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Polity & Governance

1. The Government of National Capital Territory of Delhi (Amendment) Act, 2021

What is the status of Delhi?

- Delhi was granted special status through the 61st Constitutional Amendment Act 1991 that added Article 239 AA.
- As per Article 239AA – Public Order, Police & Land in NCT of Delhi fall within the domain and control of Central Government which shall have the power to make laws on these matters.
- For remaining matters of State List or Concurrent List, in so far as any such matter is applicable to UTs, the Legislative Assembly shall have power to make laws for NCT of Delhi.
- It further provides a Legislative Assembly for the National Capital Territory of Delhi and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory.

Relationship between CoM and LG:

- Article 239 AA provides for a Council of Ministers consisting of not more than ten percent, of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise to his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion.
- It further provides that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

What is the NCT Amendment Act 2021?

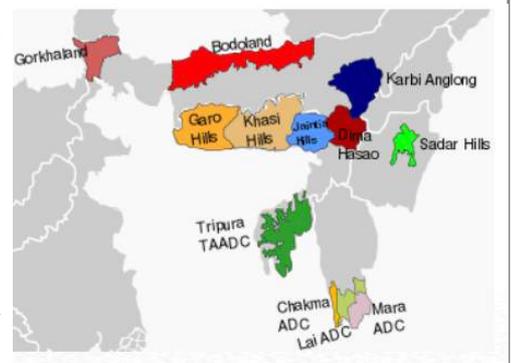
- The Government of National Capital Territory of Delhi (Amendment) Bill, 2021 was introduced by the Ministry of Home Affairs to bring changes in the Government of National Capital Territory of Delhi Act, 1991.
- The amendments, according to the 2021 Amendment Act, seek to promote “harmonious relations between the legislature and the executive” and provide for rules made by the Legislative Assembly of Delhi to be “consistent with the rules of the House of the People” or the Lok Sabha.
- The amendment also seeks to define the responsibilities of the elected government and the Lieutenant Governor along the constitutional scheme of governance of the NCT interpreted by the Supreme Court in recent judgements such as by a five judge Bench in 2018 and by a two judge bench on the issue of services in 2019.
- Restriction on laws passed by the Assembly: The amendment provides that the term “government” referred to in any law made by the Legislative Assembly will imply Lieutenant Governor (LG).

- Rules of Procedure of the Assembly: The 1991 Act allows the Legislative Assembly to make Rules to regulate the procedure and conduct of business in the Assembly. The amendment provides that such Rules must be consistent with the Rules of Procedure and Conduct of Business in the Lok Sabha.
- Inquiry by the Assembly into administrative decisions: The amendment prohibits the Legislative Assembly from making any rule to enable itself or its Committees to:
 - ✓ consider the matters of day-to-day administration of the NCT of Delhi and
 - ✓ conduct any inquiry in relation to administrative decisions.
- Further, the amendment provides that all such rules made before its enactment will be void.
- Assent to Bills: The 1991 Act requires the LG to reserve certain Bills passed by the Legislative Assembly for the consideration of the President. These Bills are those:
 - ✓ which may diminish the powers of the High Court of Delhi,
 - ✓ which the President may direct to be reserved,
 - ✓ dealing with the salaries and allowances of the Speaker, Deputy Speaker, and members of the Assembly and the Ministers, or
 - ✓ relating to official languages of the Assembly or the NCT of Delhi.
- The amendment requires the LG to also reserve those Bills for the President which incidentally cover any of the matters outside the purview of the powers of the Legislative Assembly.
- LG's opinion for executive actions: The 1991 Act specifies that all executive action by the government, whether taken on the advice of the Ministers or otherwise, must be taken in the name of the LG. The amendment adds that on certain matters, as specified by the LG, his opinion must be obtained before taking any executive action on the decisions of the Minister/ Council of Ministers.

2. Article 244 (A) and Tribal areas

Article 244 (A) and Relevance for Tribal

- What is Article 244 (A) of Constitution?
 - ✓ Article 244 (A) allows for creation of an 'autonomous state' within Assam in certain tribal areas. It was inserted into the Constitution in 1969 by the Twenty second Constitutional Amendment Act by the then Congress government, it also has a provision for a Legislature and a Council of Ministers for that autonomous state with such powers and functions as defined by law.
 - ✓ The 22nd Amendment further amended article 275 with regard to sums and grants payable to the autonomous State on and from its formation under article 244A.



How is it different from 6th Schedule?

- The Sixth Schedule of the Constitution - Articles 244(2) and 275(1) - is a special provision that allows for greater political autonomy and decentralised governance in certain tribal areas of the Northeast through autonomous councils that are administered by elected representatives.
- In Assam, the hill districts of Dima Hasao, Karbi Anglong and West Karbi and the Bodo Territorial Region are under this provision.
- Article 244(A) accounts for more autonomous powers to tribal areas. Among these, the most important power is the control over law and order which is not available to autonomous councils under 6th Schedule.

Background to Article 244 (A)

- In the 1950s, a demand for a separate hill state arose around certain sections of the tribal population of undivided Assam.
- In 1960, various political parties of the hill areas merged to form the All Party Hill Leaders Conference, demanding a separate state. After prolonged agitations, Meghalaya gained statehood in 1972.
- The leaders of the Karbi Anglong and North Cachar Hills were also part of this movement and were given the option to stay in Assam or join Meghalaya. They stayed back as the then Congress government promised more powers, including Article 244 (A).
- Since then, there has been a demand for its implementation. In the 1980s, this demand took the form of a movement with a number of Karbi groups resorting to violence. It soon became an armed separatist insurgency demanding full statehood.
- This came to an end in Feb 2021 with many insurgents laying down their arms. The demand for grant of 'autonomous state' status to the region still remains.

3. The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021

- The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 was promulgated on April 4, 2021 with a view to streamline tribunals, as well as to abolish certain tribunals and authorities and to provide a mechanism for filing appeal directly to the commercial court or the High Court.
- It dissolves certain existing appellate bodies and transfers their functions (such as adjudication of appeals) to other existing judicial bodies.
- The Finance Act, 2017 had empowered the central government to notify rules on:
 - ✓ qualifications of members of tribunals,
 - ✓ terms and conditions of their service, and
 - ✓ composition of search-cum-selection committees for 19 tribunals (such as the Customs, Excise, and Service Tax Appellate Tribunals).

Transfer of functions of key appellate bodies as proposed under the Ordinance

The Cinematograph Act, 1952	FCAT	High Court
The Trade Marks Act, 1999	Appellate Board	High Court
The Copyright Act, 1957	Appellate Board	Commercial Court or the Commercial Division of a High Court
The Customs Act, 1962	Authority for Advance Rulings	High Court
The Patents Act, 1970	Appellate Board	High Court
The Airports Authority of India Act, 1994	Airport Appellate Tribunal	Central government, for disputes arising from the disposal of properties left on airport premises by unauthorised occupants. High Court, for appeals against orders of an eviction officer.
The Control of National Highways (Land and Traffic) Act, 2002	Airport Appellate Tribunal	Civil Court
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Appellate Board	High Court

- The Ordinance amends the 2017 Act to include provisions related to the composition of search-cum- selection committees and term of office of tribunal members in the Act itself.
- The 2017 Act specifies that the Chairperson and Members of the Tribunals will be appointed by the central government on the recommendation of a Search-cum- Selection Committee.
- The 2021 Ordinance specifies that these Committees will consist of:
 - ✓ the Chief Justice of India, or a Supreme Court Judge nominated by him, as the Chairperson (with casting vote),
 - ✓ two Secretaries nominated by the central government,
 - ✓ the sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court, and
 - ✓ the Secretary of the Ministry under which the Tribunal is constituted (with no voting right).
- The Ordinance specifies that the term of office for the Chairperson of the tribunals will be of four years or till the attainment of the age of seventy years, whichever is earlier.
- For other members of the tribunals, the term will be of four years or till the age of sixty-seven years, whichever is earlier.
- Further, the Ordinance includes the National Consumer Disputes Redressal Commission established under the Consumer Protection Act, 2019 within the purview of the Finance Act, 2017.
- The Ordinance removes the following bodies from the purview of the Finance Act, 2017:
 - ✓ the Airport Appellate Tribunal established under the Airports Authority of India Act, 1994,
 - ✓ the Appellate Board established under the Trade Marks Act, 1999,
 - ✓ the Authority of Advanced Ruling established under the Income Tax Act, 1961, and
 - ✓ the Film Certification Appellate Authority established under the Cinematograph Act, 1952.

4. Appointment of CJI in India (Procedures and Process involved)

- The senior most judge of the Supreme Court, N.V. Ramanna has been appointed as the next Chief Justice of India after the expiry of the term of incumbent, S.A. Bobde.
- Surprisingly, the Constitution of India does not have any provision for criteria and procedure for appointing the CJI. Article 124(1) of the Indian Constitution says there “shall be a Supreme Court of India consisting of a Chief Justice of India”.
- The Constitution merely states that the judges of the Supreme Court are appointed by the President of India and the CJI is appointed by the President as well once the consultation with the judges of SC and HC is done as the President deems necessary
- In the absence of a constitutional provision, the procedure relies on custom and convention. When the incumbent CJI retires, the senior most judge in the SC becomes the CJI. Seniority, here, is not defined by age, but by the number of years an individual has been serving as judge in the apex court.
- In an instance where two judges have served for the exact same time, because they were appointed as SC judges on the same day, other factors are used to determine the seniority of the judges, like which judge has more years of experience in the high court and if either of them were nominated from the bar directly.
- The procedure to appoint the next CJI is laid out in the Memorandum of Procedure (MoP) between the government and the judiciary
 - ✓ The procedure is initiated by the Law Minister seeking the recommendation of the outgoing CJI at the ‘appropriate time’, which is near to the date of retirement of the incumbent CJI.
 - ✓ The CJI sends his recommendation to the Law Ministry; and in the case of any qualms, the CJI can consult the collegium regarding the fitness of an SC judge to be elevated to the post. In the ‘Three Judges’ case, it was decided that that a consultation of the plurality of judges is required for appointment of the CJI in India.
 - ✓ After receiving recommendation from the CJI, the law minister forwards it to the Prime Minister who then advises the President on the same.
 - ✓ The President administers the oath of office to the new CJI.
- With regard to the the recommendation of the incumbent CJI to the government, the government cannot send the recommendation of the CJI (or the collegium) back to them for reconsideration.
- The Memorandum of Procedure does not have any provision for the eventuality of the government disagreeing with the incumbent CJI’s recommendation on the new one.
- Since the establishment of the Supreme Court in 1950, there have been 46 CJIs, including the incumbent S.A. Bobde. In all cases, the convention and the procedure was duly followed, except for two – Justice AN Ray in 1973 and Justice MH Beg in 1977.



What is Model Code of Conduct?

- The MCC is a set of guidelines issued by the Election Commission to regulate political parties and candidates prior to elections, to ensure free and fair elections. This is in keeping with Article 324 of the Constitution, which gives the Election Commission the power to supervise elections to the Parliament and state legislatures.
- The MCC is operational from the date that the election schedule is announced till the date that results are announced. Its main purpose is to ensure free and fair elections in the country.
- A form of the MCC was first introduced in the state assembly elections in Kerala in 1960. It was a set of instructions to political parties regarding election meetings, speeches, slogans, etc.
- In the 1962 general elections to the Lok Sabha, the MCC was circulated to recognised parties, and state governments sought feedback from the parties.
- The MCC was largely followed by all parties in the 1962 elections and continued to be followed in subsequent general elections.
- In 1979, the Election Commission added a section to regulate the 'party in power' and prevent it from gaining an unfair advantage at the time of elections
- For example, Ministers must not combine official visits with election work or use official machinery for the same. The party must avoid advertising at the cost of the public exchequer or using official mass media for publicity on achievements to improve chances of victory in the elections.
- In 2013, the Supreme Court directed the Election Commission to include guidelines regarding election manifestos, which it had included in the MCC for the 2014 general elections. These prohibit parties from making promises that exert an undue influence on voters, and suggest that manifestos also indicate the means to achieve promises.

Is MCC statutory?

- MCC was the result of a consensus among major political parties. It has no statutory backing. This means anybody breaching the MCC can't be proceeded against under any clause of the Code.
- However, certain provisions of the MCC may be enforced through invoking corresponding provisions in other statutes such as the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, and Representation of the People Act, 1951.
- The ECI can issue a notice to a politician or a party for alleged breach of the MCC either on its own, or on the basis of a complaint by an other party or individual.
- Once a notice is issued, the person or party must reply in writing, either accepting fault and tendering an unconditional apology, or rebutting the allegation. In the latter case, if the person or party is found guilty subsequently, he/it can attract a written censure from the ECI.
- In extreme cases, like a candidate using money/liquor to influence votes or trying to divide voters in the name of religion or caste, the ECI can also order registration of a criminal case against the candidate under relevant sections of the Indian Penal Code or Income-Tax Act.



- However, the MCC carries significant moral weight; indeed, former Chief Election Commissioner S Y Quraishi had described it as the Moral Code of Conduct. Even if it just a rap on the knuckles, most politicians do not relish the prospect of a censure or a reprimand by the ECI.
- The ECI also launched cVIGIL app to create a fast-track complaint reception and redressal system. cVIGIL is an innovative mobile application for citizens to report Model Code of Conduct and Expenditure violations during the elections.

5. Delay in Pradhan Mantri Kisan Samman Nidhi (PM-Kisan)

- Amid the surge in Covid-19 cases, the wait of over 9 crore farmer families for the first installment of their PM-Kisan payout for the financial year 2021-22, is getting longer.
- Agriculture Ministry sources said it may take “some more” days to transfer the installment of Rs 2,000 for the period April-July to eligible farmer families under the Pradhan Mantri Kisan Samman Nidhi (PM-Kisan)

What is the PM-Kisan Scheme?

- In 2018, the Government with a view to augment the income of the farm families is implemented a Central Sector Scheme, namely, "Pradhan Mantri Kisan Samman Nidhi (PM-KISAN)". The scheme aims to supplement the financial needs of the farmers in procuring various inputs to ensure proper crop health and appropriate yields, commensurate with the anticipated farm income.
- While earlier, under the scheme, financial benefit was provided to Small and Marginal landholder farmer families with total cultivable holding upto 2 hectares with a benefit of Rs.6000 per annum per family payable in three equal instalments, every four months, 2019 onwards the scheme was extended to all land holding eligible farmer families, from both rural and urban areas.
- To register, s have to approach the local revenue officer (patwari) or a nodal officer (nominated by the state government) The Common Service Centres (CSCs) have also been authorized to do the registration of the farmers for the Scheme upon payment of fees
- On the official website of PM Kisan Samman Nidhi Yojana - pmkisan.gov.in, there's a section called the 'farmers' corner'. Farmers can register themselves through the Farmers Corner in the portal. Apart from Aadhaar, citizenship certificate, landholding papers and bank account details have to be submitted to the concerned authorities.

Steps for transfer

- Under the scheme, the government provides Rs 6,000 to eligible farmer families in three equal instalments of Rs. 2000 during the course of the financial year.
- The first instalment is due between April 1 and July 31. Last year, most beneficiaries received the money in their bank accounts between March 24 and April 20. This year, as April ends, no farm households has received any money.
- According to PM-Kisan guidelines, State Nodal Officers (SNOs) authenticate the data of eligible farmers, and upload them in batches from time to time on the portal. Based on the verified data, the SNOs sign the RFTs that contain the total number of beneficiaries.

- The Public Finance Management System (PFMS) then issues a Fund Transfer Order (FTO), based on which the Department of Agriculture, Cooperation & Farmers' Welfare issues the transaction order for the mentioned amount, and the installment is credited into the account of the beneficiary.

6. Mines and Minerals (Development and Regulation)

Amendment Act 2021

- The Mines and Minerals (Development and Regulation) Amendment Act 2021 amends the Mines and Minerals (Development and Regulation) Act, 1957. The Act regulates the mining sector in India.

What are the main components of the Act?

- Removal of restriction on end-use of minerals: The 1957 Act empowers the central government to reserve any mine (other than coal, lignite, and atomic minerals) to be leased through an auction for a particular end-use (such as iron ore mine for a steel plant).
- Such mines are known as captive mines. The Amendment provides that no mine will be reserved for particular end-use.
- Sale of minerals by captive mines: The Amendment provides that captive mines (other than atomic minerals) may sell up to 50% of their annual mineral production in the open market after meeting their own needs. The central government may increase this threshold through a notification. The lessee will have to pay additional charges for mineral sold in the open market.
- Auction by the central government in certain cases: Under the 1957 Act, states conduct the auction of mineral concessions (other than coal, lignite, and atomic minerals). Mineral concessions include mining lease and prospecting license-cum-mining lease.
- The Amendment empowers the central government to specify a time period for completion of the auction process in consultation with the state government. If the state government is unable to complete the auction process within this period, the auctions may be conducted by the central government.
- Transfer of statutory clearances: Upon expiry of a mining lease (other than coal, lignite, and atomic minerals), mines are leased to new persons through auction. The statutory clearances issued to the previous lessee are transferred to the new lessee for a period of two years. The new lessee is required to obtain fresh clearances within these two years. The Amendment replaces this provision and instead provides that transferred statutory clearances will be valid throughout the lease period of the new lessee.
- Extension of leases to government companies: The 1957 Act provides that the period of mining leases granted to government companies will be prescribed by the central government. The Amendment provides that the period of mining leases of government companies (other than leases granted through auction) may be extended on payment of additional amount prescribed in the Amendment Act.
- Conditions for lapse of mining lease: The 1957 Act provides that a mining lease will lapse if the lessee:
 - ✓ is not able to start mining operations within two years of the grant of a lease, or

✓ has discontinued mining operations for a period of two years.

- However, the lease will not lapse at the end of this period if a concession is provided by the state government upon an application by the lessee. The Amendment adds that the threshold period for lapse of the lease may be extended by the state government only once and up to one year.

Prelims Prospective Question

Which of the following statements are incorrect about the Mines and Minerals (Development and Regulation) Amendment Act, 2021?

1. It empowers the central government to reserve any mine to be leased through an auction for a particular end-use.
2. It allows captive mines, other than atomic minerals, to sell up to 50% of their annual mineral production in the open market after meeting their own needs.

Mains Use

- Crucial for:
 - ✓ GS 1- Geography related part
 - ✓ GS 2- Under amendments, governance issues
 - ✓ GS 3- Industry, Ease of doing business

Examine the Mines and Minerals (Development and Regulation) Amendment Act 2021. Discuss whether it gives a lease of life to the mining sector in India.

7. Appointment of CBI Director in India

- Context: On Monday, a high-powered committee chaired by Prime Minister Narendra Modi met today to decide and select the next chief of the Central Bureau of Investigation (CBI).

What is the CBI?

- The Central Bureau of Investigation (CBI) is the premier investigating agency of India, operating under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions.
- It was originally set up to investigate bribery and governmental corruption in 1965 and it received expanded jurisdiction to investigate breaches of central laws enforceable by the Government of India, multi- state organised crime, multi-agency or international cases.
- CBI is exempted from the provisions of the Right to Information Act. CBI is India's officially designated single point of contact for liaison with the Interpol.

Background to CBI

- The Bureau of Investigation traces its origins to the Special Police Establishment , a Central Government Police force, which was set up in 1941 by the Government of India to investigate bribery and corruption in transactions with the War and Supply Department of India.
- After the end of the second world war, there was a continued need for a central governmental agency to investigate bribery and corruption by central-government employees.

- The department was transferred to the Home Department by the 1946 Delhi Special Police Establishment Act. The DSPE acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution in 1963.
- The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962–1964).

Appointment of Director of CBI

- The CBI is headed by a Director, an IPS officer with a rank of Director General of Police. The director was initially selected by a high-profile committee constituted under section 4A of the Delhi Special Police Establishment (DSPE) Act, 1946. The Director of CBI has been provided security of two-year tenure in office by the CVC Act, 2003.
- The Lokpal and Lokayuktas Act (2013) amended the Delhi Special Police Establishment Act (1946) and made the following changes with respect to appointment of the Director of CBI. The Central Government shall appoint the Director of CBI on the recommendation of a three-member committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and the Chief Justice of India or Judge of the Supreme Court nominated by him.
- Later, the Delhi Special Police Establishment (Amendment) Act, 2014 made a change in the composition of the committee related to the appointment of the Director of C.B.I. It states that where there is no recognized leader of opposition in the Lok Sabha, then the leader of the single largest opposition party in the Lok Sabha would be a member of that committee.

Which of the following statements are correct?

1. The Central Bureau of Investigation (CBI) is a statutory body.
 2. The CBI derives its power Delhi Special Police Establishment Act (1946).
- A. 1 only
B. 2 only
C. Both 1 and 2
D. Neither 1 nor 2

8. Israel - Palestine Issue explained

The beginning of conflict

- Britain took control of the area known as Palestine after the ruler of that part of the Middle East, the Ottoman Empire, was defeated in WW1.
- The land was inhabited by a Jewish minority and Arab majority. Tensions between the two peoples grew when the international community gave Britain the task of establishing a "national home" in Palestine for Jewish people.
- For Jews, it was their ancestral home, but Palestinian Arabs also claimed the land and opposed the move.



First Arab-Israel War



Before and after the Six Day War, 1967

Before



After



- Between the 1920s and 40s, the number of Jews arriving there grew, with many fleeing from persecution in Europe and seeking a homeland after the Holocaust of WWII.
- In 1947, the United Nations adopted Resolution 181, known as the Partition Plan, which sought to divide the British Mandate of Palestine into Arab and Jewish states.
- In 1948, unable to solve the problem, British rulers left and Jewish leaders declared the creation of the state of Israel on May 14th, sparking the first Arab-Israeli War.
- The war ended in 1949 with Israel's victory, but 750,000 Palestinians were displaced. Hundreds of thousands of Palestinians fled or were forced out of their homes in what they call Al Nakba, or the "Catastrophe".
- By the time the fighting ended in a ceasefire the following year, Israel controlled most of the territory. Jordan occupied land which became known as the West Bank, and Egypt occupied Gaza.



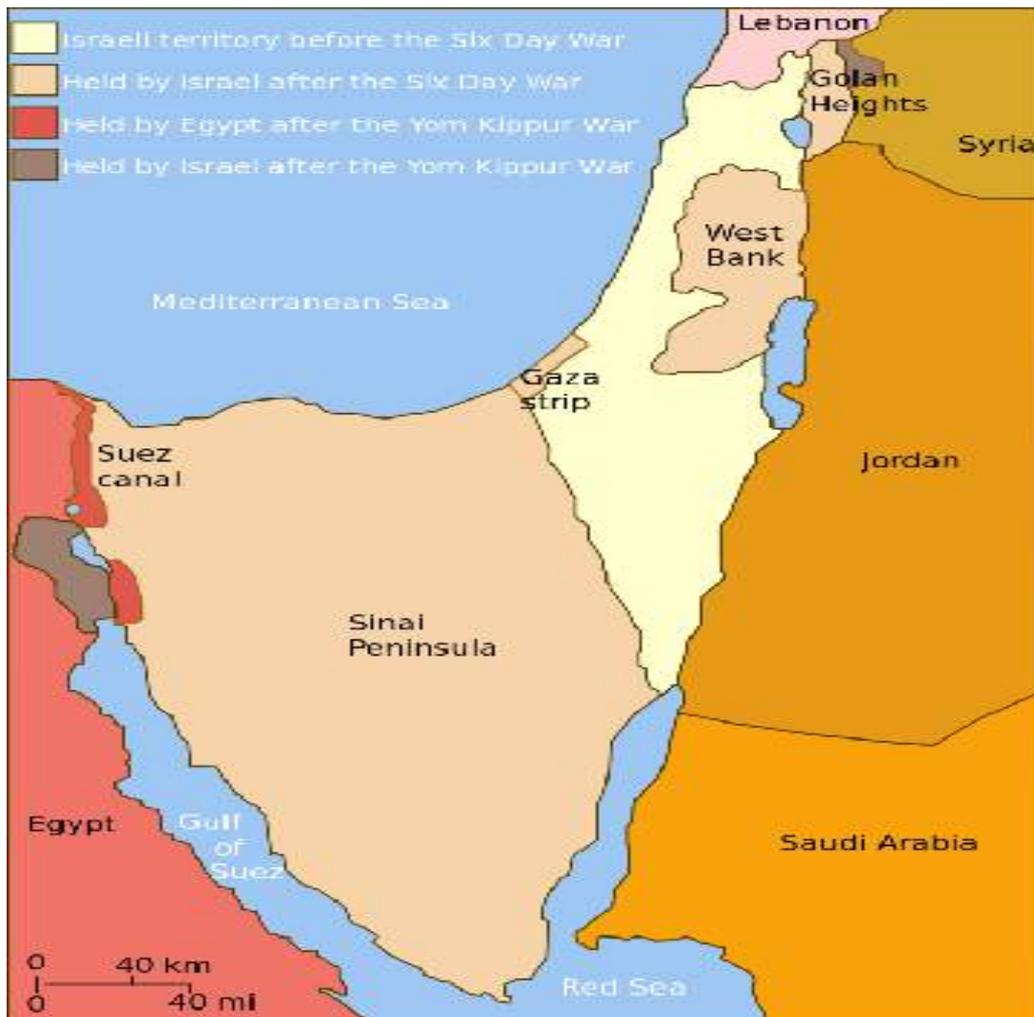
- Jerusalem was divided between Israeli forces in the West, and Jordanian forces in the East. Over the following years, tensions rose in the region, particularly between Israel and Egypt, Jordan, and Syria.

Second Arab Israel War

Palestinian Loss of Land 1947 to Present



- Following the 1956 Suez Crisis and Israel's invasion of the Sinai Peninsula, Egypt, Jordan, and Syria signed mutual defense pacts in anticipation of a possible mobilization of Israel troops.



- In June 1967, following a series of maneuvers by Egyptian President Abdel Gamal Nasser, Israel preemptively attacked Egyptian and Syrian air forces, starting the Six- Day War.
- After the war, Israel gained territorial control over the Sinai Peninsula and Gaza Strip from Egypt; the West Bank and East Jerusalem from Jordan; and the Golan Heights from Syria.

Camp David Accords

- Six years later, in what is referred to as the Yom Kippur War or the October War, Egypt and Syria launched a surprise two-front attack on Israel to regain their lost territory.
- The conflict did not result in significant gains for Egypt, Israel, or Syria, but Egyptian President Anwar al-Sadat declared the war a victory for Egypt as it allowed Egypt and Syria to negotiate over previously ceded territory.
- Finally, in 1979, following a series of cease-fires and peace negotiations, representatives from Egypt and Israel signed the Camp David Accords, a peace treaty that ended the thirty- year conflict between Egypt and Israel.

Palestine's Intifadas

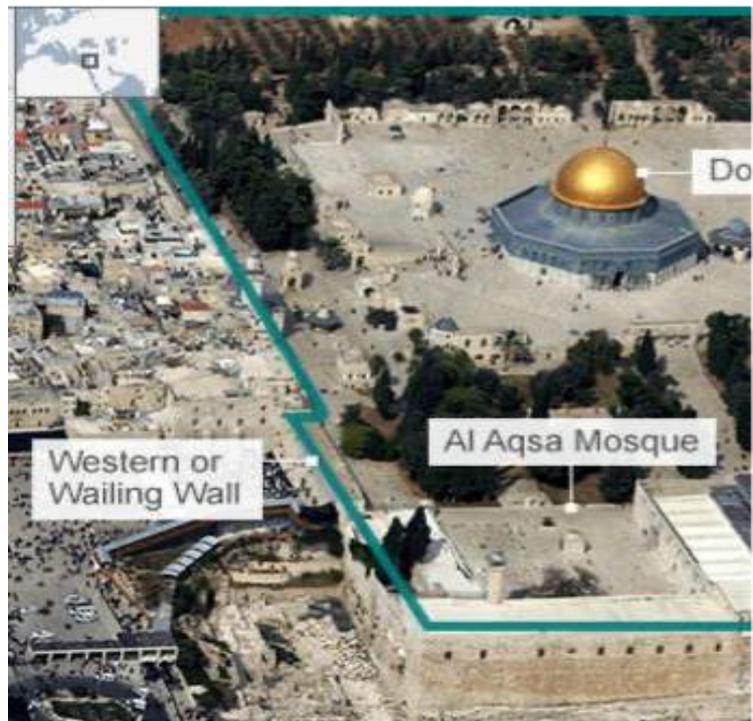
- Even though the Camp David Accords improved relations between Israel and its neighbours, the question of Palestinian self-determination and self- governance remained unresolved.

- In 1987, hundreds of thousands of Palestinians living in the West Bank and Gaza Strip rose up against the Israeli government in what is known as the first intifada.
- The 1993 Oslo I Accords mediated the conflict, setting up a framework for the Palestinians to govern themselves in the West Bank and Gaza, and enabled mutual recognition between the newly established Palestinian Authority and Israel's government.
- In 1995, the Oslo II Accords expanded on the first agreement, adding provisions that mandated the complete withdrawal of Israel from 6 cities and 450 towns in the West Bank.
- In 2000, sparked in part by Palestinian grievances over Israel's control over the West Bank, a stagnating peace process, and former Israeli Prime Minister Ariel Sharon's visit to the al-Aqsa mosque – the third holiest site in Islam – in September 2000, Palestinians launched the second intifada, which would last until 2005.
- In response, the Israeli government approved construction of a barrier wall around the West Bank in 2002, despite opposition from the International Court of Justice and the International Criminal Court.
- In 2013, the United States attempted to revive the peace process between the Israeli government and the Palestinian Authority in the West Bank. However, peace talks were disrupted when Fatah – the Palestinian Authority's ruling party – formed a unity government with its rival faction Hamas in 2014.
- Hamas, a spin-off of Egypt's Muslim Brotherhood founded in 1987 following the first intifada, is one of two major Palestinian political parties and was designated a foreign terrorist organization by the United States in 1997.



Status of Jerusalem

- Since 2017-18, tensions were again at an all time high. Israel considers the “complete and united Jerusalem” its capital, while Palestinians claim East Jerusalem as the capital of a future Palestinian state.
- Jerusalem has been at the centre of the Israeli- Palestinian conflict. According to the original 1947 UN partition plan, Jerusalem was proposed to be an international city.
- But in the first Arab Israel war of 1948, the Israelis captured the western half of the city, and Jordan took the eastern part, including the Old City that houses Haram al-Sharif. Al-Aqsa Mosque and the Dome of the Rock, holy site for Jews, are situated within Haram al-Sharif (Noble Sanctuary).



Present status and Issues

- In 1980, Israel passed the “Jerusalem Law”, stating that “Jerusalem, complete and united, is the capital of Israel, which was declared as null and void by Resolution 478 of the UN Security Council.
- In December 2017, USA under President Trump recognised United States recognition of Jerusalem as the capital of Israel and ordered the planning of the relocation of the U.S. Embassy in Israel from Tel Aviv to Jerusalem.
- In August and September 2020, the United Arab Emirates (UAE) and then Bahrain agreed to normalize relations with Israel, making them only the third and fourth countries in the region- following Egypt in 1979 and Jordan in 1994- to do so.
- The agreements, named the Abraham Accords, came more than eighteen months after the United States hosted Israel and several Arab states for ministerial talks in Warsaw, Poland, about the future of peace in the Middle East. The Accords however were rejected by Palestinians authorities.
- Tensions have been building up since the start of Ramzan in mid-April when Israeli police set up barricades at the Damascus Gate outside the occupied Old City, preventing Palestinians from gathering there.
- In May Israeli armed forces stormed Al-Aqsa Mosque in Jerusalem, ahead of a march by Zionist nationalists commemorating Israel’s capture of the eastern half of the city in 1967.
- This coincided with protests by Palestinians over a forthcoming decision of the Israeli Supreme Court regarding the eviction of Palestinian families from Sheikh Jarrah, a neighborhood of East Jerusalem. In retaliation, Hamas, the Islamist militant group that runs Gaza, fired dozens of rockets.
- On 15 May the IDF targeted the Al Jalaa building in Gaza, which housed Al Jazeera and Associated Press journalists, and a number of other offices and apartments. They also slammed the Gaza Strip with airstrikes, in a dramatic escalation that included bombing the home of a senior Hamas leader.



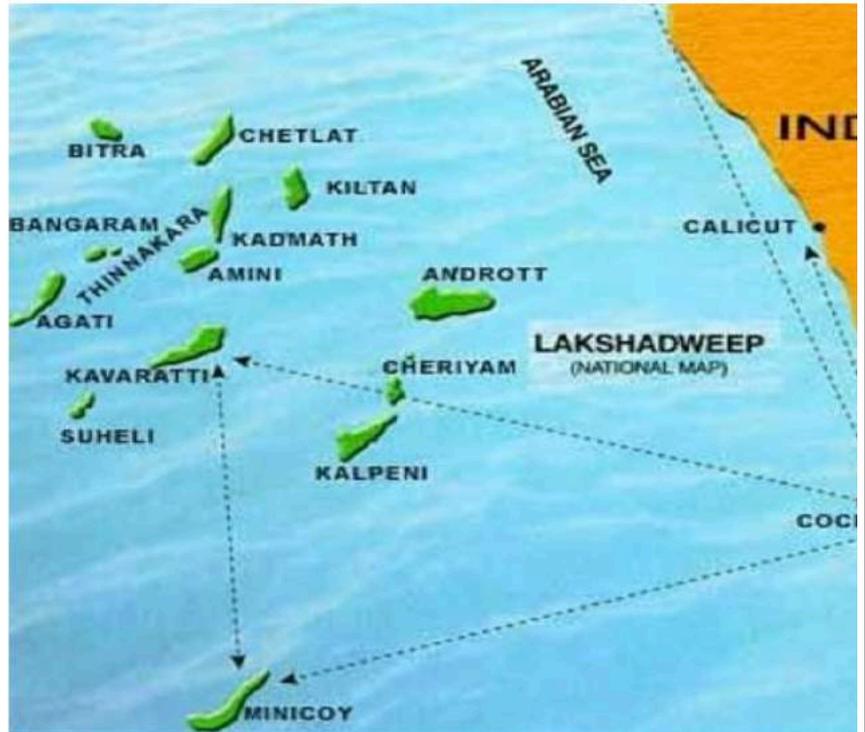
9. Lakshdeep Islands

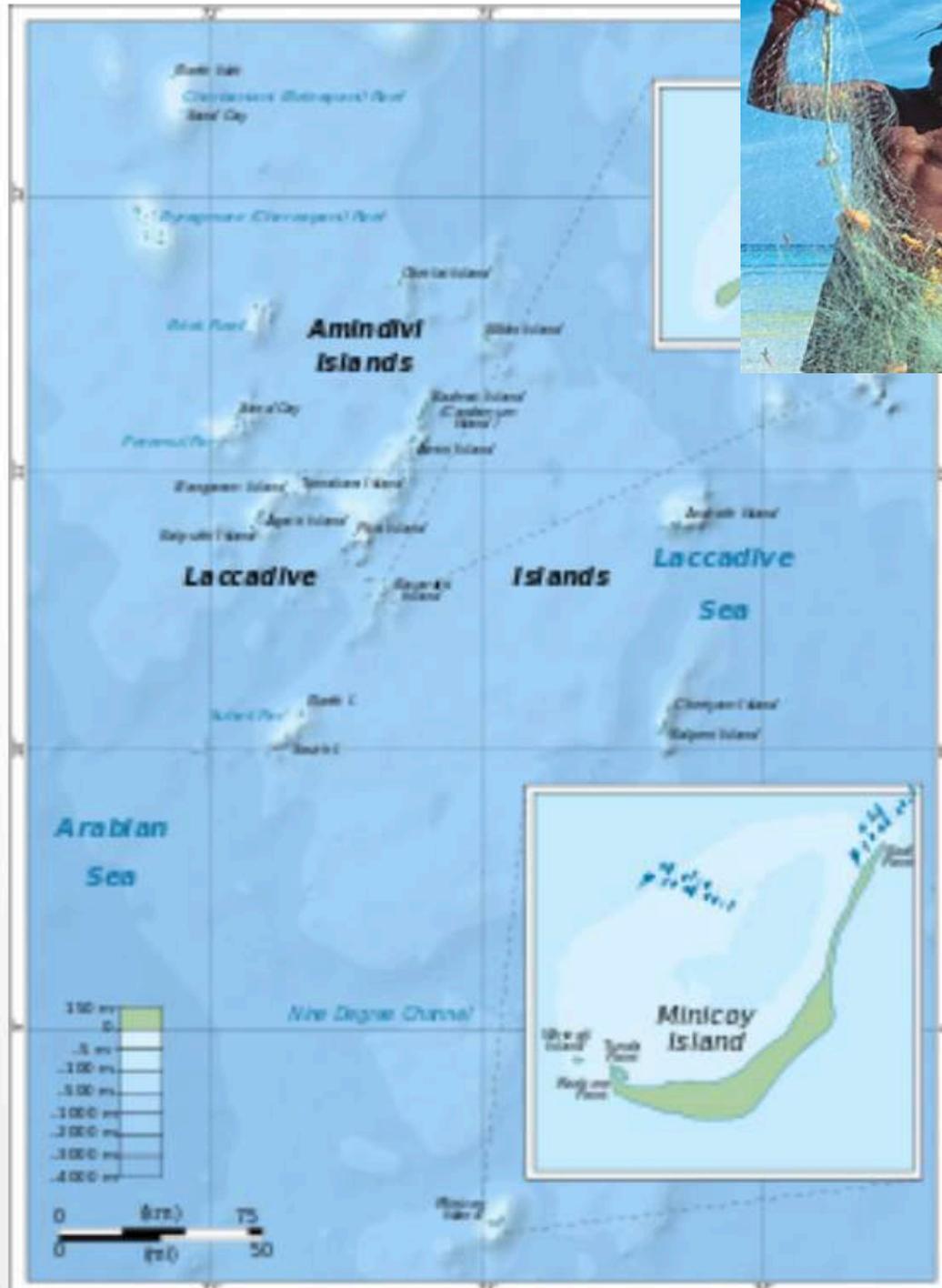
- Lakshadweep is an archipelago of 36 islands in the Arabian sea and a part of a vast undersea mountain range, the Chagos - Lakshadweep Ridge.
- Lakshadweep means "one lakh islands" in Malayalam, the official as well as the widely spoken native language in the territory.

- The islands form the smallest union territory of India. The region forms a single Indian district with 10 subdivisions. Kavaratti serves as the capital of the Union Territory and the region comes under the jurisdiction of Kerala High Court.

History and Society of Lakshadweep

- The islands have long been known to sailors, as indicated by an anonymous reference from the first century CE to the region in Periplus of the Erythraean Sea.
- The islands were also mentioned in the Buddhist Jataka stories of the sixth century BCE. Islam was established in the region when Muslims arrived around the seventh century.
- As per the 2011 Census, majority of the indigenous population is Muslim and most of them belong to the Shafi school of the Sunni sect. The culture is almost similar to that of Mappilas in the nearest mainland state of Kerala.





Administration of Lakshadweep

- When the Constitution of India was adopted in 1949, the Indian federation was divided into Part A, B, C and D states.
- After the States Reorganisation Act of 1956, Part C and Part D states were combined into a single category of 'Union Territory'. The concept of the UT was added by the Constitution (Seventh Amendment) Act, 1956.
- India today has 8 Union Territories in all which are the federal territories and are administered by the Union Government of India.

- On 1 November 1956, during the reorganization of Indian states, the Lakshadweep islands were separated from Malabar District and organised into a separate union territory for administrative purposes. The new territory was called Laccadive, Minicoy, and Amindivi Islands before adopting the Lakshadweep name on 1 November 1973.
- Article 239 of the Indian Constitution deals with administration of UTs in India. The Constitution provides that save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.
- Further, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

Proposals by the Lakshadweep Administrator

- There has been a rising issue due to certain proposals by the current administrator, Praful K Patel, who is also the the Administrator of the UT of Dadra and Nagar Haveli and Daman and Diu. The proposed orders of the administrator are seen as infringing upon the socio-cultural fabric of the UT.
- A proposal order from the Administration seeks to ban the slaughter of cow, calf, bull and buffalo without a certificate from a competent authority. It prohibits the sale, transport and storage of beef and beef products. Penalties include a jail term up to one year and a fine of Rs 10,000.
- Another proposal falls under the the Draft Panchayat Regulation 2021, wherein the Administration aims to bar people with more than two children from becoming a member of the gram panchayat. For those who already have more than two children, the regulation does not disqualify them provided they do not have further children after the date on which the rule comes into effect.
- Another proposal administration has decided to allow liquor to be served at resorts on inhabited islands. Currently, prohibition is in place on all inhabited islands, with liquor served only at resorts on the uninhabited Bangaram island.
- The Administration brought in a draft Lakshadweep Development Authority Regulation (LDAR) to oversee development of towns on the islands, with sweeping changes in the way land can be acquired and utilised. It talks of declaration of 'planning areas' and constitution of 'planning and development authorities' for preparing a land use map and register, for large projects.
- The draft Lakshadweep Prevention of Anti-Social Activities Regulation provides for powers to detain a person for up to one year to prevent him from "acting in any manner prejudicial to the maintenance of public order". It allows for detention for anti- social activities from six months to a year without legal representation.

Issues raised by people of Lakshadweep

- While the administration believes the proposals will boost tourism and development in Lakshadweep, its inhabitants have been skeptical due to the following reasons:
- The draft LADR gives the government and its bodies arbitrary and unchecked power to directly interfere with an islander's right to possess and retain their property. The large projects may also have a detrimental impact on the fragile ecology and environment of islands.
- The Anti-Social Activities Regulation Bill 2021 is seen as authoritarian in an otherwise peaceful territory with a crime rate of 0.7% as per the 2019 NCRB Report.

- The Lakshadweep Animal Preservation and Regulation 2021 is seen as a direct infringement on the cultural and dietary habits of the region, decided without any consultation. This is coupled with the introduction of liquor in the islands which due to cultural reasons had a near-prohibition environment.
- This coupled with the relaxing of Covid-19 SOPs and doing away of mandatory quarantine, wherein anyone with a negative RT-PCR certificate issued in the previous 48 hours could travel to Lakshadweep leading to a spurt in cases and the island losing its 'green zone' tag.

10. Seditious Law in India

- The Supreme Court in May 2021 underlined the need to define the limits of sedition, in view of coercive action sought against two Telugu channels by the Y.S. Jaganmohan Reddy-led Andhra Pradesh government for their reportage of the COVID-19 pandemic in the State.
- A three-judge Bench led by Justice D.Y. Chandrachud flagged indiscriminate use of the sedition law against critics, journalists, social media users, activists and citizens for airing their grievances about the governments' COVID management.
- Section 124 A of the IPC states that whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.
- The law was originally drafted in 1837 by Thomas Macaulay, the British historian- politician, but was inexplicably omitted when the IPC was enacted in 1860.
- Section 124A was inserted in 1870 by an amendment introduced by Sir James Stephen when it felt the need for a specific section to deal with the offence. It was one of the many draconian laws enacted to stifle any voices of dissent at that time.
- Arguments in support of Section 124A:
 - ✓ Section 124A of the IPC has its utility in combating anti-national, secessionist and terrorist elements.
 - ✓ It protects the elected government from attempts to overthrow the government with violence and illegal means. The continued existence of the government established by law is an essential condition of the stability of the State.
 - ✓ If contempt of court invites penal action, contempt of government should also attract punishment.
 - ✓ Many districts in different states face a Maoist insurgency and rebel groups virtually run a parallel administration. These groups openly advocate the overthrow of the state government by revolution
- Against this backdrop, the abolition of Section 124A would be ill-advised merely because it has been wrongly invoked in some highly publicized cases.
- Arguments against Section 124A:

- ✓ Section 124A is a relic of colonial legacy and unsuited in a democracy. It is a constraint on the legitimate exercise of constitutionally guaranteed freedom of speech and expression.
- ✓ Dissent and criticism of the government are essential ingredients of robust public debate in a vibrant democracy. They should not be constructed as sedition. Right to question, criticise and change rulers is very fundamental to the idea of democracy.
- ✓ The British, who introduced sedition to oppress Indians, have themselves abolished the law in their country. There is no reason, why should not India abolish this section.
- ✓ The terms used under Section 124A like 'disaffection' are vague and subject to different interpretation to the whims and fancies of the investigating officers.
- ✓ IPC and Unlawful Activities Prevention Act have provisions that penalize "disrupting the public order" or "overthrowing the government with violence and illegal means". These are sufficient for protecting the national integrity. There is no need for Section 124A.
- ✓ In 1979, India ratified the International Covenant on Civil and Political Rights (ICCPR), which sets forth internationally recognized standards for the protection of freedom of expression.

11. Protection and Anticipatory Bail

- Context: Context: Courts in "extraordinary circumstances" have the discretion to grant protection from arrest to accused even while denying them anticipatory bail, but the power cannot be exercised in an untrammelled manner, and the order will have to be a reasoned one, the Supreme Court ruled in June 2021.
- The Bench said that applicant may plead protection for some time as he/ she is the primary caregiver or breadwinner of his/her family members, and needs to make arrangements for them. Court may also exercise its powers under Article 142 of the Constitution to pass such an order.
- The court must take into account the statutory scheme under Section 438, Cr.P.C., (which deals with anticipatory bail) and balance the concerns of the investigating agency, complainant and the society at large with the concerns/interest of the applicant.
- Conditions while granting anticipatory bail
- While granting anticipatory bail, the Sessions Court or High Court can impose the conditions laid down in sub-section (2). These include:
 - ✓ a condition that the person shall make himself available for interrogation by a police officer as and when required;
 - ✓ a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
 - ✓ a condition that the person shall not leave India without the previous permission of the Court;
 - ✓ such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

12. Challenge to Election Petition

- Context: West Bengal Chief Minister Mamata Banerjee filed an election petition in the Calcutta High Court challenging the Assembly election result of Nandigram constituency, where she had contested and lost to Suwendhu Adhikari.

What is an election petition?

- The Election Commission's role ends with the declaration of results, that is once the Returning Officer has signed the final result sheet (Form 20). After that, an election petition is the only legal remedy available to a voter or a candidate who believes there has been malpractice in an election.
- Such a person can challenge the result through an election petition submitted to the High Court of the state in which the constituency is located. Such a petition has to be filed within 45 days from the date of the poll results; nothing is entertained by courts after that.
- Although the Representative of the People Act of 1951 suggests that the High Court should try to conclude the trial within six months, it usually drags on for much longer.

On what grounds can an election petition be filed?

- Under Section 100 of the RP Act, an election petition can be filed on the grounds that:
 - ✓ On the day of the election, the winning candidate was not qualified to contest.
 - ✓ The winning candidate, his poll agent or any other person with the consent of the winning candidate has indulged in a corrupt practice. Section 123 of the RP Act has a detailed list of what amounts to corrupt practice, including bribery, use of force or coercion, appeal to vote or refrain from voting on grounds of religion, race, community, and language.
 - ✓ Improper acceptance of the nomination of the winning candidate or improper rejection of a nomination.
 - ✓ Malpractice in the counting process, which includes improper reception, refusal or rejection of any vote, or the reception of any vote which is void.
 - ✓ Non-compliance with the provisions of the Constitution or the RP Act or any rules or orders made under the RP Act.

What happens if the court finds that a contention of malpractice is correct?

- Under Section 84 of the RP Act, the petitioner may ask that the results of all or the winning candidates may be declared void. In addition to that, the petitioner may also ask the court to declare her (in case the petition is filed by a candidate) or any other candidate as the winner or duly elected.
- So the verdict on an election petition, if found in favour of the petitioner, may result in a fresh election or the court announcing a new winner.
- There are many examples, the most famous being the Allahabad High Court verdict of 1975 which set aside Indira Gandhi's election from Rae Bareilly constituency, four years earlier, on grounds of corrupt practice. The election petition was filed by her nearest rival Raj Narain who had lost by over one lakh votes.

- The High Court found that Indira Gandhi's election agent Yashpal Kapur, the District Magistrate of Rae Bareilly, the Superintendent of Police of Rae Bareilly and the Home Secretary of Uttar Pradesh government helped in the arrangements for her election tour on February 1 and February 25, 1971. This amounted to a corrupt practice under Section 123 (7) of the RP Act.

13. Breach of Privilege Motion

- Context: A CPI Member of Parliament, Binoy Viswam, has filed a breach of privilege motion against the Lakshadweep Administrator for denying him permission to visit the islands, preventing him from meeting his cadre and people of the island amidst growing resentment about the policies of the new administrator.

What is a breach of privilege motion?

- Members of Legislatures, both central and state, enjoy certain rights and immunities, individually and collectively, so that they can "effectively discharge their functions".
- Article 105 of the Constitution expressly mentions some of privileges, that is, freedom of speech in Parliament, immunity to a member from any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, immunity to a person from proceedings in any court in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- Further, Courts are prohibited from inquiring into the validity of any proceedings in Parliament on the ground of an alleged irregularity of procedure.
- No officer or Member of Parliament empowered to regulate procedure or the conduct of business or to maintain order in Parliament can be subject to a court's jurisdiction in respect of exercise by him of those powers.
- Apart from these, Constitution states that the powers, privileges and immunities of Parliament and MPs are to be defined by Parliament. No law has so far been enacted in this respect. In the absence of any such law, it continues to be governed by British Parliamentary conventions.
- However, reference to the House of Commons in Clause (3) of Article 105 was omitted by the Constitution (Forty-fourth Amendment) Act, 1978.
- Apart from the privileges as specified in the Constitution, the Code of Civil Procedure, 1908, provides for freedom from arrest and detention of members under civil process during the continuance of the meeting of the House or of a committee thereof and forty days before its commencement and forty days after its conclusion.
- The Constitution also extends the parliamentary privileges to those persons who are entitled to speak and take part in the proceedings of a House of Parliament or any of its committees.
- These include the Attorney General of India. The parliamentary privileges do not extend to the President who is also an integral part of the Parliament. Article 361 of the Constitution provides for privileges for the President.

Penal powers of the House

- If any individual or authority violates or disregards any of the privileges, powers and immunities of the House or members or committees thereof, he may be punished for “breach of privilege” or “contempt of the House”.
- The House has the power to determine as to what constitutes breach of privilege and contempt. The penal jurisdiction of the House in this regard covers its members as well as strangers and every act of violation of privileges, whether committed in the immediate presence of the House or outside of it.
- A person found guilty of breach of privilege or contempt of the House may be punished either by imprisonment, or by admonition (warning) or reprimand. Two other punishments may also be awarded to the members for contempt, namely, ‘suspension’ and ‘expulsion’ from the House.

Process of breach of privilege motion

- A notice is moved in the form of a motion by any member of either
- House against those being held guilty of breach of privilege.
- The LS Speaker/RS chairperson is the first level of scrutiny of a privilege motion.
- The Speaker/Chair can decide on the privilege motion himself or herself or refer it to the privileges committee of Parliament.
- If the Speaker/Chair gives consent under relevant rules, the member concerned is given an opportunity to make a short statement.

14. What are the Drone Guidelines in India?

- Context: On 27th June 2021 the Indian Air Force Station in Jammu faced a drone attack. Drones were spotted at three places on the outskirts of Jammu city on 29th June 2021 keeping the security forces on tenterhooks. In wake of the same, PM Modi chaired a meet to review India's drone policy and the security implications of civilian use of drones.
- A policy framework for opening up the skies for civil use of drones is already in the pipeline and the meeting was focussed on how to build in a strong mechanism to disarm security threats, while continuing its civil purposes.
- According to the recent guidelines under the Unmanned Aircraft System Rules, 2021, issued by the Ministry of Civil Aviation, no license or permit is needed to fly drones weighing less than 250 grams.

What are the guidelines under Unmanned Aircraft System Rules, 2021?

- The ability to fly a drone in India is subject to the type of drone and the corresponding permit and license needed for it. As per the size of the drone, the following categories have been listed under the Gazette:
 - ✓ Nano Drones: Drones weighing less than or equal to 250 grams fall under this category. The Unmanned Aircraft System Rules, 2021, state that no license or permit is needed to fly such drones.

- ✓ Micro and Small Drones: Micro drones are those weighing more than 250 grams but less than 2 kg. The latter, Small drones, indicates UAS weighing more than 2 kg but under 25 kg. Pilots of such drones require a UAS Operator Permit-I (UAOP-I) for all flying purposes.
- ✓ The drone pilots will have to follow the Standard Operating Procedure (SOP) as accepted by the Directorate General of Civil Aviation (DGCA). The permit will allow the operation of such drones limited to the visual line of sight without any payload.
- ✓ Medium and Large Drones: The guidelines specify medium drones as those weighing more than 25 kg but less than 150 kg, while large drones have been classified as those weighing more than 150 kg. For the operation of either one of them, one would require UAS Operator Permit-II (UAOP-II).
- Operators are also required to implement a Safety Management System (SMS) as standard practice for ensuring safe operation. UAOP-II permits the carriage of goods as well as dangerous goods as per the Aircraft (Carriage of Dangerous Goods) Rules, 2003.
- UAOP-II holders can also use Micro and Small drones to carry goods subject to Operations Manual and clearances from DGCA. Both UAOP-I and UAOP-II will remain valid for a period of not more than ten years.

Drone Pilot License

- There are two types of licences that will determine the issuance of an operator's permit. These are Student Remote Pilot License and Remote Pilot License. Applicants of any of these licences should be at least 18 years of age and not more than 65 years of age if flying a drone for commercial activity.
- The applicants should have passed class X or "its equivalent examination from a recognised Board." Applicants are also required to clear a DGCA specified medical examination and a background check.
 - ❖ Student Remote Pilot License: Valid for a maximum period of 5 years from the date of issuance, Student Remote Pilot License is issued for a fee by an authorised training organisation. These can be renewed for an additional period of 2 years.
 - ❖ Remote Pilot License: These licences are issued for a fee by the DGCA itself and stand valid for a total of 10 years from issuance. These are issued on the basis of training and skill tests from an authorised training organisation. A Remote Pilot License can be renewed for another 10 years once expired.

Drone use conditions

- There are, of course, several restrictions on drone use even if you manage to attain these licences and permits. DGCA has also put up conditions for flying such drones, and the pilots are required to abide by them. For instance, such drones cannot be flown within closed spaces. They also need prior clearance from Air Traffic and Air Defence Control before being flown.
- The most obvious one is that no drones should fly over a Prohibited Area. The Gazette specifies "Prohibited Area" as "the airspace of defined dimensions, above the land areas or territorial waters of India within which the flights of unmanned aircraft are not permitted."

- Other than the area restrictions, there are limitations on the altitude and speed at which drones can be flown. These are mostly based on the type of drones. A Micro drone, for instance, cannot be flown beyond a height of 60 meters above ground level (AGL) or over a speed of 25 meters per second. The same restrictions for Small drones stand at 120 meters AGL and 25 meters per second.
- The Gazette highlights penalties on several acts that go against the guidelines issued in the Gazette. These range from flying a drone without a licence and permit to flying them over prohibited areas.
- Individuals flying any drone other than those in the Nano category, for instance, without a valid license or permit, will have to pay a fine of Rs 25,000. Flying an unmanned aircraft over no operation area will attract a penalty of Rs 50,000. Such penalties extend up to Rs 5 lakh for the manufacturers of drones.

15. Ministry of Cooperation

- Context: The Narendra Modi government on 6th July 2021 announced the creation of a new ministry, named the Ministry of Cooperation to realise the vision of 'Sahkar se Samriddhi' or prosperity through cooperatives.
- This is the second ministry to be created during the second term of the Modi government, after it came to power in 2019. The first new ministry to be established was the Jal Shakti ministry in 2019. However, unlike the Ministry of Cooperation, it was created by integrating two existing ministries - water resources, river development and Ganga rejuvenation, and drinking water and sanitation.

Who creates Ministries?

- A ministry in the Government of India essentially overlooks one subject and comprises employed officials such as civil servants who oversee its functioning. Most major ministries are headed by a Cabinet Minister.
- Ministries or departments are created by the President on advice of the Prime Minister under the Government of India (Allocation of Business Rules) 1961, which is part of Article 77 of the Constitution.
- Under these rules, each ministry is assigned a minister by the President on the advice of the Prime Minister. Cumulatively, all cabinet ministers, ministers of state and the ministers of state who have an independent charge are called the 'Council of Ministers' that aids the Prime Minister in governance.
- The Cabinet Secretariat is responsible for coordination, smooth transaction of business and decision-making among ministries and departments and is under the direct charge of the PM.

Past examples of new ministries

- The creation of ministries is also not new. In 2000, the Ministry of Youth Affairs and Sports, which is now headed by Kiren Rijiju, was created.
- Another example was the creation of the Ministry of Skill Development and Entrepreneurship in 2014.
- In 2017, the Modi government merged two ministries – urban development, and housing and urban poverty alleviation – to create the Ministry of Housing and Urban Affairs.

Role of Ministry of Cooperation

- The ministry will provide a separate administrative, legal and policy framework to strengthen the cooperative movement in the country. Further, it will work to streamline processes allowing cooperatives the ease of doing business while also enabling the development of multi- state cooperatives.

What are Cooperatives?

- According to the International Co-operative Alliance, cooperatives are people-centred enterprises owned, controlled and run by and for their members to realise their common economic, social, and cultural needs and aspirations.
- British India first enacted the Cooperative Credit Societies Act, 1904. In 1919, cooperation became a provincial subject and provinces were authorised to make their own cooperative laws under the Montague-Chelmsford Reforms. In 1942, the British government enacted the Multi-Unit Cooperative Societies Act, intended to cover such societies whose operations extended to more than one province.
- In India, a cooperative society can be formed under provisions of the Co-operative Societies Act, 1912. The provisions state that at least 10 people above 18 years, having the capacity to enter into a contract with common economic objectives, such as farming and weaving among others, can form a cooperative society. Co-operative societies were also championed by India's first Prime Minister Jawaharlal Nehru.
- Post Independence in 1958, the National Development Council (NDC) recommended a national policy on cooperatives with the setting up of co-operative marketing societies. In 1984, Parliament enacted the Multi-State Cooperative Societies Act to declutter different laws governing the same types of societies. In 2002, the then NDA government under Atal Bihari Vajpayee announced a National Policy on Cooperatives to support the promotion and development of cooperatives.

16. All about Section 66 A of the IT Act

What was Section 66A of IT Act?

- **Context:** Recently the Supreme Court found that Section 66 A of the IT act which was struck down in 2015, was still being invoked by the police with nearly 745 active cases in district courts across 11 states.

What is the Information Technology Act 2000?

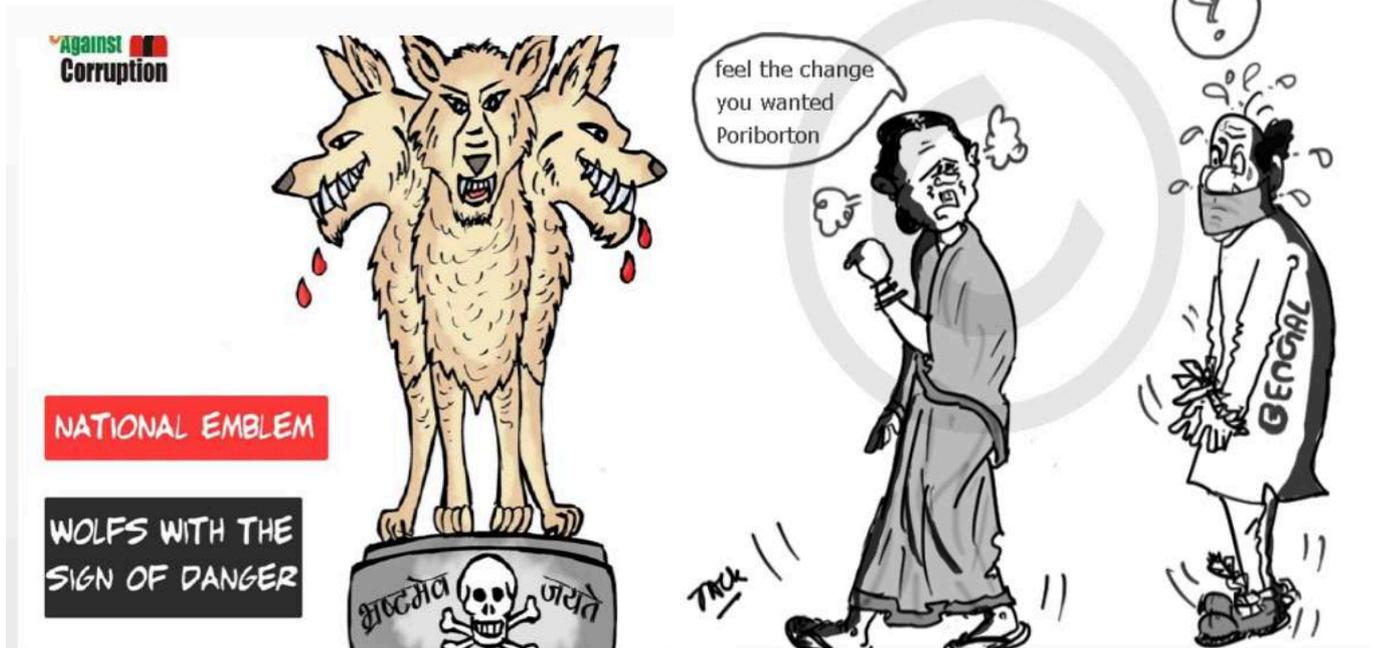
- The **Information Technology (IT) Act, 2000** provides for legal recognition for transactions through electronic communication, also known as e- commerce. The Act also penalizes various forms of cyber crime. The **2021 IT rules** also have stemmed from **section 87** of the Information Technology Act, 2000.
- The Act was amended in 2009 to insert a new section, Section 66A which was said to address cases of cyber crime with the advent of technology and the internet.

What were the provisions of Section 66 A?

- Section 66(A) of the Act criminalised the sending of offensive messages through a computer or other communication devices. Under this provision, any person who by means of a computer or communication device sends any information that is:

✓ grossly offensive;

- ✓ false and meant for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will;
- ✓ meant to deceive or mislead the recipient about the origin of such messages, etc, shall be punishable with imprisonment up to three years and with fine.



When and why was it struck down?

- A Public Interest Litigation (PIL) was filed by a law student **Shreya Singhal**, in the Supreme Court, challenging this provision on grounds of unconstitutionality. It was said to impinge upon the **freedom of speech and expression** guaranteed by **Article 19(1)(a) of the Constitution**.
- In **2015**, the Supreme Court struck down the draconian section 66 A of the IT Act as unconstitutional on grounds of violating the freedom of speech guaranteed under Article 19(1)(a) of the Constitution of India and was not saved by virtue of being a '**reasonable restriction**' on the freedom of speech under Article 19(2).
- The Supreme Court also read down **Section 79** and Rules under the Section. It held that online intermediaries would only be obligated to take down content on receiving an **order from a court or government authority**.

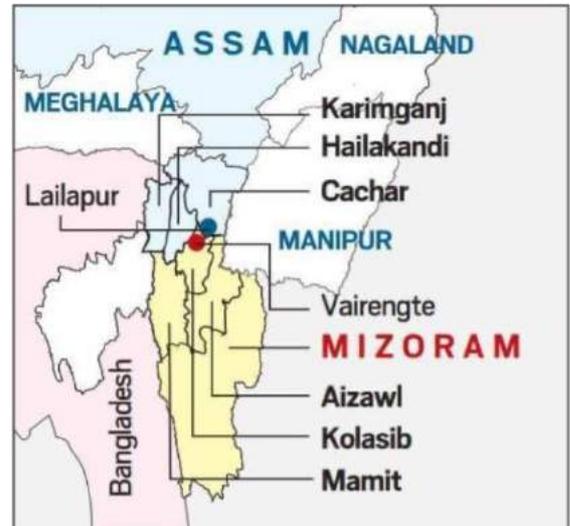
Which of the following does not constitute a reasonable restriction under Article 19 (2) of Indian Constitution?

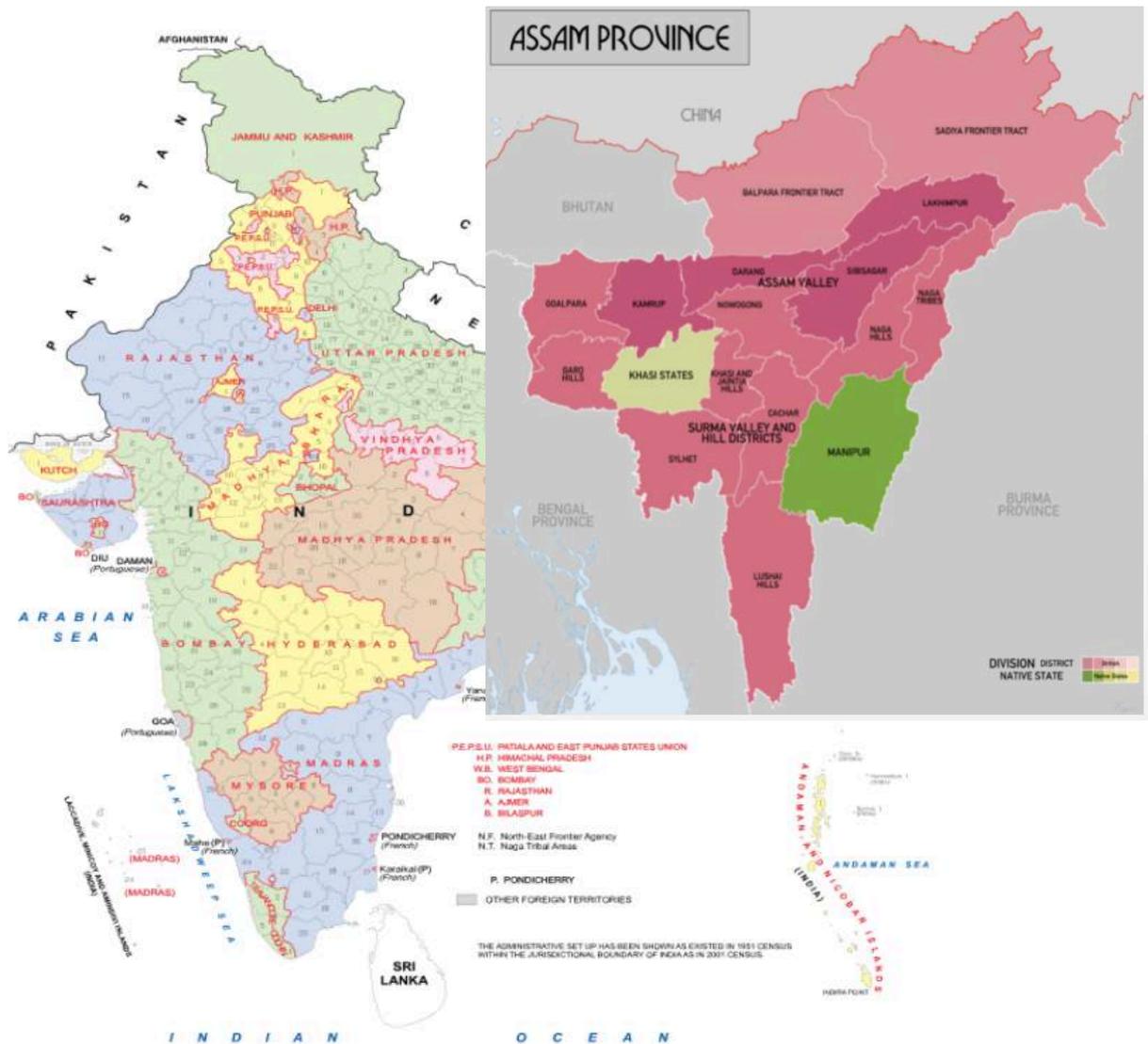


- A. Defamation
- B. Incitement to Offence
- C. Decency or morality
- D. Intellectual Property

17. Assam-Mizoram Clashes?

- Context: On 26th July 2021, at least five Assam Police personnel were killed and 50 others were injured as Assam and Mizoram policemen allegedly fired at each in a sudden escalation of a border dispute between the two states.
- The clashes stem from a land dispute between Assam and Mizoram over "improper demarcation of the state border".
- Three districts in Assam - Cachar, Hailakandi and Karimganj, lined by the Barak valley - share a 164.6 km-long border with three districts of Mizoram.
- The region only gained recognition in 1972 - almost three decades after India's independence - when it became a separate federally administered area. In 1987, it became a fully-fledged state.
- The boundary between present-day Assam and Mizoram, dates back to the colonial era, when Mizoram was known as Lushai Hills, a district of Assam.
- The dispute stems from a notification of 1875 that for the first time, stipulated a clear demarcation between the Cachar plains (which lie in present-day Assam) and Lushai Hills, which later came to be known as Mizoram.
- In 1933, another notification released by the British government, marked the separation between the Lushai Hills and Manipur, which indicated that the Manipur border began from the tripoint of Lushai Hills, Assam's Cachar district and Manipur.
- Mizoram follows the 1875 notification, which was an upshot of the Bengal Eastern Frontier Regulation (BERF) Act of 1873 (also known as the Inner Line Regulation), claiming that it is the only prescription that took into account the position of the Mizo community.
- Assam follows a 1933 notification through which delimitation of the earlier boundary between Lushai Hills and the former princely state of Manipur was modified.
- The first row broke out in 1994, leading to several rounds of talks that were brokered by the federal government. But sporadic clashes have continued.
- In 2020, Residents of Lailapur village in Assam's Cachar district clashed with residents of localities near Vairengte in Mizoram's Kolasib district. Days before this clash, on October 9, 2020, similar violence had taken place on the border of Karimganj (Assam) and Mamit (Mizoram) districts.





- At the heart of the matter was an "eviction drive" carried out by Assam along a contested part of the border - authorities from the state reportedly burned a farmhouse and crops in the area.
 - The Mizoram government responded by deploying troops in areas which Assam claims is part of its territory.
 - After the violence on 26th July 2026, Assam's chief minister, Mr Sarma, announced on Twitter that members of the state police were killed by Mizoram forces "while defending the constitutional boundary".
 - Police in Assam also alleged that "miscreants" from Mizoram pelted them with stones and attacked its government officials.
 - A meeting with Home Minister Amit Shah had been conducted in Shillong on 24th July. Post clashes, central government has deployed the CRPF as a "neutral force" at the disputed border.
 - The tussle between the two states signifies confrontational/conflictual federalism in India stemming from territorial dispute.
- ✓ Boundary issues: The boundary issues between the states are the reasons for their disputes majorly. For example Karnataka and Maharashtra both lay claim to Belgaum. As per the North Eastern areas Reorganization Act 1971, there was a big change by the establishment of Manipur and Tripura.

- ✓ Imagined border: The border between the two neighbouring states is an imaginary line that changes with the natural obstacles of rivers, hills, valleys and forests. People of Assam and Mizoram have attributed the border conflicts to the differences over this not-so-clear boundary.
- ✓ Migration: There are many issues when people of a state feel that their land and resources are being used by the migrants from other states. This happens when there are not enough resources in the state which makes the job seekers move to other places.
- ✓ Sharing of Water Resources: The most long standing issue is the issue of water resources among the people of India. Due to increased demand for water people migrate and create ruckus.

Which of the following is correct about Zonal Councils in India?

- 1. 263 imagines the creation of Zonal Councils.**
 - 2. Zonal Councils are advisory bodies that have been grouped into six zones**
- A. 1 only
B. 2 only
C. Both 1 and 2
D. Neither 1 nor 2

Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021

<u>Name of the Bill:</u>	Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021
<u>Ministry:</u>	Women and Child Development
<u>Parent Act amended:</u>	Juvenile Justice (Care and Protection of Children) Act, 2015
<u>Focus of the Act:</u>	The Act contains provisions related to children in conflict with law and children in need of care and protection.
<u>International Obligations:</u>	The Act fulfils India's commitment as a signatory to the United Nations Convention on the rights of the child, the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993), and other related international instruments.

Main provisions of the Juvenile Justice Act 2015



National Commission on Protection of Child Rights Report (2018-19) on - Role Of Independent Commissions On Juvenile Justice Programmes In India And Closed Institutions

- NCPCR is a statutory body established under Commission for Protection of Child Rights Act, 2005. The 2018-19 Report point that:

- Over 7,000 Child Care Institutions (or children's homes) were surveyed and found that 1.5 per cent do not conform to rules and regulations of the JJ Act and 29 per cent of them had major shortcomings in their management.
- Not a single Child Care Institution in the country was found to be 100 per cent compliant to the provisions of the JJ Act.
- CCIs can be government-run, government-aided, privately-run or run through government, private or foreign funding. These institutions, while falling under the CWC and the state child protection units, had very little oversight and monitoring.
- Even to receive a licence, after an application was made, if the children's home were to not receive a reply from the government within three months time, it would be "deemed registered" for a period of six months, even without government permission.

Key Amendments of the 2021 Bill

- District Magistrates, including Additional District Magistrates, can now issue adoption orders under Section 61 of the JJ Act, in order to ensure speedy disposal of cases and enhance accountability. Now, DMs are also responsible for ensuring that CCIs falling in their district are following all norms and procedures.
- The Bill adds criteria to make people ineligible to be members of CWCs including: (i) having a record of violation of human rights or child rights (ii) being a part of a child care institute in the district. The DM will also carry out background checks of CWC members. The CWCs are also to report regularly to the DMs on their activities in the districts.
- Under the 2015 Act, offences committed by juveniles are categorised as heinous offences, serious offences, and petty offences. Serious offences include offences with three to seven years of imprisonment. Most heinous crimes have a minimum or maximum sentence of seven years. The Bill adds that serious offences will also include offences for which maximum punishment is imprisonment of more than seven years, and minimum punishment is not prescribed or is less than seven years.
- Revision and Booster strategy for UPSC Prelims 2021- Week wise Plan

18. Essential Defence Services Bill, 2021

Legal Status of Strikes and Lockouts in India

- Right to strike is not a fundamental right but a legal right and with this right statutory restriction is attached in the industrial dispute Act, 1947.
- While article 19 (4) provides there is a guaranteed fundamental right to form association or Labour unions but there is no fundamental right to go on strike or lockout. Under the Industrial Dispute Act, 1947 the ground and condition are laid down for the legal strike and if those provisions and conditions are not fulfilled then the strike will be illegal.
- Section 22 of the Act deals with the prohibition of Strikes and lockouts in industries carrying public utility service. The Strikes and lockouts in public utility services are not absolutely prohibited but certain conditions are to be fulfilled by the workmen before resorting to strike or by the employers before resorting to a lockout.

<u>Name of the Bill:</u>	Essential Defence Services Bill, 2021
<u>Ministry:</u>	Defence
<u>Parent Act amended:</u>	The Bill seeks to replace the Ordinance promulgated in June 2021.
<u>Focus of the Act:</u>	The Bill allows the central government to prohibit strikes, lock-outs, and lay-offs in units engaged in essential defence services to secure the security of nation and the life and property of the public at large.
<u>Constitutional and Legal Provisions:</u>	While right to protest has been recognized, there is no fundamental right to strike under Article 19(1)(a) of the Constitution. Under Article 33 of the Constitution, Parliament, by law, can restrict or abrogate the rights of the members of the armed forces or the forces charged with the maintenance of public order. Even the fundamental right to form an association can be restricted under Article 19(4) for armed forces and police.

Main provisions of the Essential Defence Services Bill

- Essential defence services include any service in:
 - ✓ any establishment or undertaking dealing with production of goods or equipment required for defence related purposes, or
 - ✓ any establishment of the armed forces or connected with them or defence.
- In addition, the government may declare any service as an essential defence service if its cessation would affect the:
 - ✓ production of defence equipment or goods,
 - ✓ operation or maintenance of industrial establishments or units engaged in such production, or
 - ✓ repair or maintenance of products connected with defence.
- The Bill amends the Industrial Disputes Act, 1947 to include essential defence services under public utility services. Under the Act, in case of public utility services, a six-week notice must be given before:
 - ✓ persons employed in such services go on strike in breach of contract or
 - ✓ employers carrying on such services do lock- outs.
- Under the Bill, strike is defined as cessation of work by a body of persons acting together. It includes:

- ✓ mass casual leave
 - ✓ coordinated refusal of any number of persons to continue to work or accept employment,
 - ✓ refusal to work overtime, where such work is necessary for maintenance of essential defence services, and
 - ✓ any other conduct which results in, or is likely to result in, disruption of work in essential defence services.
- Under the Bill, the central government may prohibit strikes, lock-outs, and lay-offs in units engaged in essential defence services. The government may issue such order if necessary in the interest of:
 - ✓ sovereignty and integrity of India, security of any state, public order, public, decency, or morality.
 - The prohibition order will remain in force for six months, and may be extended by another six months.
 - Strikes and lock-outs that are declared after the issue of the prohibition order, or had commenced before the prohibition order was issued will be illegal.
 - The prohibition will not apply to lay-offs made due to power shortage or natural calamity, or lay-offs of temporary or casual workmen.
 - Employers violating the prohibition order through illegal lock-outs or lay-offs will be punished with up to one year imprisonment or Rs 10,000 fine, or both.
 - Persons instigating, inciting, or taking actions to continue illegal strikes, or knowingly supplying money for such purposes, will be punished with up to two years.

19.6 Important Committees for UPSC Prelims

Justice. G. Rohini Commission

- The Union Cabinet set up a commission to examine the issue of **subcategorization of Other Backward Classes (OBCs)**.
- The commission took charge on October 11, 2017, is headed by retired Delhi High Court Chief **Justice G Rohini**. The commission is constituted of Centre for Policy Studies director Dr J K Bajaj as a member and two other ex-officio members.
- It has been setup under **Article 340** that empowers President to appoint a commission to investigate conditions of backward classes.
- It was set up to examine the possibility of creating categories within OBCs for the reservation to ensure “equitable distribution” of representation among all OBC communities.

Background

- The **First Backward Class Commission** report of 1955 had proposed sub-categorization of OBCs into backward and extremely backward communities.
- In the **Mandal Commission** report of 1979, a dissent note by member L.R. Naik proposed subcategorization into two groups- intermediate and depressed backward classes.
- In 2015, the NCBC had proposed that OBCs be divided into three categories on the basis of backwardness:
 - ✓ Extremely Backward Classes (EBC-Group A) facing social, educational and economic backwardness even within the OBCs, consisting of aboriginal tribes, nomadic and semi-nomadic tribes who have been carrying on with their traditional occupations;
 - ✓ More Backward Classes (MBC-Group B) consisting of vocational groups carrying on with their traditional occupations; and
 - ✓ Backward Classes (BC-Group C) comprising of those comparatively more forward.
- According to the NCBC, 11 states (Andhra Pradesh, Telangana, Puducherry, Karnataka, Haryana, Jharkhand, West Bengal, Bihar, Maharashtra, Rajasthan and Tamil Nadu) have subcategorized OBC for reservations in state-government-owned institutions.

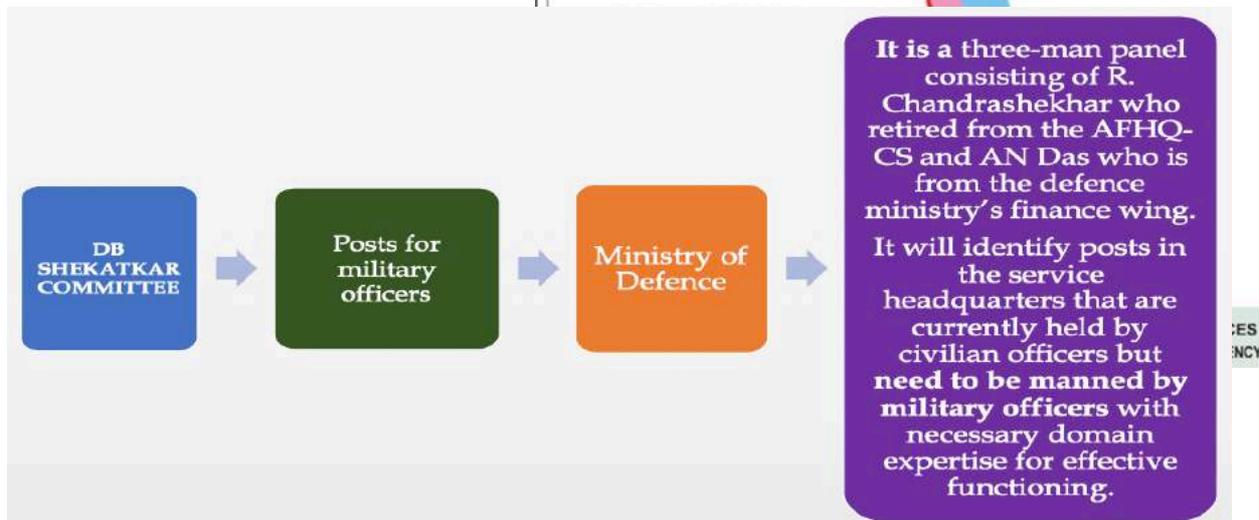
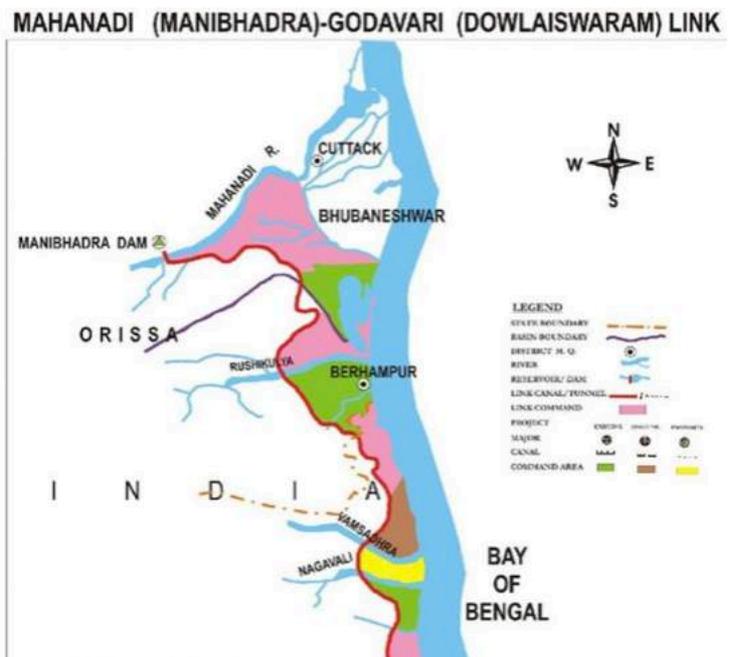
Harish Kumar Committee

- In October 2020, Election Commission formed a committee under Harish Kumar former DG (Investigation) and Umesh Sinha, EC Secretary- General, to examine the issues concerning **expenditure limit for a candidate**.
- The Ministry of Law & Justice on October 19, 2020 has notified an amendment in **Conduct of Elections Rules, 1961** enhancing the **expenditure limit by 10%**. This 10% will be applicable with immediate effect in ongoing elections.
- The committee assesses the change in several electors across the States/Union Territories & its bearing on expenditure.
- The committee assesses the change in the **Cost Inflation Index** and its bearing on the **pattern of expenditure incurred by the candidates in recent elections**.
- The committee seeks views/inputs of the **political parties and other stakeholders** examine other factors which may have bearings on expenditure.

Committee on Criminal Law Reform

- In 2020, the Ministry of Home Affairs (MHA) constituted a **national level committee for reform in criminal law** at the National Law University (Delhi) under Ranbir Singh (VC, NLU).
- The members include G S Bajpai, registrar, NLU, Delhi, Balraj Chauhan, vice-chancellor of DNLU Jabalpur, Mahesh Jethmalani, senior advocate and G P Thareja, former district and sessions judge, Delhi.

- The mandate of the committee is to recommend **reforms in the criminal laws** of the country in a principled, effective and efficient manner.
- It further seeks to balance the safety and security of the individual, the community and the nation and which prioritises the constitutional values of justice, dignity and inherent worth of the individual.
- Law reform is ordinarily within the mandate of the **Union Ministry of Law** and historically, various law commissions have been set up to



recommend law reforms.

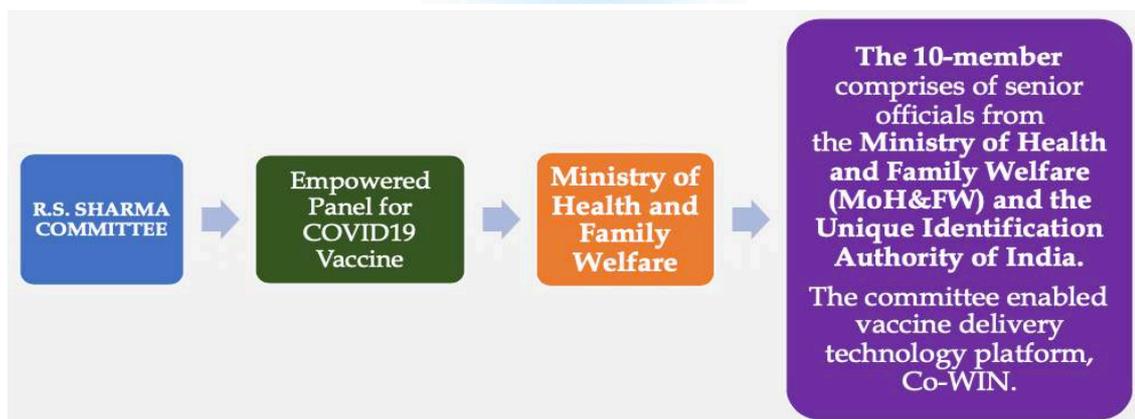
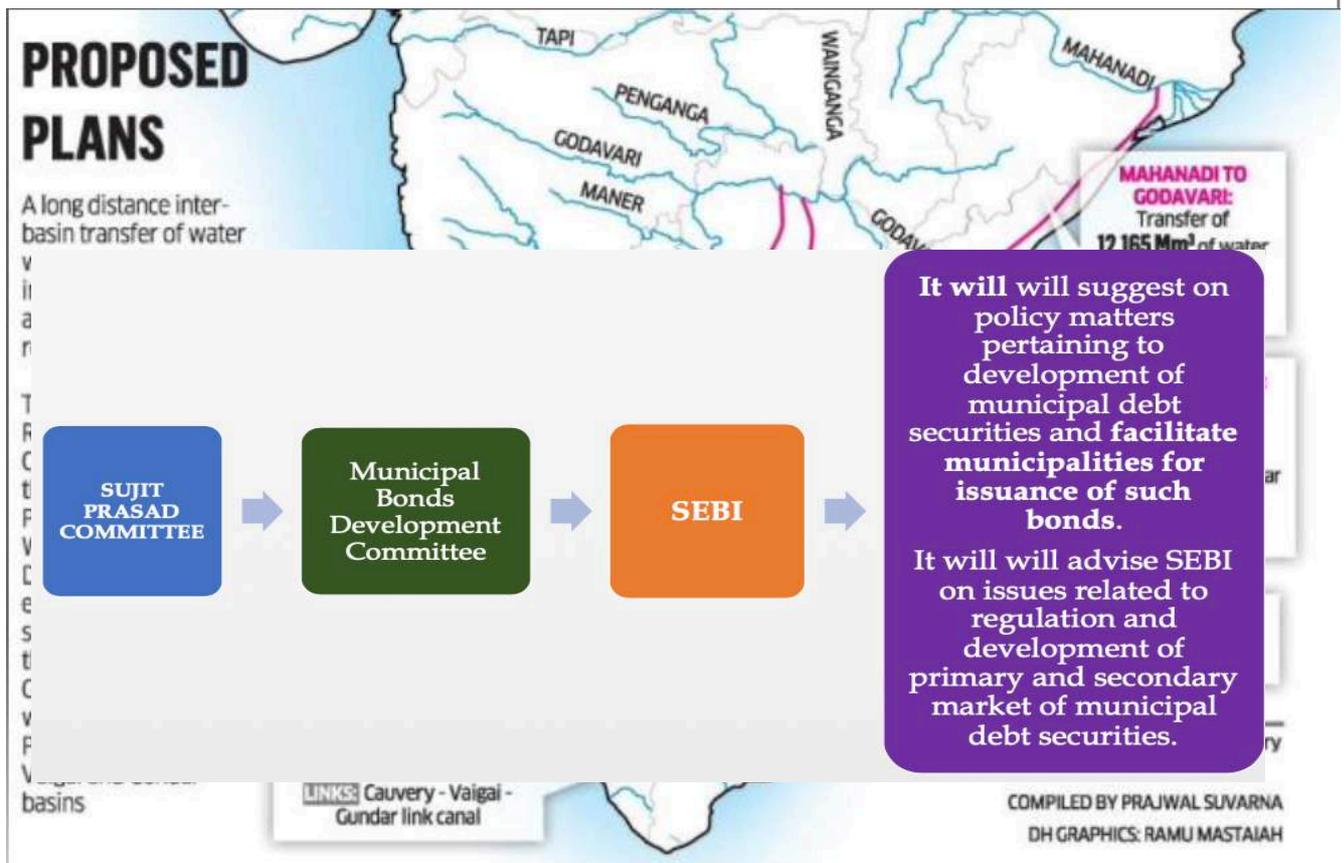
- After holding nationwide consultations over a period of three years, the commission gives a report that is studied by the law ministry and then placed before Parliament.

Task Force on Interlinking of Rivers

- The **Task Force on Interlinking** of Rivers headed by **Sriram Vedire**, who is also Advisor to the Ministry of Jal Shakti, was constituted in 2015.
- It is part of the plan to implement the National Perspective Plan (NPP), which was prepared by the then Ministry of Irrigation (now Ministry of Jal Shakti) in August 1980 for water resources development through inter basin transfer of water, for transferring water from water surplus basins to water-deficit basins.
- In 2021, the TF greed and approved the preparation of final detailed project report (DPR) on the proposed **Mahandi (Barmul)- Gadavari (Dowlaiswaram) link** by ensuring utilisation of the allocated Godavari waters by Telangana and Andhra Pradesh, en route the link canal of the project.

K.C. Reddy Committee

- The National Human Rights Commission in 2020 set up an 11-member expert committee headed by Dr K S Reddy, president of Public Health Foundation of India to study impact of coronavirus (Covid-19).
- It looks at Covid's impact on human rights of individuals, particularly marginalised and vulnerable sections of the society, together with migrant labourers & will also study the future response of the government.
- The Expert committee was also tasked to advice on **future policy by centre and state governments.**



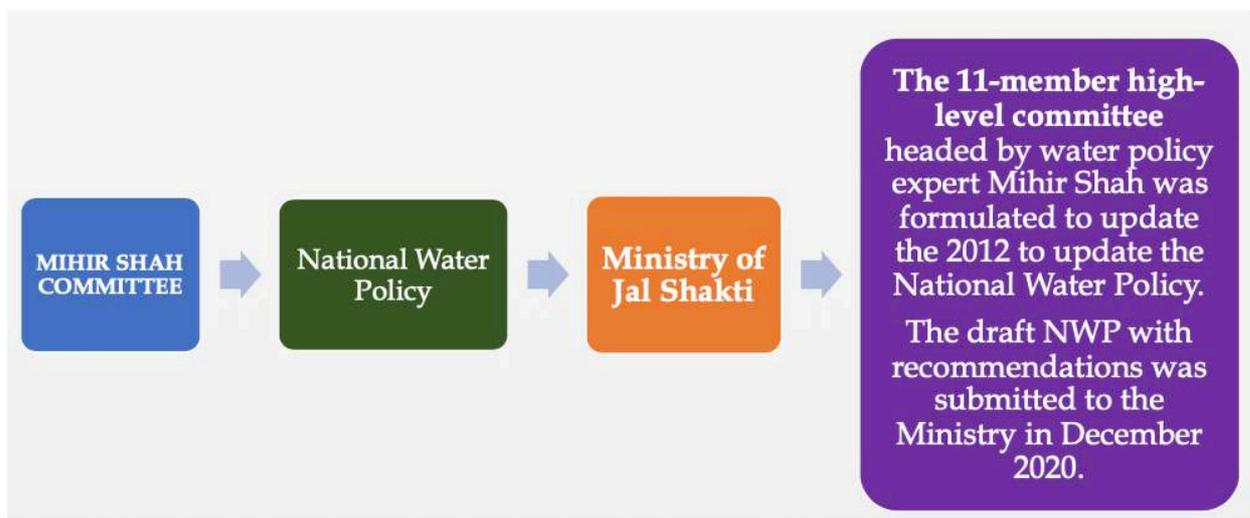
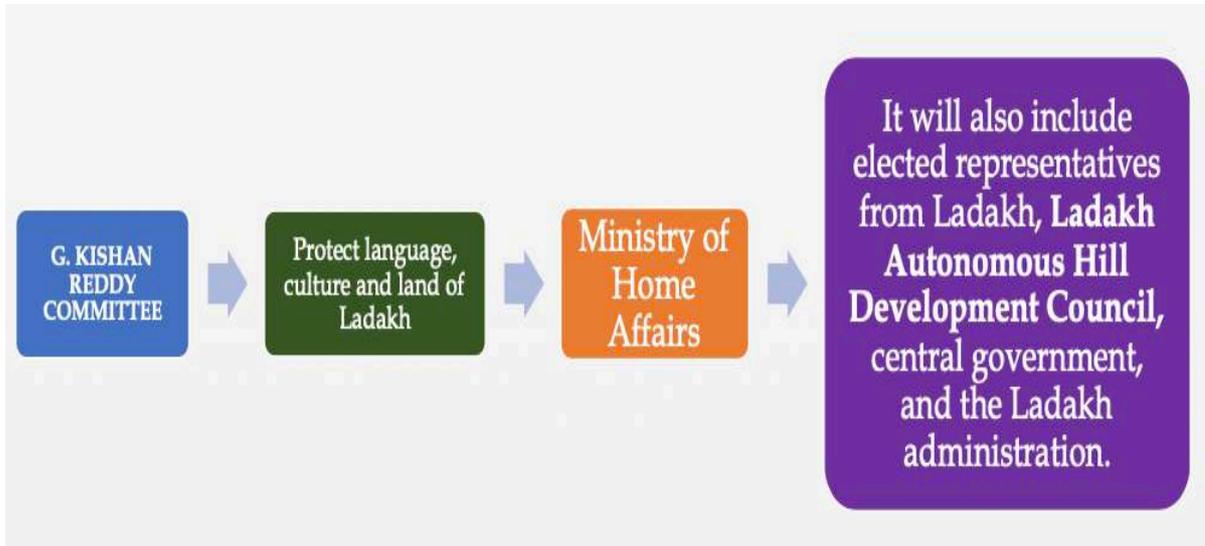
Justice Biplab Sharma Committee

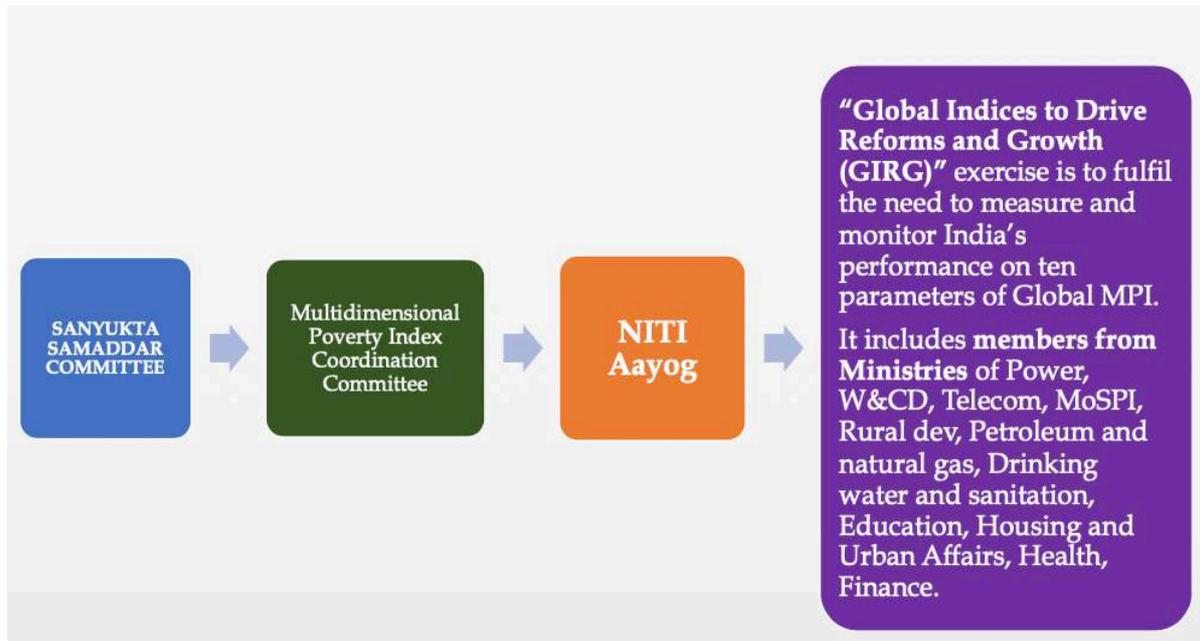
- The Ministry of Home Affairs (MHA) had constituted the high-level committee on July 16, 2019, for recommending measures to implement the Clause 6 of the Assam Accord under retired **Justice Biplab Sharma.**



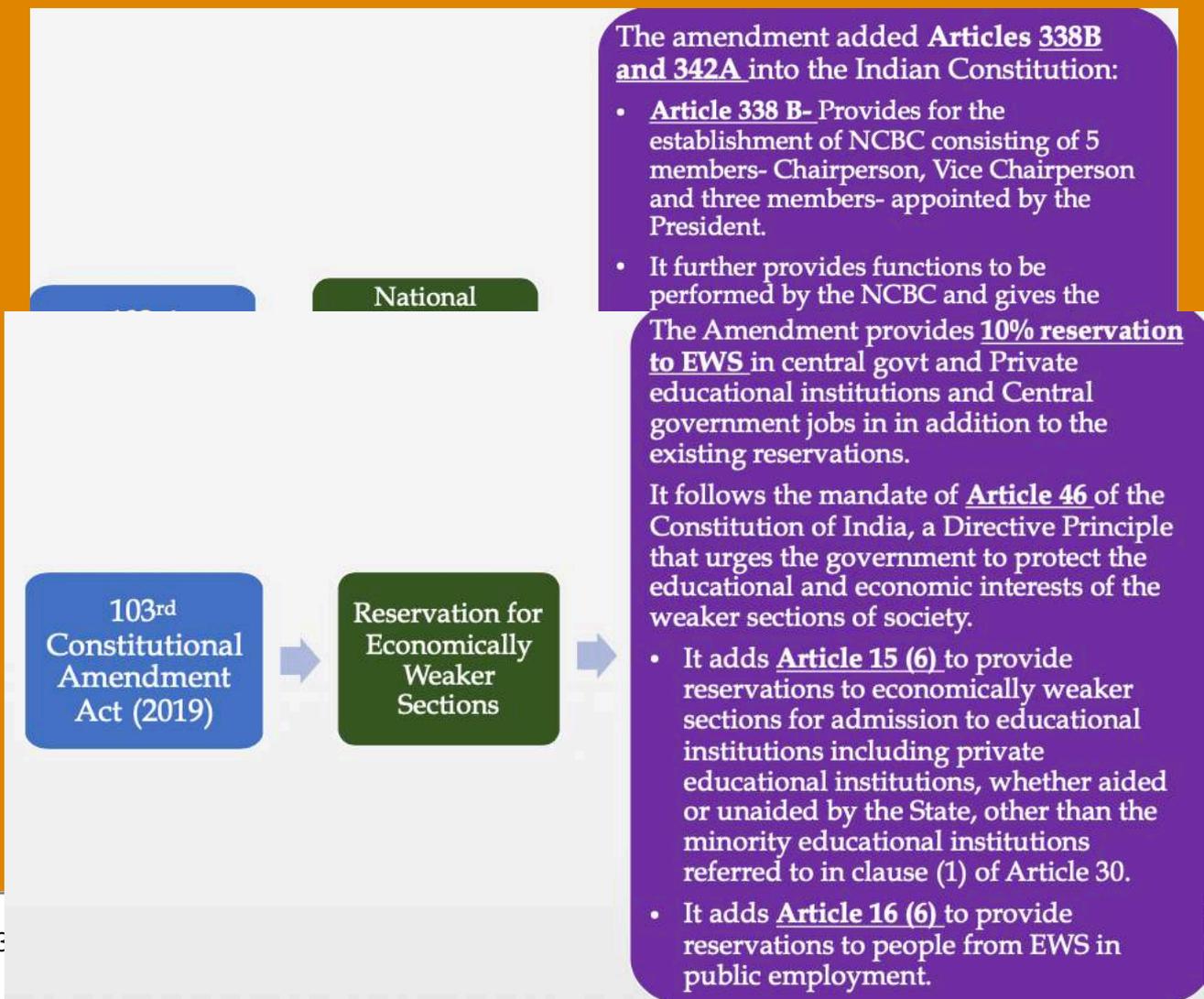
- **Clause 6 of the Assam Accord** pledges to provide constitutional, legislative and administrative safeguards, as may be appropriate, to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.
- The committee in Feb 2020 submitted its report to the former Assam Chief Minister Sarbananda Sonowal.
- In 2021, the report was handed over to a team of legal experts that is now examining the recommendations given by the high-level committee.

20.6 Important Committees for UPSC Prelims- Part 2





21. Revising Recent Constitution Amendment Acts and practice MCQs



Consider the following statements and mark the correct ones:

1. Adding or deleting a community from Central Backward list of communities requires approval of the President.
2. The preparation of state list of OBCs requires consultation with the National Commission for Backward Classes.

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

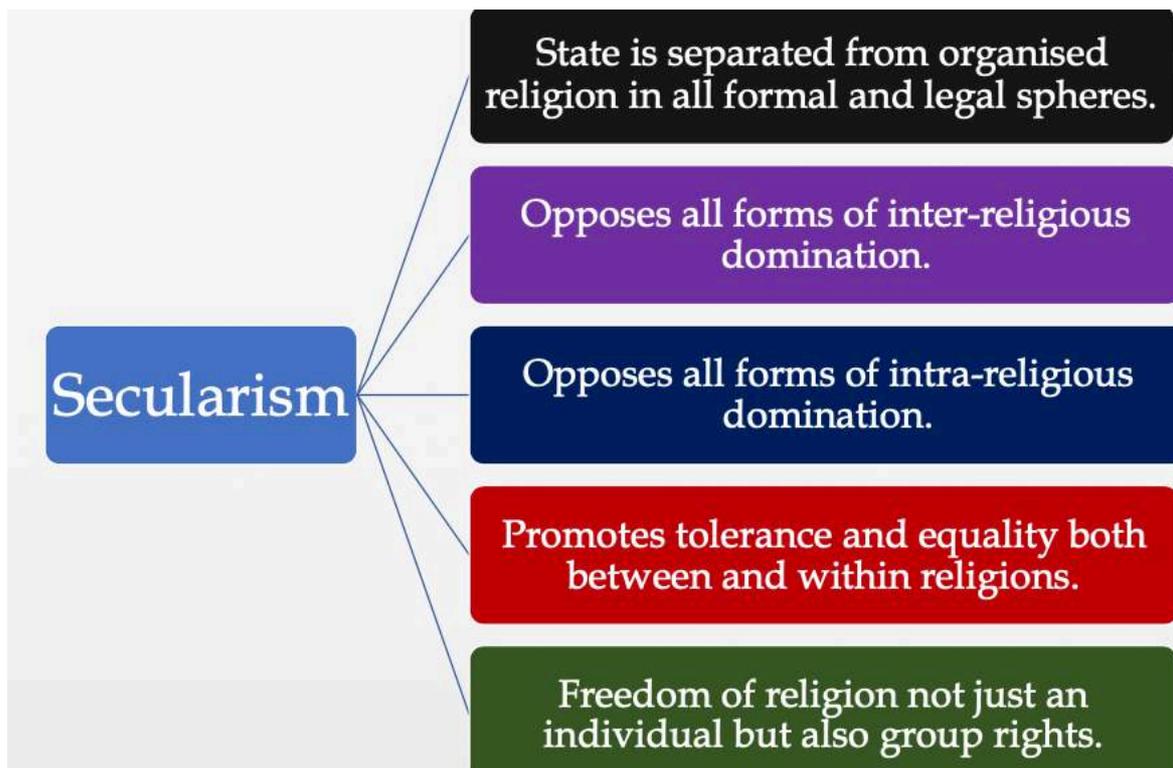
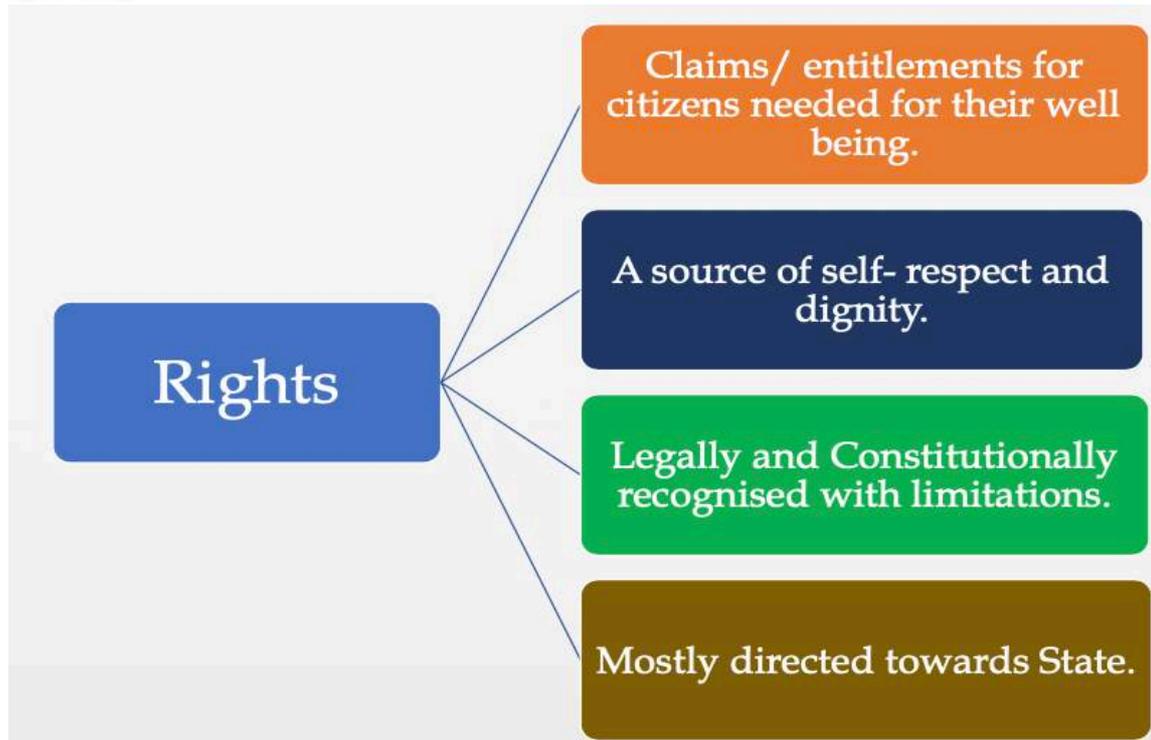
Consider the following statements regarding reservation for EWS and mark the correct option:

1. Under the 103rd amendment act it is not compulsory for state governments to provide reservation to the EWS in appointment to State government jobs and admission to State government educational institutions.
2. It derives its mandate from Article 21 (A) in Fundamental Rights which provides for Right to Education for one and all.
3. It is available only for the persons not covered under the scheme of reservations for SCs, STs and OBCs.

- A. 1 and 2 only
- B. 1 and 3 only
- C. 1 only
- D. 3 only

22. Important Theoretical Polity Concepts to remember





Consider the following statements about working of Secularism in India and mark the correct ones:

1. Allows for State supported religious reforms allowed.
2. Prevents both inter and intra-religious domination.
3. Based on strict separation of public and private sphere.

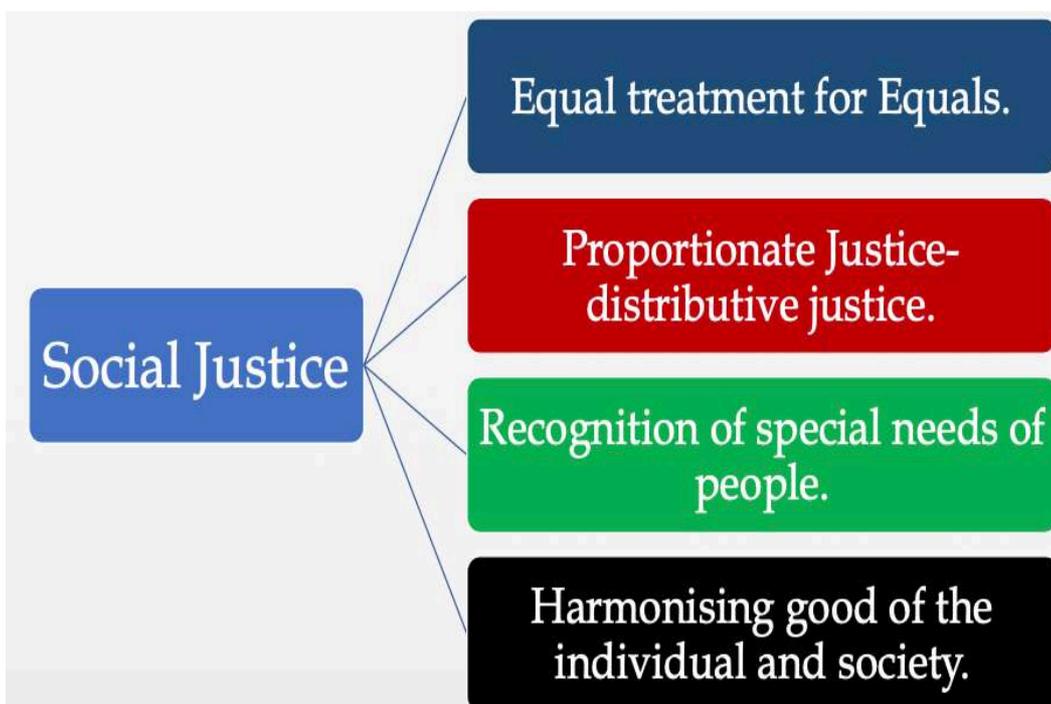
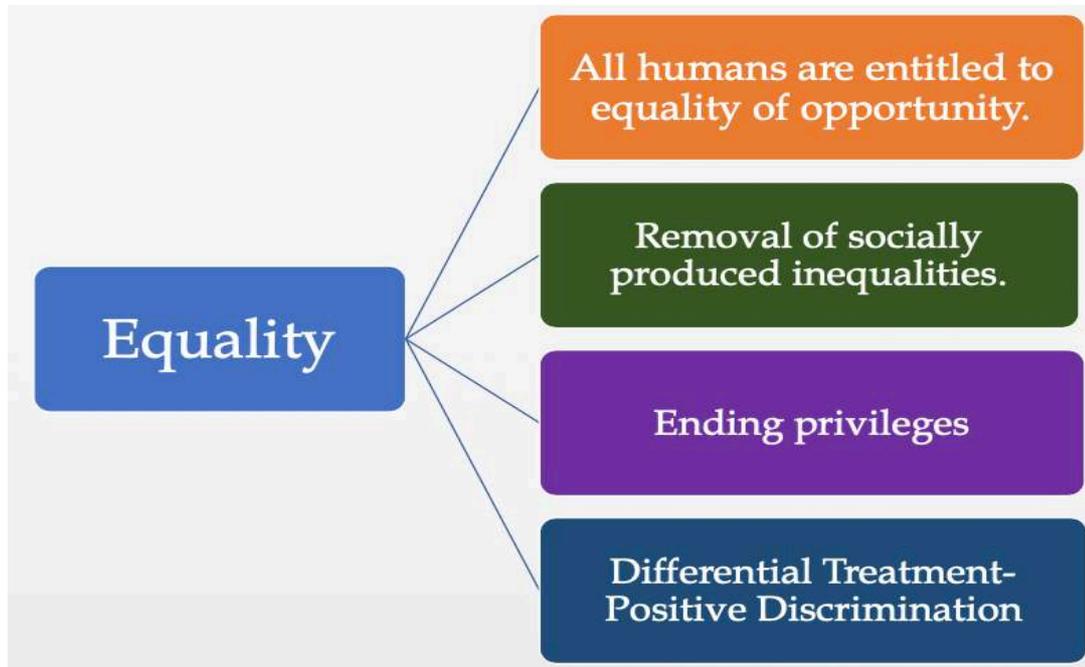
- A. 1 only
- B. 2 only
- C. 1 and 2 only
- D. 1 and 3 only

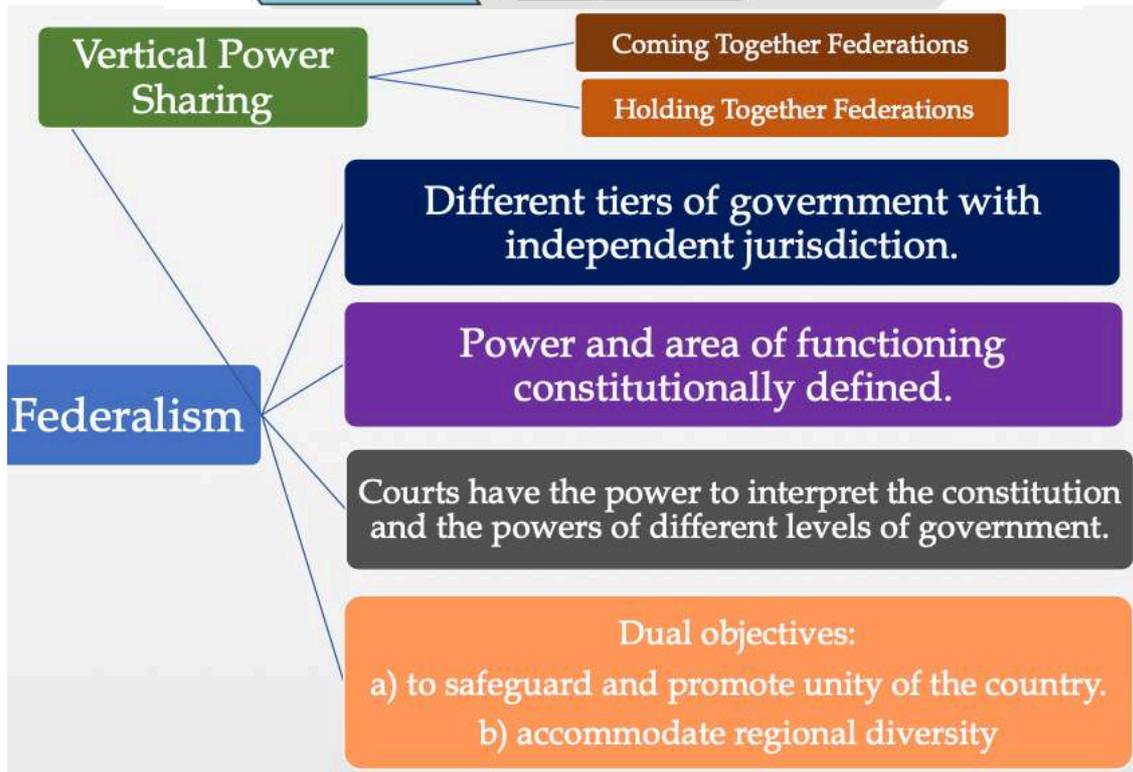
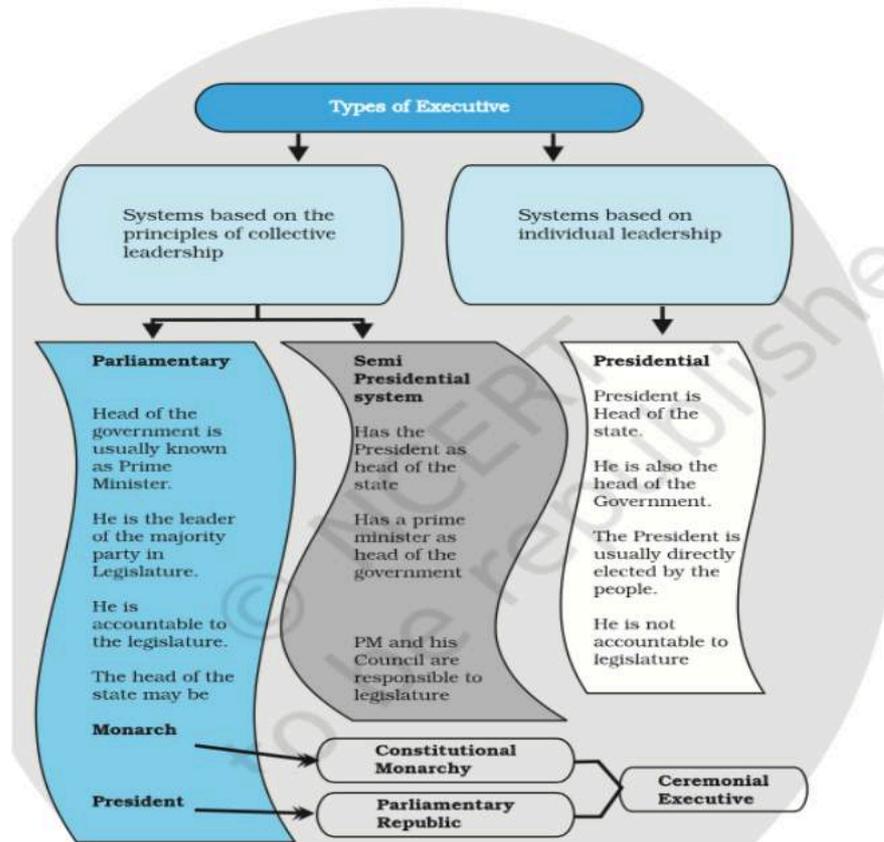
Consider the following statements regarding freedom and mark the correct option:

1. Includes removal of all constrains.
2. It directs State to provide opportunities for development of potential.

- A. 1 only
- B. 2only
- C. Both 1 and 2
- D. Neither 1 nor 2

23. Important Theoretical Polity Concepts to remember for UPSC Prelims- Part 2





Consider the following statements about working of Secularism in India and mark the correct ones:

1. Allows for State supported religious reforms allowed.
 2. Prevents both inter and intra-religious domination.
 3. Based on strict separation of public and private sphere.
- A. 1 only
B. 2 only
C. 1 and 2 only
D. 1 and 3 only

Consider the following statements regarding freedom and mark the correct option:

1. Includes removal of all constrains.
 2. It directs State to provide opportunities for development of potential.
- A. 1 only
B. 2only
C. Both 1 and 2
D. Neither 1 nor 2

24. Types of Bills in Indian Parliament

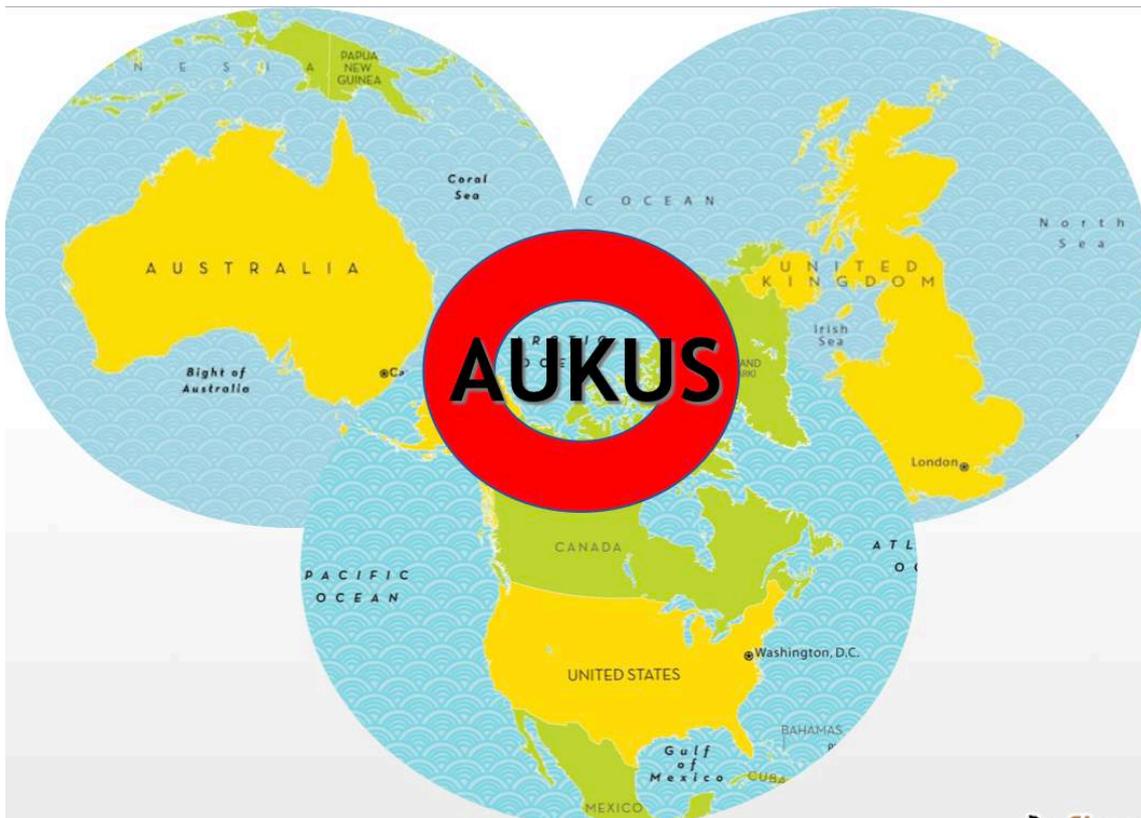
Public Bill	Private Bill
Introduced in the Parliament by a minister.	Introduced by any member of Parliament other than a minister.
Reflects the policies of the government.	Reflects the stand of opposition parties on public matters.
Greater chance to be approved in Parliament.	Less chance of being approved in the Parliament.
Its rejection projects reduced confidence in the government and may lead to its resignation.	Its rejection has no impact on government or its popularity in the Parliament.
Its introduction requires a notice of seven days.	Its introduction in the House requires a notice of one month.
It is drafted by the concerned department in consultation with the law departments.	Its drafting is the responsibility of the concerned ministry.

<u>Money Bill</u>	<u>Financial Bill I</u>	<u>Financial Bill II</u>
Article 110 A bill is a 'money bill' only if it deals with certain matters: (a) the imposition, abolition, remission, alteration or regulation of any tax; (b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India; (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such fund; (d) the appropriation of moneys out of the Consolidated Fund of India; (e) declaration of an expenditure as charged on CFI or increase in such expenditure (f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or (g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).	Article 117 (1) It contains not only any or all the matters mentioned in Article 110, but also other matters of general legislation.	Article 117 (3) It contains provisions involving expenditure from the Consolidated Fund of India, but does not include any of the matters mentioned in Article 110.
It can only be introduced in the Lok Sabha and that too on the recommendation of the president.	Same as Money Bill.	Either House of Parliament and no recommendation of the President.

<u>Money Bill</u>	<u>Financial Bill I</u>	<u>Financial Bill II</u>
Can only be introduced by a minister in Lok Sabha where after passage it is sent to Rajya Sabha. Powers of RS limited only to make the recommendations. It must return the bill to the Lok Sabha within 14 days, with or without recommendations and cannot reject or amend the Bill. Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha. If the Rajya Sabha does not return the bill to the Lok Sabha within 14 days, the bill is deemed to have been passed by both the Houses in the form originally passed by the Lok Sabha.	Ordinary legislative procedure applicable except that an amendment other than for reduction/abolition of a tax can't be moved in either House without the recommendation of the President.	Ordinary legislative procedure except that it cannot be passed by either House of Parliament unless the President has recommended to that House the consideration of the bill.

<u>Special Majority of Parliament</u>	<u>Special Majority + Ratification by states</u>
<p>The provisions which can be amended by this way includes: (i) Fundamental Rights; (ii) Directive Principles of State Policy; and (iii)</p> <p>All other provisions which are not covered by the first and third categories.</p> <p>A majority of the total membership of each House and a majority of two-thirds of the members of each House present and voting. The requirement for special majority has been provided for in the rules of the Houses in all effective stages of the bill.</p>	<p>Those provisions of the Constitution which are related to the federal structure of the polity require this method such as election of President, Supreme Court and High Courts, Lists in seventh schedule etc.</p> <p>Require a special majority of the Parliament and also the consent of half of the state legislatures by a simple majority. There is no time limit within which the states should give their consent to the bill.</p>

25. AUKUS and Why is France angry at its allies?



- A **trilateral security** partnership for a free and open Indo-Pacific.
- Formally announced by Australian in 2021 by PM Scott Morrison who virtually joined Boris Johnson and Joe Biden in a meeting on the same.



- Nuclear submarines have greater speed, can stay underwater for longer and can carry heavier loads than conventional submarines.



- Apart from Australia, **only six countries have nuclear submarines**, the five permanent members of the UN Security Council (China, France, Russia, the United Kingdom and the United States) and India.
- The **Nuclear Nonproliferation Treaty** allows non- nuclear-weapon states to produce the highly enriched uranium for naval reactor fuel.
- For Australia to operate nuclear-powered submarines, it will have to become the first non-nuclear-weapon state to exercise a loophole that allows it to remove nuclear material from the inspection system of the **International Atomic Energy Agency (IAEA)**.

AUKUS	QUAD
AUKUS	Quadrilateral Security Dialogue (QUAD)
Consists of Australia, UK and US.	Consists of India, Japan, Australia and US.
It is a security alliance also covering artificial intelligence, cyber, undersea and quantum technologies.	It is flexible multilateral strategic partnership.
It was initiated in 2021 by Australian PM Scott Morrison.	The dialogue was initiated in 2007 by Japanese Prime Minister Shinzo Abe. It was revived in 2017 ASEAN Summit.
Close knit alliance	Quad Plus- Adds New Zealand, South Korea and Vietnam

Why are French angry

- France's Naval Group, partly owned by the State, had been chosen to build **12 conventionally powered** submarines to Australia, based on France's Barracuda nuclear-powered subs in development. The contract was worth around Aus\$50 billion (31 billion euros, \$36.5 billion) when announced in 2016.
- Besides this, French president Emmanuel Macron too had invested **considerable political capital** in the deal, touting it to be something more enduring than just another arms deal.