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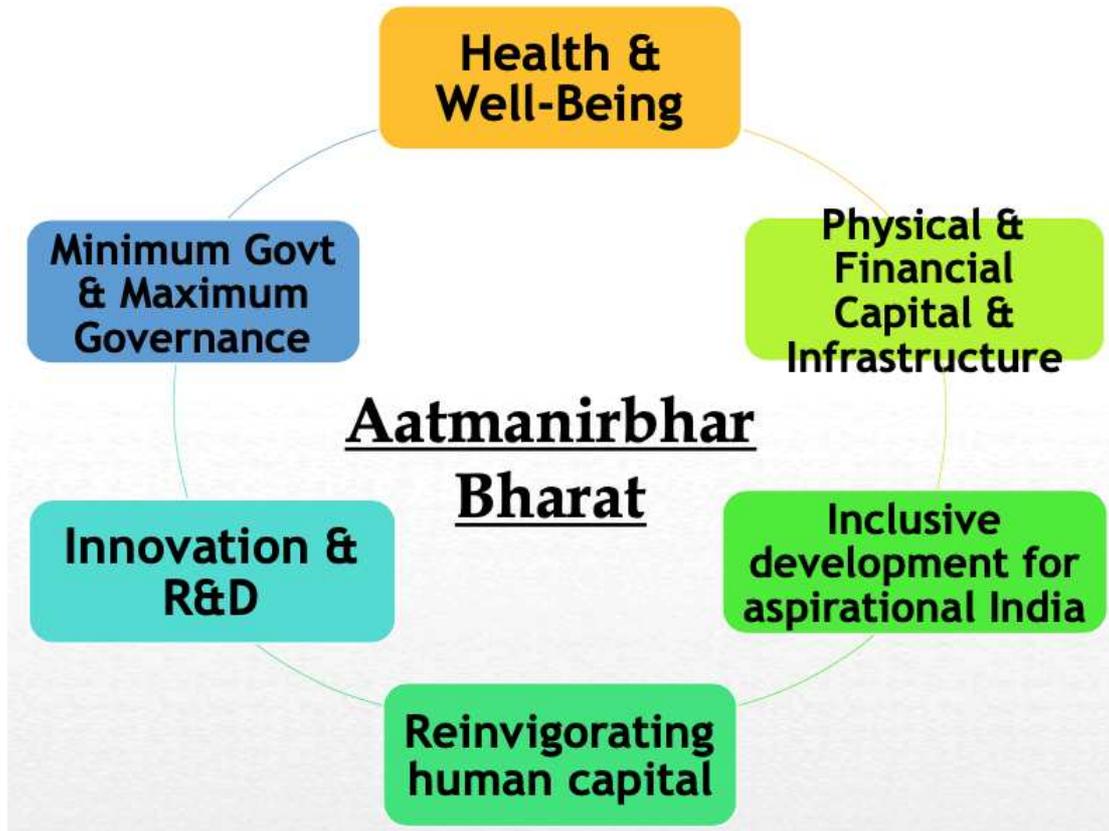
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October 2021

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5 Important Schemes in Budget 2021



Name:	PM Aatma Nirbhar Swasth Bharat Yojana
Ministry:	Health and Family Welfare- Centrally Sponsored Scheme
Focus of the Act:	This scheme will in addition to the <u>National Health Mission</u> . National Health Policy (NHP), 2017 envisages <u>raising public health expenditure from the existing 1.15% to 2.5% of GDP by 2025 in a time bound manner</u> . The measures under the scheme focus on developing capacities of health systems and institutions including NCDC across the continuum of care at all levels viz. primary, secondary and tertiary and on preparing health systems in responding effectively to the current and future pandemics/disasters.
Other details:	The PMASBY targets to <u>build an IT enabled disease surveillance system</u> by developing a network of surveillance laboratories at block, district, regional and national levels, in Metropolitan areas & <u>strengthening health units at the Points of Entry</u> , for effectively detecting, investigating, preventing and combating Public Health Emergencies and Disease Outbreaks. It also envisages up of a <u>national institution for One Health</u> , a Regional Research Platform for WHO South East Asia Region.

<u>Name:</u>	SWAMITVA (Survey of Villages and Mapping with Improved Technology in Village Areas) Yojana
<u>Ministry and Type:</u>	Panchayati Raj- Central Sector Scheme
<u>Focus of the Act:</u>	It was launched nation wide on National Panchayati Raj Day, 24th April 2021 after successful completion of pilot phase of scheme (2020-2021) in 9 states. It is a reformative step towards establishment of <u>clear ownership of property in rural inhabited (Abadi) areas</u> , by mapping of land parcels using drone technology and providing 'Record of Rights' to village household owners with issuance of <u>legal ownership cards (Property cards/Title deeds) to the property owners.</u>
<u>Other details:</u>	The scheme seeks to achieve the following objectives: - Creation of accurate land records for rural planning and reduce property related disputes by establishment of <u>of Continuous Operating Reference System</u> which will help with geo-referencing. To bring financial stability to the citizens in rural India by enabling them to use their property as a financial asset for taking loans and other financial benefits. Determination of property tax. Creation of survey infrastructure and support in preparation of better-quality <u>Gram Panchayat Development Plan (GPDP)</u> by making use of GIS maps.

<u>Name:</u>	Jal Jeevan Mission (Urban)
<u>Ministry and Type:</u>	Housing and Urban Affairs- Centrally Sponsored Scheme
<u>Focus of the Act:</u>	This scheme seeks to provide universal coverage of water supply to all households through functional taps in all statutory towns in accordance with Sustainable Development Goal- 6. It complements the Jal Jeevan Mission (Rural) which envisages supply of 55 litres of water per person per day to every rural household through Functional Household Tap Connections (FHTC) by 2024.
<u>Other details:</u>	Key areas of Mission: <ul style="list-style-type: none"> • Rejuvenation of water bodies to augment sustainable fresh water supply; • Creating green spaces and sponge cities through an Urban Aquifer Management plan; • Promote circular economy of water; • Pey Jal Survekshan will be conducted in cities; Major reforms are reducing non-revenue water to below 20%; recycle of treated used water to meet at least 20% of total city water demand and 40% for industrial water demand at State level.

Name:	Mission Karmayogi- National Programme for Civil Services Capacity Building ('NPCSCB')
Ministry and Type:	Personnel, Public Grievances & Pensions- Partly funded by multilateral assistance to the tune of USD 50 million
Focus of the Act:	It has been launched with the objective of enhancing governance through Civil Service Capacity Building with the following six pillars:- <ol style="list-style-type: none"> i. Policy Framework, ii. Institutional Framework, iii. Competency Framework, iv. Digital Learning Framework (Integrated Government Online Training Karmayogi Platform (iGOT-Karmayogi), v. electronic Human Resource Management System (e-HRMS), and vi. Monitoring and Evaluation Framework.
Other details:	<p>Prime Minister's Public Human Resource Council (PMHRC): Headed by PM for providing strategic direction to civil service reforms and capacity building.</p> <p>Cabinet Secretariat Coordination Unit: It will monitor the implementation of NPCSCB, align stakeholders and provide mechanism for overseeing capacity building plans.</p> <p>Capacity Building Commission- It will be set up for functional supervision of training institutions and preparation of annual capacity building plans.</p> <p>Special Purpose Vehicle under Section 8 of the Companies Act, 2013 - will own and operate all the digital assets created for NPCSCB on behalf of the Government of India.</p>

Name:	POSHAN 2.0
Ministry and Type:	Women and Child Development- Centrally Sponsored Scheme
Focus of the Act:	The government merged the Supplementary Nutrition Programme and Poshan Abhiyan to launch Mission POSHAN 2.0 . It brings together the Integrated Child Development Services (ICDS)—Anganwadi Services, Supplementary Nutrition Programme, Poshan Abhiyaan, Scheme for Adolescent Girls and National Crèche Scheme.
Other details:	It seeks to fulfil SDG 2 by strengthening nutritional content, delivery, outreach and outcome, with renewed focus on developing practices that nurture health, wellness and immunity to disease and malnutrition in the country. September is celebrated as POSHAN MAAH with special attention on Severe Acute Malnourished (SAM) children. It urged all Aspirational Districts to establish a Poshan Vatika (nutrition garden) at anganwadis, school premises and gram panchayats during the Nutrition Month (Poshan Mah) from 1st September.

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Importance of Ayushman Bharat Health Infrastructure Mission?



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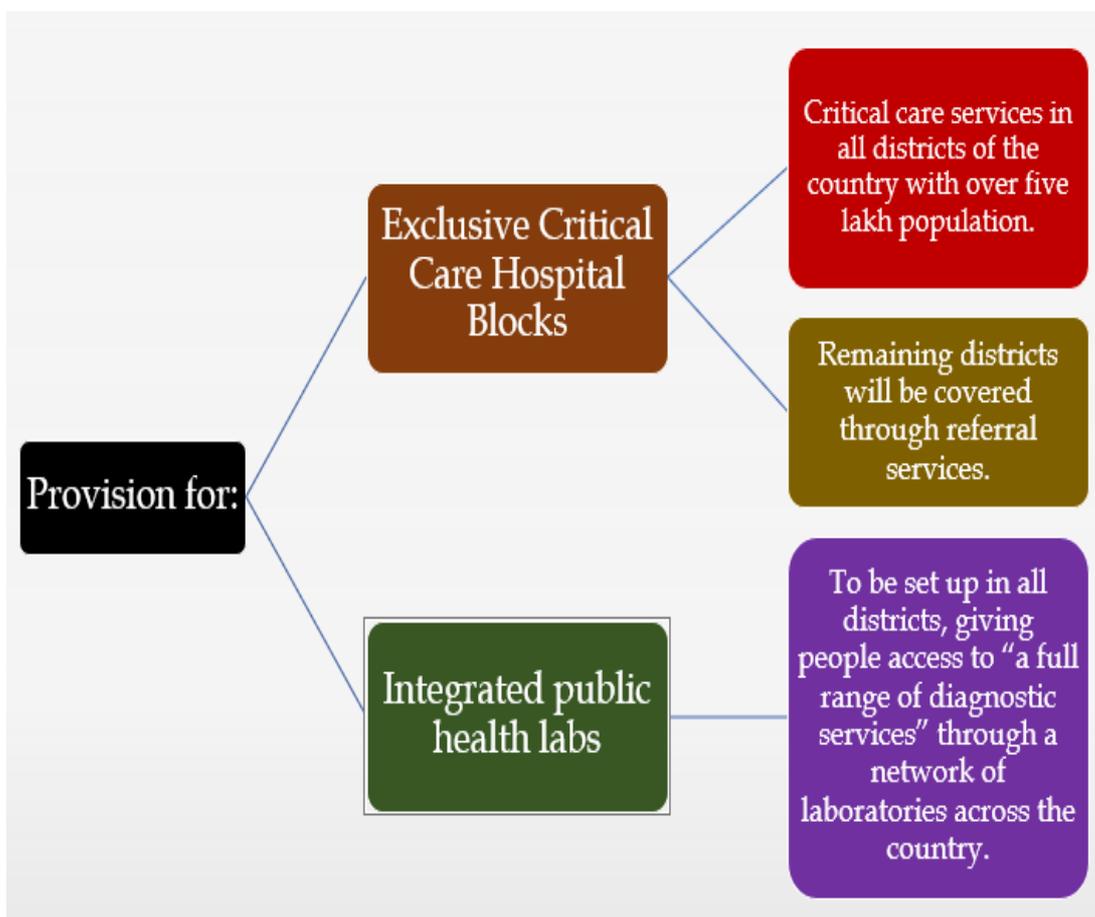
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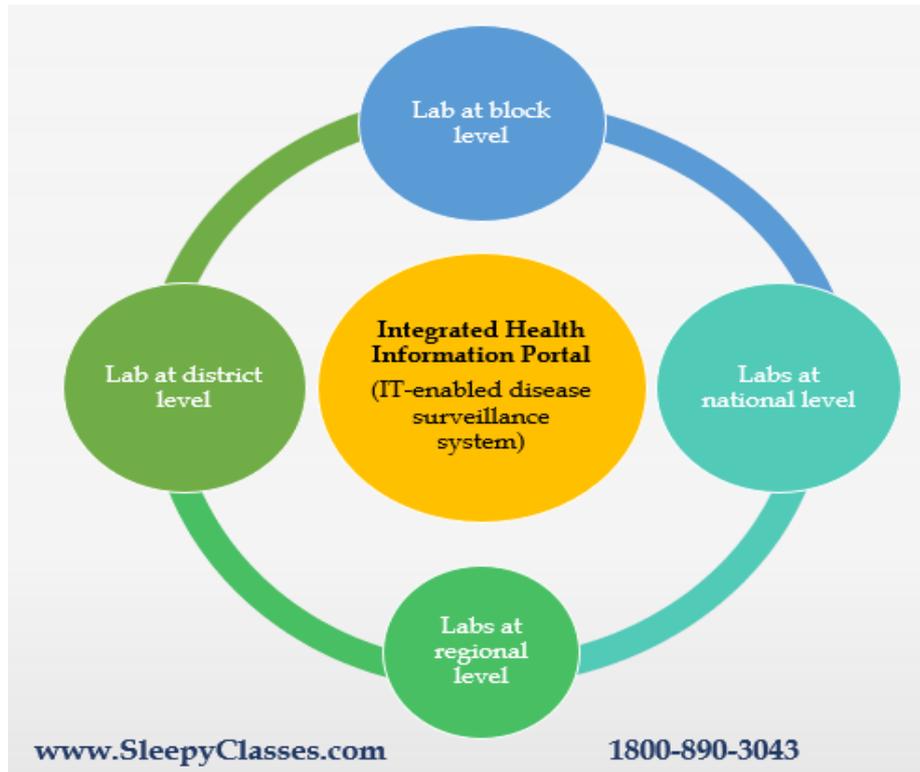
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What is Ayushman Bharat Health Infrastructure Mission ?

- The **Ayushman Bharat Health Infrastructure Mission** is aimed at ensuring a robust public health infrastructure in both urban and rural areas, capable of **responding to public health emergencies or disease outbreak**.
- The mission's objective is to *"fill critical gaps in public health infrastructure, especially in critical care facilities and primary care in both the urban and rural areas."*
- It is being touted as "India's largest scheme to scale-up health infrastructure". The Ayushman Bharat Health Infrastructure Mission *is an addition to the National Health Mission*, will provide support to:
 - 17,788 rural Health and Wellness Centres in 10 'high focus' states and
 - establish 11,024 urban Health and Wellness Centres across the country.





- The mission aims at ensuring a robust system for “detecting, investigating, preventing, and combating public health emergencies and disease outbreaks”.
- For this, 17 new public health units will be set up, while the 33 existing public health units will be strengthened. It will also train frontline and healthcare workers to respond to public health emergencies effectively.
- Apart from this, the mission will set up other infrastructure:
 - 4 national institutes for virology,
 - 1 regional research platform for WHO’s South East Asia region,
 - 9 biosafety level-III laboratories, and
 - 5 regional centres for disease control.

Need for the Scheme

- A study (**‘State of Democracy in South Asia (SDSA)-Round 3’**) by Lokniti-CSDS in 2019 highlighted:
- Access to public health care remains elusive to those living on the margins. Only 70% of the locations have public healthcare services.
- Availability was less in rural areas (65%) compared to urban areas (87%).
- In 45 per cent of the surveyed locations, people could access healthcare services by walking, whereas in 43 per cent of the locations they needed to use transport.
- Proximity to healthcare services is higher in urban localities: 64 % of the enumerators in urban areas observed that people can access healthcare services by walking, while only 37% in rural areas can do so.

- The **Economic Survey in 2021** pointed out that India has one-of-the highest level of **Out-Of-Pocket Expenditures (OOPE)**.
- Furthermore, the Economic Survey observed that **bulk of the healthcare in India is provided by the private sector**.
- The Survey also underlines that OOPE for health increases the risk of vulnerable groups slipping into poverty because of catastrophic health expenditures.
- It suggested ***an increase in public spending from 1% to 2.5-3% of GDP*** – as envisaged in the National Health Policy 2017 – can decrease the OOPE from 65% to 30% of overall healthcare spend.
- The Prime Minister had recently launched another scheme, the **Ayushman Bharat Digital Mission (ABDM)**, a flagship digital initiative involving the creation of not just a ***unique health ID for every citizen***, but also a ***digital healthcare professionals*** and facilities registry.
- The Covid19 pandemic underlined the need for robust and responsive public health infrastructure to cater to the needs of all citizens.
- There is also need for better public health care professionals. Through its National Centre for Disease Control (NCDC), the Government of India offers a robust two-year field epidemiology training program (Epidemic Intelligence Services).
- However, a separate formal accreditation body in India for MPH courses to ensure there is human resource to enable this infrastructure.

November 2021

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Mullaperiyar Dam Dispute

Mullaperiyar Dam Dispute - Context

- On 28th October 2021, the Supreme Court directed that the maximum water level in Mullaperiyar dam should be 139.50 ft until November 10. With the threat of floods looming large and the reservoirs filling up, the court asked both States to abide by the rule curve for the period set by the Supervisory Committee constituted at its instance.
- The colonial era dam is at the centre of a decades-old dispute between India's two southern states- Kerala and Tamil Nadu.
- The dam is located in the upper reaches of the river Periyar, which flows into Kerala after originating in Tamil Nadu. The reservoir is within the Periyar Tiger Reserve. The water diverted from the reservoir is first used for power generation in lower Periyar (by Tamil Nadu) before flowing into the Suruliyar, a tributary of Vaigai river.



History of the Dispute

- The Maharaja of Travancore signed a 999-year Periyar Lake lease agreement with the British government on October 29, 1886, for the construction of the Mullaperiyar dam across the Periyar in the present Idukki district. The dam became a reality nine years later.
- The water supplied from it through a tunnel to the *water-scarce southern region of Tamil Nadu, especially the Vaigai basin*, would be the lifeline for farmers of Theni, Dindigul, Madurai, Sivaganga and Ramanathapuram districts.
- Concerns over the safety of the gravity dam built using lime-surkhi mortar came to the fore in 1979. In November that year, a tripartite meeting chaired by the then chairman of the Central Water Commission (CWC), K.C. Thomas, decided that the level had to be brought down from the full reservoir level of 152 feet to 136 feet to enable Tamil Nadu, which owns and maintains it, to carry out dam strengthening works. By the mid-1990s, Tamil Nadu started demanding restoration of the level.



Timeline of Legal battles:

2000- 2006

- The Central Government set up an expert committee in 2000 to look into the dam's safety. The committee recommended raising the level to 142 feet, which was endorsed by the Supreme Court in February 2006.

2010

- Kerala sought to restrict the level to 136 feet by way of an amendment to the Kerala Irrigation and Water Conservation Act, prompting the Tamil Nadu Government to move the Supreme Court. In February 2010, the court constituted an empowered committee to study the whole gamut of issues concerning the dam.

2014

- Based on the committee's finding that the dam was "structurally and hydrologically safe", the court, in May 2014, struck down Kerala's Act and allowed Tamil Nadu to maintain the level at 142 feet. It also asked the Central Government to set up a three-member Supervisory Committee to monitor dam safety.

Social and Hazard Assessment

- Commissioned by the Kerala Government in the latter part of the 2000s, a study by IIT-Roorkee raised questions about the survival of the dam, located in seismic zone-3, in the event of an earthquake of a fairly high magnitude.
- A series of tremors felt in the area in 2011 caused alarm. Subsequently, the floods of 2018 and the erratic nature of annual monsoons ever since brought the focus back on the 126-year-old dam.

Present Dispute

- Joe Joseph, a doctor who was the candidate of the corporate-backed Twenty20 in the recent Kerala Assembly election from Kothamangalam, downstream of the Mullaperiyar and Idukki dams, moved the court regarding failure of Supervisory committee to manage the dam.
- They also urged the court to ask the CWC to fix the 'rule curve', 'instrumentation scheme' and 'gate operation schedule' of the dam.
- What has revived the dispute is the unusual rains in the last couple of weeks, which have led to the water level inching towards its permissible level of 142 ft. On Thursday, it reached 138.15 ft. Kerala had wanted the level fixed at 136 ft, but the Supreme Court in 2014 allowed Tamil Nadu to raise it to 142 ft.

- Kerala has been demanding a *new dam replacing the existing one, and located 366 ft downstream.* While Kerala Governor Arif Mohammed Khan recently expressed his support to the idea, such a project would need the consent of Tamil Nadu. Construction of a new dam would also give rise to a demand for *a new water-sharing treaty;* at present, only Tamil Nadu has rights over the dam water.

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Why did Madras High Court declare Vanniyar Reservation as Unconstitutional?

What is the Issue of Vanniyar Reservation?

- **Context:** On November 1 2021, the Madras High Court declared unconstitutional a Tamil Nadu government law, enacted in February 2021 when the AIADMK was in power, that reserved 10.5% of jobs in public services and seats in educational institutions for the Vanniyars, a most backward community. The demand for an exclusive quota for the community has been spearheaded for long by the Pattali Makkal Katchi.
- What is MBC or Most Backward Class?
 - Communities which were found to be as disadvantaged as the SCs but could not be declared as Scheduled Castes (SCs), because of the non-existence of untouchability factor were classified as Most Backward Classes (MBCs).

Who are the Vanniyars and their Quota?

- The Vanniyars were in the backward classes list for many years. The community, constituting a significant percentage in the State's northern districts, consists predominantly of agricultural labourers.
- In 1987, the Vanniyar Sangham launched an agitation demanding 20% separate reservation. In 1989, the demand was partially conceded. The BC quota was then at 50%. This was sub-divided and a 20% segment was earmarked for 'Most Backward Classes and Denotified Communities' and Vanniyars included among MBCs.
- The expectation was that they would be the principal beneficiaries in this 20% segment, though 109 other castes were in the MBC/DNC category (The number has risen to 116 now). The Vanniyars have been arguing that they are still not getting enough opportunities in proportion to their population.
- On February 26, 2021, the Assembly passed a special Act which divided the 'Most Backward Classes/Denotified Communities' category into three parts:
 - Of the total, the largest share of 10.5% was specified as exclusive to the Vanniyakula Kshatriya and its various sub-castes;
 - Another 7% was earmarked for DNCs and a section of MBCs;
 - Lastly, the remaining 2.5% was meant for the rest of the MBCs.
- Between the late 1960s and the mid 1980s, two backward classes commissions – one headed by A.N. Sattanathan and another by J.A. Ambasankar, pointed out that several communities among those in the list of BCs had not received their due share in educational and employment opportunities. The primary justification for the percentage was that the Second Backward Class Commission had put the Vanniyar population at 65 lakh in 1983, or 13.01% of the then total population.

- In 2012, the then chairman of the State Backward Class Commission recommended that based on this figure, reservation of 10.5% would be appropriate for the Vanniyars.

High Court Judgement Overrules Reservation

- The exclusive quota for one community was criticised on the ground that it was done with an eye on the Assembly election.
- It was also contended that the government acted hastily as it had only a couple of months earlier appointed Kulasekaran commission in 2020 to compile quantifiable data on all castes so that the State could justify its 69% total reservation, but did not wait for its report.
- The Bench ruled that the Act was unconstitutional mainly on the ground that the Assembly had no legislative competence to pass the law on the date of the enactment. This was because the 102nd Amendment to the Constitution was in force in February 2021. Later, the 105th Amendment made it explicit that the States could make changes in their lists.
- The other ground was that the separate reservation for one caste amounted to discrimination against all the other castes in the same MBC category.

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What is General Consent for CBI and its Significance?

What is General Consent?

- **Context:** The Supreme Court November 2021 expressed concern over a submission by the CBI that since 2018, around 150 requests for sanction to investigate have been pending with eight state governments that have withdrawn general consent to the agency.
- The CBI had filed the affidavit after the court inquired in October about the bottlenecks it faced, and the steps it had taken to strengthen prosecutions.
- The CBI is governed by the *Delhi Special Police Establishment (DSPE) Act, 1946*, and must ***mandatorily obtain the consent of the state government concerned*** before beginning to investigate a crime in a state. The consent of the state government can be *either case-specific or general*.
- A “general consent” is normally given by states to help the CBI in seamless investigation of cases of corruption against central government employees in their states.
- Almost all states have traditionally given such consent, in the absence of which the CBI would have to apply to the state government in every case, and before taking even small actions.
- *Section 6 of The DSPE Act* (“Consent of State Government to exercise of powers and jurisdiction”) says: “Nothing contained in section 5 (“Extension of powers and jurisdiction of special police establishment to other areas”) shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in a State, not being a Union territory or railway area, without the consent of the Government of that State.”

Consequences of Withdrawal

- This means the CBI will not be able to register any fresh case involving officials of the central government or a private person in the state without the consent of the state government.
- Calcutta High Court in 2021 ruled in a case of illegal coal mining and cattle smuggling being investigated by the CBI, that the central agency cannot be stopped from probing an employee of the central government in another state. The order has been challenged in the Supreme Court.
- In *Vinay Mishra vs the CBI*, Calcutta HC ruled in July 2021 that corruption cases must be treated equally across the country, and *a central government employee could not be “distinguished” just because his office was located in a state* that had withdrawn general consent. The HC also said that withdrawal of consent would apply in cases where only employees of the state government were involved.

What Happens to cases for CBI now?

- The agency can use the Calcutta HC order to its advantage until it is struck down by the Supreme Court. Even otherwise, the withdrawal of consent did not make the CBI defunct in a state – it *retained the power to investigate cases that had been registered before consent was withdrawn*.

- Also, a case registered anywhere else in the country, which involved individuals stationed in these states, allowed the CBI's jurisdiction to extend to these states as per 2018 Delhi HC order.
- There is ambiguity on whether the CBI can carry out a search in connection with an old case without the consent of the state. But the agency has the option to get a warrant from a local court in the state and conduct the search.
- Importantly, consent does not apply in cases where someone has been caught red-handed taking a bribe.
- In case the search requires an element of surprise, Section 166 of the Criminal Procedure Code (CrPC) can be used, which allows a police officer of one jurisdiction to ask an officer of another to carry out a search on their behalf.
- And should the first officer feel that a search carried out by the latter may lead to loss of evidence, the section allows the first officer to conduct the search himself after giving notice to the latter.

Which States have Withdrawn Consent and Why?

- Eight states have currently withdrawn consent to the CBI: Maharashtra, Punjab, Rajasthan, West Bengal, Jharkhand, Chhattisgarh, Kerala, and Mizoram. All except Mizoram are ruled by the opposition.
- Mizoram in fact, was the first state to withdraw consent in 2015 followed by West Bengal and Andhra Pradesh in 2018, Chhattisgarh in 2019 with Punjab, Maharashtra, Rajasthan, Kerala, and Jharkhand following in 2020.
- At the time of withdrawing consent, all states alleged that the central government was using the CBI to unfairly target the opposition. Even during tenures of previous central governments states had withdrawn consent citing Centre's misuse.

How autonomous is the CBI?

- After the 2018 amendments to the Prevention of Corruption Act, 1988, the Centre has come to exercise power over the CBI not just administratively, but also legally. In 2018, the government pushed through Parliament amendments to Section 17A of the Act, making it mandatory for the CBI to seek the Centre's permission before registering a case of corruption against any government servant.
- Earlier, the Centre had mandated that such permission was required only for officials of the level of joint secretary and higher. The amendments were brought after the Supreme Court struck down the government's directive.
- CBI officers say the 2018 amendment virtually means the agency can investigate only the officers that the government of the day wants investigated. In fact, corruption cases registered by the CBI dropped by over 40% between 2017 and 2019.

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Why are Farmers Demanding a Law on MSP?

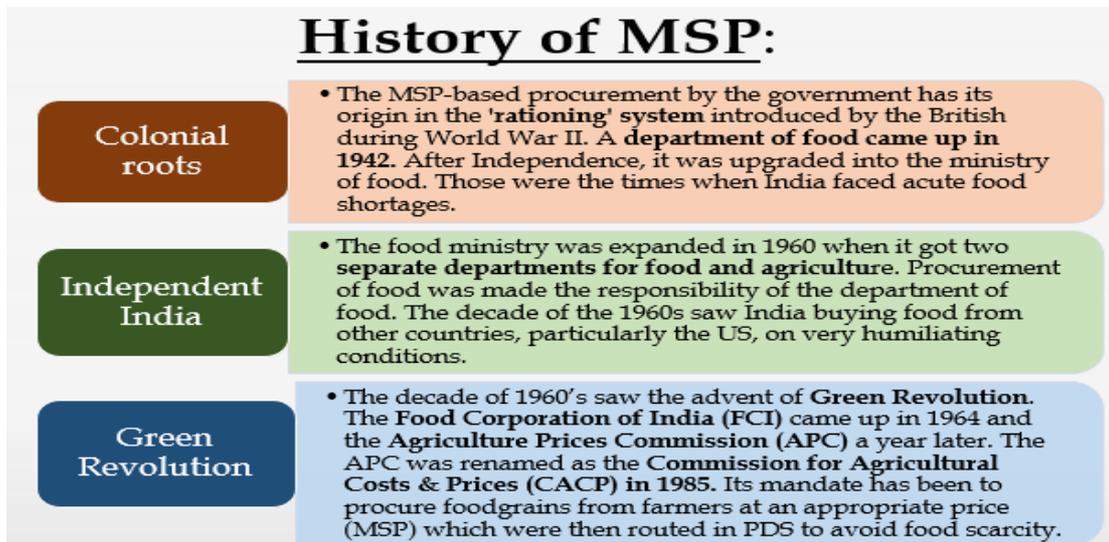
Farmers continue Protest for MSP guarantee

- **Context:** Despite PM Modi committing to repeal of 3 farm laws, farmers continue to sit in protest to their six remaining demands, including, most importantly, a legal mandate for minimum support prices (MSP).



What is MSP?

- The Minimum Support Price or the MSP is a minimum price guarantee provided by the government which acts as a 'safety net' protecting farmers from the uncertainties of market.



Need for MSP and Coverage?

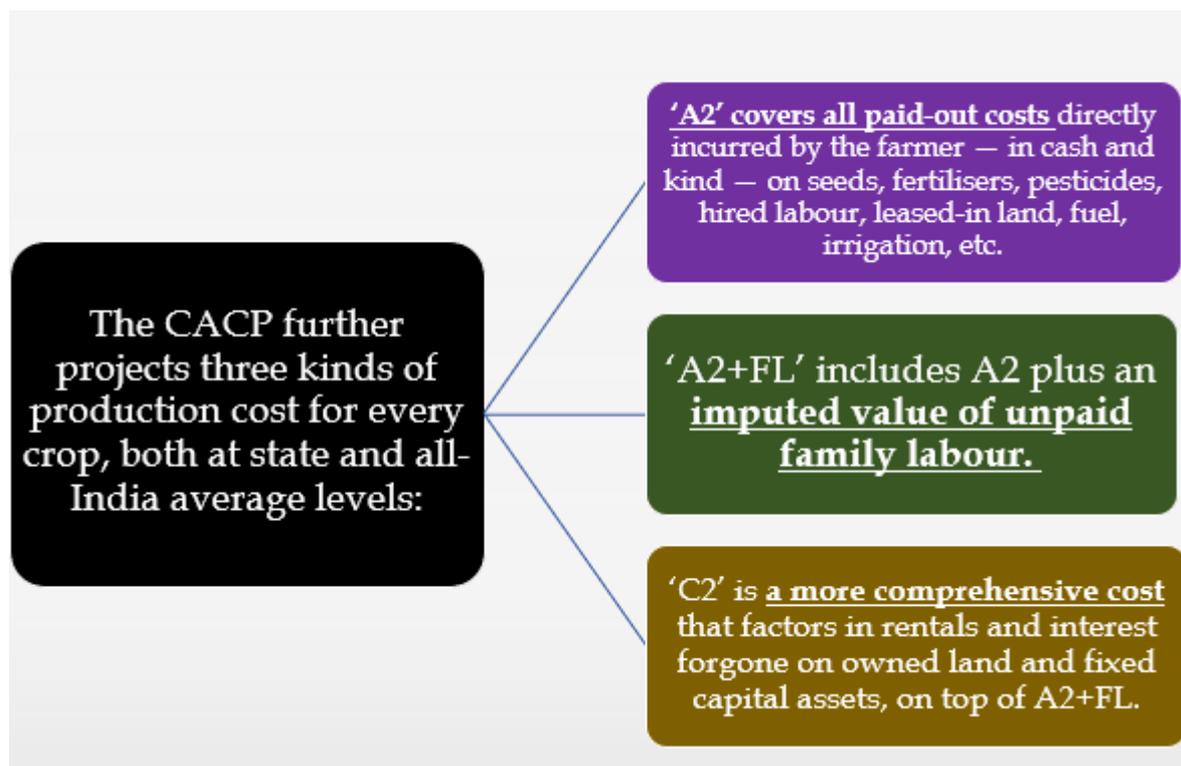
- On the path of the Green Revolution, Indian policymakers realised that the farmers needed incentives to grow food crops to ensure self sufficiency in food grains.
- Otherwise, they won't opt for crops such as wheat and paddy as they were labour-intensive and didn't fetch lucrative prices. Hence, to incentivise the farmers and boost production, the MSP was introduced in the 1960s.
- At present, the Centre provides the **MSP for 23 crops**. These **include cereals** such as bajra, wheat, maize, paddy barley, ragi and jowar; **pulses** like tur, chana, masur, urad and moong; **oilseeds** such as safflower, mustard, niger seed, soyabean, groundnut, sesame and sunflower. The MSP also covers **commercial crops** of raw jute, cotton, copra and sugarcane.

How is MSP determined?

In India, there are two major cropping seasons, namely 'Rabi' and 'Kharif'. The government announces the MSP at the start of each cropping season based on recommendations it receives from the Commission for Agricultural Costs and Prices (CACP).

This determination is based based on a pre-decided formula. The Union Budget for 2018-19 had announced that MSP would be kept at levels of one and half times of the cost of production.

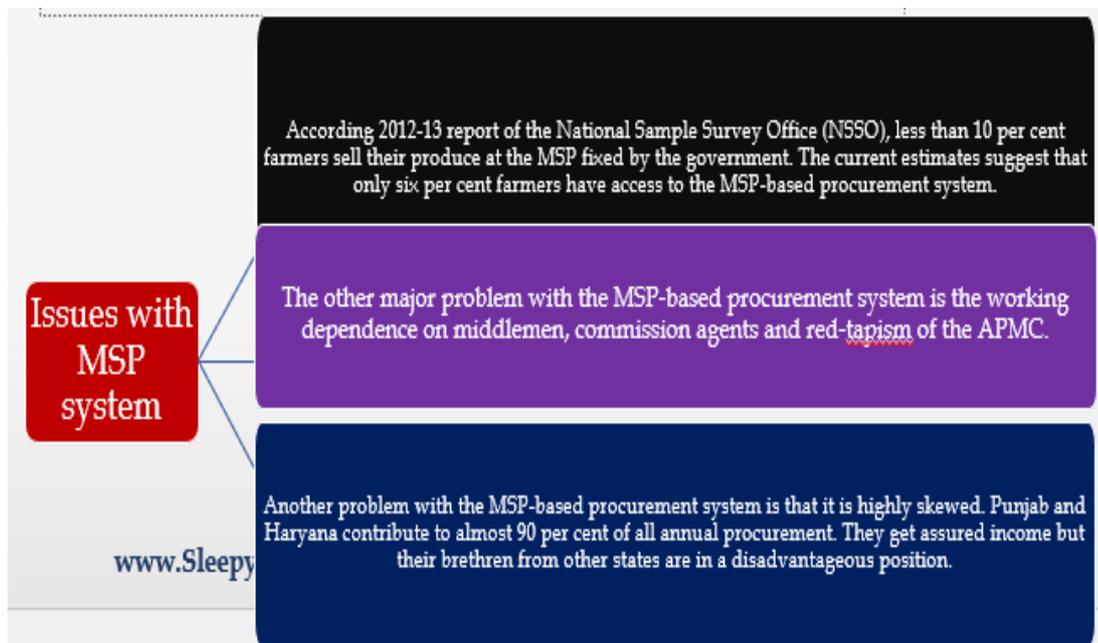
The CACP does not do any field-based cost estimates itself. It merely makes projections using state-wise, crop-specific production cost estimates provided by the Directorate of Economics & Statistics in the Agriculture Ministry.



Reasons for farmers' disappointment?

- Firstly, the 2018 speech did not specify the cost on which the 1.5-times formula was to be computed. But the CACP's 'Price Policy for Kharif Crops: The Marketing Season 2018-19' report stated that its MSP recommendation was based on 1.5 times the A2+FL costs.

- Farm activists including SKM, however, had said that the 1.5-times MSP formula – originally recommended by the National Commission for Farmers headed by agricultural scientist M S Swaminathan and promised in the BJP’s 2014 Lok Sabha election manifesto – should have been **applied on the C2 costs**.
- Government’s press release in March 2020 however contended that CACP considers both A2+FL and C2 costs while recommending MSP. CACP reckons only A2+FL cost for return.
- Secondly, while the government announces MSPs for 23 crops, procurement happens only for a few among them. Also, procurement varies quite a lot across states.
- The final reason for protest regarding MSP is while the government does announce MSPs every year, it is not required to do so by law. The compulsion to procure on MSP is political, not legal. A legal mandate for MSP would force the government to purchase all the produce that any farmer wants to sell at the declared MSP. It would also have to procure from all states, and all crops for which MSPs are announced.



Why the skepticism towards government?

Shanta Kumar Committee

- The Narendra Modi government set up a committee to study the food procurement mechanism in 2014 under the chairmanship former Union Minister Shanta Kumar.
- The *Shanta Kumar committee* recommended that the government move from "in-kind" delivery of foodgrains to a system of direct cash transfer to target populations.

Economic Survey

- A similar recommendation was suggested by former CEA *Arvind Subramanian* in the 2016-17 Economic Survey.
- *CEA K Subramanian in June 2020* suggested that the coverage of the PDS should be brought down from 70 per cent to 20 per cent, and a system of direct cash transfer to the beneficiary should be put in place as replacement.

The ongoing protest is pivoted on this perception that by bringing in private parties in agriculture produce procurement – a suggestion of the Shanta Kumar panel – the government is on a course to do away with both the MSP-based procurement regime and the PDS.

Issues to be addressed

- India has had MSPs for several crops for several decades now, but that has not resolved the problem of agrarian distress.
- Most Indian farmers have small and marginal landholdings, making them uneconomic. They are poor and indebted, and a large section among those who work in the fields are landless labourers.
- According to NCRB data, 10,677 people engaged in the farm sector died by suicide in 2020, slightly higher than the 10,281 who died in 2019. They made up 7% of all suicides in the country.
- At a fundamental level, the problem is there are just too many people involved in Indian agriculture for it to be truly remunerative. Agriculture accounts for just 17% of India's GDP while employing 55% of its population.

Probable Solutions

- P. Sainath argues that making minimum support price (MSP), as decided by the Swaminathan commission report, legal with guaranteed procurement of crops can make farming profitable. Sainath further argues that to deal with the farmers' issues, there should be 'kisan commission' and it should be controlled by farmers and farm labourers.
- Sunita Narain argues that across the world – even, and especially, in the rich world – agriculture is heavily funded by governments. In the United States it is roughly 12 per cent and in the European Union (EU) it is 20 per cent.

- Farmers in India suffer double whammy- First, they are disadvantaged because they *do not get the financial support* needed to make farming lucrative. Second, when their crops become costly due to *either extreme weather or other reasons of scarcity*, the government steps in to import cheaper food.
- On the other hand, critics argue a legally mandated MSP regime likely to be neither feasible nor sustainable in the long run.
- Already grain stocks lying with the government are more than twice its buffer requirement, and sometimes end up rotting.
- The way forward is to *ramp up investment in the agriculture sector*. This means better irrigation facilities, easier access to credit, timely access to power, and ramping up warehouse capacity and extension services, including post-harvest marketing.
- Another solution to the economic distress of Indian farmers lies outside agriculture – in *boosting India's industrial and services sectors*. These two sectors can potentially soak up the excess labour that is at present engaged in unremunerative farm activities.

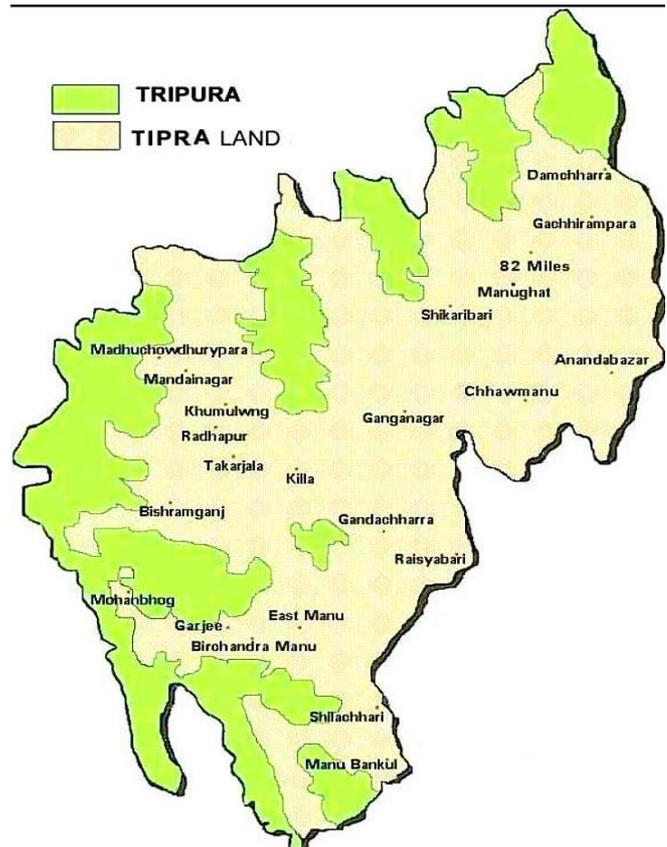
December 2021

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The Demand for Greater Tripraland

Why is Tripraland in News?

- Context: Several tribal outfits in Tripura have joined hands to push their demand for a separate state for indigenous communities in the region, arguing that their "survival and existence" was at stake.
- They staged a dharna at Jantar Mantar on November 30 and December 1 2021 with the demand, which at least three political parties - the Congress, Shiv Sena and AAP - have promised to take up with the Union government.
- The proposed state covers 68% of the total geographical area of the Tripura and is home to over one-third of the total population of Tripura.
- There is also a demand for a Greater Tripraland by adding Tripuris dominant areas outside the Tripura- Mamit district of Mizoram, Cachar and Hailakandi districts in Assam, and Bandarban, Khagrachari, and Chittagong of Bangladesh.
- They want the Centre to carve out the separate state under Article 2 and 3 of the Constitution. Among the 19 notified Scheduled Tribes in Tripura, Tripuris (aka Tipra and Tiprasas) are the largest.
- According to the 2011 census, there are at least 5.92 lakh Tripuris in the state, followed by Reangs (1.88 lakh) and Jamatias (83,000).



History of the demand:

Pre-Independence History

- Tripura was a kingdom ruled by the Manikya dynasty from the late 13th century until the signing of the Instrument of Accession with the Indian government on October 15, 1949 and later achieved statehood on 21 January 1972.

Independent India

- The demand mainly stems from the anxiety of the indigenous communities in connection with the change in the demographics of the state, which has reduced them to a minority. It happened due to the displacement of Bengalis from the erstwhile East Pakistan between 1947 and 1971.

Present day statistics

- From 63.77 per cent in 1881, the population of the tribals in Tripura was down to 31.80 per cent by 2011. Further, the indigenous people have also been dislodged from land reserved for them by the penultimate king of the Manikya dynasty Bir Bikram Kishore Debbarman.

Issues confronting the indigenous people:

Migration: Tripura is one and only state in the country, which has been turned into a completely non-tribal state from a predominantly tribal state.

Land Alienation: The last King of Tripura Bir Bikram Kishore Manikya set aside a huge tract of land in Khowai, called Kalyanpur Reserve for the settlement of Ihumias but this was ended in 1949.

Language: 'Kokborok' is the language of the largest tribal ethnic groups which got official language status as late as 1979 and now there is a continuing script controversy.

Steps Taken

- The Tripura Tribal Areas Autonomous District Council (TTAADC) Act 1979 was passed by the Indian Parliament after a series of democratic movements launched by the Indigenous people of Tripura, under the provision of the 6th schedule of the Indian constitution.

- The principal objective behind setting up the autonomous district council is to empower the Indigenous people to govern themselves and also to bring all round developments of the backward people so as to protect and preserve their culture, customs, and traditions.
- The Council actually came into being in 1982. Later, it was upgraded under the provision of the 6th schedule of the Indian constitution by the 49th Constitution (Amendment) act, 1984; with effect from 1 April 1985.

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The Nagaland Crisis and Role of AFSPA

What happened in Nagaland?

- On December 4 2021, a group of soldiers from the 21 Para Regiment carried out an ambush on what they thought was a group of Naga militants belonging to a faction of the insurgent organisation, the National Socialist Council of Nagaland.
- However, on arrival of locals it was realised that the killed were civilian coal miners leading to anger among people and fighting with soldiers resulting in death of one, injuries to six soldiers and their SUVs being burnt down.
- These incidents took place in Mon district of Nagaland, which is the stronghold of the Konyak Naga tribe.
- Rioting spilled over next day when angry mobs vandalised the offices of the Konyak Union and an Assam Rifles camp in the area, setting fire to parts of the camp. In retaliatory fire another person was killed.
- The tribal bodies, civil societies and student bodies Monday imposed shutdowns of different durations ranging from six to 12 hours across the state.
- The influential Naga Students' Federation (NSF) has announced five days of mourning, while also asking tribals not to participate in any celebration during the period.
- The state government decided to cancel the ongoing Hornbill Festival in view of the mourning announced for the deceased and to express solidarity with the bereaved families. The 10-day annual marquee festival that attracts tourists from all over began on December 1, marking the day Nagaland attained statehood in 1963.

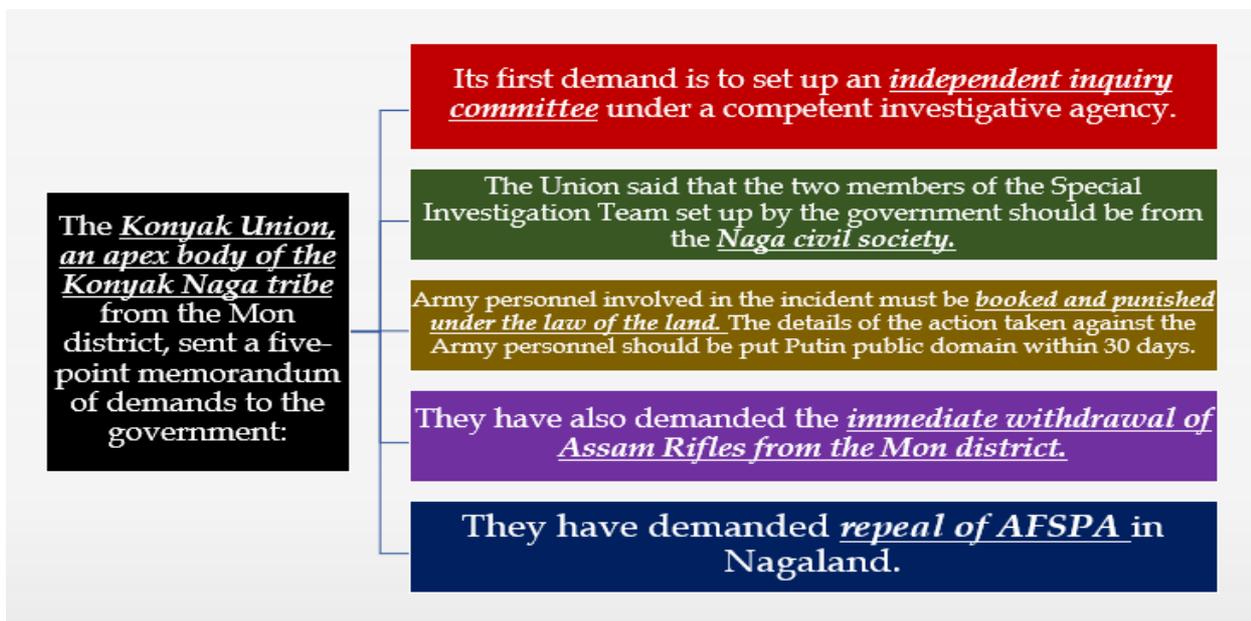


Impact on Peace-talks

- The Government is engaged in discussions with the Isak-Muivah faction of the National Socialist Council of Nagaland (NSCN-IM) and seven Naga National Political Groups (NNPGs) to find a solution to the Naga political issue.
- The Isak-Muivah faction, the key player in the Naga peace talks, described the incident in Mon as a "black day" for Nagas. The NSCN-IM, one of the largest Naga groups, has been demanding 'Greater Nagaland' or Nagalim, an extension of Nagaland's borders by including Naga-dominated areas in neighbouring Assam, Manipur and Arunachal Pradesh and uniting 1.2 million Nagas.
- NSCN(I-M) group signed a framework agreement on August 3, 2015 to end the decades-old Naga strife.

Who are the Konyaks?

- At the centre of this crisis, are the Konyaks - among the largest tribes in the state with a population of over 3 lakhs.
- Known to be one of the fiercest warrior tribes in Nagaland, the Konyaks were the last to give up the practice of head-hunting - severing heads of enemies after attacking rival tribes - as late as the 1980s.
- Mon is the only district in Nagaland where separatist group NSCN (IM) has not been able to set up base camps, largely due to resistance from the Konyaks.
- Due to their numbers and the tribe's anti-NSCN (IM) position, the Konyaks forms the backbone of the NNPG - 7 Naga insurgent groups indigenous to Nagaland - unlike the IM, which is dominated by the Manipur-origin Tangkhul tribe.



AFSPA and Nagaland

- AFSPA gives armed forces special powers to control "disturbed areas", which are designated by the government when it is of the opinion that a region is in such a disturbed or dangerous condition that the use of armed forces in aid of civil power is necessary.
- According to the Disturbed Areas (Special Courts) Act, 1976 once declared 'disturbed', the area has to maintain status quo for a minimum of 3 months. One such act passed on 11 September 1958 was applicable to the Naga Hills, then part of Assam.
- The power to declare a territory "disturbed" initially lay with the states, but passed to the Centre in 1972. Under its provisions, the armed forces have been empowered to open fire, enter and search without warrant, and arrest any person who has committed a cognisable offence, all while having immunity from being prosecuted.

Criticism of AFSPA

- AFSPA has often been criticised as a “draconian Act” for the unbridled power it gives to the armed forces and the impunity that security personnel enjoy for their actions taken under the law.
- The *Jeevan Reddy Committee formed in 2004* had recommended a complete repeal of the law. “The Act is a symbol of hate, oppression and an instrument of high handedness,” the body said.
- *Irom Sharmila*, known as the Iron lady of Manipur, has been a towering figure who is well-known for her 16-year-long hunger strike against AFSPA and the *Kangla fort protests*. AFSPA was finally withdrawn from Manipur in 2004.
- In 2016, the *Supreme Court* also delivered a stinging rebuke to the government over the continuation of AFSPA. The SC judgment clarified that the notion that the Act provides a free hand to security forces is flawed.

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Kashmir Tigers and Rise of New Insurgency in Jammu and Kashmir

- **Context:** The J&K Police have named 'Kashmir Tigers', a little-known militant outfit, in a recent attack in 2021 which killed two policemen and injured 14 others after militants attacked a police bus in a highly fortified neighbourhood of Srinagar.
- It was the first major attack on security forces in the Valley since the abrogation of J&K's special status in August 2019 and the Lethpora (Pulwama) car bombing that killed 40 CRPF personnel in February that year.
- Police said militants fired indiscriminately on a police bus of the 9th Battalion of J-K Police's armed wing at Zewan on the outskirts of Srinagar city.

Who are the Kashmir Tigers?

- Kashmiri Tigers is one of the several terror outfits that have cropped up in Jammu and Kashmir since the abrogation of Article 370.
- The recently-formed terror group is said to be an off-shoot of Pakistan-based Jaish-e-Mohammad (JeM).
- The militant group came into the forefront in January this year when its founder, Mufti Altaf alias Abu Jar, a resident of south Kashmir's Anantnag, posted a video on social media to announce the formation of the group.
- It is said that the new kind of nomenclature of the military groups is an attempt to make it appear more "secular" than "religion" and in the process portray militancy as indigenous in Kashmir.

Phases of militancy/insurgency?

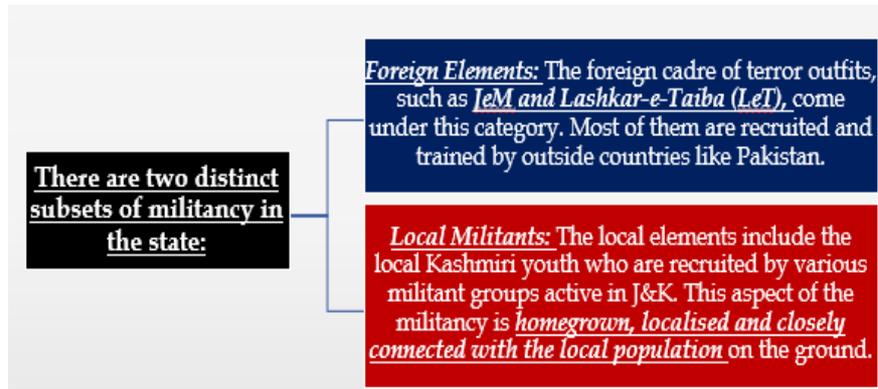
The *early phase of militancy* in Kashmir emerged in the late 1980s. Inspired by the success of the Afghan Jihad, the deep state of Pakistan instigated a widespread insurgency in J&K, aiming to push India out of the state.

Fuelled by the outrage against the rigging of the elections of 1987, a large number of Kashmiri youth exfiltrated across the Line of Control (LoC) to join the training camps *in Pakistan-administered Kashmir* such as the Jammu Kashmir Liberation Front (JKLF).

David Devadas argues that the militancy in J&K abated in the 2000s. He attributes the decline of the militancy of the 1990s to the fact that "militants found it extremely difficult to get shelter or assistance in Kashmiri homes." The popular sentiment in the Valley had started to favour *democratic means of resolving the Kashmir conflict*.

Rise of New Insurgency

- However, in 2018, for the first time in 18 years, more local militants were killed in encounters than were foreign militants, indicating a resurgence in local participation in militancy.
- Jason Burke, an expert on terrorism, while describing the rise of Burhan Wani, pointed out that a "new wave" of militants had emerged in Jammu and Kashmir who are young, educated and tech-savvy.



Features of new insurgency:

After the *abrogation of Article 370*, a number of new terror outfits cropped up such as The Resistance Front (TRF), comprising elements of Hizbul Mujahideen, *Jaish-e-Mohammad*, Lashkar-e-Taiba and Al-Badr.

Lt General Satish Dua argues that besides coordination, the creation of these new groups also serves the purpose of circumventing FATF compliances for Pakistan, of choking funding to terrorist groups.

People's Anti-Fascist Front (PAFF), Al-Badr and Kashmir Tigers, among others have a strong online presence. This is one of the most important features of new insurgency which is the *outburst of social media* which has also become a means of recruitment of local disenfranchised youth.

In the earlier phase of militancy, indigenous groups jostled for space and dominance, leading to a brutal internecine conflict. However, *in the new phase of militancy, these lines have blurred*, and there is a *great deal of synergy* between the Lashkar, JeM and HM.

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Is Raising Marriageable Age for Women a Good Move?

The Union Government has proposed raising age for marriage of women **from 18 to 21 years**. This is based on the recommendation of the Jaya Jaitley Task Force set up in June 2020 .

The Hindu Marriage Act, 1955, and the Indian Christian Marriage Act, 1872, prescribe the age of 18 years for the bride and 21 years for the groom. The Muslim Personal Law (Shariat) Application Act, 1937, allows marriage if the boy and the girl have attained puberty. The Special Marriage Act, 1954, which governs inter-faith marriages also lays down 18 years for women and 21 years for men as the age of marriage. There is also the Prohibition of Child Marriage Act, 2006, which prohibits marriage below 18 years for women and 21 years for men.

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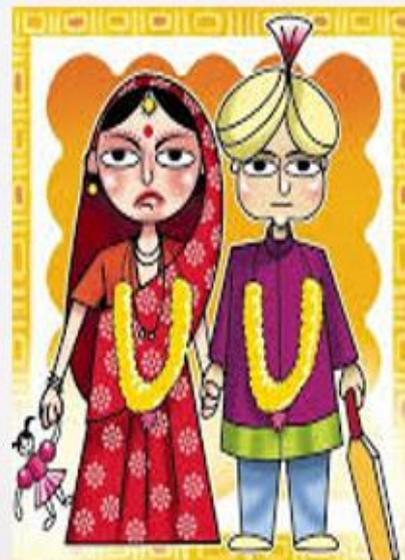
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What happens when Child Marriage is detected?

Child marriages are illegal but not void. It is **voidable at the option of the minor party**. This means the marriage can be declared void by a court only if the minor party petitions the court. This flexibility is kept to ensure **that the rights of the minor, especially the girl, is not taken away in marital homes later on.**

However, if a court finds a minor was coerced into marriage by parents or guardians, the provisions of the Juvenile Justice (Care and Protection of Children) Act come into effect to keep the custody of the minor until he or she **attains majority and can make a decision on the marriage.**



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Purpose of raising Age of Marriage for Women:

In her 2020 Budget speech, Finance Minister Nirmala Sitharaman announced that the Government would set up a task force to look into the “age of a girl entering motherhood” with the aim to lower maternal mortality rates, improve nutrition levels as well as to ensure opportunities for women to pursue higher education and careers.

These were also the terms of references for a 10-member panel headed by former Samata Party chief Jaya Jaitley, which submitted its report to the PMO and Ministry of Women and Child Development in December 2020.

Its recommendations include raising the age of marriage, a strong campaign to reform patriarchal mindsets, improving access to education by providing girls safe transport to schools and ensuring toilets and sanitary napkins so girls don't drop out, providing sex education, as well as vocational training and livelihood options.

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Will the new proposal make women more vulnerable?

According to National Family Health Survey-5 (2019-2021), 23.3% of women aged 20-24 years married before the age of 18, which shows that the Prohibition of Child Marriage Act (PCMA), 2006, has not been successful in preventing child marriages and increasing the legal age at marriage for girls will expand the number of persons deemed underage and render them without legal protection.

According to an analysis of NFHS-4 (2015-2016) data by Mary E. John, Centre for Women's Development Studies, 56% girls were married below the age of 21 and this figure was as high as 75% among the poorest category of population.

Further, when one looks at evidence it shows how PCMA is used largely by parents to punish their daughters who marry against their wishes or elope to evade forced marriages, domestic abuse and housework.

The marriage age at 18 was set in 1978, but child marriage started to decline only in the 1990s, when the government stressed primary education of the girl child and took measures to reduce poverty. 70% of early marriages in deprived communities- SCs, STs- will drive them underground.

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What is the Election Laws Amendment 2021 and its Impact?

The government passed in both Houses of Parliament the Election Laws Amendment 2021 as well as amended the Representation of the People Act, 1950 and 1951. Key clauses of the Amendment include:

- Increasing Dates for Enrolment: Under the section 14 (b) of RP 1950 Act, the qualifying date for enrolment in the electoral roll is January 1 of the year in which such roll is being prepared or revised. This implies that a person who turns 18 (i.e., eligible to vote) after January 1 can enrol in the electoral roll only when the roll is prepared/ revised the next year.
- The Amendment increases the number of qualifying dates for the revision of electoral rolls from one per year to four. The provision for January 1st has been amended to include April 1, July 1 and October 1 so that one need not wait for the end of the year to apply for inclusion.

- Voter id- Aadhaar linkage: It enables the voter registration officer to require applicants for inclusion of their names in the voters' list, as well as those already enrolled in it, to submit their Aadhaar numbers.
- The idea is to verify the identity of voters by linking the Aadhaar database, which contains the unique identification numbers of every resident in the country, with the details contained in the electoral rolls.
- The government says this will help weed out bogus voters, non-citizens being wrongfully included as voters, and those who figure in the electoral rolls in more than one constituency.
- The Aadhaar-voter id link is voluntary in nature to the extent that it says that no person can be denied inclusion in the electoral roll or any entry deleted because of the inability of an individual to furnish or intimate Aadhaar number.
- The inclusion will be possible if they are unable to furnish Aadhaar number due to sufficient cause as prescribed. Such persons may be permitted to furnish alternate documents prescribed.

- **Gender neutral provisions:** Section 60 of the RP 1950 Act permits certain persons who are ordinarily resident in a constituency to register in electoral rolls. Such persons include those holding a **service qualification**, such as members of the armed forces or central government employees posted outside India are allowed to give their vote either in person or by postal ballot or by proxy.
- The **wives of such persons are also deemed to be ordinarily residing** in the same constituency if they reside with them. The 1951 Act enables the wife of a person holding a service qualification to vote either in person or by postal ballot. The Amendment replaces the term 'wife' with 'spouse' in both the Acts.

- **Requisitioning of premises for election purposes:** The 1951 Act permits the state government to requisition premises needed or likely to be needed for being used as polling stations, or for storing ballot boxes after a poll has been conducted.
- The Amendment expands the purposes for which such premises can be requisitioned. These include using the premises for counting, storage of voting machines and poll-related material, and accommodation of security forces and polling personnel.

Opposition to the Amendment

Opposition parties and activists object to the amendment broadly on the following grounds:

- that it **violates individual privacy** by mandating the linking of Aadhaar details with voter identity cards;
- that it goes against the **Supreme Court judgment that limits the use of Aadhaar to the financial and welfare benefits** given by the government, and bars the unnecessary expansion of the scope of Aadhaar to other areas of life;
- it may lead to **large-scale deletion of names** either inadvertently or deliberate targeting;
- that it is not really voluntary, as **only a set of reasons to be prescribed later** can be given for those who cannot or do not wish to give their Aadhaar number; and
- that it may **help political parties to profile voters** as favourable or unfavourable.

Case Study

- In 2018, the data used by the Election Commission to curate electoral rolls in Telangana and Andhra Pradesh was provided by the State Resident Data Hub (SRDH) - which is provided data by the UIDAI and curated further by State Governments.
- Activists claimed that lakhs of voters were deleted from the list of voters in Telangana in 2018, following this exercise. Anecdotally, several residents found that their names were deleted from the list of voters because of using the Aadhaar-related database to construct the electoral rolls.
- An RTI response also found that no door-to-door verification exercise was carried out to vet the database. Activists claim that the Aadhaar database is strewn with errors and therefore linking it to the voters' list will result in severe omission errors if the Telangana and Andhra Pradesh examples bear out elsewhere too.

Subhashis Banerjee and Subodh Sharma point that Aadhaar is not meant to be a citizenship proof but only a digital identity for all residents. Residence of 182 days can make even a non-citizen eligible for an Aadhaar ID.

Second, even according to public statements by several government functionaries, Aadhaar was only meant to be an identity proof but not an address proof. In contrast, the Registration of Electors Rules clearly stipulates address to be a key index for electoral rolls.

Moreover, the enrolment processes for voters' lists and Aadhaar are completely different. Whereas Aadhaar enrolment is based on production of existing documents and the "introducer system", voter enrolments involve physical verification and "house visits" by a registration officer or representative.

Fourthly, there are no publicly available audit reports either on the efficacy of Aadhaar deduplication or on the authenticity of the Aadhaar database. Even the Supreme Court accepted the Unique Identification Authority of India's (UIDAI) claims on the integrity of the Aadhaar database at face value without any scrutiny.

Finally, and most importantly, maintenance of the voters' lists is a primary responsibility of the ECI, which is an independent constitutional body, whereas Aadhaar is a government instrument and UIDAI is under government control.

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- **Vrinda Bhandari** also points out procedural concerns that relate to the manner in which the amendment was passed:
 - The Government introduced the Bill on December 20 and passed it on the same day in the Lok Sabha, while *pushing it through the Rajya Sabha* on the next date (December 21).

- Members of Parliament *were not given time to understand or debate the implications* of the amendments. Despite calls for division of vote in both Houses, the law was passed *on the basis of a voice vote*.
- This *undermines the fundamental premise of a parliamentary democracy* – to allow elected representatives the opportunity to voice the concerns of their constituents over laws that affect them.
- Former CEC **S.Y. Qureshi** argues that the linking will help in identifying duplicate voters. At the same time, he believes that there are a number of electoral reforms that require implementation that need to be worked upon:
- One of the suggestions is about common electoral roles. The process for making electoral rolls is laid down in the Registration of Electors Rules, 1960. Currently, separate electoral rolls are maintained for elections to the Lok Sabha, Vidhan Sabha and local government bodies (panchayats or municipal).
- There are two types of election management bodies in the country – the ECI that conducts the Lok Sabha and Vidhan Sabha elections and SECs that conduct panchayat and municipal elections. The SECs have the option of either adopting the electoral rolls created by the ECI or preparing such rolls on their own.
- Most prefer to use the rolls prepared by the ECI. Some states, however, develop their rolls independently. These are Uttar Pradesh, Uttarakhand, Madhya Pradesh, Kerala, Odisha, Assam, Arunachal Pradesh, Nagaland and the Union Territory of Jammu and Kashmir.
- The ECI and SECs can issue joint instructions for preparing the common rolls. Since different elections are held at different times, rolls must be always ready.

January 2022

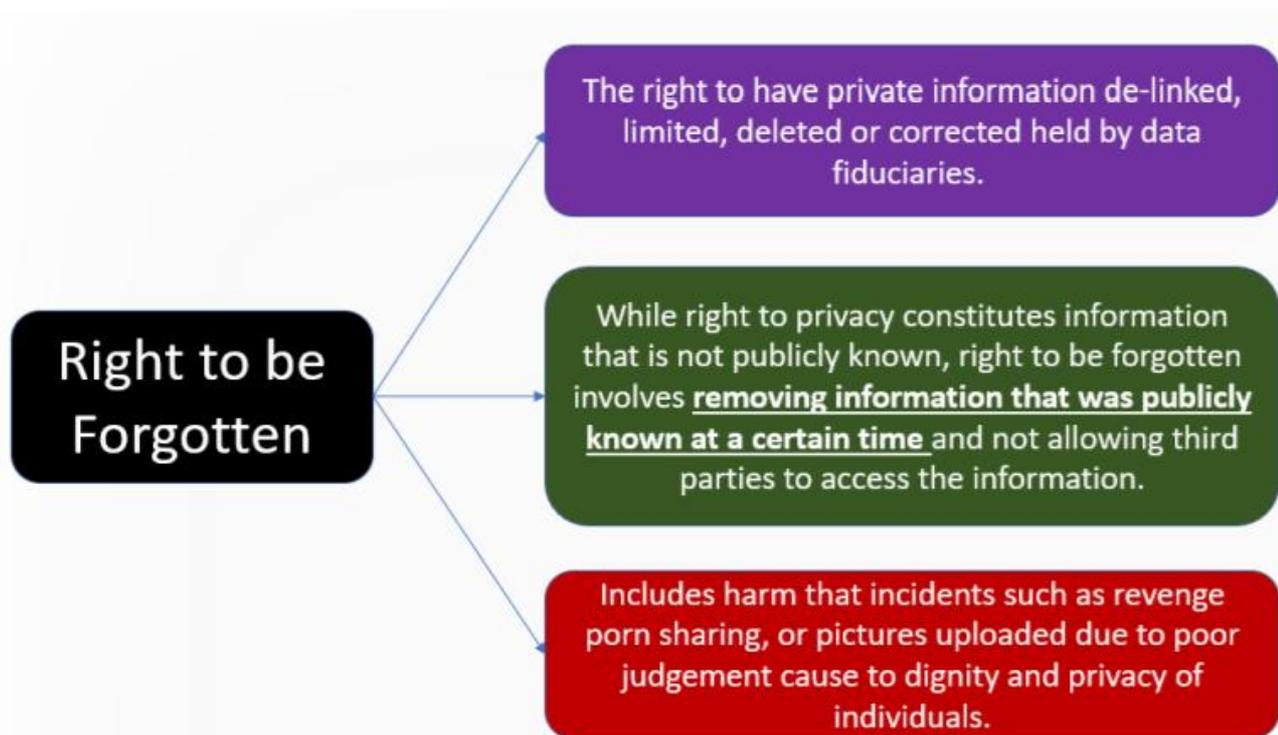
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Right To be Forgotten

Why in News?

- In July 2021, Ashutosh Kaushik who won reality shows Bigg Boss in 2008 and MTV Roadies 5.0 approached the Delhi High Court with a plea saying that his videos, photographs and articles etc. be removed from the internet citing his “Right to Privacy” under Article 21.
- In August 2021, Delhi High Court ruled in favour of an unnamed actress to have her questionable photos removed from the internet, ruling that the “right to privacy” includes the right to be forgotten and the right to be left alone as “inherent aspects” when a person is being exhibited against his/her will.
- In December 2021, Centre told the Delhi High Court that the “right to be forgotten” is part of the fundamental right to privacy. Petitions across courts have been seeking enforcement of this “right” a legal principle that is not yet backed by statute in India.

What is Right to be Forgotten?



Genesis of Right to be Forgotten

The Centre for Internet and Society notes that the “right to be forgotten” gained prominence when the matter was referred to the Court of Justice of European Union (CJEC) in 2014 by a Spanish Court.

In Article 12 of the Directive 95/46/EC the EU gave a legal base to Internet protection for individuals. The EU in 2018 adopted the General Data Protection Regulation (GDPR), Article 17 of which provides for the right to erasure of certain categories of personal data.

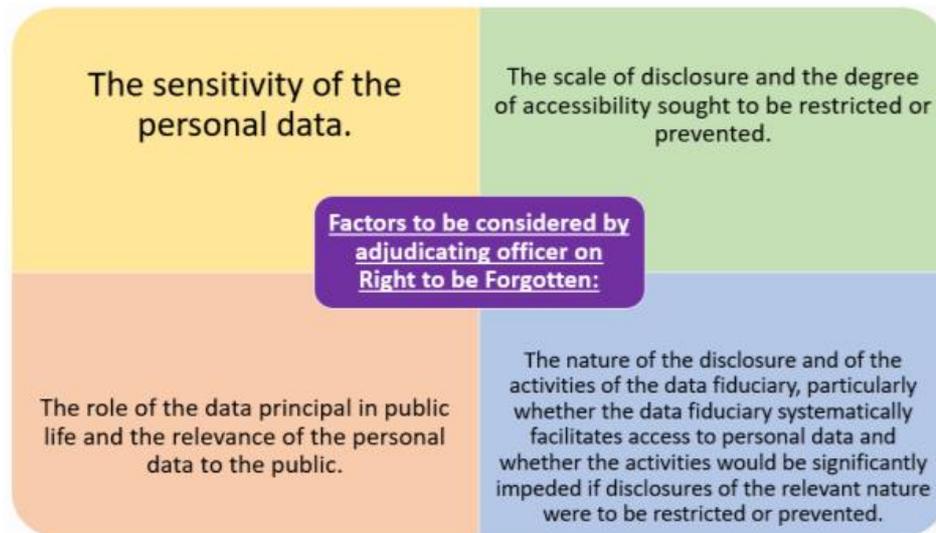
This includes that which is considered no longer necessary, that for which consent has been withdrawn or processing of which has been objected to, personal data unlawfully processed, and data where there is a legal obligation for erasure.

However, the regulations limit the right to erasure in certain circumstances, including for reasons of public interest in the area of public health, for archiving purposes “in the public interest, scientific or historical research purposes or statistical purposes in accordance” and for “establishment, exercise or defence of legal claims.”

Russia in 2015 enacted a law that allows users to force a search engine to remove links to personal information on grounds of irrelevancy, inaccuracy and violation of law. The right to be forgotten is also recognised to some extent in Turkey and Siberia, while courts in Spain and England have ruled on the subject.

Position in India

- In a brief reply in one of the petitions earlier this week, the Centre told the Delhi High Court that the right to privacy has been recognised as a fundamental right in the K S Puttaswamy judgment (2017) and that the ‘right to be forgotten’ is evolving in India.
- The government said the Personal Data Protection Bill (a Joint Parliamentary Committee’s report on which was tabled on December 16, 2021), contains provisions to the doctrine of the ‘right to be forgotten’. Further, the grievance redressal mechanism provided under the IT Rules 2021 can be of use here.
- The 2018 B.N. Sri Krishna Committee report was of the view that the right to be forgotten should not be an extension to the right to erasure, but there could be a restraint on the disclosure of such information if certain benchmarks are met and the Data Protection Authority may adjudicate on the issue.



Ruling of Courts in India

- In 2016, the Kerala High Court passed an interim order requiring Indian Kanoon to remove the name of a rape victim which was published on its website along with the two judgments rendered by the Kerala High Court in Writ petitions filed by her.
- In 2019, Justice Pratibha M Singh of the Delhi High Court, dealing with a civil suit seeking removal of certain news reports on MeToo allegations against the managing director of a media house, said the “right to be forgotten” and “right to be left alone” are inherent aspects of the right to privacy, and restrained republication of these news reports.
- In 2021 the court directed removal of a judgment from search results; the order is now being opposed by Google.

Issues

- There is the complex issue of trying to balance to balance the Right to Privacy of the Petitioner with the Right to Information of the public and maintenance of transparency in judicial records, if a Court order is removed from online platforms.
- M.S. Achar ulu also points to certain instances wherein political usage of Right to be forgotten can be an infringement upon freedom of express and press provided under Article 19 as well as to transparency to be insured under Right to Information.

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E-Passport

Why in News?

- Context: The government of India in January 2021 announced that it will soon start issuing E-Passports to citizens applying for a new passport or renewing their expiring passport.
- India had announced E-Passports in 2021 and had claimed that they are compliant with the International Civil Aviation Organisation (ICAO) standards and would be harder to destroy.
- Currently, passports issued to Indian citizens are printed on booklets. India had issued 20,000 official and diplomatic e-passports on a trial basis with an electronic microprocessor chip embedded in them.

Features of e-passport

- The first e-passport in India was issued to the then President of India Pratibha Patil on 25 June 2008 by the Indian Passport Authority.
- The new e-passports will be based on secure biometric data and will ensure smooth immigration process globally.
- An e-passport's chip usually has the holder's biographical information that is printed on the document's data page and a biometric identifier. The passport will also come with a digital signature that is unique to each country and can be easily verified using a certificate.
- Such passports have digital security features to prevent unauthorised reading of data stored on the chip. In case, anyone tampers with the chip, the system shall be able to identify it, resulting in the failure of the passport authentication. The security features will disallow unauthorised data transfer through RFID (Radio Frequency Identification).
- The software for the ePassport has been developed by IIT Kanpur and the National Informatics Centre (NIC). The government has given approval to the India Security Press, Nashik for procuring electronic contactless inlays for manufacturing E-Passports.

What is the passport Seva Programme?

- The e-passports are a part of 2nd phase of the Passport Seva Programme (PSP-V2.0) for which the Ministry of External Affairs signed an agreement with Tata Consultancy Services (TCS).
- Passport Seva Programme (PSP), one of the several Mission Mode Projects (MMPs) of the Government of India to promote e-governance in India.
- The Ministry of External Affairs said that the PSP-V2.0 is a "continuation and enhancement" of PSP-V1.0.

Nature of partnership:

Tata Consultancy Services according to the MEA will ensure “support functions” like “citizen interface, technology backbone, call centres, training and change management”.

The Government will exercise “all sovereign and security related functions” in the process of issuing of passports. Strategic assets like Data Centres, Database and the application software will be owned by the Government and access would be controlled through biometrics.

February 2022

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Barbell Strategy and Social Infrastructure in Economic Survey 2021-2022

What is Barbell Strategy?



The supply side Barbell	
Flexibility and innovation	Improving resilience
* Deregulation of sectors such as space, drones, geospatial mapping, IT-BPO, trade finance factoring, etc	* Atmanirbhar Bharat as a response to global supply chain disruptions
* Process reforms in govt procurement and telecommunication sector	* PLI schemes to encourage domestic production
* Privatisation and asset monetisation	* Support for domestic manufacturing of key inputs like chips, pharma ingredients
* Creation of physical infrastructure	* Deposit insurance
* resolving legacy issues like retrospective tax	* Investment in renewable energy
*Factor market reforms - Labour Codes	* Systematic accumulation of forex reserves

	500/month for 3 months to women Jan Dhan Account holders.
	1000 to vulnerable sections (widows, Divyangs, elderly)
	Pradhan Mantri Kisan Samman Nidhi (PM-KISAN)- 6000/- per year in three instalments
	Pradhan Mantri Garib Kalyan Anna Yojana - Additional free-of-cost food grains to 80 Crore National Food Security Act (NFSA) beneficiaries @ 5 Kg per person per month, over and above the regular monthly NFSA foodgrains.
	One Nation One Ration Card to ensure PDS benefit for people in transit, especially migrant workers.
	Cooking gas cylinders under Ujjawala

	Pradhan Mantri Garib Kalyan Rojgar Abhiyaan (PM-GKRA) for immediate employment & livelihood opportunities to returnee migrant workers across 6 States of Bihar, Jharkhand, Madhya Pradesh, Odisha, Rajasthan and Uttar Pradesh.
	MGNREGS wage increased by `20 over the wage rate of 2019-20
	Aatmanirbhar Bharat Rojgar Yojana (ABRY) to reduce the financial burden of the employers and encourages them to hire more workers, implemented by EPFO
	Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY) and Rural Self Employment Training Institutes (RSETIs) - skill development programmes for rural poor youth.
	Fresh skilling and upskilling of the returnee migrant workers under Pradhan Mantri Kaushal Vikas Yojana (PMKVY) covering 6 states
	Pradhan Mantri Awas Yojana - Gramin (PMAY-G) and Pradhan Mantri Awas Yojana - Urban (PMAY-U)

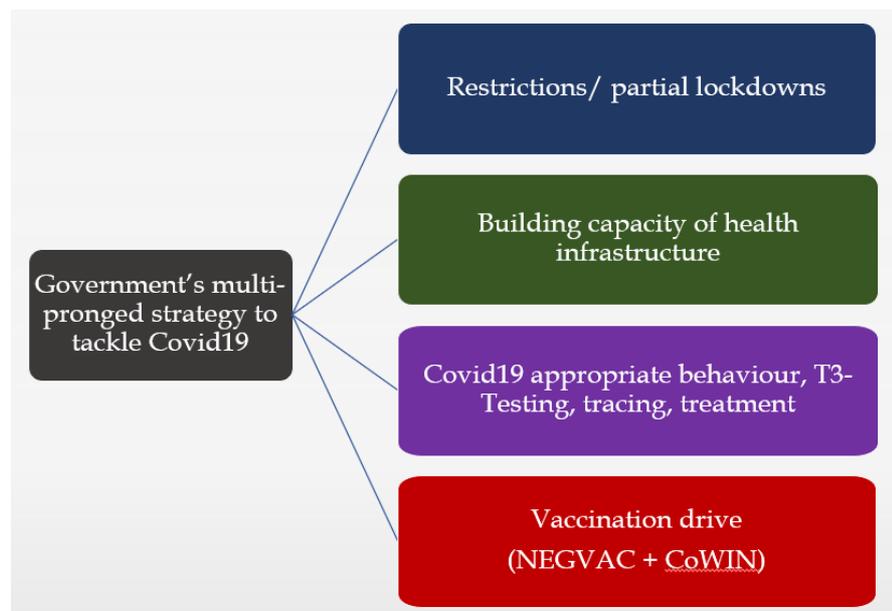


Table 1: Trends in Social Service Sector Expenditure by General Government (Combined Centre and States)

Item	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21 (RE)	2021-22 (BE)
(₹ in lakh crore)								
Total Budgetary Expenditure	32.85	37.61	42.66	45.16	50.41	54.11	65.24	71.61
Expenditure on Social Services:	7.68	9.16	10.41	11.40	12.78	13.65	16.34	19.06
i) Education	3.54	3.92	4.35	4.83	5.26	5.80	6.21	6.97
ii) Health	1.49	1.75	2.13	2.43	2.66	2.73	3.50	4.72
iii) Others	2.65	3.48	3.93	4.13	4.86	5.13	6.63	7.37
(As percentage to GDP)								
Expenditure on Social Services:	6.2	6.6	6.8	6.7	6.8	6.7	8.3	8.6
i) Education	2.8	2.8	2.8	2.8	2.8	2.8	3.1	3.1
ii) Health	1.2	1.3	1.4	1.4	1.4	1.3	1.8	2.1
iii) Others	2.1	2.5	2.6	2.4	2.6	2.5	3.4	3.3

Impact of Pandemic on Education

ASER found that despite the pandemic, enrolment in age cohort of 15-16 years continued to improve as number of not enrolled children in this age group declined from 12.1 percent in 2018 to 6.6 percent in 2021.

However, ASER (Rural) report also found that during pandemic, children (age 6-14 years) 'not currently enrolled in schools' increased from 2.5 percent in 2018 to 4.6 percent in 2021.

ASER report also found that during pandemic, children in rural areas have moved out of private to government schools in all three age groups (7-10, 11-14, 15-16).

When schools were closed during pandemic, online learning became the most safe and prominent mode of learning. As per the ASER study, existing digital divide, however, exacerbated the equity in access to education.

PM e-VIDYA: Launched in May 2020, PM e-Vidya unifies all efforts related to digital/online/on-air education to enable coherent multi-mode access to education. The four components of PM e-VIDYA for school education are:

1. One Nation, One Digital Education (DIKSHA) Platform;
2. One Class, One TV channel through Swayam Prabha TV Channels;
3. Extensive use of Radio, Community Radio and Podcasts; and
4. For differently abled such as study material in Digitally Accessible Information System (DAISY) and in Sign Language

National Digital Education Architecture (NDEAR): The blueprint of NDEAR, a digital infrastructure for Education, was launched on 29th July, 2021. It will be set up within the context of a Digital-First Mindset where the Digital Architecture will not only support teaching and learning activities but also educational planning, governance administrative activities of the Centre and the States Union Territories.

Vidyanjali: To connect the Government and Government aided schools through a community/volunteer management program, the government has launched Vidyanjali which enables the community/volunteers to interact and connect directly with schools of their choice to share their knowledge and skills as well as contribute in the form of assets/material/equipment.

Major Schemes for School Education during 2021-22

National Education Policy (NEP), 2020 aims to pave the way for transformational reforms in school and higher education systems in the country. It aims to provide all students, irrespective of their place of residence, quality education system with special focus on the marginalised, disadvantaged and underrepresented groups. The steps taken to provide quality education in government schools and institutions in affordable and competitive manner are as follows:

- **Samagra Shiksha Scheme** has been continued for a period of five years, from 2021-22 to 2025-26, with a total financial outlay of ₹ 2,94,283.04 crore. As an integrated scheme for school education, it covers the entire gamut from pre-school to class XII. It treats school education as a continuum, and is in accordance with Sustainable Development Goal for Education (SDG-4). The scheme not only provides support for the implementation of the Right to Education (RTE) Act, but is also aligned with the recommendations of NEP, 2020: to ensure that all children have access to quality education with an equitable and inclusive classroom environment, to take care of their diverse background, multilingual needs, different academic abilities, and make them active participants in the learning process.

The major interventions, across all levels of school education, proposed under the scheme are: (i) Universal Access including Infrastructure Development and Retention, (ii) Foundational Literacy and Numeracy, (iii) Gender and Equity, (iv) Inclusive Education, (v) Quality and Innovation, (vi) Financial support for Teacher Salary, (vii) Digital initiatives, (viii) RTE Entitlements including uniforms, textbooks, (ix) Support for Early Childhood Care and Education (ECCE), (x) Vocational Education, (xi) Sports and Physical Education, (xii) Strengthening of Teacher Education and Training, (xiii) Monitoring, (xiv) Programme Management, and (xv) National Component..

- **NIPUN Bharat Mission:** On 5th July 2021, government launched a National Mission on Foundational Literacy and Numeracy called “National Initiative for Proficiency in Reading with Understanding and Numeracy (NIPUN Bharat)” . The National Mission lays down priorities and actionable agenda for States/UTs to achieve the goal of proficiency in foundational literacy and numeracy for every child by grade 3. The Mission has been set up under the aegis of the centrally sponsored scheme of Samagra Shiksha. NIPUN Bharat lays down the Lakshya or Targets for Foundational Literacy and Numeracy starting from the Balvatika up to age group 9 based on the learning outcomes and developmental goals covering various aspects, concepts and skills.
- **Pradhan Mantri Poshan Shakti Nirman (PM POSHAN) Scheme:** The Scheme, earlier known as ‘National Programme for Mid-Day Meal in Schools’, covers all school children studying in Balvatika (just before class I) and Classes I-VIII in Government and Government-Aided Schools. During 2020-21, about 11.80 crore children studying in 11.20 lakh institutions benefited under the Scheme. PM POSHAN Scheme in schools has been approved for implementation over the five-year period 2021-22 to 2025-26 with a financial outlay of ₹54061.73 crore from the Central Government and ₹31733.17 crore from the State Governments and UT Administrations.

Health in India

Table 11: Progress on Social and Health Indicators

Particulars	NFHS-1 (1992-93)	NFHS-2 (1998-99)	NFHS-3 (2005-06)	NFHS-4 (2015-16)	NFHS-5 (2019-21)
Total Fertility Rate (Children per women)	3.4	2.9	2.7	2.2	2
Sex ratio at birth for children born in the last five years (females per 1,000 males)	-	-	914	919	929
Infant Mortality Rate (per 1000 livebirths)	78.5	67.6	57	40.7	35.2
Under-five Mortality Rate (per 1000 livebirths)	109.3	94.9	74.3	49.7	41.9
Institutional Birth (%)	26.1	33.6	40.8	78.9	88.6
Pregnant women age 15-49 who are anaemic (%)	-	51.8	57.9	50.4	52.2
Population living in households that use an improved sanitation facility (%)	-	17.6	29.1	48.5	70.2
Households using clean fuel for cooking (%)	-	-	25.6	43.8	58.6

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IB controls over content on Platforms



Context

- On January 31 2022, the Information and Broadcasting Ministry (I&B) informed Media One, a Malayalam-language news channel, through an order that its broadcast license had been cancelled, citing a Home Ministry order that had denied security clearance to the channel. This was further upheld by the Kerala High Court on Feb 8th 2022.

Sectors under I&B Ministry's control:

- Until 2021, Information and Broadcasting Ministry had the *powers to regulate content across all sectors* – TV channels, newspapers and magazines, movies in theatres and on TV, and the radio – barring the internet.
- On February 25, 2021, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, *extended its regulatory powers over internet content too*, especially on digital news platforms and OTT platforms such as Netflix, Amazon Prime or Hotstar.



Other laws for regulation:

- **Cable TV network rules:** The Information and Broadcasting Ministry, in 2021, amended the **Cable Television Network Rules, 1994** regulating Cable TV networks, providing for a “**statutory**” **mechanism for complaints raised by citizens** regarding any content broadcast.

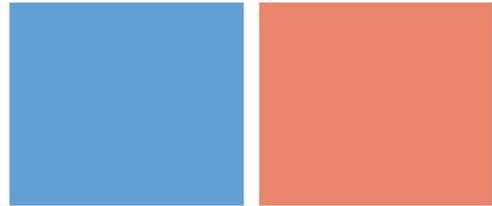
When it comes to TV channels, the government last year came up with a three-tier grievance redressal structure for viewers to raise concerns, if any, with similar structure for OTTs as well:

A viewer can successively approach the channel who will have to respond within 15 days;

then a self-regulatory body of the industry which should deal with the case in 60 days;

Within 15 days of such decision the I&B Ministry, which can issue a showcause notice to the channel, and then refer the issue to an inter-ministerial committee (IMC).

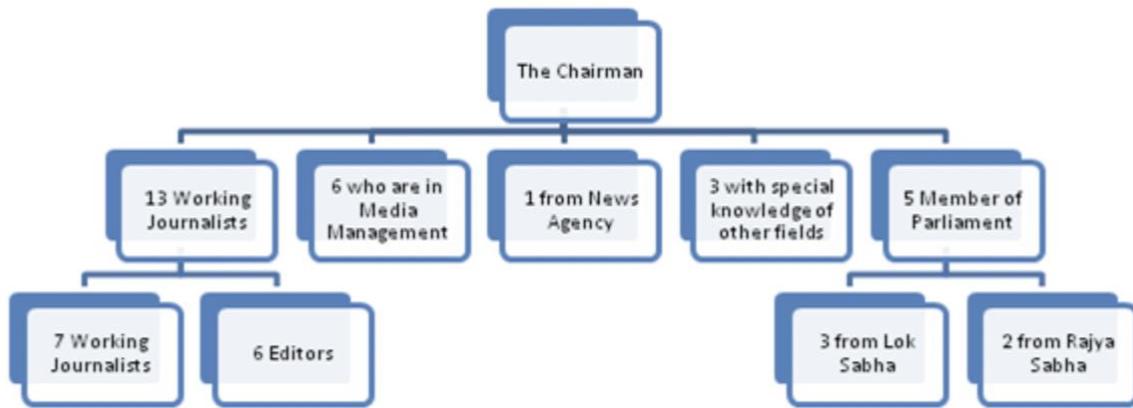
- The ministry has in the past issued orders to temporarily ban news and other channels, including a 48-hour ban on Media One two years ago, along with AsiaNet for their reporting of the Delhi riots and a one-day ban on NDTV for its reporting of the Pathankot terror attack.



- **Media Monitoring Cell:** It tracks channels for any violations of the programming and advertising codes mentioned in the *Cable TV Network Rules, 1994*. Violation can lead to revocation of a channel’s uplinking licence (for sending content to a satellite) or downlinking licence (for broadcasting to viewers through an intermediary).



- In print, based on the recommendations of the Press Council of India, the government can suspend its advertising to a publication.
- The 1965 Act provided for 25 members in the council which was changed to 28 members as per the act of 1978. The term of the Chairman and the members of the Council is 3 years.



- Further, IT rules allow the I&B Ministry to issue orders to ban websites based on their content.

What kind of content is not allowed?

- There are *no specific laws* on content allowed or prohibited in print and electronic media, radio, films or OTT platforms.
- The content on any of these platforms has to follow the free speech rules of the country. *Article 19(1) of the Constitution*, while protecting the freedom of speech, also lists certain "*reasonable restrictions*" including content related to the security of the state, friendly relationship with foreign states, public order, decency and morality etc.
- Action can be taken if any of these restrictions is violated



Role played by other agencies

- There is no direct involvement, as the powers to *regulate content rest only with the I&B Ministry*. However, the ministry relies on inputs from other ministries, as well as intelligence agencies.
- There is also a new mechanism the I&B Ministry adopts: It has used emergency powers it has under the new IT Rules to block certain YouTube channels and social media accounts based on inputs from intelligence agencies.

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Lalu Prasad Yadav convicted in Fifth Fodder Scam case- Impact and electoral laws

What happened?

- A special CBI court in Ranchi on 15th Febuary 2022 convicted Rashtriya Janata Dal (RJD) chief Lalu Prasad and 74 other accused in the fifth fodder scam pertaining to illegal withdrawal of money from the Doranda treasury of Ranchi during 1995-1996.
- This is the fifth case of the fodder scam. Lalu Prasad has already been convicted in the previous four cases and is currently out on bail, mainly on the ground that he has served half his sentence.
- One more case is pending before CBI Patna pertaining to the illegal withdrawal of money from the Banka-Bhagalpur treasury.



- The Fodder Scam was a corruption scandal that involved the embezzlement of about 950 crores in the state of Bihar. The theft spanned for many years, and allegedly involved numerous Bihar state's administrative and elected officials across multiple administrations including then CM, Lalu Prasad Yadav.
- The scam came to light in 1996 which involved the fabrication of "vast herds of fictitious livestock" for which fodder, medicines and animal husbandry equipment was supposedly procured.
- A public interest litigation was filed with the Supreme Court of India, which led to the court's involvement and based on the ultimate directions issued by the supreme court, in March 1996, the Patna High Court ordered that the case be handed over to the CBI.

What are CBI Courts?

- CBI courts are established under Delhi Special Police Establishment Act, 1946. They were established so as to reduce the burden on judicial system.
- A CBI magistrate is appointed one who is in rank of Chief Judicial Magistrate or a Judicial Magistrate First Class. These courts deal with complex and high level cases being investigated by CBI.

- As district and session court decisions can be challenged in high court, similarly decisions of CBI courts can also be challenged in the High Court.

Conviction and election laws

- Lalu Prasad was convicted in the first fodder scam case in 2013 and awarded five years in jail. The conviction also barred him from contesting elections for 11 years in line with the Supreme Court order disqualifying convicts jailed for more than two years from contesting for six years after completion of their sentence.
- Section 8 of RPA 1951 provides that a person convicted of any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.
- Criminalisation of Politics is a major issue- Nearly half of the 17th Lok Sabha members have criminal charges against them, a 26% increase as compared to 2014, according to the Association of Democratic Reforms (ADR).

Important steps to curb criminalization

- The 2013 Lilly Thomas judgment of Supreme Court provided:
 - if a sitting Member of Parliament or a Legislative Assembly was convicted, he would be disqualified immediately, that is, such disqualification will not remain suspended until an appeal or revision application against the conviction is disposed of.
 - any Member of Parliament (MP), Member of the Legislative Assembly (MLA) or Member of a Legislative Council (MLC) who is convicted of a crime and given a minimum of two years imprisonment, loses membership of the House with immediate effect.
- The SC in Public Interest Foundation vs Union Of India, 2018 directed political parties to publish online the pending criminal cases of their candidates.
- In February 2020 Supreme Court (SC) ordered the political parties to publish the entire criminal history of their candidates for Assembly and Lok Sabha elections along with the reasons that forced them to field suspected criminals.
- In 2017, the ECI had endorsed the call for a lifetime ban in the apex court. It had argued that such a move would “champion the cause of decriminalisation of politics”. The ECI had then agreed in the Supreme Court that a ban would be in the spirit of fundamental rights of the Constitution, including the right to equality.

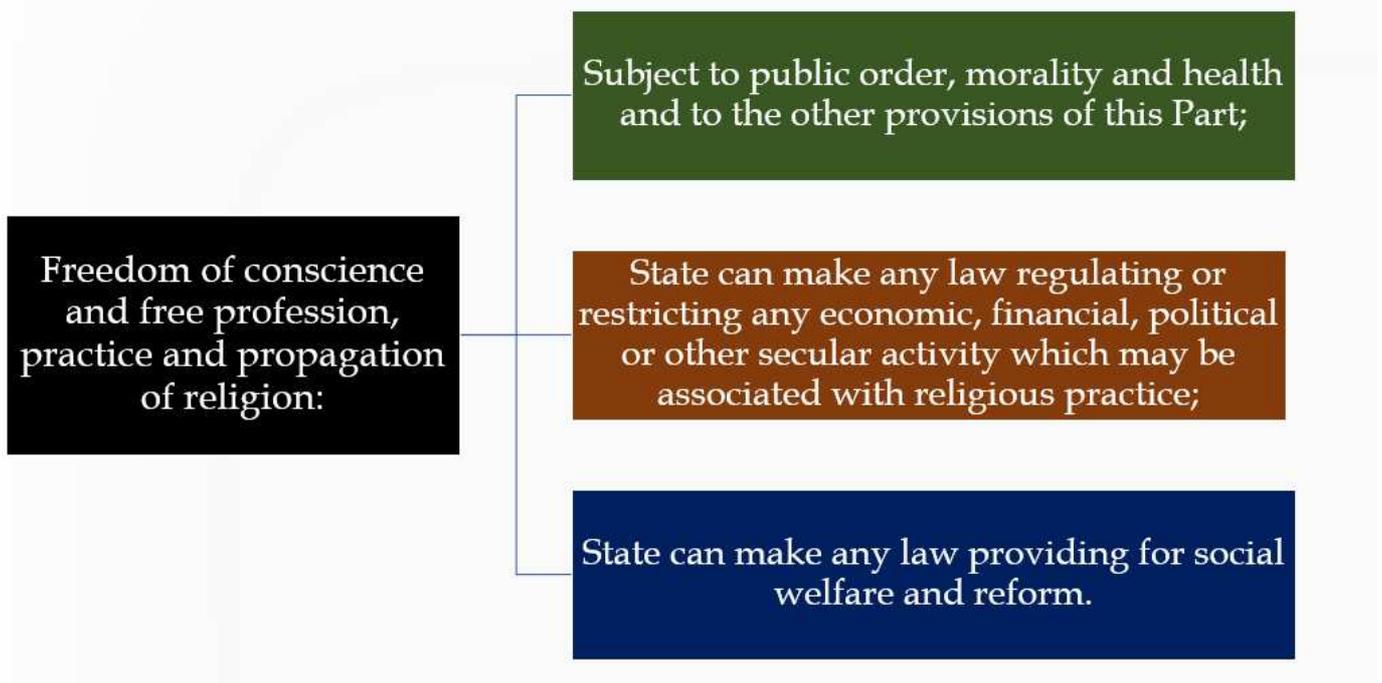
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Hijab and Article 25 of Constitution

Issue:

- Affected girl students moved the Karnataka High Court against the ban on Hijab arguing that wearing the headscarf is an innocent practice of faith under the purview of Article 25 of Constitution.
- On the other hand, the Advocate General of Karnataka has contended that that wearing hijab was not part of “essential religious practice” protected under the right to freedom of religion.

What is Article 25 of Indian Constitution?



What is the 'Essential Practice' Doctrine?

- Sri Shirur Mutt case (1954): An attempt to differentiate what distinguishes a religious matter from other matters.

As a result, some acts obtained constitutional protection by being declared "essential" to the practice of that religion and some were denied protection on the ground that they were not essential to it.

In 2004, the Supreme Court held that the 'Tandava' was not an essential religious practice among the Ananda Margis.

In 2016, keeping in mind regulation 425 of the Armed Force Regulations, 1964, prohibits the growth of hair by Armed Forces personnel, except for "personnel whose religion prohibits the cutting of hair or shaving of face", the Court held that keeping a beard was not an essential part of Islamic practices..

In 2017, Supreme Court held that the practice of Triple Talaq was an essential practice under Islam

In 2018, majority ruled that the bar on entry of women in the age-group of 10 to 50 was not an essential or integral part of the religion, and denied the status of a separate religious denomination of devotees of Lord Ayyappa.

Issues with the doctrine

- Not intended to be a test to find out if a particular practice is essential to the practice of the religion but was only made to distinguish a matter of religion from a matter other than religion.
- It is seen as a theological or ecclesiastical exercise, which Constitutional courts are forced to wade into.
- Prof. Faizan Mustafa pointed out that the idea of providing constitutional protection only to those elements of religion which the court considers "essential" is problematic in so far as it assumes that one element or practice of religion is independent of other elements or practices.

Way Out

Gautam Bhatia and Suhrith Parthasarthy talk about the need to maintain balance via:

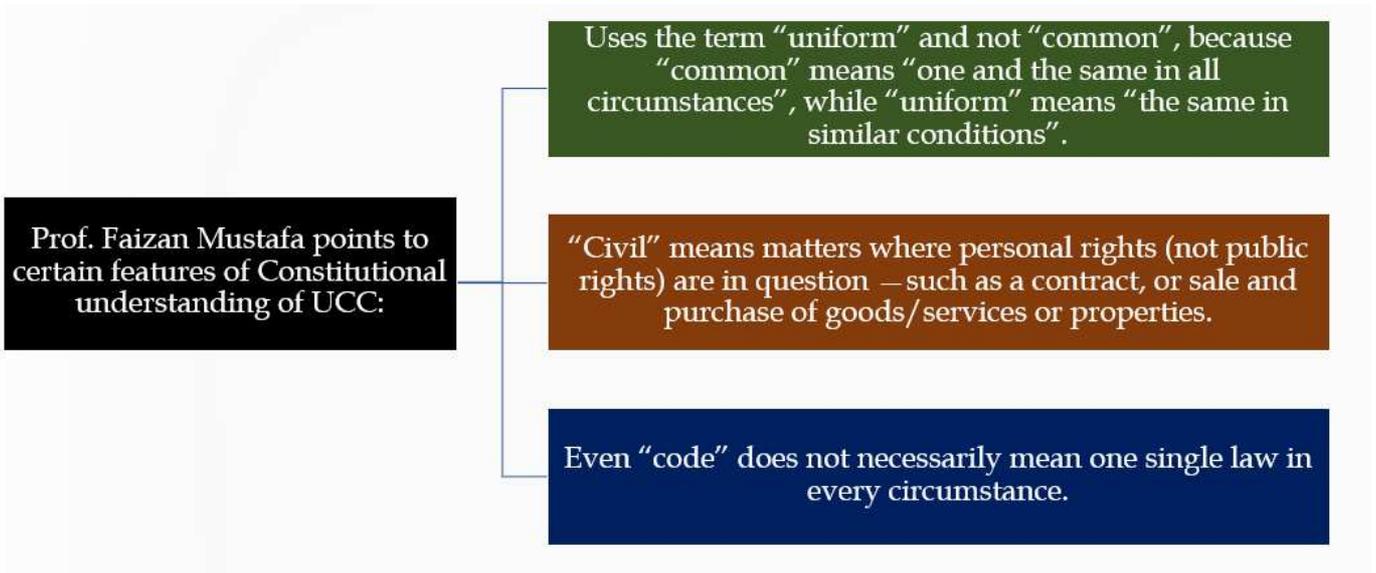
Ascertain whether the effect of the disputed religious practice is to cause harm to individual rights and dignity.

Anti-exclusion principle for Courts to ensure that ensuring that powerful communities are not exempt from guaranteeing the basic norms of fairness, equality, and freedom to all their members.

Most importantly need to apply the test of constitutional morality and legitimacy to the issue at hand.

Linkage with UCC

- Article 44 of the Constitution says the state shall endeavour to secure for citizens a uniform civil code throughout the territory of India.



Way forward

- In its 2018 consultation paper, the Law Commission chose codification of personal laws over the UCC as a way to end discrimination within religions.
- Codification of various practices and customs would make them ‘law’ under Article 13 of the Constitution.
- Law Commission has suggested in no uncertain terms that the UCC is “neither necessary nor desirable at this stage in the country.”
- Former Justice A.P Shah argued that UCC in its true spirit, must be brought about by borrowing freely from different personal laws, making gradual changes in each, issuing judicial pronouncements assuring gender equality, and clearing external and internal inconsistencies.

March 2022

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2022 Defection Judgement by Bombay HC on Goa

What did the Bombay HC say?

Context

- The High Court of Bombay at Goa in its judgment, delivered on February 25 2022, held that the former members of the Congress Legislature Party (CLP) in the Goa assembly who had defected to the BJP are exempt from disqualification under *paragraph 4(2) of the Constitution's Tenth Schedule*, referred to commonly as the anti-defection law.

What is Anti-Defection Law?

- Instability in India's political system due to political defections leading to the catchphrase- 'Aya Ram, Gaya Ram.'
- In 1985, the Rajiv Gandhi government brought a Bill to amend the Constitution and curb defection. The 10th Schedule of the Constitution, which contains the anti-defection law, was added to the Constitution through this 52nd Constitution amendment.

Table 1: Key provisions of the anti-defection law

Feature	Provision in the Tenth Schedule
When can a legislator be disqualified?	<p>a. If a member of a house belonging to a political party:</p> <ul style="list-style-type: none"> - Voluntarily gives up membership of his political party, or - Votes contrary to a direction issued by his political party, or does not vote in the House at all, when such a direction is issued. However, a member shall not be disqualified if he has taken prior permission of his party, or is condoned by the party within 15 days from such voting or abstention. <p>b. If an independent candidate joins a party after the election.</p> <p>c. If a nominated member joins a party six months after he becomes a member of the legislature.</p>
Are there any exceptions?	<p>a. A person shall not be disqualified if his original political party merges with another (applicable only if more than two-thirds of the members of the party have agreed to the merger), and:</p> <ul style="list-style-type: none"> - He and other members of the old political party become members of the new political party, or - He and other members do not accept the merger and opt to function as a separate group.
Who has the power to disqualify?	<p>a. The Chairman or the Speaker of the House takes the decision to disqualify a member.</p> <p>b. If a complaint is received with respect to the defection of the Chairman or Speaker, a member of the House elected by that House shall take the decision.</p>

Issue in the Judgement

- *Paragraph (4) of the Tenth Schedule* exempts defectors from disqualification if their *original political party merges with another party and two-thirds of the members of that party in the legislature agree with the merger*. Ten of the 15 MLAs of the CLP in the Goa Assembly – two-thirds of the party's strength in the House – had joined the BJP.
- The court said that under sub-paragraph (2) of paragraph (4), the merger of this group of Congress MLAs with the BJP is deemed to be a merger of the original political party (Indian National Congress) with the BJP. Therefore, these members are protected from defection under paragraph (4).
- However, scholars like P.D.T. Achary argue against the Bombay HC judgment on the ground that that the concerned legislator to be exempted from disqualification under defection needs to show that two-thirds of his fellow members have agreed to such a merger after the merger takes place.

1. Which of the following committees offered suggestions to reform the working of anti-defection law in the country?

- 1) Dinesh Goswami Committee
- 2) Halim Committee
- 3) National Commission to Review Working of Constitution
- 4) Umesh Sinha Committee

- A. 1 only
- B. 1 and 2 only
- C. 1, 2 and 3 only
- D. All of the above

- The anti-defection law presents a cure that is worse than the disease. Discuss this statement keeping in mind both the benefits and defects of anti-defection law in India.

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Chandigarh demands MP in Rajya Sabha

What happened?

- A Private Member Bill was introduced by Congress MP from Anandpur Sahib, Punjab, Manish Tewari, who is a resident of Chandigarh to amend **Article 80**.
- **Article 80** of the Constitution of India deals with the **composition of the council of states also called the Upper House** and Rajya Sabha (Upper House).
- It was following a move by Chandigarh Municipal Corporation which approved a proposal to amend Article 80 of the Constitution so that its councillors could send a representative to the Rajya Sabha.

Demands of Bill?

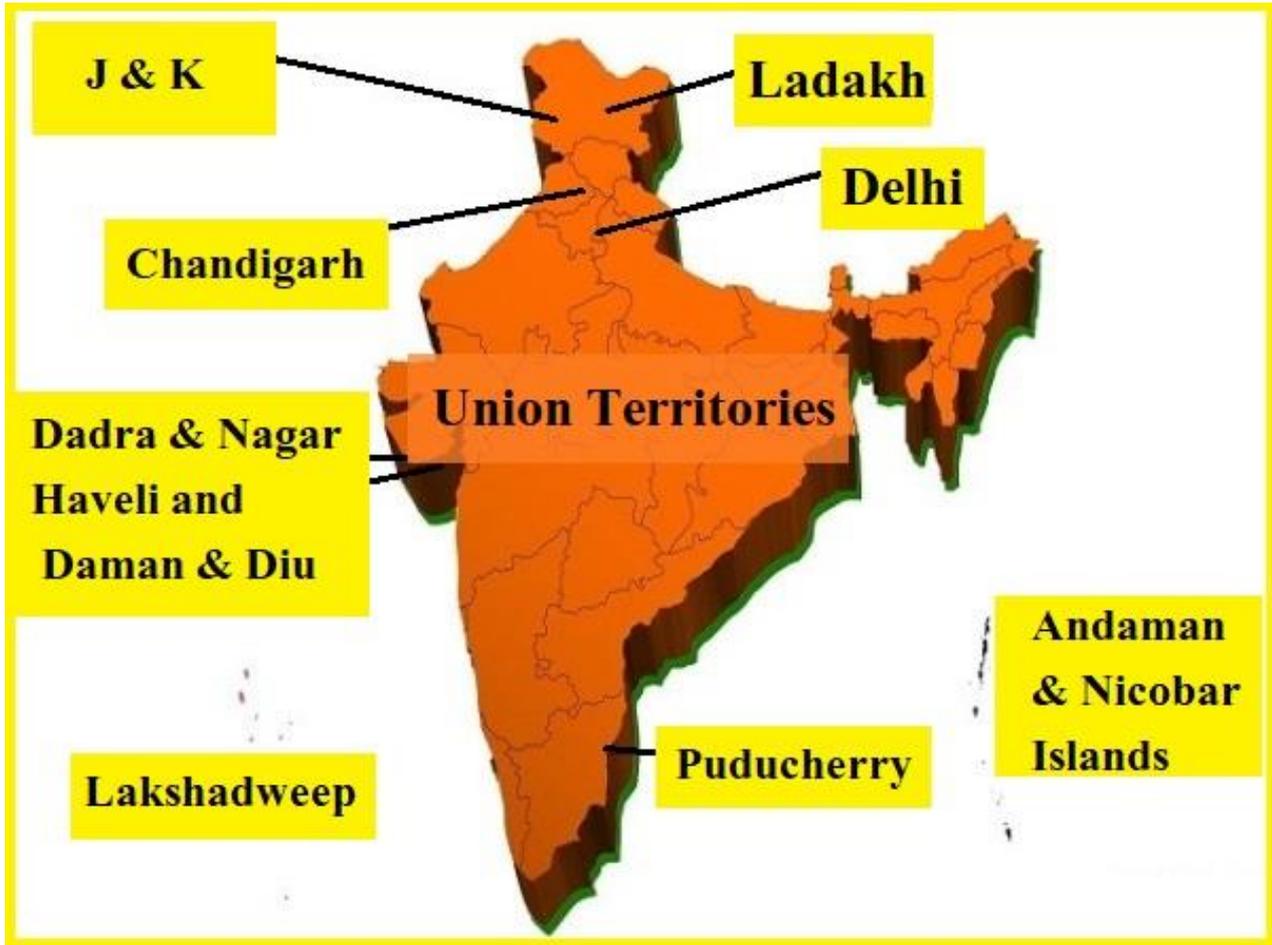
- The Bill has sought the adding of a provision “provided that the ‘representative of the Union Territory of Chandigarh in the council of states shall be elected by an electoral college consisting of elected members of Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994” in Article 80 of the Constitution in clause (5).
- MP Tewari has also sought amendment of the Fourth Schedule of the Constitution with ‘Entry 32, Chandigarh..”

Legal Basis

- Chandigarh is a Union Territory (UT) without any legislative assembly. Chandigarh has a seat of Member of Parliament (MP) in the lower house (Lok Sabha) or House of the People.
- The office of Senior Standing Counsel, Chandigarh pointed that the elected Municipal Corporation Councillors do not form the electoral college for selecting a member for Upper house (Rajya Sabha) because it is beyond the powers of the **Municipal Corporation**.
- However it was also pointed out that between 1966 and 1990, MPs for Rajya Sabha in Delhi were selected by the members of the **Metropolitan Council of Delhi**.

Present status

- The Union Territories of Puducherry (1), Jammu and Kashmir (3) and Delhi (4) have representation in the Rajya Sabha, while Ladakh, Chandigarh, Dadra & Nagar Haveli, Daman and Diu, Andaman and Nicobar Islands and Lakshadweep are unrepresented.



Examine relevance of UTs in Federal India and changes required in their structure.

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Government introduces new rules for Census

- The Census (Amendment) Rules, 2022 were issued on March 11, 2022.
- The decennial Census exercise, which was to be held in 2020-21 was indefinitely postponed due to the COVID-19 pandemic.

Key highlights -

- It amends the **Census Rules, 1990** to allow details to be captured and stored in an electronic format and to enable self-enumeration by respondents in the Census and National Population Register (NPR).
 - NPR is a **Register of usual residents of the country**.
- Thus, for the first-time census will be held both ways, in the digital mode and through paper schedules (questionnaire/forms).
- Also, “print media, electronic media, social media”, have been added to the list of modes for ensuring wide publicity for the exercise. Earlier list only included radio, audio-visuals and posters.

Parliamentary committee, 238th report on census -

- Recommended constitution of a separate expert group by the Registrar General of India (RGI) to bring qualitative change in the census exercise so that the socio-cultural diversity of the country is truly represented in the census.
- Asked the ministry of home affairs (MHA) to restart the publication of annual reports from the upcoming census onwards.
- **What is Population Census** - It is the total process of collecting, compiling, analyzing and disseminating demographic, economic and social data pertaining, at a specific time, of all persons in a country or a well-defined part of a country.
- **Who is responsible for conduct of the census** - Office of the Registrar General and Census Commissioner, Ministry of Home Affairs.
- **Constitutional Backing** - Census is a Union subject and is conducted under the provisions of the Census Act, 1948 which guarantees confidentiality.

Evolution of Census -

- Mention of type of census in Rig Veda, **Arthashastra by 'Kautilya'** as a **state measure** for efficient taxation. Under Akbar, census report 'Ain-e-Akbari' was prepared.
- The initial Census in India was conducted during a span of 8 years, starting from 1865 and ending in 1872. This was done non-synchronously in various parts of India.
- The first census of India is considered to be the one in 1872 under Viceroy Lord Mayo. (Non-synchronous).
- However, the first synchronous census in India was held in 1881 by census commission WC Plowden. Since then, censuses have been undertaken uninterruptedly once every ten years.
- The last Census in India was held in 2011. This happened to be the 15th Indian Census.
- Census 2021 is supposed to be a two-phase exercise -

- The first phase, which involves house listing – wherein details of all buildings, permanent or temporary, are noted with their type, amenities, and assets.
- The second phase – Population Enumeration – in which more detailed information on each individual residing in the country, Indian national or otherwise is to be noted.

Significance of census -

- Source of authentic information
- Census data is used for demarcation of constituencies for elections to Parliament, State legislative assemblies and the local bodies.
- Finance commission gives grants based on population figures available from the Census data.
- Such data on analysis feeds into effective policy making, leading to good governance.
- It also assists businesses in strengthening and planning their business for penetration into areas, which had hitherto remained, uncovered.
- **Other Census conducted** - Socio-Economic and Caste Census (SECC) was conducted in 2011 for the first time since 1931.
 - It collects information regarding Economic status, to assist governments to come up with indicators of deprivation to define a poor or deprived person.
 - Specific caste related data that assists governments to re-evaluate which caste groups are economically worse off and which are better off.
- It is different from normal census in that -
 - Census depicts a picture of broad statistics of India population whereas SECC is a tool to identify beneficiaries of state support.
 - Census data is confidential, whereas data of SECC is open for use by Government departments.

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High Court's Verdict on Hijab Controversy

Background

- Some pre-university colleges in Karnataka refused entry to Muslim girl students wearing hijabs, or headscarves.

What the contenders pleaded -

- Religious Freedom Protected under the Constitution - Article 25(1) of the Constitution guarantees the "freedom of conscience and the right to freely profess, practise and propagate religion".
- However, like all fundamental rights, the state can restrict the right for grounds of public order, decency, morality, health and other state interests.

Karnataka HC Verdict

- Whether wearing of hijab is an essential religious practice in Islam protected under Article 25 of the Indian Constitution.
- Whether prescription of school uniform violates constitutional rights.
- Whether the government order issued on February 5 violates Articles 14 and 15, apart from being incompetent and manifestly arbitrary.
- Whether any case is made out for issuance of disciplinary inquiry against college authorities.

Does prescription of school uniform violates constitutional rights

- Prescription of school uniform **does not violate either right to freedom of speech and expression under Article 19(1) (a) or right to privacy under Article 21.**

Does it violates Articles 14 and 15

- This was asked as wearing Hijab is allowed in Kendriye vidyalayas which are central institution.
- Court answered this in the negative.

Essential religious practice

- ERPT doctrine was **evolved by Supreme Court (SC) in 'Shirur Mutt' case (1954)** to protect only such religious practices which were essential and integral to the religion.
- Court held that term "religion" will cover all rituals and practices "integral" to a religion, and **took upon itself the responsibility of determining essential and non-essential practices of a religion.**
- This **attempt to differentiate essential and non-essential practices** was taken up in various judgments.
- In 1983, SC upheld **Tandava was not an essential religious practice** among those in Ananda Margis sect.
- **In Sabarimala case (2018), SC ruled that bar on entry of women in the age-group of 10 to 50 was not an essential part of the religion.**
- According to the Court, **wearing of hijab (head scarf) by Muslim women does not form a part of essential religious practices in Islamic faith** and is not protected under right to freedom of religion under Article 25 of Constitution.

Criticism against ERPT

- Doctrine has tended to **lead court into an area that is beyond its competence**, and given judges power to decide purely religious questions.
- Essentiality test **impinges on the autonomy of an individual to practice one's religious beliefs** as provided by freedom of religion

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Who declares religious or linguistic minorities?

What is the news?

- Central government has told the Supreme Court (SC) that certain States, **where Hindus or other communities are less in number, can declare them as minorities within their own territories, to enable them to set up and administer their own educational institutions.**



- Centre's response is with regard to a **plea seeking minority status for Hindus in states (Punjab, Arunachal Pradesh, Ladakh etc.) in accordance with the principle laid down by the SC in its TMA Pai ruling (2002).**
- In the TMA Pai case, the SC had said that for the purposes of Article 30, **religious and linguistic minorities have to be considered state-wise.**

About Minorities

- Though **not defined** in the constitution, expression "minorities" appears in Article 29, 30 and 350 (A)



- **Article 29** - Protection of interests of minorities

- Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same
- No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.
- Article 30 - Right of minorities to establish and administer educational institutions
- **Article 350(A) says there shall be a Special Officer for linguistic minorities** to be appointed by the President whose is to investigate all matters relating to the safeguards provided for linguistic minorities.

How are minorities defined?

- The **National Commission for Minorities Act, 1992 (NCM)** defines a minority as **"a community notified as such by the Central government."**



- Under Section 2(c) of the **National Commission for Minorities Act, 1992 (NCM)**, the Centre had in 1993 notified five communities ' Muslims, Sikhs, Buddhists, Parsis and Christians' as minorities. **Jains were added to the list in 2014.**
- **About NCM** - Initially set up in 1978 by a resolution of ministry of home affairs, **but got a statutory status under NCM Act, 1992.** Objective of the body is to evaluation of the progress of the development of minorities under the Union and States. It consists of a **Chairperson, a Vice-Chairperson and Five Members, tenure - 3 years.**