that nearly two- third of respondents were in favour that people from the state should be given priority vis-à-vis employment opportunities.

- Similar demands are being raised in other states like Andhra Pradesh, Madhya Pradesh, Karnataka, Gujarat, Maharashtra etc.
- Last year similar 75% job reservation to locals was given in Andhra Pradesh but the matter is sub judice and AP High Court has indicated that it may be unconstitutional.
- Such moves are considered mainly to promote Inclusive Development. For example, in Germany, every village has a factory. India could also have industries in villages and provide jobs to the local people for an all-round development. However, there should be an overarching framework at the Union level to promote such development.

Reasons behind demand for local jobs

- Rising unemployment- With unemployment figures likely to rise drastically in the backdrop of pandemic and lack of access to skills and low employability, these demands are only going to rise in future.
- Agrarian Distress- The agrarian sector is under tremendous stress across the country, and young people are desperate to move out of the sector, hence seeking local jobs.
- Displacement of landowners- Since most of the land requirement is met by acquiring private agricultural lands, the landowners are being displaced and deprived of their occupation and thereby the associated loss of income generates demand for local level jobs.
- Lack of participation of all sections in the workforce- Several reports like, the State of Working India 2018 have shown that discrimination is one of the reasons for under-representation of Dalits and Muslims in the corporate sector. Reservation could help these sections overcome this discrimination.
- Perception that Central devolution is insufficient- especially in the southern states, as they feel successive finance commissions accord a high weightage to poverty and population vis-a-vis development thus majority share goes to the northern states. In this context, local reservation provides them a sense of indirect economic justice.
- Extent of migration: According to some estimates drawn from 2011 Census, NSSO surveys and Economic Survey suggests that there are a total of about 65 million inter-state migrants, and 33 per cent of these migrants are workers. These migrants increase the labour market competition which fuels the demand for reservation.

Issues with implementation of the ordinance

- May not pass the legal scrutiny- It is violative of Article 14 (Right to equality) and Art 16 (Right to equal opportunity). Moreover, Article 16 does not empower the state government but rather the Parliament to provide reservation in jobs on the basis of residence but that too is limited to public sector.
- Dangerous for unity of the country- Such moves could lead to a Pandora's box where other states start implementing such policies, which result in fractures in the unity of India.
- Concerns of the Industry- Although, most of the units employ locals only, however, there are certain sectors like chemical technology, textile and biotechnology, where it may be difficult to find locals for the jobs and the units are forced to search outside.
- It will likely facilitate corruption and create another barrier to ease of doing business.

- Difficult to attract investments- Such a decision may lead to relocation of industries elsewhere and also alienate the potential investors. Lack of investments could further drop the job creation.
- Plan may not impact micro or smaller units as they can still engage localities. However, medium and large- scale companies and MNCs like Auto industry which contributes more than 25% of the state GDP of Haryana will be adversely impacted.
- Since these industrial units cannot 'import' labourers from elsewhere; the burden of imparting the requisite skills to, and of employing, locals will fall on the units.

Conclusion

Job reservation for locals may not enhance their economic opportunities in the long run. Only, raising the standard of education and skilling youth alongside the necessary structural reforms is the only way to increase the size of the economic pie in the absolute sense.

43.22nd Law Commission of India for a term of three years

Twenty-second Law Commission of India for a period of three years from the date of publication of the Order of Constitution in the Official Gazette.

Benefits

The Law Commission shall, on a reference made to it by the Central Government or suo-motu, undertake research in law and review of existing laws in India for making reforms therein and enacting new legislations.

- It shall also undertake studies and research for bringing reforms in the justice delivery systems for elimination of delay in procedures, speedy disposal of cases, reduction in cost of litigation etc.

The Law Commission of India shall:

- 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 and also suggest such legislations as might be necessary to implement the Directive Principles and to attain the objectives set out in the Preamble of the Constitution.
- 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 (Department of Legal Affairs).
- Consider the requests for providing research to any foreign countries as may be referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs).
- Take all such measures as may be necessary to harness law and the legal process in the service of the poor.
- Revise the Central Acts of general importance so as to simplify them and remove anomalies, ambiguities and inequities.
- Before finalizing its recommendations, the Commission will consult the nodal Ministry/ Department (s) and such other stakeholders as the Commission may deem necessary for the purpose.

Background

- The Law Commission of India is a non-statutory body constituted by the Government of India from time to time. The Commission was originally constituted in 1955 and is re-constituted every three years.
- The tenure of twenty-first Law Commission of India was upto 31st August, 2018.
- The various Law Commission have been able to make important contribution towards the progressive development and codification of Law of the country.
- The Law Commission has so far submitted 277 reports.
- The 22nd Law Commission will be constituted for a period of three years from the date of publication of its Order in the Official Gazette.

It will consist of:

- A full-time Chairperson.
- Four full-time Members (including Member-Secretary)
- Secretary, Department of Legal Affairs as ex-officio Member.
- Secretary, Legislative Department as ex officio Member.
- Not more than five part-time Members.

44.Swachh Bharat Mission (Grameen) Phase-II

Phase II of the Swachh Bharat Mission (Grameen) [SBM (G)] till 2024-25, will focus on Open Defecation Free Plus (ODF Plus), which includes ODF sustainability and Solid and Liquid Waste Management (SLWM). The program will also work towards ensuring that no one is left behind and everyone uses a toilet.

SBM (G) Phase-II will also be implemented from 2020-21 to 2024-25 in a mission mode with a total outlay of Rs. 1,40,881 crores.

- Of this Rs.52,497 crore will be allocated from the budget of Drinking Water and Sanitation while the remaining amount will be dovetailed from the funds being released under 15th Finance Commission, MGNREGS and revenue generation models particularly for solid and liquid waste management.
- Under the program, provision for incentive of Rs.12,000/- for construction of Individual Household Toilet (IHHL) to the newly emerging eligible households as per the existing norms will continue.
- Funding norms for Solid and Liquid Waste Management (SLWM) have been rationalized and changed to per capita basis in place of no. of households.
- Financial assistance to the Gram Panchayats (GPs) for construction of Community Managed Sanitary Complex (CMSC) at village level has been increased from Rs.2 lakh to Rs.3 lakh per CMSC.
- The fund sharing pattern between Centre and States will be 90:10 for North-Eastern States and Himalayan States and UT of J&K; 60:40 for other States; and 100:0 for other Union Territories, for all the components.

- The SLWM component of ODF Plus will be monitored on the basis of output-outcome indicators for four key areas: plastic waste management, bio-degradable solid waste management (including animal waste management), greywater management and fecal sludge management.
- The SBM-G Phase II will continue to generate employment and provide impetus to the rural economy through construction of household toilets and community toilets, as well as infrastructure for SLWM such as compost pits, soak pits, waste stabilisation ponds, material recovery facilities etc.
- The rural sanitation coverage in the country at the time of launch of SBM (G) on 02.10.2014 was reported as 38.7%. More than 10 crore individual toilets have been constructed since the launch of the mission, as a result, rural areas in all the States have declared themselves ODF as on 2nd October, 2019.
- SBM Phase II will help the rural India effectively handle the challenge of solid and liquid waste management and will help in substantial improvement in the health of the villagers in the country.

45.Indian Institutes of Information Technology Laws (Amendment) Bill, 2020

Introduction of the Indian Institutes of Information Technology Laws (Amendment) Bill, 2020

Impact

- The Bill will declare the remaining 5 IIITs-PPP along with the existing 15 Indian Institutes of Information Technology in Public Private Partnership mode as 'Institutions of National Importance' with powers to award degrees.
- This will entitle them to use the nomenclature of Bachelor of Technology (B.Tech) or Master of Technology (M.Tech) or Ph.D degree as issued by a University or Institution of National Importance.
- It will also enable the Institutes to attract enough students required to develop a strong research base in the country in the field of information technology.

Details

- Introduction of the Indian Institutes of Information Technology Laws (Amendment) Bill, 2020; for amending the principal Acts of 2014 and 2017
- To grant statutory status to five Indian Institutes of Information Technology in Public Private Partnership mode at Surat, Bhopal, Bhagalpur, Agartala and Raichur and declare them as Institutions of National Importance along with already existing 15 Indian Institutes of Information Technology under the Indian Institutes of Information Technology (Public-Private Partnership) Act, 2017.

Background

- IIITs are envisaged to promote higher education and research in the field of Information Technology.
- The Indian Institutes of Information Technology Act of 2014 and Indian Institutes of Information Technology (Public-Private Partnership) Act, 2017 are the unique initiatives of the Government of India to impart knowledge in the field of Information Technology to provide solutions to the challenges faced by the country.

46.Parliamentary delegation from Sweden visits election commission of India

A ten member delegation of MPs, of the Committee on the Constitution in Riksdag, the Parliament of Sweden, visited the Election Commission of India. The delegation was led by Ms. Karin Enstrom, MP and Chair of the Committee on the Constitution in Riksdag, accompanied by two Parliamentary officials and two diplomats from the Embassy of Sweden in New Delhi.

The delegation met the Chief Election Commissioner, Shri Sunil Arora and the Election Commissioners, Shri Ashok Lavasa and Shri Sushil Chandra.

- Chief Election Commissioner of India, Shri Sunil Arora, stated that the Commission is committed to hold free, fair, transparent, peaceful, inclusive, accessible, ethical and participative elections and gave an overview of the last national elections held in India.
- Using modern tools of Information and Communication Technology, several innovative measures were taken up during the last Lok Sabha elections and recently held state elections to make electoral process hassle free and voter friendly.
- Special attention was paid to make elections accessible for Persons with disabilities and senior citizens.
- International cooperation programme of the ECI which includes setting up of India A-WEB (Association of world Election Bodies) Centre in New Delhi for documentation, research and training with the objective of sharing the best practices and capacity building of the 115-member Association.
- ECI has taken several steps to spread the progress of democracy.Gender gap in the voting population, which was 16% in the past, had almost been eliminated in the General Election 2019.

Ms. Karin Enstrom, MP and Chair of the Committee on the Constitution in Riksdag gave an overview of the Swedish electoral system wherein simultaneous elections are held for municipal, county and national elections for Riksdag.

- Ms. Enstrom further stated that the delegation was impressed with the magnitude of Indian elections and the way this work is done by the ECI.
- A short film on Parliamentary Election-2019 was also screened for the Swedish delegation.
- This was followed by a Question and Answer session wherein queries from the delegates relating to secrecy of voting, voting by overseas electors, facilities for voting by differently-abled persons, inclusive electoral participation, curbing money power etc. were answered.

47.Election Commission of India gets 'Silver' award for Excellence in Government Process re-engineering for digital transformation from Department of Administrative Reforms and Public Grievances (DARPG), Government of India

The Election Commission of India has been awarded 'Silver' for Excellence in Government Process re-engineering for digital transformation for the year 2019-20.

- The award seeks to recognize the projects that involved analysis and re-design of workflow and which resulted in improvement in outcomes related to efficiency, effectiveness of process, cost, quality, service delivery or a combination of these.
- The award was presented during the 23rd National Conference on e-Governance February 7-8, 2020 at Mumbai by Department of Administrative Reforms and Public Grievances (DARPG), Government of India.
- The award was given to Dr. Sandeep Saxena, Senior Deputy Election Commissioner and Dr Kushal Pathak, Director ICT & CISO as Project Head for the ERONET from ECI.
- ERONET standardised forms processing, standard database schema, and a standard template for eroll printing.
- It automates the process of electoral roll management starting from elector registration, field verification of electors, decision support system for Electoral registration officers and for providing extensive integrated value-added services.
- ERONET is a common database for all States and UTs with data of 91 crore electors. It provides bedrock of electoral roll in providing various web services to Conduct of Elections applications of Election Commission of India.

48.Issuance of an Order for adaptation of Central laws in the Union territory of the Jammu and Kashmir under section 96 of the Jammu and Kashmir Reorganisation Act, 2019

After coming into force of the Jammu and Kashmir Reorganisation Act, 2019 the erstwhile State of Jammu & Kashmir has been reorganized into Union territory of Jammu and Kashmir and Union Territory of Ladakh on w.e.f 31st October 2019.

- All the Central Laws which are applicable to whole of India except the erstwhile State of Jammu and Kashmir before appointed date i.e. 31.10.2019 are now applicable to Union territory of Jammu and Kashmir w.e.f. 31.10.2019.
- It is necessary to adapt the Central Laws made under the Concurrent List, with required modifications and amendments, for ensuring administrative effectiveness and smooth transition with respect to the Union territory of Jammu and Kashmir thereby removing any ambiguity in their application in line with the Constitution of India.
- As per section 96 of the Jammu and Kashmir Reorganisation Act, 2019, the Central Government has powers to make adaptations and modifications of the laws, whether by way of repeal or amendment, as may be necessary or expedient for the purpose of facilitating the application of any law made before the appointed date till the expiration of one year from the appointed date in relation to the successor Union territories.
- Adaptation of above Central Acts with such modifications would ensure administrative effectiveness in the Union territory of Jammu and Kashmir and remove ambiguity in implementation of these laws in line with the Constitution of India.

49.Steps Taken by the Ministry of Home Affairs for Police Modernisation

'Police' and 'Public Order' are State Subject as per schedule VII to the constitution of India.

In order to supplement the efforts of the States for equipping and modernizing of their police forces, under the scheme of 'Assistance to States for Modernisation of Police' {erstwhile scheme of Modernisation of Police Force (MPF)}, the States have been provided central assistance for training gadgets, advanced communication, police buildings, police housing, mobility, and forensic equipment etc. as per the proposals of the State Governments in accordance with their strategic priorities and requirements.

- The Union Government has created an All India digital network –Crime & Criminal Tracking Networking System (CCTNS) in 15152 out of 15985 police stations of the country which has digitised police processes like registering complaints, FIRs, Investigation details, 100% FIRs are being recorded in 14,992 police stations.
- The Government has launched Interoperable Criminal Justice System (ICJS) which integrates the process of speedy justice by facilitating data-exchange between the courts, police, prosecution, jails and the forensic laboratories.
- With a view to achieve the objectives of completion of police investigation within two months of filing FIR by police for sexual assaults.
- Government has facilitated monitoring of timelines in police investigation through the Investigation Tracking System for Sexual Offences (ITSSO) Portal, using CCTNS data.
- ITSSO is available to law enforcement agencies and gives details on pending cases.
- A National Database of Sexual Offenders (NDSO) for law enforcement officers. NDSO allows tracking of repeat and habitual sex offenders as well as initiate preventive measures against sexual offences. A cyber crime portal is also functional.

50.'Pension Adalat' at Jammu

Dr Jitendra Singh inaugurated the 'Pension Adalat' and National Pension System (NPS) Awareness and Grievance Redressal Programme at Convention Centre, Jammu.

He also launched "Do You Know" Twitter Series on Family Pension, along with a booklet highlighting case studies with interpretation of Pension Rules.This is the first time that Pension Adalat is being conducted outside Delhi. The Pension Adalats will help in on-the-spot redressal of pensioners' grievances which has given the right of "Ease of Living" to the pensioners.

51.Reservation for Economically Weaker Section

10% reservation under Economically Weaker Section (EWS) category is applicable to those persons who are not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes. No relaxation in age, number of attempts, fees etc. is available to such candidates as on date.

- The Constitution (One Hundred and Third Amendment) Act 2019 passed by the Parliament of India enables the State (i.e both the Central and State Governments) to provide reservation to the Economically Weaker Sections (EWS) of the society.

- Whether or not to provide reservation to the Economically Weaker Sections (EWS) of the society for appointment in State Government jobs and for admission to State Government educational institutions, as per provisions of the newly inserted Articles 15(6) and 16(6) of the constitution, is to be decided by the concerned State Government.
- The services under the State come under the List II of the Seventh Schedule i.e. State List of the Constitution. The information on the state-wise provisions for reservation is not maintained by the Central Government.

52.Gender Sensitization of Judicial Personnel

Ministry of Women and Child Development has requested the National Gender Centre (NGC) in the Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie to include Gender Sensitization training and capacity building of all stakeholders including judiciary for effective implementation of policies/legislation/programmes designed for women safety, protection and security at ground level.

53.Extradition Treaty between India and Belgium

Extradition Treaty between the Republic of India and the Kingdom of Belgium.

Salient Features

- Obligation to Extradite
  - ✓Each Party agrees to extradite to the other any person found in its territory, who is accused or convicted of an extraditable offence in the territory of the other Party
- Extraditable Offences
  - ✓An extraditable offence means an offence punishable under the laws of both the Parties with imprisonment for a period of one year or more severe punishment. Where extradition is sought in respect of a convicted person, the duration of the sentence remaining to be served must be at least six months at the time of making the request. Offences relating to taxation, or revenue or is one of a fiscal character also fall within the scope of this Treaty.

Mandatory grounds for Refusal. Under the Treaty, extradition shall be refused if:

- The offence involved is a political offence. However, the Treaty specifies certain offences, which will not be considered as political offences.
- The offence for which extradition is requested is a military offence
- The request for prosecution has been made for the purpose of prosecuting or punishing the person on account of his race, sex, religion, nationality or political opinion.
- The prosecution of enforcement of sentence has become time barred.
- Extradition of Nationals
- Extradition of nationals is discretionary. The nationality will be determined at the time the offence was committed.

Important Features

The Treaty inter-alia also contains provisions on:

- Assurance in case of Capital punishment (Article 3 (7))
- Central Authorities (Article 6)
- Surrender (Article 11)
- Handing over of Property (Article 18)
- Transit (Article 19)
- Protection of Personal Data (Article 21)
- Expenses incurred in extradition (Article 22)
- Consultations (Article 24)
- Mutual legal assistance relating to extradition (Article 25)
- Entry into Force Amendment and Termination of the Treaty (Article 26)

Benefits

The Treaty would provide a legal framework for seeking extradition of terrorists, economic offenders, and other criminals from and to Belgium. After ratification, the Treaty will enter into force from the date of exchange of instruments of ratification between India and Belgium.

Background

- The new Extradition Treaty will replace the pre-Independence Extradition Treaty between Great Britain and Belgium of 1901 that was made applicable to India through the exchange of Letters in 1958 and is currently in force between the Republic of India and the Kingdom of Belgium. Due to the present procedural requirements and the fact that only limited number of offences are listed under the pre-Independence Treaty, the same has become obsolete in today's context.

54.ECI Defers Rajaya Sabha Poll in View of COVID-19

Election Commission of India announced elections to the Council of States to fill 55 seats of Members from 17 States, retiring in the month of April,2020.

- Section 153 of the Representation of the People Act, 1951 specifies that the Election Commission for reasons which it considers sufficient, may extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39; and accordingly.
- The Election Commission has deferred the poll and extended the period of said election under the provisions of section 153 of the said Act. The list of contesting candidates, already published for the said elections by the respective Returning Officers shall remain valid for the purposes of remaining activities, as prescribed under the said notification.
- Fresh date of poll and counting for the said biennial elections shall be announced in due course after reviewing the prevailing situation.

55.Minority Schemes for Jammu and Kashmir

The Union Ministry of Minority Affairs implements programmes/schemes for the six (6) centrally notified minority communities namely, Buddhists, Christians, Jains, Muslims, Parsis and Sikhs as under:-

- Pre-Matric Scholarship Scheme.
- Post-Matric Scholarship Scheme.
- Merit-cum-Means based Scholarship Scheme - For educational empowerment of students.
- Maulana Azad National Fellowship Scheme - Provide fellowships in the form of financial assistance.
- Naya Savera - Free Coaching and Allied Scheme - The Scheme aims to provide free coaching to students/candidates belonging to minority communities for qualifying in entrance examinations of technical/ professional courses and Competitive examinations.
- Padho Pardesh - Scheme of interest subsidy to students of minority communities on educational loans for overseas higher studies.
- Nai Udaan - Support for students clearing Prelims conducted by Union Public Service Commission (UPSC), State Public Service Commission (PSC) Staff Selection Commission (SSC) etc.
- Nai Roshni - Leadership development of women belonging to minority communities..
- Seekho Aur Kamao - Skill development scheme for youth of 14 - 35 years age group and aiming at improving the employability of existing workers, school dropouts etc.

Ministry of Minority affairs has also sanctioned a special project for Skill Training of Youths in the two UTs of Jammu & Kashmir and Ladakh through an MoU signed with National Skill Development Corporation and National Skill Development Fund under Seekho aur Kamao.

- Pradhan Mantri Jan Vikas Karyakram (PMJVK) restructured in May 2018 earlier known as MsDP – Implemented for the benefit of the people from all sections of the society in identified Minority Concentration Areas for creation of assets in education, skill and health sectors.
- Jiyo Parsi - Scheme for containing population decline of Parsis in India.
- USTTAD (Upgrading the Skills and Training in Traditional Arts/Crafts for Development) launched in May 2015.
- Nai Manzil - A scheme for formal school education & skilling of school dropouts launched in Aug. 2015.
- Hamari Dharohar- A scheme to preserve rich heritage of minority communities of India under the overall concept of Indian culture implemented since 2014-15.

Maulana Azad Education Foundation (MAEF) implements education and skill related schemes as follows:-

- Begum Hazrat Mahal National Scholarship for Meritorious Girls belonging to the Minorities.
- Gharib Nawaz Employment Scheme started in 2017-18. for providing short term job oriented skill development courses to youth belonging to minority communities.
- Bridge Course for madarsa students & school dropouts by Aligarh Muslim University, Aligarh and Jamia Millia Islamia, New Delhi under Nai Manzil scheme.
- Swachh Vidyalaya.

✓ Equity to National Minorities Development and Finance Corporation (NMDFC) for providing concessional loans to minorities for self-employment and income generating ventures.

✓ In addition to the above, the Ministry also implements schemes for strengthening State Waqf Boards and coordinates arrangements for annual Haj pilgrimage.

56.Development of Nomadic Tribes

The Nomadic Tribes have been identified by the survey done by erstwhile National Commission for De-Notified and Nomadic and Semi-Nomadic Tribes. However, population of Nomadic tribes has not been maintained by the Government.

For all-round development of Nomadic tribes a Development and Welfare Board for De-notified, Nomadic and Semi-Nomadic Communities (DWBDNCs) has been constituted on 21.02.2019 for a period of three years extendable up to 5 years with following terms of reference:

- To formulate and Implement Welfare and Development programme as required, for De-notified, Nomadic and Semi-Nomadic Communities.
- To identify the locations/areas where these communities are densely populated.
- To assess and identify gaps in accessing existing programmes and entitlements and to collaborate with Ministries/Implementing agencies to ensure that ongoing programmes meet the special requirements of De-notified Nomadic and Semi-Nomadic Communities.
- To monitor and evaluate the progress of the schemes of Government of India and the States/UTs with reference to De-notified Nomadic and Semi-Nomadic Communities.
- To redress the grievances of DNTs communities and fulfill their expectations.

269 communities which are currently not classified under SC/ST/OBC/Other communities, Development and Welfare Board for De-notified, Nomadic and Semi-Nomadic Communities (DWBDNCs) have been working on classification of these communities.

NITI Aayog has assigned the task of ethnographic survey of 62 tribes to the Anthropological Survey of India (AnSI) to conduct the studies of these communities in different parts of the country.

The following schemes are being implemented by State Government/UT Administrations for the DNTs:-

- Pre-Matric Scholarship to DNT Students.
- Post-Matric Scholarship to DNT Students.
- Nanaji Deshmukh Scheme of Construction of Hostels for DNT Boys and Girls.

57.Non-operation of MPLADS for two years (2020-21 and 2021-22) for managing COVID 19

As a part of Government's continued efforts to contain spread of COVID 19, the Union Cabinet has decided not to operate Members of Parliament Local Area Development Scheme (MPLADS) for two years (2020-21 and 2021-22).

- These funds will be used to strengthen Government's efforts in managing the challenges and adverse impact of COVID19 in the country

58.Aarogya Setu is now open source

On 2nd April 2020, India launched Aarogya Setu mobile App for helping augment the efforts of limiting the spread of COVID19, with an objective of enabling Bluetooth based contact tracing, mapping of likely hotspots and dissemination of relevant information about COVID19.

- The App has over 114 million users as on 26th May, which is more than any other Contact Tracing App in the world.
- Available in 12 languages and on Android, iOS and KaiOS platforms.
- Citizens across the country are using Aarogya Setu to protect themselves, their loved ones and the nation. Many youngsters also call Setu as their Bodyguard.
- The key pillars of Aarogya Setu have been transparency, privacy and security and in line with India's policy on Open Source Software, the source code of Aarogya Setu has now been made open source.
- Opening the source code to the developer community signifies continuing commitment to the principles of transparency and collaboration.
- The process of supporting the open source development will be managed by National Informatics Centre (NIC).
- While making the code Open Source, Government of India also seeks the developer community to help identify any vulnerabilities or code improvement in order to make Aarogya Setu more robust and secure. Government has also launched a Bug Bounty Programme with a goal to partner with security researchers and Indian developer community to test the security effectiveness of Aarogya Setu and also to improve or enhance its security and build user's trust.

59.Prime Ministers Awards for Excellence in Public Administration 2020

Government of India has instituted a scheme in 2006 namely, "The Prime Minister's Awards for Excellence in Public Administration" - to acknowledge, recognize and reward the extraordinary and innovative work done by Districts/ Organizations of the Central and State Governments.

- The Scheme was restructured in 2014 for recognizing the performance of District Collectors in Priority Programs, Innovations and Aspirational Districts.
- The Scheme has been restructured again in 2020, to recognize the performance of District Collectors towards economic development of the District.
- For the year 2020, the scheme for Prime Minister's Awards for Excellence in Public Administration has been comprehensively restructured to recognize the contribution of civil servants in strengthening of:
- Inclusive Development through Credit Flow to the Priority Sector.
- Promoting people's movements – "Jan Bhagidari" through Swachh Bharat Mission (Urban and Gramin) in the District.
- Improving Service Delivery and Redressal of Public Grievances

The scope of the awards has been expanded to identify areas of overall outcome-oriented performance in the districts across sectors.

- The contribution of District Collectors would be recognized for implementation of Inclusive Credit Flow to the Priority Sector, promoting people's movements through Jan Bhagidari and Improving Service Delivery and Redressal of Public Grievances.
- Prime Minister's Awards for Excellence in Public Administration seek to recognize the efforts of District level officials in Namami Gange Program.
- The award for the Aspirational Districts Program has been revamped to reward the District having the best overall progress under the Scheme following 2 years of implementation.
- The Innovations category has traditionally received the highest number of nominations. The scheme has been broad based to recognize Innovations at National/ State / District level in 3 separate categories.

60.Central Government constitutes National Council for Transgender Persons

The Central Government has constituted a National Council for Transgender Persons.

- The Union Minister of Social Justice & Empowerment will be Chairperson (ex-officio) and Union Minister of State for Social Justice & Empowerment will be Vice-Chairperson (ex-officio).

The National Council shall perform the following functions, namely:—

- to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;
- to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;
- to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;
- to redress the grievances of transgender persons; and
- to perform such other functions as may be prescribed by the Central Government.

The other members of the Council include representatives of various Ministries/Departments, five representatives of transgender community, representatives of NHRC and NCW, representatives of State Governments and UTs and experts representing NGOs.

A Member of National Council, other than ex officio member, shall hold office for a term of three years from the date of his nomination.

61."Mission Karmayogi"- National Programme for Civil Services Capacity Building (NPCSCB)

National Programme for Civil Services Capacity Building (NPCSCB) with the following institutional framework:-

- Prime Minister's Public Human Resources (HR) Council,
- Capacity Building Commission.
- Special Purpose Vehicle for owning and operating the digital assets and the technological platform for online training,
- Coordination Unit headed by the Cabinet Secretary.

Salient Features

NPCSCB has been carefully designed to lay the foundations for capacity building for Civil Servants so that they remain entrenched in Indian Culture and sensibilities and remain connected, with their roots, while they learn from the best institutions and practices across the world. The Programme will be delivered by setting up an Integrated Government Online Training-iGOTKarmayogi Platform.

The core guiding principles of the Programme will be

- Supporting Transition from 'Rules based' to 'Roles based* HR Management.Aligning work allocation of civil servants by matching their competencies to the requirements of the post.
- To emphasise on 'on-site learning' to complement the 'off-site' learning,
- To create an ecosystem of shared training infrastructure including that of learning materials, institutions and personnel,
- To calibrate all Civil Service positions to a Framework of Roles, Activities and Competencies (FRACs) approach and to create and deliver learning content relevant to the identified FRACs in every Government entity,
- To make available to all civil servants, an opportunity to continuously build and strengthen their Behavioural, Functional and Domain Competencies in their self-driven and mandated learning paths.
- To enable all the Central Ministries and Departments and their Organizations to directly invest their resources towards co-creation and sharing the collaborative and common ecosystem of learning through an annual financial subscription for every employee,
- To encourage and partner with the best-in-class learning content creators including public training institutions, universities, start-tips and individual experts,
- To undertake data analytics in respect of data emit provided by iGOT- Karmayogi pertaining to various aspects of capacity building, content creation, user feedback and mapping of competencies and identify areas for policy reforms.

Objectives

- It is also proposed to set up a Capacity Building Commission, with a view to ensure a uniform approach in managing and regulating the capacity building ecosystem on collaborative and co-sharing basis.

The role of Commission will be as under

- To assist the PM Public Human Resources Council in approving the Annual Capacity Building Plans.

- To exercise functional supervision over all Central Training Institutions dealing with civil services capacity building.
- To create shared learning resources, including internal and external faculty and resource centers.
- To coordinate and supervise the implementation of the Capacity Building Plans with the stakeholder Departments.
- To make recommendations on standardization of training and capacity building, pedagogy and methodology
- To set norms for common mid-career training programs across all civil services.
- To suggest policy interventions required in the areas of HR Management and Capacity Building to the Government.

iGOT-Karmayogi:

- Platform brings the scale and state-of-the-art infrastructure to augment the capacities of over two crore officials in India.
- The platform is expected to evolve into a vibrant and world-class market place for content where carefully curated and vetted digital e-learning material will be made available.
- Besides capacity building, service matters like confirmation after probation period, deployment, work assignment and notification of vacancies etc. would eventually be integrated with the proposed competency framework.
- Mission Karmayogi aims to prepare the Indian Civil Servant for the future by making him more creative, constructive, imaginative, innovative, proactive, professional, progressive, energetic, enabling, transparent and technology-enabled. Empowered with specific role-competencies, the civil servant will be able to ensure efficient service delivery of the highest quality standards.

Financial implications

- To cover around 46 lakh Central employees, a sum of Rs.510.86 crore will be spent over a period of 5 years from 2020-21 to 2024-25. The expenditure is partly funded by multilateral assistance to the tune of USD 50 million.
- A wholly owned Special Purpose Vehicle (SPV) for NPCSCB will be set up under Section 8 of the Companies Act, 2013. The SPV will be a "not-for-profit" company and will own and manage iGOT-Karmayogi platform.
- The SPV will create and operationalize the content, market place and manage key business services of iGOT-Karmayogi platform, relating to content validation, independent proctored assessments and telemetry data availability.
- The SPV will own all Intellectual Property Rights on behalf of the Government of India. An appropriate monitoring and evaluation framework will also be put in place for performance evaluation of all users of the iGOT-Karmayogi platform so as to generate a dashboard view of Key Performance Indicators.

Background

- Capacity of Civil Services plays a vital role in rendering a wide variety of services, implementing welfare programs and performing core governance functions.

- A transformational change in Civil Service Capacity is proposed to be affectedby organically linking the transformation of work culture, strengthening public institutions and adopting modern technology to build civil service capacity with the overall aim of ensuring efficient delivery of services to citizens.

A Public Human Resources Council:

- Comprising of select Union Ministers, Chief Ministers, eminent public HR practitioners, thinkers, global thought leaders and Public Service functionaries under the Chairmanship of Hon'ble Prime Minister will serve as the apex body for providing strategic direction to the task of Civil Services Reform and capacity building.

62.Shri Rajiv Kumar takes over as new Election Commissioner

Shri Rajiv Kumar assumed charge as the new Election Commissioner (EC) of India. Sh Kumar joins the Election Commission of India with Chief Election Commissioner Shri Sunil Arora and Election Commissioner Shri Sushil Chandra. Born on 19thFebruary 1960, Shri Rajiv Kumar is a 1984 batch Indian Administrative Service Officer. During the span of more than 36 years of Government of India service, Shri Kumar has worked in various Ministries at the Centre and his state cadre of Bihar/Jharkhand.

63.Self Help Groups across the country being geared up to prepare the Village Poverty Reduction Plan for integration with the Gram Panchayat Development Plans

The Article 243G of the Constitution intended to empower the Gram Panchayats (GPs) by enabling the State Governments to devolve powers and authority in respect of all 29 Subjects listed in the Eleventh Schedule for local planning and implementation of schemes for economic development and social justice.

- The local bodies (GPs) play a significant role in the effective implementation of flagship schemes on subjects of national importance, for transformation of rural India.
- In 2015, the Fourteenth Finance Commission grants were devolved to GPs that provided them with an enormous opportunity to plan for their development themselves. Since then, local bodies, across the country are expected to prepare context specific, need based Gram Panchayat Development Plans (GPDP).
- Gram Panchayat Development Plan (GPDP) brings together both the citizens and their elected representatives in the decentralized planning processes.
- GPDP is expected to reflect the development issues, perceived needs and priorities of the community, including that of the marginalized sections. Apart from the demand related to basic infrastructure and services, resource development and convergence of departmental schemes, GPDP has potential to address the social issues.
- GPDP is conducted from 2nd October to 31st December, every year across the country, under the People's Plan Campaign (PPC).

- Since last two years, the PPC guidelines and the joint advisory issued by the Ministry of Panchayati Raj and Ministry of Rural Development, has mandated Self Help Groups and their federations under Deendayal Antyodaya Yojana-National Rural Livelihoods Mission (DAY-NRLM) to participate in the annual GPDP planning process and prepare the Village Poverty Reduction Plan (VPRP).
- VPRP is a comprehensive demand plan prepared by the Self Help Group (SHG) network and their federations for projecting their demands and local area development which needs to be integrated with the Gram Panchayat Development Plan (GPDP). The VPRP is presented in the Gram Sabha meetings from Oct. to Dec. every year.
- The process allows poor families, who are members of SHGs formed under DAY-NRLM, to raise their demands in a participatory method and submit the final plan to the Gram Panchayats for consideration. It starts with plans prepared by the SHGs, consolidated by the VOs and finally a comprehensive plan prepared at the level of the Gram Panchayat. The final VPRP would be submitted in the Gram Sabhas held for GPDP.

Objectives of VPRP are three-fold

- Prepare a comprehensive and an inclusive demand plan of the community for local development
- Facilitate an interface between the SHG federation and Panchayati Raj institutions for development of demand plan
- Strengthen the community based organisations and their leadership for active participation in poverty reduction activities

Components of VPRP

Demands under VPRP are categorized into five major components:

- Social inclusion - plan for inclusion of vulnerable people/household into SHGs under NRLM
- Entitlement - demand for various schemes such as MGNREGS, SBM, NSAP, PMAY, Ujjwala, Ration card etc.
- Livelihoods - specific demand for enhancing livelihood through developing agriculture, animal husbandry, production and service enterprises and skilled training for placement etc.
- Public Goods and Services - demand for necessary basic infrastructure, for renovation of the existing infrastructure and for better service delivery
- Resource Development - demand for protection and development of natural resources like land, water, forest and other locally available resources
- Social Development - plans prepared for addressing specific social development issues of a village under the low cost no cost component of GPDP.

64.24x7 Toll-Free Mental Health Rehabilitation Helpline Kiran (1800-599-0019) launched in 13 Languages

The 24x7 Toll-Free Mental Health Rehabilitation Helpline KIRAN (1800-599-0019) was launched in 13 languages to provide relief and support to persons with Mental Illness and in view of the growing incidence of mental illness, particularly in the wake of Pandemic COVID-19.

- The helpline operates in this way: Dial Toll- Free number 1800-599-0019 from any mobile or land line of any telecom network from any part of India.
- After welcome message, select language by pressing correct button; after the language selection, Select State/UT, you will get connected to the Helpline Centre of native or desired state, mental health expert will help to resolve the issue or refer/connect to external help (Clinical Psychologist/ Rehabilitation Psychologist/Psychiatrist).
- This Toll Free Helpline is operational 24 hours a day, seven days a week with the Technical Coordination of BSNL.
- 25 Institutions including 8 National Institutes are involved in this helpline. It is backed by 660 Clinical / Rehabilitation Psychologists and 668 Psychiatrists. The 13 languages covered in the helpline are: Hindi, Assamese, Tamil, Marathi, Odia, Telugu, Malayalam, Gujarati, Punjabi, Kannada, Bengali, Urdu and English.
- Mental illness can affect one's emotional, psychological and social well-being. Seeking help is a positive step, it enhances health, well-being and happiness.
- The helpline offers mental health rehabilitation services with the objective of early screening, first-aid, psychological support, distress management, mental wellbeing, promoting positive behaviors, psychological crisis management etc.
- It aims at serving people experiencing stress, anxiety, depression, panic attacks, adjustment disorders, post-traumatic stress disorders, substance abuse, suicidal thoughts, pandemic induced psychological issues & mental health emergencies.
- It functions as a lifeline to provide 1st stage advice, counseling and reference in 13 languages to individuals, families, NGOs, Parent Associations, Professional Associations, Rehabilitation Institutes, Hospitals or anyone in need of support across the country.
- The objectives of the helpline are Early Screening; First Aid; Psychological support; Distress management; mental well-being; preventing deviant behaviors. Psychological crisis management and Referral to mental health experts.
- This helpline is dedicated to resolve mental health issues related to Anxiety; Obsessive Compulsive Disorder (OCD); Suicide; Depression; Panic Attack(s) Adjustment Disorders; Post Traumatic Stress Disorders and Substance Abuse. The helpline caters to- People in Distress; Pandemic induced psychological issues and Mental Health Emergency.
- The helpline is being coordinated by the National Institute for the Empowerment of Persons with Multiple Disabilities (NIEPMD), Chennai and National Institute of Mental Health Rehabilitation (NIMHR), Sehore. Professional support for the helpline is being provided by the Indian Association of Clinical Psychologists (IACP), Indian Psychiatrists Association (IPA) and Indian Psychiatric Social Workers Association (IPSWA).

65.Common Electoral Roll

PMO has discussed the possibility of having a single voters' list to the panchayat, municipality, state assembly and the Lok Sabha elections.

Type of electoral rolls

In many states, the voters' list for the panchayat and municipality elections is different from the one used for Parliament and Assembly elections.

Supervision and conduct of elections are entrusted with two constitutional authorities,

- The Election Commission (EC) of India and The State Election Commissions (SECs).
- EC - EC is responsible for conducting polls to the offices of the President and Vice-President of India, and to Parliament, the state assemblies and the legislative councils.
- SEC - The SECs supervise municipal and panchayat elections.
- They are free to prepare their own electoral rolls for local body elections and this exercise does not have to be coordinated with the EC.
- The common electoral roll is among the promises made by the present government in its manifesto for the Lok Sabha elections in 2019.
- It ties in with the government's commitment to hold elections simultaneously to the Lok Sabha, state assemblies and local bodies.
- A common electoral roll and simultaneous elections as a way to save effort and expenditure.
- Preparing a separate voters list causes duplication of the same task between two different agencies. Therefore duplicates the effort and the expenditure.

66.The logic of, and debate around minimum age of marriage for women

The central government has set up a committee to reconsider the minimum age of marriage for women.

The minimum age of marriage, especially for women, has been a contentious issue. Currently, the law prescribes that the minimum age of marriage is 21 years and 18 years for men and women respectively.The minimum age of marriage is distinct from the age of majority which is gender-neutral. An individual attains the age of majority at 18 as per the Indian Majority Act, 1875.

What is the committee that the Prime Minister mentioned in his speech?

The Union Ministry for Women and Child Development set up a task force to examine matters pertaining to age of motherhood, imperatives of lowering Maternal Mortality Ratio and the improvement of nutritional levels among women.

- To examine the correlation of age of marriage and motherhood with health, medical well-being, and nutritional status of the mother and neonate, infant or child, during pregnancy, birth and thereafter.

It will also look at key parameters like:

- Infant Mortality Rate (IMR), Maternal Mortality Rate (MMR), Total Fertility Rate (TFR), Sex Ratio at Birth (SRB) and Child Sex Ratio (CSR), and will examine the possibility of increasing the age of marriage for women from the present 18 years to 21 years.
- The committee is Headed by Jaya Jaitely and Member Health at the NITI Aayog, Dr Vinod Paul.

Why is there a minimum age for marriage?

- The law prescribes a minimum age of marriage to essentially outlaw child marriages and prevent the abuse of minors.
- For Hindus, Section 5(iii) of The Hindu Marriage Act, 1955, sets 18 years as the minimum age for the bride and 21 years as the minimum age for the groom.
- In Islam, the marriage of a minor who has attained puberty is considered valid.
- The Special Marriage Act, 1954 and the Prohibition of Child Marriage Act, 2006 also prescribe 18 and 21 years as the minimum age of consent for marriage for women and men respectively.
- Sexual intercourse with a minor is rape, and the 'consent' of a minor is regarded as invalid since she is deemed incapable of giving consent at that age.

How did the law evolve?

- A legal framework for the age of consent for marriage in India only began in the 1880s.
- In 1929, The Child Marriage Restraint Act set 16 and 18 years as the minimum age of marriage for girls and boys respectively. The law, popularly known as the Sarda Act after its sponsor Harbilas Sarda, a judge and a member of Arya Samaj, was eventually amended in 1978 to prescribe 18 and 21 years as the age of marriage for a woman and a man respectively.
- The Commission recommended that the minimum age of marriage for both genders must be set at 18. "The difference in age for husband and wife has no basis in law as spouses entering into a marriage are by all means equals and their partnership must also be of that between equals".

Why is the law being relooked at?

- From bringing in gender-neutrality to reduce the risks of early pregnancy among women.\
- Early pregnancy is associated with increased child mortality rates and affects the health of the mother.

How common are child marriages in India?

As per United Nations Population Fund (UNFPA) child marriages are almost universally banned, "yet they happen 33,000 times a day, every day, all around the world".

- In India, an analysis of child marriage data show that among girls married by age 18, 46 per cent were also in the lowest income bracket. UNICEF estimates suggest that each year, at least 1.5 million girls under the age of 18 are married in India, which makes the country home to the largest number of child brides in the world — accounting for a third of the global total. Nearly 16 per cent adolescent girls aged 15-19 are currently married.

67.In SC reading of basic structure, the signature of Kesavananda Bharati

The landmark ruling in which the Supreme Court announced the basic structure doctrine was in the case of His Holiness Kesavananda Bharati Sripadagalvaru and Ors v State of Kerala. Kesavananda Bharati, the man who lent his name to this iconic case as the petitioner.

Who was Kesavananda Bharati?

- Head seer of the Edneer Mutt in Kasaragod district of Kerala since 1961. He left his signature in one of the significant rulings of the Supreme Court when he challenged the Kerala land reforms legislation in 1970.
- A 13-judge Bench was set up by the Supreme Court.
- The Bench gave 11 separate judgments that agreed and disagreed on many issues but a majority judgment of seven judges was stitched together by then Chief Justice of India S M Sikri.
- However, the basic structure doctrine, which was evolved in the majority judgment, was found in the conclusions of the opinion written by one judge — Justice H R Khanna.

What was the case about?

The extent of Parliament's power to amend the Constitution.

- First, the court reviewed a 1967 decision in Golaknath v State of Punjab which, reversing earlier verdicts, had ruled that Parliament cannot amend fundamental rights.
- Second, the court was deciding the constitutional validity of several other amendments. Notably, the right to property had been removed as a fundamental right, and Parliament had also given itself the power to amend any part of the Constitution and passed a law that it cannot be reviewed by the courts.

What did the court decide?

- In its majority ruling, the court held that fundamental rights cannot be taken away by amending them.
- While the court said that Parliament had vast powers to amend the Constitution, it drew the line by observing that certain parts are so inherent and intrinsic to the Constitution that even Parliament cannot touch it.

What is the basic structure doctrine?

- The origins of the basic structure doctrine are found in the German Constitution which, after the Nazi regime, was amended to protect some basic laws.
- In India, the basic structure doctrine has formed the bedrock of judicial review of all laws passed by Parliament. No law can impinge on the basic structure.
- Basic structure is, however, has been a continuing deliberation.
- Parliamentary democracy, fundamental rights, judicial review, secularism are all held by courts as basic structure.

What was the fallout of the verdict?

- The judiciary faced its biggest litmus test against the executive. The Indira Gandhi-led government did not take kindly to the majority opinion and superseded three judges —J M Shelat, A N Grover and K S Hegde — who were in line to be appointed CJI after Justice Sikri.
- Justice A N Ray, who had dissented against the majority verdict, was instead appointed CJI.

- But the ruling has cemented the rejection of majoritarian impulses to make sweeping changes or even replace the Constitution and underlined the foundations of a modern democracy laid down by the makers of the Constitution.

68.Question Hour and Zero Hour

Why in News

The Central government has decided to suspend the Question Hour and Zero Hour for Monsoon Session. This has been done in view of the Covid-19 pandemic. In the past too, the Question Hour has been suspended during national emergencies.

- Question Hour: The first hour of every parliamentary sitting is allotted for the Question Hour. In 2014 the Question Hour was shifted in the Rajya Sabha from 11 am to 12 noon.
- During question hour, (MPs) can ask questions to ministers. It is regulated according to parliamentary rules.
- The presiding officers of the both Houses are the final authority with respect to the conduct of Question Hour.
- Zero Hour- Indian parliamentary innovation. It is not mentioned in the parliamentary rules.
- MPs can raise matters without any prior notice.
- Zero hour starts immediately after the question hour and lasts until the agenda for the day (i.e. regular business of the House) is taken up.

69.Jurisdictional Conflict in Delhi

Issue

- Delhi government appointed the public prosecutors for conducting the Delhi riot cases in the High Court.
- However, the Lieutenant Governor (LG) stalled this decision, by referring it to the President under Article 239AA(4).
- Appointment of prosecutors to the Supreme Court and High Court, is exclusively within the purview of the State government.
- On the other hand, LG appointed all the prosecutors whose names were submitted by the Delhi Police (under the control of Ministry of Home Affairs) and thus the State government's list was rejected.

Legal Controversy Between LG & Delhi Government

- Article 239 and 239AA have created a jurisdictional conflict between the government of NCT and the Lieutenant Governor.

- Article 239 empowers the Lieutenant Governor to act independently of his Council of Ministers. As New Delhi is a Union Territory
- The state government of Delhi held that the Article 239AA of the Constitution bestows special status to Delhi of having its own legislatively elected government.

- This created a controversy around the administrative powers of the LG and state government of NCT of Delhi.

Executive powers and legislative powers

- Parliament can legislate for Delhi on any matter in the State List and the Concurrent List.
- Executive power in relation to Delhi except the 'Police', 'Land' and 'Public Orders' vests only in the State government headed by the Chief Minister.
- The executive power of the Union does not extend to any of the matters which come within the jurisdiction of the Delhi Assembly.
- The only occasion when the Union Government can overrule the decision of the State government is when the Lt. Governor refers a matter to the President under the proviso to clause (4).

70.G C Murmu Takes over as C&AG of India. The Comptroller and Auditor General of India'

Shri Girish Chandra Murmu assumed office as the Comptroller and Auditor General of India. He belongs to Indian Administrative Service of Gujrat cadre (1985 batch). Shri Murmu succeeds Shri Rajiv Mehrishi.

- Prior to this, Shri Murmu was the first Lieutenant Governor of Union Territory of Jammu & Kashmir.
- Honorable President Shri Ram Nath Kovind administered the oath of office and secrecy to Shri Murmu.
- The Comptroller and Auditor General (CAG) of India is an authority instituted vide Article 148 of the Constitution of India.
- The prime responsibility of this authority is to audit the receipts and expenditures of the state governments and the union government in India including those of the entities and corporations financed by the government. The reports generated by the CAG are crucially important for the Public Accounts Committees (PACs) and Committees on Public Undertakings (COPUs), which are part of the state and central governments.

The first CAG in India.

V. Narahari Rao, a former civil servant was the first CAG who remained in his office from 1948 to 1954. In recognition of his significant contributions to the civil service in India, the government of India awarded him the highest civilian award namely Padma Bhushan in the year 1954.

How can the CAG be removed?

The CAG can be removed from his office only if both the houses of parliament pass a resolution to do so on grounds of misbehavior or incapacity. The tenure of the CAG is 6 years or till the age of 65, whichever happens earlier while he serves from his position.

What is the power of CAG?

- Ranked 9th in terms of his powers, the CAG enjoys the status that is similar to that of a judge of the Supreme Court of India.Vide article 148, CAG enjoys an independent office in the country.
- Head of the Indian Audit and Accounts Department. He too has the most important duty to protect the interests of the public exchequer.

- Indian Audit and Accounts Service provides the support necessary for the CAG to carry out his functions.

Important functions of CAG?

Auditing the state and central government accounts and finding the performance of the consolidated fund of the state and the union government's irrespective of whether they happened inside or outside India. Auditing all the revenues into the consolidated funds of the state and central governments and all the transactions connected to the public accounts and the contingency funds of the union and state governments.