

Weekly Current Affairs – Monthly Compilation

Polity & Governance – January 2024

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Judiciary

Report by the Supreme Court: State of the Judiciary

Context:

- Recently, the Supreme Court's Centre for Research and Planning released a report on Infrastructure, Budgeting, Human Resources and ICT titled "State of the Judiciary".

Analysis:

Key insights of the report:

- Women in the Judiciary:**
 - Women now constitute 36.3% of the working strength of the district judiciary.
 - In the High Courts and Supreme Court, women constitute 13.4% and 9.3% of judges respectively.
- Infrastructure Gap:**
 - For the sanctioned strength of 25,081 judges in the district judiciary, there is a shortage of 4,250 courtrooms and 6,021 residential units.
 - Maharashtra has adequate courtrooms and residential units for judges in the district judiciary, whereas Jammu & Kashmir and Ladakh, and Tripura have the maximum shortage of courtrooms.
 - Delhi and Jammu & Kashmir and Ladakh each have a 61% shortage of residential accommodations for judicial officers.
 - With respect to High Courts, the Andhra Pradesh and Gauhati High Courts have a shortage of 38% and 30% of courtrooms.
- Inclusive and Secure Infrastructure:**
 - Only 13.1% of District Court complexes have a childcare room or facility.
 - 50% of District Court complexes have ramps for PwDs.
 - 40% of the District Court complexes have designated parking spots for PwDs.
 - Only 30.4% of District Court complexes have separate washrooms for PwDs, and other infrastructural support such as tactile paving, and wheelchairs is available in less than 30% of the court complexes.
 - Only 15.9% of District Court complexes have Vulnerable Witness Deposition Centres.
 - 35.7% of District Court complexes have functional CCTV surveillance facilities.
- Vacancy of Judges:**
 - As against the total sanctioned strength of judges, there is a shortage of 5,300 judges in district judiciary, with maximum vacancy in the States of Uttar Pradesh (1,204) and Bihar (460).
 - Out of these 5,300 vacancies, 1,788 vacancies (21%) are in the District Judge Cadre against the sanctioned strength of 8,387 District Judges and 3,512 vacancies (21%) are in the Civil Judge Cadre against the sanctioned strength of 16,694 Civil Judges.

- In the High Courts, there is a vacancy of 347 judges against the sanctioned strength of 1,114 judges.
- **Compliance with Recruitment Timelines prescribed in Malik Mazhar:**
 - The Supreme Court in **Malik Mazhar Sultan v. U.P. Public Service Commission** prescribed a schedule for the regular recruitment of judges in the district judiciary.
 - An analysis of actual time taken in the last recruitment process carried out demonstrates that **only 9 out of the 25 States** completed the recruitment of Civil Judge (Junior Division) within the stipulated time frame of the Supreme Court. Bihar (945 days) and Haryana (646 days) took the maximum time.
- **Unfilled Vacancies in Higher Judicial Services:**
 - 70.9% of the advertised seats for District Judges (Direct Entry from Bar) in the 24 States examined in the Report remained vacant.
- **Representation of Marginalised Sections in District Judiciary:**
 - There is a lack of comprehensive data on the representation of marginalised sections of society including SCs and STs in the district judiciary.
 - In the six States with the most vacancies of judicial officers studied for this Report, 66.3% of the total unfilled posts are from the reserved category.
- **Support Staff in the District Judiciary:**
 - In the district judiciary, the vacancy of support staff is 27% (74,524) as against the total vacancy of 21% of judicial officers.
 - To facilitate this, Bihar and Assam have prescribed time frames in their service rules to conduct the recruitment of court staff.
- **Use of Regressive Nomenclature:**
 - The service rules for staff in District Courts in several States still use regressive terminology such as 'Subordinate Court Staff' and designations like 'Jamadar', reflecting a colonial mindset.
 - Certain States have amended their rules in line with the **Shetty Commission Report** and re-categorised staff in Groups A, B, C, D while other States continue to use the less favoured Class I, II, III, IV to categorise their employees.
- **Dedicated Cell for Fund Utilisation:**
 - At the Chief Justices' Conference in 2016, it was resolved that each High Court would constitute a Dedicated Cell to monitor the utilisation of funds under the 14th Finance Commission.
 - Currently, 17 out of 25 High Courts have established the Dedicated Cells.
- **Nyaya Vikas Portal:**
 - The status of infrastructural projects for the construction of court complexes and residential units in the district judiciary can be tracked on the Nyaya Vikas Portal. However, the portal needs to be regularly updated to give real-time information on geo-tagged projects.
 - Few construction projects that have in fact already been inaugurated are shown as pending on the Nyaya Vikas Portal dashboard.

- **Lack of competition on Government-e-Marketplace (GeM):**
 - For procurement of necessary hardware and equipment under the e-Courts Project, particularly in remote areas, there is a lack of competition among the bidders on GeM.

Way Forward (according to the Report):

- There is a need to adhere to timelines for completion of projects under construction by the concerned State agencies, as per the time stipulated in the Nyaya Vikas portal. The Nyaya Vikas Portal should be regularly updated to provide real-time data and enhance transparency and accountability.
- The Centrally Sponsored Scheme for Development of Infrastructural Facilities for Judiciary (CSS) may be revised to allot funds with respect to the sanctioned strength of judges in District Courts and not the working strength, as adequate infrastructure is a pre-requisite for recruitment of judicial officers.
- Outcome budgets should also indicate the progress made in previous years along with the output targets fixed for the next financial year, as is done in Delhi.
- There is a need for a body at the Central level to ensure better coordination, monitoring and effective budget utilisation. It is also necessary that the judiciary, which is the ultimate consumer of the CSS, is represented in this body.
- There is also a need for a dedicated Division Bench in the High Courts for the timely disposal of cases related to recruitment of judges in the district judiciary.
- The recruitment authorities in the States should also publish a 'tentative schedule' for all the stages of the examination for recruitment of judges, at the time of the advertisement to avert any rescheduling or clash in the examinations.

Supreme Court on Tribunals

Context:

- Recently, The Supreme Court clarified that tribunals functioning under the strict parameters of their governing legislations cannot direct the government to make policy.

Background:

- The court was deciding on whether the Armed Forces Tribunal (AFT) could have directed the government to make a policy to fill up the post of Judge Advocate General (Air)

Analysis:

More about the judgement:

- The court noted that:
- Making policy, as is well recognized, is not in the domain of the judiciary. Since, the Tribunal is also a quasi-judicial body, functioning within the parameters set out in the governing legislation, it cannot direct those responsible for making policy, to make a policy in a particular manner.
- Even the High Courts cannot, in exercise of the powers under Article 226 of the Constitution, direct the government or a department to formulate a particular policy.

Judiciary and Law

Bhartiya Nyaya Sanhita (BNS) for Hit and Run cases

Context:

- Recently, the All-India Transporters including truck, bus and tanker operators had called on a nationwide strike to register their protest against a provision contained in the Bhartiya Nyaya Sanhita (BNS) prescribing harsher punishment for causing death in a hit-and-run case.
- The Ministry of Home Affairs assured the association representatives that a decision on the punishment in such cases under the new BNS will be taken only after a discussion with All India Motor Transport Congress (AIMTC) representatives.

Background and Analysis:

What is BNS?

- The Bharatiya Nyaya Sanhita (BNS) is the new criminal code of India. It was passed in 2023 and replaces the Indian Penal Code of 1860. It covers all aspects of criminal law, including offenses, punishments, defences and procedures.

What is the provision under BNS?

- **Section 106 (2)** of the BNS stipulates a penalty of up to 10 years in jail and a fine for fleeing an accident spot and failing to report the incident to a police officer or a magistrate.
- It replaces Section 304A of the IPC, which punishes the causing of death by rash and negligent act that does not amount to culpable homicide. The existing section provides for a two-year jail term.

Analysis for Mains:

The provision has been a subject of intense debate and criticism, as well as support.

Positive Aspects:

- **Deters hit-and-run cases:** The severe punishment of up to 10 years imprisonment aims to discourage drivers from fleeing the scene of an accident, potentially saving lives and facilitating investigations.
- **Brings closure to victim's families:** Knowing the perpetrator has been caught and punished can provide some solace and justice for families affected by hit-and-run accidents.
- **Increases accountability:** Holding drivers accountable for their actions, even if unintentional, promotes responsible driving behaviour.
- **Improved investigation and evidence collection:** Staying of the perpetrator at the scene allows for immediate investigation and evidence collection, crucial for effective prosecution.

Negative Aspects:

- **Potential for misuse:** The broad definition of "hit-and-run" and subjective interpretation of "soon after the incident" could lead to abuse and unfair accusations.
- **Fear of mob violence:** Drivers fleeing may be motivated by fear of mob violence or vigilante justice, particularly in sensitive areas.

- **Practicality challenges:** Implementing the law effectively requires trained personnel, infrastructure and efficient investigation procedures.

Additional Considerations:

- **Clarity needed:** Further clarification on the definition of "hit-and-run" and "soon after the incident" is necessary to avoid ambiguities and ensure fair application.
- **Public awareness:** Awareness campaigns educating both drivers and the public about the provisions of Section 106 (2) and emphasizing responsible behaviour are crucial and should be taken up by the stakeholders.
- **Emphasis on investigation:** Investing in efficient investigation techniques and forensic resources will strengthen the evidence base and ensure accurate prosecutions.
- **Addressing mob violence:** Measures to prevent and address mob violence are essential to create a safe environment for both victims and potential witnesses.

Conclusion:

- **Section 106 (2)** of the BNS has the potential to deter hit-and-run cases and hold drivers accountable, but its effectiveness depends on proper implementation, addressing potential misuse, and ensuring fairness and transparency. Public awareness, efficient investigation, and measures against mob violence are crucial for the success of this provision.

Supreme Court Legal Services committee

Context:

- Recently, Supreme Court judge Justice BR Gavai was nominated as the Chairman of the Supreme Court Legal Services Committee (SCLSC), replacing Justice Sanjiv Khanna - the seniormost judge of the top court after the Chief Justice of India (CJI).

Analysis for Prelims:

About Supreme Court Legal Services Committee:

- The Supreme Court Legal Services Committee is constituted under **Section 3A of the Legal Services Authorities Act, 1987**.
- As per the provision National Legal Services Authority or NALSA constitutes the committee.
 - It consists of a sitting SC judge, who is the chairman, along with other members possessing the experience and qualifications prescribed by the Centre.
 - Both the chairman and other members will be nominated by the CJI.
 - Further, the CJI can appoint the Secretary to the Committee.
- The Committee, in turn, can appoint officers and other employees as prescribed by the Centre, in consultation with the CJI.
- Rule 10 of the NALSA Rules, 1995, entails the numbers, experience, and qualifications of the SCLSC members.
- Under Section 27 of the Legal Services Authorities Act, 1987, the Centre is empowered to make rules in consultation with the CJI, by notification, to carry out the provisions of the Act.

Aim of the Committee:

- The Committee aims to provide “free and competent legal services to the weaker sections of society”, in cases fall under the top court’s jurisdiction.

Present composition of SCLSC:

- At present, the SCLSC consists of chairperson BR Gavai and nine members nominated by the CJI.

Analysis for Mains:

The need for legal services:

- The need for providing legal services has been underlined in many provisions of the Indian Constitution:
- **Article 39A** states, “The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”
- **Article 14** (right to equality) and **Article 22(1)** (rights to be informed of grounds for arrest) also make it obligatory for the State to ensure equality before the law and a legal system that promotes justice based on equal opportunity.

Reasons for the need for legal services:

- **Complex legal system:** Navigating the Indian legal system can be complex and daunting, especially for those unfamiliar with legal procedures and terminology. Legal services help individuals understand their rights, make informed decisions, and represent themselves effectively in court.
- **Social and economic inequalities:** Unequal access to resources, education, and legal awareness can significantly disadvantage individuals facing legal issues. Legal services help bridge these gaps and ensure access to justice for all.
- **Empowerment and protection:** Legal services can empower individuals to assert their rights, seek redress for grievances, and protect themselves from legal injustice. This can be particularly important for vulnerable groups facing discrimination or exploitation.
- Although the idea of a legal aid programme was floated in the 1950s, it was in 1980 that a committee at the national level was established under the chairmanship of then SC judge Justice PN Bhagwati.
- The Committee for Implementing Legal Aid Schemes started monitoring legal aid activities throughout India.

Different forms of legal aid provided in India:

- **Free legal aid:** Provided to disadvantaged individuals and groups who cannot afford legal representation. This includes financial assistance for court fees, lawyer’s fees, and other legal expenses.
- **Lok Adalats:** These pre-litigation forums aim to resolve disputes amicably through negotiation and mediation, providing faster and more accessible justice.
- **Para-legal volunteers:** Trained volunteers, often from local communities, provide basic legal education and assistance to people in rural areas.

- **Legal awareness programs:** Initiatives to educate the public about their legal rights and how to access legal services.

Challenges in providing legal services:

- **Shortage of legal aid lawyers:** Despite efforts, there remains a shortage of qualified lawyers willing to take up legal aid cases, especially in rural areas.
- **Lack of awareness:** Many people remain unaware of their right to legal aid and how to access it.
- **Inadequate funding:** Providing effective legal aid requires consistent and adequate funding, which can be a challenge considering the large number of people in need.
- **Corruption and inefficiency:** Concerns exist about corruption and inefficiency within the legal aid system, hindering its effectiveness in reaching those who need it most.

Way forward:

- **Leveraging technology:** Utilizing technology like online platforms and mobile apps can improve access to legal information and services, particularly in remote areas.
- **Strengthening paralegal systems:** Investing in training and empowering paralegals can significantly expand the reach of legal services.
- **Public-private partnerships:** Collaborating with NGOs, civil society organizations, and the private sector can help increase resources and expertise for legal aid initiatives.
- **Increasing awareness campaigns:** Continuous efforts are needed to educate the public about their legal rights and how to access legal aid.

Associated Additional Information:

About Legal Services Authorities Act:

- In 1987, the Legal Services Authorities Act was enacted to give a statutory base to legal aid programs.
- It aims to provide free and competent legal services to eligible groups, including women, children, SC/ST and EWS categories, industrial workers, disabled persons, and others. A nationwide network has been envisaged under the Act for providing legal aid and assistance.
- Under the Act:
 - NALSA was constituted in 1995 to monitor and evaluate the implementation of legal aid programs and to lay down policies for making legal services available. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes.
 - In every state, State Legal Services Authorities are established to implement NALSA's policies and directions, give free legal services to people, and conduct Lok Adalat.
 - An SLSA is headed by the Chief Justice of the respective High Court and includes the senior HC judge as its Executive Chairman.
 - While the HC Chief Justice is the patron-in-chief of the SLSA, the CJI is the patron-in-chief of NALSA.
 - District Legal Services Authorities (DLSAs) and Taluk Legal Services Committees are established in districts and most taluks.

- Situated in the District Courts Complex in every district, each DLSA is chaired by the District Judge of the respective district.
- The Taluka or Sub-Divisional Legal Services Committees are headed by a senior civil judge.
- Collectively, these bodies organize legal awareness camps, provide free legal services, and supply and obtain certified order copies and other legal documents, among other functions.

Mains Practice Question :

- Question: Critically analyse the statement: "In a truly just and equitable society, the need for legal services would be rendered minimal, if not eliminated altogether." (150 words)

Recent Judgement in Bilkis Yakub Rasool vs Union of India Case

Context:

- Recently, The Supreme Court struck down the remission granted by the Gujarat government to 11 convicts who were serving life imprisonment for the gangrape of Bilkis Bano during the communal riots in Gujarat in 2002.

Background:

- The Bilkis Bano case is a landmark case of gang rape and mass murder that occurred during the 2002 Gujarat riots in India.

The incident:

- **March 3, 2002:** In the midst of the communal violence that erupted after the Godhra train burning, a mob attacked Bilkis Bano's family in Randhikpur village, Dahod District of Gujarat.
- Bilkis Bano, then five months pregnant, was gang-raped. Seven members of her family, including her three-year-old daughter, were killed.
- **Initial struggles for justice:** Despite approaching the local police, Bilkis faced initial apathy and resistance in filing a complaint. The FIR omitted crucial details and names of the assailants.

Seeking justice:

- **2003:** With the help of the National Human Rights Commission, Bilkis's case reached the Supreme Court. The court ordered a CBI investigation, and the trial was moved out of Gujarat to Maharashtra due to security concerns.
- **2008:** The Special CBI Court in Mumbai convicted 11 men of gang rape, murder, and unlawful assembly, sentencing them to life imprisonment. Seven other accused were acquitted for lack of evidence.
- **2017:** The Bombay High Court upheld the convictions and life sentences of the 11 convicts.

Recent developments:

- **August 2022:** The Gujarat government, under its remission policy, released all 11 convicts early, sparking widespread outrage and protests. The Gujarat government stated that they were granted early release in accordance with the 1992 policy, citing the 'good conduct' of the convicts while imprisoned.
- **Present:** The Supreme Court struck down the remission granted by the Gujarat government.

Analysis for Prelims:

Reasons for the Supreme Court's decision:

- **Violation of procedural guidelines:** The court found that the Gujarat government did not have the authority or jurisdiction to consider the remission applications of the convicts, to reduce their sentence.
 - This was because the trial in the case was transferred from Gujarat, where the crime was committed, to Mumbai, Maharashtra by the Supreme Court after concerns and apprehensions were raised of evidence tampering and the absence of a conducive situation for a fair trial in Gujarat.
 - The Supreme Court said that as per the provisions of Section 432 of the Code of Criminal Procedure Code (CrPC), 1973, an application for remission can only be before the government within whose territorial jurisdiction the applicant was convicted, in this case, Maharashtra, and not where the offence took place, in this case, Gujarat.
- Hence, the court said that the state of Gujarat had “usurped the powers of the state of Maharashtra which only could have considered the applications seeking remission”.
- **Misleading information:** The court criticized the Gujarat government for suppressing material facts and failing to file a review petition seeking a correction of the order about the cancellation of the 1992 policy.
 - The convicts were considered for an early release on the basis of a policy of the state of Gujarat dating back to 1992. The policy allowed for an early release of prisoners who have completed 14 years of imprisonment.
 - The court noted that the policy could not have been applied to the convicts in this case as it was subsequently cancelled and substituted by another policy in 2014. The 2014 policy barred the grant of remission to convicts of heinous crimes.
- **Non fulfillment of certain conditions:** The court held that the convicts had not fulfilled the condition of paying a fine ordered by the trial court to be considered for remission.
- **Stereotyped application of policy:** The court argued that the remission process in the case was a "classic case" of misusing a Supreme Court order and applying the remission policy in a stereotyped manner without considering the unique circumstances and brutality of the offense.
- **Justice and public conscience:** The court highlighted the need to uphold public confidence in the justice system and ensure that the gravity of the crime is adequately reflected in the punishment. The decision aimed to prevent such heinous crimes and set a strong precedent for future cases.

Can the convicts apply for remission again?

- The convicts can approach the Maharashtra government for remission in the future. Whether remission is granted will depend on various aspects including the remission policy of the state.

Analysis for Mains:

- The recent Supreme Court judgment in the Bilkis Bano case holds significant meaning on several levels:

For Bilkis Bano and survivors of sexual violence:

- **Justice and closure:** It provides Bilkis Bano with a sense of justice and closure after enduring years of trauma and seeking accountability for the horrific crimes against her and her family. It recognizes the

immense suffering she faced and reaffirms the principle that such heinous acts cannot be easily forgiven or forgotten.

- **Empowerment and hope:** It empowers other survivors of sexual violence, particularly those from marginalized communities, by demonstrating that their voices can be heard and their rights upheld. It offers hope for justice and encourages them to come forward and seek legal recourse.

For the Indian legal system:

- **Rule of law and procedural fairness:** The court's emphasis on adhering to proper procedures and considering the gravity of the offense sets a crucial precedent for future cases. It upholds the rule of law and ensures that remission is not granted arbitrarily or under political pressure.
- **Protecting vulnerable communities:** It sends a strong message that crimes against women and vulnerable communities will not be tolerated and will be dealt with seriously. It emphasizes the need for sensitive handling of such cases and strengthens the legal framework for dealing with them effectively.

For larger societal issues:

- **Combating communal violence:** The Supreme Court's intervention recognizes the deep-rooted issue of communal violence in India and highlights the need for swift and effective justice for victims. The judgment discourages further instances of violence against minority communities and encourages social harmony.
- **Public conscience and accountability:** The decision restores public confidence in the judicial system, demonstrating its commitment to protecting fundamental rights and holding perpetrators accountable for their actions. It emphasizes the importance of upholding societal values and ensuring justice for all.

Conclusion:

- Overall, the Bilkis Bano judgment signifies a pivotal moment in India's fight against sexual violence, communal violence and the misuse of legal procedures. It has far-reaching implications for shaping a more just and equitable society, while offering hope and a renewed sense of empowerment for survivors.

Associated Additional Information:

- **In Union of India vs V. Sriharan @ Murugan & Others, 2015 case:** A Constitution bench of the Supreme Court held that, barring cases falling under **Section 432(7)(a)**, in all other cases where the offender is sentenced or the sentence or order is passed within the territorial jurisdiction of the State concerned, that State government would be the appropriate government.
- **In Life Convict Laxman Naskar vs State of West Bengal, 2000 case:** The Supreme Court laid down certain tests to determine eligibility for remission and premature release:
 - Whether the offence is an individual act of crime without affecting the society at large.
 - Whether there is any fruitful purpose of confining of this convict anymore.
 - Whether there is any chance of future reoccurrence of committing crime.
 - Whether the convict has lost his potentiality in committing crime.
 - Socio Economic condition of the convict's family.

Miscellaneous:

Heart of the policy of remission:

- Plato, the Greek Philosopher in his treatise, **The Laws**, underscores that punishment is to be inflicted, not for the sake of vengeance, for what is done cannot be undone, but for the sake of prevention and reformation.
- In this treatise, Plato reasons that the lawgiver, as far as he can, ought to imitate the doctor who does not apply his drug with a view to pain only, but to do the patient good. This curative theory of punishment likens penalty to medicine, administered for the good of the one who is being chastised.
- Thus, if a criminal is curable, he ought to be improved by education and other suitable arts, and then set free again as a better citizen and less of a burden to the state. This postulate lies at the heart of the policy of remission.

Union and State Legislature

Leaders and Chief Whips of Recognized Parties and Groups in Parliament (Facilities) Act, 1998.

Context:

- Recently, The Rajya Sabha Chairman turned down the Aam Aadmi Party's (AAP) request to appoint an MP of their party as the party's "interim leader" in the Upper House.
- Under **The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act 1998**, referred to by the Rajya Sabha Chairman regarding the issue, there is no provision of 'interim leader'.

Analysis for Prelims:

As per the Leaders and Chief Whips of Recognized Parties and Groups in Parliament (Facilities) Act, 1998

- **"Recognised group" means:**
 - In relation to the Council of States, every party which has a strength of not less than fifteen members and not more than twenty-four members in the Council.
 - In relation to the House of the People, every party which has a strength of not less than thirty members and not more than fifty-four members in the House.
- **"Recognised party" means:**
 - In relation to the Council of States, every party which has a strength of not less than twenty-five members in the Council.
 - In relation to the House of the People, every party which has a strength of not less than fifty-five members in the House.

About Leader of the House:

- **Leader of the House in Lok Sabha** is the parliamentary chairperson of the party that holds a majority in the Lok Sabha and is responsible for government business in the house. The office holder is usually the prime minister if they are a member of the chamber. However, if the prime minister is not a member of the Lok Sabha, they can appoint the Leader of the House.

- **Leader of the House in Rajya Sabha** is the leader and parliamentary chairperson of the majority party in the Rajya Sabha and is normally either a cabinet minister or another nominated minister. The Leader of the House is responsible for organising government meetings and business in the House. This office is not enshrined in the constitution and provided under the Rules of Rajya Sabha.

About Whips:

- In the parliamentary form of Government, Whips of various political parties are the vital links of the internal organization of parties, inside the legislatures. The efficient and smooth functioning of Parliament and State Legislatures depends, to a considerable extent, upon the office of the Whip. The Whips can be rightly said to be the managers of the parties within the legislatures.
- Both the ruling as well as opposition parties appoint their whips and certain duties are common to the whips of all parties.
- **Government Chief Whip has some very important duties:**
 - The most important duty is mapping out the time of the session, coordinating, monitoring and management of the business of the Government.
 - Another important function of the Government Chief Whip is to constantly feel the pulse of the House and to render an account of the same to the Leader of the House/Government.
 - The Government whips also act as an important communication link between the leader of the House and the Members of the ruling party and
 - Government Chief Whip also keeps in close touch with the whips of the other parties on matters concerning the business of the House as also on many other matters relating to the House as a whole.
- **Whips of the opposition parties have an equally important role:**
 - They supply their members with all important information and ensure the presence and participation of members of the respective parties in the House specially during important discussions and voting.
 - They play an equally important role in maintaining the standard of debates at a high level in the Parliament/Legislatures.
 - They also interact with the presiding officers and the secretariat of the concerned House on behalf of their parties and members to ensure efficient coordination vis a vis the complex requirements of parliamentary procedures, practices and conventions.

Election Commission (EC) revise FAQs on its page

Context:

- After members of the Opposition INDIA bloc wrote to the Election Commission in August expressing concerns over the use of Electronic Voting Machines (EVMs), the EC revised and expanded its Frequently Asked Questions (FAQs) page to address the doubts raised.

Background:

- According to Election Commission of India – “EVM or Electronic voting machine is an electronic micro controller based portable voting system which aids or take cares of the chores of casting and counting votes”.

History of EVMs:

- 1982: EVMs were first used in Parur Assembly Constituency in Kerala.
- 1983 – 1989: EVMs could not be used.
- 1988: **Section 61A** was inserted in the Representation of the People Act, 1951 empowering the Election Commission to use EVMs.
 - The Supreme Court in **A.C. Jose Vs. Sivan Pillai Case** had ruled that for using EVMs there should be a specific provision in the law.
- 2004: EVMs were used in all 543 Parliamentary Constituencies in the country during General Election to the Lok Sabha.
- 2013: Voter Verifiable Paper Audit Trail with EVM was used for first time in the by election to Noksen Assembly Constituency of Nagaland.
- 2018: The Supreme court dismissed a petition asking for return to Ballot papers.

Analysis for Prelims:

Information Added by the Election Commission:

Where are the EVMs manufactured? Are they imported?

- EVMs/VVPATs are not imported but indigenously designed and manufactured by two Public Sector Undertakings (PSUs) namely:
 - Bharat Electronics Limited (BEL), under the Ministry of Defense.
 - Electronics Corporation of India Limited (ECIL), under the Department of Atomic Energy.
- It happens under the guidance of the Technical Experts Committee (TEC) constituted by the Election Commission of India.

Whether BEL and ECIL share the confidential software programme with foreign chip manufacturers to copy it on to microcontrollers used in the EVMs?

- Microcontrollers are ported with firmware by BEL/ECIL inside their factories under high level of security and safeguards. No external agency either indigenous or foreign is involved in loading the firmware programme in micro controllers.

What is the maximum number of votes which can be cast in EVMs?

- The ECI-EVM system can record a maximum of 2,000 votes but generally it is used for recording 1500 votes only.

Whether counting of printed paper slips of VVPAT is compulsory on the counting day?

- Compulsory counting of printed paper slips of VVPAT is done only in the following cases:

- In case of “no display” of result on the Control Unit the printed paper slips of respective VVPAT(s) are counted. These slips have been verified by voters at the time of casting their votes.
- As directed by the Honorable Supreme court of India, mandatory verification of printed VVPAT paper slips of five randomly selected polling stations of each Assembly Constituency or each Assembly Segment in case of election to the House of the People, before declaring result.

What are the provisions to handle any claimed discrepancy in the votes cast?

- The contesting candidates have opportunity to request for the VVPAT slip count under Rule 56D of the Conduct of Elections Rules, 1961 after completion of counting of votes from the EVMs.
- Further, as per existing legislation, **Rule 56D (4) (b) of the Conduct of Election (Amendment) Rules** in case of a discrepancy between the Electronic Count in the CU and the ballot slip count of the VVPAT, the **VVPAT slip count shall prevail**.

How are ECI EVMs different from the voting systems banned by the German Constitutional Court?

- ECI EVMs are manufactured by central government public sector undertakings in a secure manufacturing facility. Rigorous third-party testing is carried out by STQC (Standardization Testing and Quality Certification) at the manufacturing premises before acceptance and dispatch to various states of deployment. Stringent and elaborate protocols as mandated by ECI are followed during EVM movement, storage, and deployment.
- The German Constitutional Court made its observation in the context of EVMs used in German elections and in relation to German law. Indian EVMs are robust and implement technologies and processes which are different and noncomparable.

What are the important legal provisions on the use of VVPATs?

- Voter Verifiable Paper Audit Trail (VVPAT) was introduced by the ECI in compliance to the pronouncement of the Supreme Court in **Dr. Subramanian Swamy Vs. Election Commission of India (2013)** to ensure further transparency in the system by introducing ‘paper trail’ in respect of EVMs. Accordingly, the necessary amendments were also made to The Conduct of Elections Rules, 1961.

What are the details printed on the slips?

- Printed slip of VVPAT contains the following information:
 - Candidate Serial Number
 - Name of the Candidate.
 - Symbol of party or Candidate
 - Session Number
 - VVPAT ID
- These details could be viewed by the voter.

Analysis for Mains:

Advantages of EVMs:

- EVMs have a number of advantages over traditional paper-based voting systems, including:
- Accuracy: EVMs are more accurate than paper-based voting systems because they eliminate the possibility of human error in counting votes. Moreover, as voting is done by pressing a button, there is no invalid vote as in paper ballot system.
- Speed: EVMs are faster than paper-based voting systems. They allow declaration of results within 2 to 3 hours.
- Accessibility: EVMs are more accessible to people as they do not require voters to write.
- Security: EVMs are more secure than paper-based voting systems because they are difficult to tamper with. Moreover, introduction of paper trail machines (PTMs)/ VVPATs have made them even more secure.
- Cost effectiveness: EVMs are cost effective as they avoid the need printing of millions of Ballot papers. This also saves unnecessary felling of trees for making paper.
- Elimination of Booth capturing: Booth capturing has been eliminated by technology used in EVMs and administrative procedures such that capturing booth is not worthwhile even if attempted. EVM voting system does not permit more than 4 votes per minute under any circumstances.
- Thus, it takes too long a time to cast a substantial number of votes giving sufficient time to security forces to respond to the Booth Capturing attempt.
- No possibility of voting after CLOSE button is pressed at the close of poll.

Disadvantages of EVMs:

- EVMs have also been criticized for a number of disadvantages, including:
- Vulnerability to hacking and fraud.
- Cost: EVMs are more expensive to purchase and maintain than paper-based voting systems since they only have a shelf life of around 15 years.
- Complexity: EVMs can be complex to set up and operate, which can lead to errors.
- Limited Transparency: The inner workings of EVMs are not entirely transparent to the public and this lack of transparency can erode trust in the electoral process.
- Technological Challenges: EVMs are electronic devices that can face technical glitches. Malfunctions or errors in the machines may lead to disruptions during the voting process.

Mains PYQ :

- Question: In the light of recent controversy regarding the use of Electronic Voting Machines (EVM), what are the challenges before the Election Commission of India to ensure the trustworthiness of elections in India? (UPSC Mains 2018).

Government Schemes

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Context:

- Recently, A parliamentary panel (Department Related Standing Committee on Rural Development and Panchayati Raj) asked the Union Ministry of Rural Development to “tighten its grip” in its supervision of road construction in rural areas under the Pradhan Mantri Gram Sadak Yojana (PMGSY).

Background:

- Rural Road Connectivity is not only a key component of Rural Development by promoting access to economic and social services and thereby generating increased agricultural incomes and productive employment opportunities in India, it is also as a result, a key ingredient in ensuring sustainable poverty reduction.
- Notwithstanding the efforts made, over the years, at the State and Central levels, through different Programmes, many habitations in the country are still not connected by all-weather roads.
- With a view to redressing the situation, Government had launched the Pradhan Mantri Gram Sadak Yojana on 25th December, 2000 to provide all-weather access to eligible unconnected habitations.

Analysis:

About Pradhan Mantri Gram Sadak Yojana (PMGSY):

- It is a 100% Centrally Sponsored Scheme.
- Nodal ministry: Ministry of Rural Development.
- It aims to:
 - Assist the States in providing all-weather road connectivity to all eligible unconnected habitations in rural areas.
 - Connect areas with a population of up to 500 persons in plain areas, 250 and above in Special category States, Desert areas, Tribal (Schedule V) areas, and selected tribal and backward districts.

Status of the Projects under the scheme under PMGSY-I and PMGSY-II:

- A total of 6,45,400 Km Road length has been sanctioned under new connectivity and upgradation components under PMGSY-I, out of which 6,20,828 km road length has been completed till 25th October, 2022.
- A total of 50,000 km road length has been 3 targeted for upgradation under PMGSY-II. A total of 49,873 km road length has been sanctioned under the Scheme and 48,311 Km has been completed as on 25th October, 2022.

Associated Additional Information:

CHALLENGES AND OBSERVATIONS / RECOMMENDATIONS OF THE COMMITTEE:

Better Centre-State Coordination:

- The Committee notes that the funding pattern was revised to 60:40 ratio between Centre and State from the financial year 2015-16, in all the States barring eight North Eastern States and two Himalayan States (Himachal Pradesh and Uttarakhand) and UT of J&K where it is 90:10 ratio.
- It recommends the Department of Rural Development to ensure that the projects under PMGSY do not get hampered due to lack of coordination between Centre and State. A better cohesive mode of coordination may be devised for providing a positive impetus to the scheme.

Liquidation of Unspent Balances:

- The Committee notes that an unspent balance of Rs. 2269.631 Crore as on 20.01.2023 is a matter of concern.
- It recommends that the Department of Rural Development should increase the tempo of their ongoing efforts so as to ensure that the amounts under the head 'unspent balances' get wiped out on a faster rate and the projects under PMGSY are executed in a time bound manner.

Escalation of Costs due to delay:

- It recommends that Department of Rural Development should make tangible efforts to envisage any kind of delays that may crop up during the execution of projects and to guarantee a mechanism of inflation proof costing system under PMGSY constructions even over a longer period of time so as to ensure that the 75 PMGSY projects are completed as per scheduled time period without any cost escalation.

Slow Pace of Projects under Rural Connectivity Project for Left Wing Extremism (RCPLWEA):

- The Committee notes that RCPLWEA, a very important vertical under PMGSY, was launched in 2016 with the primary goal of ensuring socio-economic development of the areas affected by left wing extremism in such States of the country.
- It recommends that Department of Rural Development should envisage a few 'out of box' solutions and guide the concerned States accordingly so as to ensure that the 76 projects under RCPLWEA do not suffer delay and are completed on a faster basis for the time-bound realization of the objectives of this vertical.

Quality of Construction of roads under PMGSY:

- The Committee notes:
 - Heavy vehicles cause irreversible damage to the rural roads under PMGSY which are of the mandated thickness of 20 mm.
 - Utilization of poor raw materials in construction of Roads.
- It beseeches upon Department of Rural Development to entail stronger measures to ensure that the quality of roads constructed under PMGSY do not get compromised on account of utilization of poor raw materials or other associated reasons so that the noble objective of the scheme to provide all weather road to rural habitation is achieved without any compromise.

- It also suggests that the thickness of roads under PMGSY should be increased from existing 20 mm to 30 mm.

Issues of Down-Tendering - Bidding of Tenders and subletting:

- The Committee notes that bidding through tenders for obtaining projects for construction of roads under PMGSY is an integral part of the scheme.
- It recommends that:
 - Department of Rural Development should devise even stronger mechanisms/provisions in the bidding processes, besides the extant ones, to further negate the effect of low bidding, so that quality of road construction does not get compromised in the hands of contractors.
 - Rigorous monitoring mechanism should be put in place to ensure the quality of road construction as per the specifications mentioned in the contracts.
 - Provision of sub-letting of works to petty contractors by the main contractor should be reviewed and take corrective measures as per manual in this regard.

Provision of earthen flanks on both sides of the roads:

- The Committee notes with concern the non-presence of earthen/soil flanks on either side of the PMGSY roads at many locations which cause major inconvenience to on-footers and bicycle riders/two-wheeler riders in such areas.
- It recommends the Department of Rural Development to relook into the matter by taking into account the plight of the daily commuters and issue guidelines for mandatory earmarking of the earthen flank areas adjacent to either side of PMGSY roads

Inclusion of Road of length 2 Km:

- The Committee notes that presently road lengths of minimum 3 km are taken up as eligible roads under PMGSY-III.
- It recommends the Department of Rural Development to relook into the matter of selection of appropriate road length by reducing the minimum to 2 km and bring about review in their guidelines accordingly so as to provide last mile connectivity to rural habitations.

Post Construction Maintenance Fund:

- The 15th Finance Commission had recommended for the provisioning of funds for maintenance of rural roads to the States for easing the burden on them
- The Committee urges upon the Department of Rural Development to continue their communication with the Ministry of Finance for the actualization of the recommendation of 15th Finance Commission on the one hand while keeping a proper oversight with the State governments for the release of adequate funds to ensure the maintenance of PMGSY roads

Stronger Monitoring Mechanism:

- The Committee notes that there is a well-structured monitoring mechanism under PMGSY.
- It includes Online Management Monitoring and Accounting System (OMMAS), Project Management Information System (PMIS), Citizen Information Board, Common Review Mission (CRM), National Level Monitors (NLM), Regional Review Meetings (RRM) among others.

- **Meri Sadak App** has also been launched through which any person can register the complaint relating to slow pace of work, abandoned work, poor quality, ensuring on-ground monitoring of road construction on a real time basis.
- It recommends that Department of Rural Development should entail newer and innovative measures like uploading of real time videos of roads at the duration of every six months, increase in surprise inspections during the Defect Liability Period specifically along with concerned Members of Parliament among others need to be explored on priority basis.

Increased usage of Green Technology:

- The Committee pleasantly finds the gradual increase in the usage of green technology for the construction of roads under PMGSY and acknowledge the positive efforts being undertaken by the Department of Rural Development in this regard.
- It recommends that the Department of Rural Development should conduct a study on the possible environmental hazards of the usage of plastic for road construction and take appropriate steps thereon on the basis of outcome of that study.

Convergence with Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):

- The Committee recommend the Department of Rural Development to explore the proposal of convergence of MGNREGA with PMGSY earnestly in order to have a rationalized Government fund utilisation

Mains Practice Question :

- Discuss the significance and impact of the Pradhan Mantri Gram Sadak Yojana (PMGSY) in rural development in India. (150 words)

SVAMITVA Scheme

Context:

- Recently, SVAMITVA Scheme (Survey of Villages Abadi and Mapping with Improvised Technology in Village Areas) won the Best Innovation Award for Innovation Sandbox presentation during Public Policy Dialogues - 2024 at Indian School of Business, Hyderabad

Background:

- The Ministry of Panchayati Raj participated in the Innovation Sandbox presentation and showcased the “Digital Transformation Initiatives in Land Governance through SVAMITVA Scheme” detailing the processes followed by States to digitalize land governance systems transparently and efficiently.
- The Ministry of Panchayati Raj was conferred with the prestigious 1st Prize in the Innovation Sandbox presentation for “Digital Transformation Initiatives in Land Governance through SVAMITVA Scheme” at the second annual three-day “Public Policy Dialogues” Conclave of the Bharti Institute of Public Policy (BIPP), Indian School of Business (ISB), Hyderabad.

Analysis for Prelims:

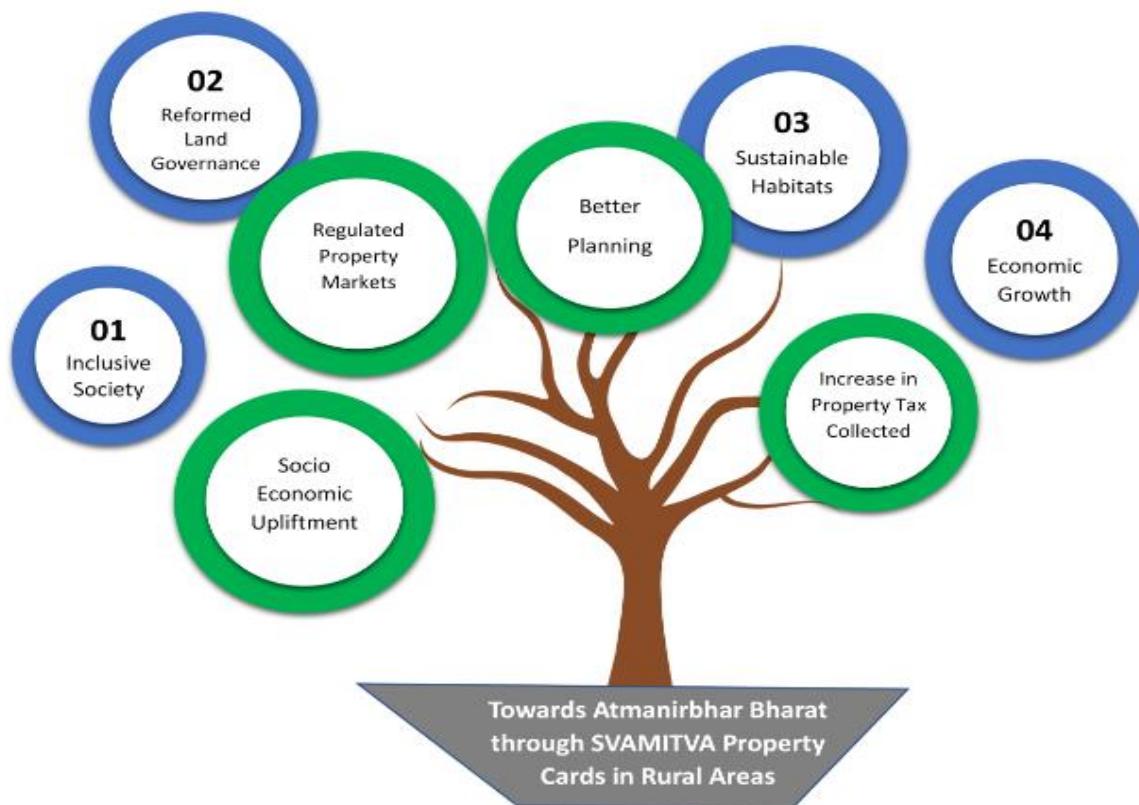
About SVAMITVA Scheme:

- It is a Central Sector Scheme of Ministry of Panchayati Raj.
- 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 clear ownership of property in rural inhabited ("Abadi") areas, by mapping of land parcels using drone technology and providing 'Record of Rights' to village household owners with issuance of legal ownership cards (Property cards/Title deeds) to the property owners.
- It is implemented with the collaborative efforts of:
 - Ministry of Panchayati Raj
 - State Revenue Department
 - State Panchayati Raj Department
 - Survey of India
- It covers multifarious aspects:
 - Facilitating monetisation of properties and enabling bank loan;
 - Reducing property related disputes;
 - Comprehensive village level planning,
 - Stepping-stone towards achieving Gram Swaraj in true sense and making rural India Atmanirbhar.

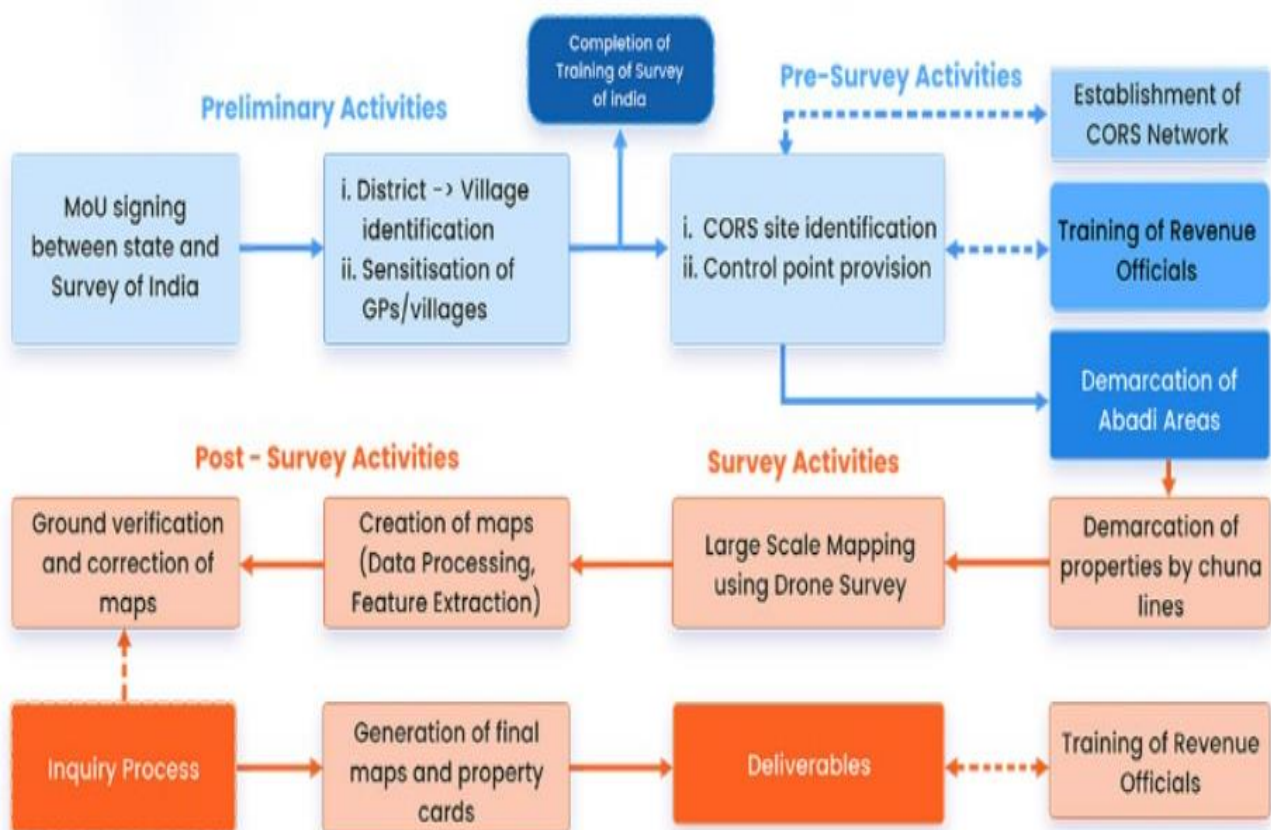
It seeks to achieve the following objectives:

- Creation of accurate land records for rural planning and reduce property related disputes.
- 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, which would accrue to the GPs directly in States where it is devolved or else, add to the State exchequer.
- Creation of survey infrastructure and GIS maps that can be leveraged by any department for their use.
- To support in preparation of better-quality Gram Panchayat Development Plan (GPDP) by making use of GIS maps

Four Identified broad areas of Impact under the Scheme



Process flow of the Scheme



Analysis for Mains:

- SVAMITVA Scheme holds immense promise for empowering rural communities and transforming land administration in India. By leveraging drone technology and GIS mapping to create accurate property records, it aims to address various challenges and unlock new opportunities for rural life.

Potential of scheme in these two key domains:

Empowering Rural Communities:

- **Securing Land Rights:** SVAMITVA provides tangible documentation (Property Cards) of ownership, reducing land disputes and protecting individuals, particularly marginalized communities, from land grabbing. This fosters a sense of security and encourages investment in land for agricultural improvement.
- **Financial Inclusion:** Property Cards act as collateral, enabling villagers to access bank loans for income-generating activities and infrastructure development. This empowers entrepreneurship, boosts local economies, and creates new employment opportunities.
- **Improved Governance:** Transparency in land ownership strengthens participatory governance. Villagers can engage in informed decision-making regarding land use planning and resource allocation, promoting a sense of agency and local control.

Transforming Land Administration:

- **Efficiency and Accuracy:** Drone surveys and digital databases ensure faster, more accurate land record maintenance compared to the traditional paper-based system. This reduces administrative costs and streamlines legal processes related to land transactions.
- **Transparency and Reduced Corruption:** The digital system minimizes loopholes and discretionary powers, curbing corruption and creating a fair and transparent land administration environment.
- **Data-driven Planning:** Precise land use maps generated through SVAMITVA can inform comprehensive village-level development plans. This enables targeted allocation of resources for infrastructure, agriculture, and social welfare projects, maximizing their impact.

Challenges and Considerations:

While SVAMITVA's potential is undeniable, challenges remain:

- **Community Awareness and Participation:** Ensuring effective communication and education for villagers to understand the scheme's benefits and actively participate is crucial for its success.
- **Inclusion of Women and Marginalized Groups:** Special efforts are needed to ensure property rights and access to benefits reach women and vulnerable communities to prevent any further marginalization.
- **Sustainability and Scalability:** Maintaining the digital infrastructure and trained personnel for long-term operation and expansion across diverse geographical contexts is essential.

Conclusion:

- SVAMITVA represents a significant step towards empowering rural communities and transforming land administration in India. Its potential to improve land security, economic opportunities, and participatory governance is undeniable. Addressing the challenges related to awareness, inclusion, and

sustainability, while continuously improving the scheme, will determine its ultimate success in creating a more equitable and prosperous rural landscape.

Mains Practice Question :

- Question: Critically analyse the SVAMITVA Scheme, evaluating its potential to empower rural communities and transform land administration in India. (150 words)

MPLADS e-SAKSHI Mobile Application

Context:

- Recently, The Minister of State (Independent Charge) of the Ministry of Statistics and Programme Implementation launched the MPLADS e-SAKSHI Mobile Application for revised fund flow procedure under MPLAD Scheme.

Background:

- The Members of Parliament Local Area Development Scheme (MPLADS) was launched with the objective of enabling the Members of Parliament (MPs) to recommend works of developmental nature with emphasis on the creation of durable community assets based on the locally felt needs.

Analysis for Prelims:

About revised set of guidelines under MPLADS:

- As per the PIB, the revised set of guidelines aims to broaden the scope of the Scheme so as to enable the MPs to recommend the developmental works as per the changing needs of the community.

Under the Revised Fund Flow Procedure in the guidelines:

- MPs will not be required to wait for the actual fund to be released by the Ministry before recommending new projects.
- MPs will be allocated annual drawing limits at the beginning of each financial year subject to certain conditions.
- The entire process of fund flow will operate on an IT platform which will allow all the stakeholders, including Members of Parliament, the Central and State Govt. agencies, the district authorities etc. to monitor the status of funds and works on real time basis. It will facilitate effective implementation of projects under MPLADS and also bring in greater transparency and accountability in the system.

About e-SAKSHI mobile application:

- The mobile app offers convenience and accessibility, allowing MPs to propose, track, and oversee the projects at their fingertips. This real-time access enhances decision-making processes, enabling swift responses to emerging needs or issues.
- The application also streamlines the communication between MPs and relevant authorities, facilitating a more efficient exchange of information.

Associated Additional Information:

About MPLADS scheme:

- The MPLADS is a Plan Scheme fully funded by Government of India.
- The annual MPLADS fund entitlement per MP constituency is Rs. 5 crores.
- **Recommendation of works:**
 - Lok Sabha Members can recommend works within their Constituencies. If a Lok Sabha Constituency is spread over more than one District, the Member of Parliament can choose any one of the Districts as Nodal District in his/her constituency.
 - Elected Members of Rajya Sabha can recommend works within the State of Election. The Rajya Sabha MP can choose any District in his/her State of Election as Nodal District.
 - Nominated Members of both the Rajya Sabha and Lok Sabha can recommend works anywhere in the country.
- All works to meet locally felt infrastructure and development needs, with an emphasis on creation of durable assets in the constituency are permissible under MPLADS.
- Expenditure on specified items of non-durable nature are also permitted as per list given in the Annexure-IIA of the scheme.
- **Development of Areas inhabited by Scheduled Caste and Scheduled Tribe:** MPs are to recommend every year, works costing at least 15 per cent of the MPLADS entitlement for the year for areas inhabited by Scheduled Caste population and 7.5 per cent for areas inhabited by S.T. population.
 - In case there is insufficient tribal population in the area of Lok Sabha Member, they may recommend this amount for the creation of community assets in tribal areas outside of their constituency but within their State of election.
 - In case a State does not have S.T. inhabited areas, this amount may be utilized in S.C. inhabited areas and vice-versa.
- **Recommendation/Sanction of the works:** Each MP will recommend works up to the annual entitlement during the financial year to the concerned District Authority. The District Authority will get the eligible sanctioned works executed as per the established procedure of the State Government
- **Natural & Man-made Calamities:** MPLADS works can also be implemented in the areas prone to or affected by the calamities like floods, cyclone, Tsunami, earthquake, hailstorm, avalanche, cloud burst, pest attack, landslides, tornado, drought, fire, chemical, biological and radiological hazards.
 - Lok Sabha MPs from the non-affected areas of the State can also recommend permissible works up to a maximum of Rs.25 lakh per annum in the affected area(s) in that State.

Constitutional and Non-Constitutional Bodies

Memorandum of understanding signed between QCI and KVIC

Context:

- Recently Khadi and Village Industries Commission (KVIC) and Quality Council of India (QCI) signed a Memorandum of Understanding (MoU) to enhance the quality of Khadi products, empower artisans and offer quality products under the 'Made in India' banner for Khadi at Kochrab Ashram in Ahmedabad.

Analysis for Prelims:

- **Aim:** To create “World Class Khadi Products” as per Prime Minister’s vision.

Quality Council of India (QCI)'s role:

- Train for quality improvement in Khadi products.
- Support KVIC in empowering artisans and promoting Khadi.
- Increase productivity and marketability of Khadi products (domestically and internationally).

Expected outcomes (as per government):

- A new identity to Khadi as 'Made in India' products.
- Increased production and sales of Khadi products as a symbol of quality across the world.
- Improved quality and global recognition.
- New employment opportunities to Khadi artisans with greater productivity and efficiency by equipping them with advanced skills and knowledge.
- Khadi as a symbol of quality and developed India.

About Quality Council of India (QCI):

- **Ministry:** Ministry of Commerce and Industry, Government of India
- **Established:** As a National body for Accreditation on recommendations of Expert Mission of EU after consultations in Inter-ministerial Task Force, Committee of Secretaries and Group of Ministers through a Cabinet decision in 1996.
- **About:** It is a non-profit organization registered under the Societies Registration Act XXI of 1860. It was set up through a PPP model as an independent autonomous organization with the support of Government of India and the Indian Industry represented by the three premier industry associations:
 - (i) Associated Chambers of Commerce and Industry of India (ASSOCHAM).
 - (ii) Confederation of Indian Industry (CII).
 - (iii) Federation of Indian Chambers of Commerce and Industry (FICCI).
- **Aim:** To create a mechanism for independent third party assessment of products, services and processes in India.
- **Activities:**
 - Develop and promote national quality standards.

- Accredited testing and certification bodies.
- Provide training and awareness programs on quality management.
- Facilitate international trade through conformity assessment activities.
- Assist government agencies in setting quality standards for public procurement.

About Khadi and Village Industries Commission (KVIC):

- **Ministry:** Ministry of Micro, Small and Medium Enterprises (MSME)
- **About:** It is a statutory body established by an Act of Parliament in 1956. In April 1957, it took over the work of former All India Khadi and Village Industries Board.
- **Broad objectives** that the KVIC has set:
 - The social objective of providing employment.
 - The economic objective of producing saleable articles.
 - The wider objective of creating self-reliance amongst the poor and building up of a strong rural community spirit.
- **Activities:**
 - Implement programs for production and marketing of Khadi and village industry products.
 - Provide financial assistance and training to artisans.
 - Develop infrastructure for Khadi and village industries.
 - Conduct research and development for improvements in product quality and technology.
 - Promote Khadi as a symbol of self-reliance and national pride.

Analysis for Mains:

- Khadi holds significant cultural, economic, and political importance in India for several reasons:
- **Symbol of Independence:** Khadi played a pivotal role in India's struggle for independence. Mahatma Gandhi promoted the use of khadi as a means of economic self-reliance and a symbol of resistance against British colonial rule. The spinning wheel, or charkha, became an iconic representation of India's quest for freedom.
- **Economic Empowerment:** Khadi is often associated with rural development and the empowerment of local communities. The production of khadi involves traditional hand-spinning and weaving techniques, providing employment opportunities to rural artisans and weavers. Supporting khadi contributes to sustainable livelihoods in rural areas.
- **Promotion of Cottage Industries:** Khadi is produced through cottage industries, supporting decentralized and local production. This decentralized approach helps in preventing the concentration of economic activities in urban centers and promotes balanced regional development.
- **Environmental Sustainability:** The production of khadi typically involves natural fibres like cotton, which is more environmentally sustainable compared to synthetic materials. Traditional methods of production also tend to be less resource-intensive and have a lower carbon footprint.

- **Cultural Heritage and Identity:** Khadi is deeply woven into the cultural fabric of India. It represents traditional craftsmanship and artisanal skills passed down through generations. Wearing khadi is often seen as a celebration of India's rich cultural heritage and identity.
- **Inclusive Fashion:** Khadi has evolved from a symbol of nationalism to a fashionable and sustainable choice. Designers and fashion enthusiasts appreciate the versatility of khadi, and its acceptance in contemporary fashion contributes to the growth of the khadi industry.
- **Philosophical and Ethical Values:** Khadi represents simplicity, self-sufficiency, and ethical production. It aligns with Gandhian principles of swadeshi (self-reliance) and sustainability. Choosing khadi is often seen as a conscious decision to support ethical and locally sourced products.

Conclusion:

- Khadi is not just a fabric; it is a symbol of India's struggle for independence, a source of livelihood for rural communities, a sustainable and environmentally friendly choice, and a representation of cultural heritage and values. Its importance goes beyond the realm of fashion and extends to economic, social, and political dimensions in India.

Electoral Dynamics

Registered Unrecognised Political Parties

Context:

- Recently, the Election Commission of India tweaked rules for allocation of symbols to unrecognised political parties.

Background:

About Registered Unrecognized Political Parties (RUPPs):

- RUPPs are either newly-registered parties or those which have not secured enough percentage of votes in the Assembly or general election to become a state party, or those that have never contested elections after being registered.
- Common symbols are provided to RUPPs based upon an undertaking that they would put up "at least 5% of total candidates with regard to said Legislative Assembly election of a State".
- The Election Commission receives the applications from RUPPs in prescribed proforma for allotment of symbol under Provisions of Para 10B of the Election Symbols (Reservation & Allotment) Order, 1968.

Analysis for Prelims:

About new rules:

As per the new rules, it is mandatory for them to furnish the following documents along with the application form for symbols:

- Audited accounts of last three financial years.
- Expenditure statements of last two elections.
- Signature of the authorized office-bearer of the party.

These new rules would come into effect from January 11, 2024.

About registration of political parties:

- Election Commission of India has the authority to register political parties as per the provisions of Article 324 of the Constitution.
- Section 29A of the Representation of the People Act, 1951 governs the registration of political parties in India.
- Any party seeking registration must file an application before the Election Commission of India within 30 days of its formation.

Analysis for Mains:

- Regulating Registered Unrecognized Political Parties (RUPPs) in India is a complex issue with arguments on both sides:

Arguments for Stringent regulation:

- **Transparency and accountability:** RUPPs currently operate with limited transparency regarding their funding, sources of income, and internal governance. Regulation could require disclosure of financial records and adherence to democratic principles within the party, ensuring greater accountability.
- **Preventing anti-national and divisive activities:** Unregulated RUPPs could potentially promote ideologies or engage in activities that harm national security, social harmony, or public peace. Regulation could set standards for acceptable behaviour and empower authorities to take action against violations.
- **Curbing misuse of benefits:** RUPPs enjoy certain benefits like access to media channels etc. Without regulation, there's a risk of misuse of these benefits for personal gain or influencing elections unfairly.
- **Strengthening democracy:** A transparent and accountable political system with clear rules for all actors is crucial for a healthy democracy. Regulating RUPPs could contribute to a more robust and functioning democracy in India.

Challenges and concerns:

- **Freedom of association:** Overly restrictive regulations could infringe upon the fundamental right to form and associate with political parties. Striking a balance between regulation and freedom is crucial.
- **Misuse of regulations:** Political bias or selective enforcement of regulations could be used to target and weaken certain RUPPs or opposition parties. This can undermine the impartiality of the system.
- **Practical difficulties:** Implementing effective regulations for a large number of diverse RUPPs across India can be challenging. Defining criteria for regulation, monitoring compliance, and enforcing penalties require careful consideration and resources.
- **Potential politicization:** The process of regulation itself could become politicized, leading to further tension and disputes between various parties and factions.

Conclusion:

- Overall, regulating RUPPs in India is a necessary but complex issue. It requires careful consideration of competing interests, careful design of regulations, and effective implementation to achieve the desired outcomes of transparency, accountability and a stronger democracy.

Associated Additional Information:

Other steps taken by EC with respect to RUPPs:

- **In 2014:** In order to ensure transparency, the EC had given directions that RUPPs wanting to avail the benefits of having a common symbol have to submit the proof of having filed up-to-date contribution reports, audited annual accounts, update of election expenditure statements, and their latest organization details.
- **In 2022:** The EC de-listed 86 non-existent RUPPs and declared another 253 as 'Inactive RUPPs'.

Prelims PYQ

Question: (Though the question was dropped by UPSC later on)

Consider the following statements:

1. In India, there is no law restricting the candidates from contesting in one Lok Sabha election from three constituencies.
2. In the 1991 Lok Sabha Election, Shri Devi Lal contested from three Lok Sabha constituencies.
3. As per the existing rules, if a candidate contests in one Lok Sabha election from many constituencies, his/her party should bear the cost of bye-elections to the constituencies vacated by him/her winning in all the constituencies.

Which of the statements given above is/are correct?

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

One nation, One election

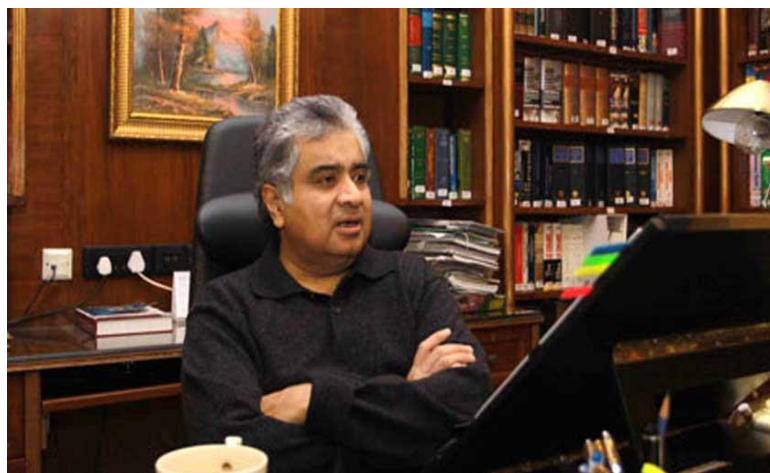
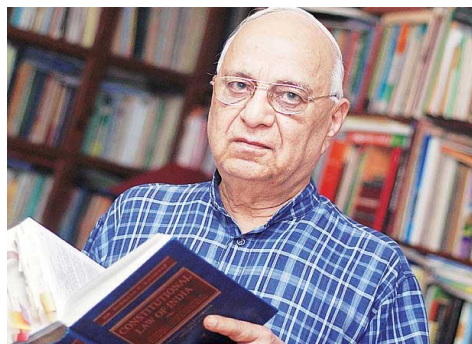
Context:

News Article 1:

- Recently, The Election Commission in its note to the Law ministry said that if simultaneous Lok Sabha and assemblies elections are held in India, it would require an estimated ₹10,000 crore every 15 years to procure new electronic voting machines (EVM) as the shelf life of EVMs is 15 years.

News Article 2:

- In the 10 days since the 'One Nation One Election' panel under Ram Nath Kovind sought comments from the public, it has received thousands of suggestions and feedback regarding simultaneous elections, with some respondents sending in academic research papers, some sharing their views on all possible electoral reforms and some opposing the idea.



Background:

In India, the practice of simultaneous elections can be traced back to the early decades of independence.

- Elections to the House of the People and Legislative Assemblies of States were mostly held simultaneously from 1951-52 to 1967 after which this cycle got broken.
- The cycle broke due to a number of factors:
 - Rise of regional parties.
 - Use of Article 356 of the Constitution to dismiss state governments such as
 - Uttar Pradesh (1968)
 - Madhya Pradesh (1968)
 - Rajasthan (1968)
 - West Bengal (1969)
 - Dissolution of the Lok Sabha
- The idea of simultaneous elections was revived in the early 2000s, and there has been a growing support for the idea in recent years.

Analysis for Mains:

Arguments in favor of one nation one election:

- **Cost and Time savings:** Simultaneous elections can save money and time by:
 - Eliminating the need to set up and run the election machinery multiple times during the 5-year tenure.
 - Reducing expenditure on logistics and security management
 - Reducing the time spent on campaigning
 - Avoiding disruption in developmental work on account of prolonged application of Model Code of Conduct. (Governance Downtime)
- **Reduced disruptions:** Currently elections are held every few months - parliamentary elections, state assembly elections, bye-elections, municipal and panchayat elections, which can disrupt the normal life of people.
- Political leaders are always in election and campaigning mode, teachers and other staff are engaged in election duties, people have to travel to vote.
- The frequency of this disruption would greatly be reduced and voter turnout may significantly increase due to simultaneous elections.
- **Greater accountability of elected representatives:** Voters can hold all elected representatives accountable at the same time as they would be contesting for re-election together. This would make it more difficult for them to get away with corruption,

distribution of freebies, use of money and muscle power to influence elections.

- **Focus on governance:** Governments can focus on governance and issues plaguing common people like inflation, poverty, unemployment etc rather than preparing for the next election, which can lead to overall development.

Arguments against one nation one election:

- **Constitutional Challenges:** Conducting simultaneous elections may require constitutional amendments to Articles 83(2), 172(1) which provide a term of 5 years to Lok Sabha and State assemblies respectively as well as 10th Schedule.
- Such amendments may call for consensus building among political parties and different states in the Indian Union which would be complex task in itself.

Constitutional Changes needed as per Law Commission Report 2018

- **Article 83 Duration of Houses of Parliament**
- **Article 172 Duration of Legislative Assemblies**
- **Article 356 President's Rule**
- The no-confidence motion can be replaced with a constructive vote of no-confidence through amendments in Lok Sabha and Vidhan Sabha rules of business.
- Anti-Defection law may be rightfully diluted to prevent stalemate in case of a hung Assembly or Parliament.
- Statutory limit of six months for issuance of notification of general elections can be extended for securing flexibility as a one-time measure.
 - The Election Commission in its note to the Law ministry said that 5 articles of the Constitution will need amendments for simultaneous general and state elections.
- **Involve major changes to RPA 1951:** Sections 14 and 15 of RPA 1951 govern the process of conduction of elections. They also require Election Commission to call for election in accordance with the 5-year limit placed by the constitution. Suitable changes will have to be made for incorporating simultaneous elections which would again require consensus building.
- **Overall difficult to implement:** ECI would need to ensure that all the necessary arrangements for conducting elections simultaneously such as logistical and security arrangements, availability of EVMs and VVPATs (approximately 30 lakh), voter rolls, and polling booths are put in place, which is a challenging task.
- Moreover, EVMs would have to be replaced every 15 years (as mentioned by the Election Commission in its note to the Law ministry), resulting in huge cost to exchequer and use in 3 overall elections only.
- **May give an advantage to larger parties:** Since, larger parties have more financial and human resources and can campaign more effectively in a shorter period of time, they may

end up tilting voter perception in their favor. This could also make it more difficult for smaller parties to win elections.

- **May Leads to voter fatigue:** Voters may be less motivated to vote if they have to vote for multiple elections at the same time. This may result in voter fatigue with reduced voter, which is essential for a healthy democracy.
- **Not feasible in a country like India:** India is a vast and diverse country with different issues plaguing different constituencies. In simultaneous elections, voters may get confused on whom to vote on which issue. This may lead to voting based on parochial issues and caste lines.

Associated Additional Information:

Recommendations of different committees:

- **The Law Commission of India:** In its 170th report, the Law Commission headed by **Justice B P Jeevan Reddy (1997-2000)** recommended that simultaneous elections should be held every five years.
 - It stated that “This cycle of elections every year, and in the out of season, should be put an end to. We must go back to the situation where the elections to Lok Sabha and all the Legislative Assemblies are held at once.
 - It is true that we cannot conceive or provide for all the situations and eventualities that may arise whether on account of the use of Article 356 (which of course has come down substantially after the decision of Supreme Court in S.R. Bommai vs Union of India) or for other reasons, yet the holding of a separate election to a Legislative Assembly should be an exception and not the rule.
 - The rule ought to be **‘one election once in five years for Lok Sabha and all the Legislative Assemblies’**.
 - It also argued that simultaneous elections would save money and time, reduce the disruption caused by elections, and strengthen democracy.
- **Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice:** In its 79th Report on ‘Feasibility of Holding Simultaneous Election to the House of People (Lok Sabha) and State Legislative Assemblies’ submitted in December, 2015, the committee recommended that simultaneous elections should be held in two phases, with elections to some state assemblies being held at the midterm of the Lok Sabha and the remaining at the end of the tenure of the Lok Sabha.
- **Working Paper of NITI AAYOG, 2017:** In 2017, NITI AAYOG also suggested that simultaneous elections should be held in two phases.

Examples from International sphere:

- **South Africa:** South Africa holds simultaneous elections for the national parliament and provincial legislatures every five years.
- **Sweden:** Sweden holds simultaneous elections for the national parliament, county councils, and municipal councils every four years on second Sunday of September.

Conclusion:

- The debate over simultaneous elections is likely to continue for some time. The government will need to carefully consider the practical challenges that need to be addressed before they can be implemented. The government will also need to ensure that the ECI has the necessary resources to conduct simultaneous elections and that the plan is fair to all parties.

Constitutional Framework

AMU Minority Status

Context:

- The Supreme Court is hearing a case related to the minority status of the Aligarh Muslim University. The Union government, recently, reiterated to the Supreme Court that Aligarh Muslim University (AMU) cannot be a minority institution given its “national character”, in fresh hearings of the dispute over minority status.

Background:

Timeline of AMU and the dispute:

Before Independence:

- **1875:** AMU was established by Sir Syed Ahmad Khan, a Muslim educationist, as the Muhammadan Anglo-Oriental College. The principal objective was to tackle the educational deficiencies among Muslims residing in India at that time and establish an education model similar to that of the system in Britain.
- **AMU Act 1920:** Muhammadan Anglo-Oriental College was established as the AMU by the Aligarh Muslim University Act, 1920.

After Independence:

- **Amendment in 1951:** Some amendments were made to the AMU Act 1920 to bring it in line with the constitutional provisions.
 - Section 8 of the Act was amended:
 - To open the university “to persons of either sex and of whatever race, creed, caste, or class”.
 - To ensure that the university does not adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be admitted therein.

- **Amendment in 1965:**
 - It deleted sub sections 2 and 3 of Section 23 of the AMU Act, 1920, which meant that the university's court was no longer the sole governing body.
 - It also deleted Section 9 of the AMU Act, 1920 which provided for compulsory religious instruction to Muslim students.
- **1967:** AMU filed a petition against these amendments arguing that Muslims had established AMU and therefore, had the right to manage it.
- **1967 S Azeez Basha vs Union of India case:** The Supreme Court ruled that AMU, being a central university funded by the government, could not be considered a minority institution. The court justified its decision by stating that, "So while the Act may have been passed as a result of the efforts of the Muslim minority, it does not imply that the University, under the 1920 Act, was established by the Muslim minority."
- **1981 Act:** The Union government, under pressure from Muslim community groups due to 1967 judgement, amended the AMU Act, explicitly reaffirming its minority status.
- The amendment defined the university as "the educational Institution of their choice established by the Muslims of India, which originated as the Muhammadan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University."
- **2005:** The minority status of AMU came into question again when a group of students approached the Allahabad High Court after the university reserved 25 per cent seats in the medical course for internal students, while dividing the remaining 75 per cent equally among Muslims and others. However, the Allahabad High Court overturned this reservation, nullifying the 1981 Act.
- **2019:** A three-judge Bench headed by the then CJI referred the matter to a seven-judge Bench which is now hearing the matter.

Analysis of the ongoing Judgement:

Recently the seven-judge Bench headed by Chief Justice of India D.Y. Chandrachud observed that:

- An educational institution does not lose its minority status merely on the ground that its administration is regulated by a statute.
 - Being regulated by a statute does not detract an educational institution from having a minority status. If the right of administration is regulated by statute, there is no bar to minority status.
- An educational institution need not offer just religious courses.
- Article 30 (the right of minorities to establish and administer educational institutions) of the Constitution does not envisage that the administration of the educational institution ought to be absolutely by the members of a minority community. The administration could be secular and students from any community could get admission.
- The presence of office-bearers from a majority community in some administrative wings of educational institutions does not dilute the minority character of an educational institution.

Special Provisions for Specific Communities:

- **Articles 29 & 30:** Protect and empower religious and linguistic minorities to conserve their distinct language, script or culture, and establish and administer educational institutions of their choice.

- **Articles 330-334:** Reserve seats for Scheduled Castes and Scheduled Tribes in the Parliament and State Legislatures.
- **Part IV-A (Article 51A):** Outlines fundamental duties of citizens, including promoting harmony and the spirit of common brotherhood amongst all people of India.

Statutory Provisions:

- **National Commission for Minorities Act, 1992:** Establishes a statutory body to safeguard the rights and interests of minority communities.
- **Personal Laws of various religious communities:** Govern marriage, inheritance, and other personal matters.
- **Various Central and State government schemes and policies:** Target the social and economic development of minority communities.
- **NOTE:** "Minority community" is not explicitly defined in the Constitution, leading to legal debates and interpretations.

Associated Additional Information:

- **In T.M.A. Pai Foundation vs Union of India 2002, case:** The Supreme Court held that regulations which facilitate the minority institution to maintain a certain standard of education are permitted under Article 19(6).

Mains PYQ :

- **Question:** Whether National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. (150 words, 10 marks) (UPSC Mains 2018)

Fundamental Right to Reside

Context:

- Delhi High Court recently said that a foreigner cannot claim the right to reside in India under Article 19(1)(e) of the Constitution of India.
- The court also held that the Fundamental Right of any such foreigner or suspected foreigner is limited to the one declared under Article 21 of Constitution of India i.e. Fundamental Right for life and liberty.

Background:

- The Constitution offers all citizens, individually and collectively, some basic freedoms. These are guaranteed in the Constitution in the form of six broad categories of Fundamental Rights, which are justifiable. Article 12 to 35 contained in Part III of the Constitution deal with Fundamental Rights. These are:
- Right to equality, including equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment.
- Right to freedom of speech and expression, assembly, association or union, movement, residence, and right to practice any profession or occupation (some of these rights are subject to security of the State, friendly relations with foreign countries, public order, decency or morality).

- Right against exploitation, prohibiting all forms of forced labour, child labour and traffic in human beings.
- Right to freedom of conscience and free profession, practice, and propagation of religion.
- Right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice; and
- Right to constitutional remedies for enforcement of Fundamental Rights.

Analysis for Mains:

- **Significance of the Ruling:** This ruling clarifies the legal position regarding the rights of foreigners in India. It emphasizes that while basic human rights like life and liberty are protected, foreigners seeking to reside and settle in India must abide by relevant immigration laws and procedures.
- **Potential Implications:** This ruling could have implications for ongoing cases related to the detention or deportation of foreigners suspected of residing in India illegally. It might also influence future policy decisions regarding immigration and foreign residency in India.

Governance and Social Justice

Press and Registration of Periodicals Bill, 2023

Context:

- After being passed in the Rajya Sabha amid uproar from the Opposition, the Press and Registration of Periodicals Bill, 2023, was passed recently in the Lok Sabha.
- It replaces the Press and Registration of Books Act, 1867, which governed the registration of print and publishing industry in the country since 1867.

Background:

- During the British rule in India, writing of books and other informatory material took a concrete shape and with the advent of printing press, various books on almost all the subjects and periodicals touching every aspect of life started appearing.
- Those in the field of writing, publishing and printing came up with an idea to organize a system for keeping a record of the publications. The then East India Company was urged to keep a record of the publications.
- The Board of Directors of East India company issued an instruction that copies of all important and interesting work published in India should be dispatched to England to be deposited in the library of India House. Such an instruction had a slow impact.
- The Royal Asiatic Society in London later urged the then Secretary of State for India to repeat the instruction of the late Board of Directors of East India Company and also desired that catalogues of all the works published in India should be sent to England.
- A system of voluntary registrations of publications was evolved, but it failed. It was found necessary to establish a system of compulsory sale to Government, of three copies of each work in India.
- To achieve this purpose, a Bill was introduced in the Legislature for the regulation of printing presses and newspaper for the preservation of copies of books and periodicals containing news printed in the whole of India and for the registration of such books and periodicals containing news.

- The Bill was passed by the Legislature and it came on the statute book as the Press and Registration of Books Act, 1867.

Analysis for Prelims:

The bill provides for:

- **Ease of access & Ease of doing business via Simplified Procedures:** It removes the procedural obstacles involving multiple approvals at various stages for starting a newspaper/printed publication in India.
- The applications for Title Verification and Registration have been combined to form a single step. Earlier, it involved multiple applications requiring approvals and verifications from the DM Office and RNI Office multiple times.
- The publisher and printer need not file separate applications.
- The keeper of the Printing Press needs to furnish only an online intimation to the Press Registrar and the District Magistrate (DM).
- **Use of technology:** It has provisions for online applications and automated processing to enhance the speed of registration process significantly.
- Coordinating with 700 plus districts (DMs) becomes easier with the provision for online applications and processing.
- The publisher will also be able to stay updated on the status of the applications.
- **Decriminalization:** It substantially decriminalizes all violations under the old one. Earlier, minor violations of the Act were penalized with imprisonment up to six months.
- **Much-needed clarity:** It adds clarity on various procedures/cases such as facsimile editions of a foreign publication, Circulation Verification of newspapers, Ownership Transfer, and others.

Key differences between the PRB Act, 1867 and the PRP Bill, 2023:

Registration of periodicals:

- The 1867 Act provides for the registration of newspapers, periodicals, and books. It also provides for the cataloguing of books.
- The 2023 Bill provides for the registration of periodicals, which include any publication containing public news or comments on public news. **Periodicals do not include books or scientific and academic journals. Books are under the ambit of Ministry of Education.**

Foreign periodicals:

- An exact reproduction of a foreign periodical may be printed in India only with the **prior approval of the central government**. The manner of registration of such periodicals will be prescribed.

No declaration for printing presses:

- The 1867 Act provides that a declaration specifying the printer/publisher be made to the DM.
- The DM sends the declaration to the Press Registrar, who then issues a certificate of registration.
- Making such declaration and authentication by the DM is necessary for the publication of the newspaper.

- The 2023 Bill allows the publisher of a periodical to obtain a registration certificate by filing an online application with the Press Registrar General (PRG) and specified local authority.
- A person who has been convicted of a terrorist act or unlawful activity, or has acted against the security of the State will not be allowed to publish a periodical.

Registration of a printing press:

- The 1867 Act requires a printing press to be declared before the DM.
- The PRP Bill, 2023 allows for information regarding printing presses to be submitted through an online portal.

Penalties:

- The 1867 Act included up to six-months imprisonment for offences like keeping a press without declaration, making false statements, and violating printing or publishing requirements under Section 3.
- The PRP Bill, 2023 replaces all such penal provisions with fines, barring one. Section 14(4) allows six-month imprisonment for anyone failing to cease publication even after six months of the issuance of directions or those publishing without a certificate of registration.
- The upper limit of fines has been hiked considerably, from Rs 2,000 to Rs 5 lakh.

Shift in power:

- The new Bill shifts all the power from the DM's hands to the Press Registrar General, a newly created position.
- Although the 1867 Act included a "Press Registrar" or a "Registrar of newspapers for India" appointed by the Centre, its powers were limited, unlike the PRG's under the new law.
- Sections 5 and 6 of the Bill delineate the PRG's functions and powers, respectively. The PRG is entrusted with tasks like issuing certificates of registration to periodicals, maintaining records of registered periodicals, collecting application fees, and disbursing the Centre's funds for the Act's implementation, among others.

Appellate authority:

- The new Bill also provides for an appellate authority.
 - The Appellate Board (Press and Registration Appellate Board) will comprise the Chairperson, Press Council of India (PCI), and two members of PCI to hear an appeal against refusal of grant of registration, imposition of any penalty or suspension/cancellation of registration by PRG.
- Appeals may be filed before the Press and Registration Appellate Board within 60 days.
- **Challenges and Complex Processes**
 - The Act's procedures were cumbersome and intricate, causing hardships for newspaper publishers.
 - Involvement of multiple state and central government offices led to delays and obstacles.
 - The declaration process, authentication, and subsequent application for title verification and registration were onerous and time-consuming.
- **Pendency Issues Across India**

- High pendency of registration applications due to manual processing and verification of physical documents at district magistrate offices and the Registrar of Newspapers for India (RNI).
- Current processing times: approximately 5 months in RNI and several months in district magistrate offices, with some cases taking more than a year.
- **Mismatch with Constitutional Values**
 - Penalties, including imprisonment for minor non-compliances, did not align with the ethos of independent India and its constitutional values.
- **Outdated Act and Changing Landscape**
 - The PRB Act, 1867, did not adapt to the evolving media landscape and the shift towards efficient service delivery through technology.
 - Not in sync with the changing mode of governance, emphasizing faster and accessible services for citizens.

Mains Practice Question :

- Question: Critically analyse the Press and Registration of Periodicals Bill, 2023, in light of balancing press freedom and national security concerns. Can it achieve both? (150 words)

Extended Version of Mission Karmayogi

Context:

- On the occasion of Good Governance Day, MoS PMO, Personnel, Public Grievances and Pensions launched the Extended Version of Mission Karmayogi.
- A new programme named **VIKAS (Variable & Immersive Karmayogi Advanced Support)** was also launched.

Background:

- Mission Karmayogi was launched by the government as a National Programme for Civil Services Capacity Building (NPCSCB).
- It aims to prepare Indian civil servants for the future by making them more creative, innovative, and technology-enabled. It also aims to create a competent civil service that works in harmony to deliver effective and efficient public services.



Analysis:

Details of new features launched on Mission Karmayogi platform:

- **My iGOT:** It delivers targeted training courses on home page of individual officer that directly address the unique capacity building needs of the officer as identified in the Capacity-Building Plan for their Ministries/Departments thereby facilitating a highly personalized, focused and targeted capacity-building experience thereby ensuring a perfect fit between the individual and organizational learning needs.
 - More than 28 lakh users have onboarded the platform till now with about 830 high quality e-learning courses being made available on the platform.
- **Blended Programs on iGOT-Karmayogi platform:** They will facilitate equitable access to training methodologies across all levels to meet dynamic training needs of the officials.
- They will also integrate traditional offline (in person) classroom courses with online learning components. It enables officers and faculty to leverage the flexibility and convenience of online courses while retaining the invaluable benefits of face-to-face classroom interactions.
- **Curated Programs on iGOT Karmayogi:** They are designed to cater to diverse learning needs of the Ministries/Departments and Training Institutions.
- The Course Providers will be able to curate relevant content, resources, and assessments from the repository of iGOT with a Programmatic approach to provide a tailored learning journey.
- **VIKAS (Variable & Immersive Karmayogi Advanced Support):** It is a new blended learning programme with iGOT meant for capacity building of Middle management civil servants in Central Secretariat. It consists of 33 hours complemented by 30 hours of offline training with focus on development of functional, behavioural and technological competencies required in Central Government.

Associated Additional Information:

About iGOT Karmayogi:

- It is an online learning platform being developed as an integral part of the Digital India stack for capacity building of all government employees.

- It will provide 'anytime-anywhere-any device' learning to train around 2.0 crores users which was so far unachievable through traditional measures.
- The platform is envisioned to evolve into a vibrant and world class marketplace for content modelled on FRACs (Framework of Roles, Activities, and Competencies).
- Supported by a robust e-learning content industry the content can be curated by individual government ministries or organizations.

Mains Practice Question :

- Question: Examine the potential of Mission Karmayogi in transforming India's civil service training regime for the 21st century. Critically analyse its key features and highlight any potential challenges in its implementation. Suggest concrete recommendations for overcoming these challenges and maximizing the impact of the mission. (250 words)

Palna Scheme

Context:

- Recently, The Union Women and Child Development Ministry told that it aims to establish 17,000 creches in Anganwadi centres across the country out of which 5,222 have been approved to date under 'Palna' scheme.
- The Ministry also plans to depute two additional creche workers in Anganwadi along with the existing staff.

Background:

- According to government data, participation of women in the workforce has increased to 37% in 2022 and hence, setting up of quality day-care facilities/crèches is sine qua non.

Analysis for Prelims:

About Palna Scheme:

- **Aim:** The objective of the scheme is to address the urgent need for quality day-care facilities/crèches to the children of working women by providing a safe and secure environment for nutritional, health and cognitive development of the children, thereby enabling more women to take up gainful employment amongst all socio-economic groups both in the organized and unorganized sector, irrespective of their employment status.
- **Ministry:** Ministry of Women and Child Development
- The Scheme is under the overall purview of **Umbrella Scheme Mission Shakti** for the safety, security and empowerment of women for implementation during the 15th Finance Commission period 2021-22 to 2025-26.

Analysis for Mains:

Strengths of the scheme:

- **Addresses a critical gap:** Provides much-needed childcare support for working mothers, potentially boosting female labour force participation.

- **Leverages existing infrastructure:** Utilizing existing AWCs reduces implementation costs and ensures wider reach.
- **Holistic approach:** Focuses on not just childcare but also child development and well-being through nutrition, health, and early education.
- **Community involvement:** Promotes local ownership and strengthens the sustainability of the program.

Challenges faced by the scheme:

- **Funding and resource allocation:** Ensuring adequate funding and resources for proper infrastructure, trained personnel, and quality services across the nation remains a challenge.
- **Quality control and monitoring:** Effective mechanisms are needed to maintain quality standards and monitor the functioning of crèches across diverse geographical settings.
- **Community awareness and outreach:** Reaching out to mothers, especially in rural areas, and creating awareness about the scheme's benefits is crucial for wider adoption.
- **Integration with informal sector:** Adapting the scheme to cater to the childcare needs of women working in the informal sector requires targeted strategies.

Associated Additional Information:

Guidelines issued for setting of crèches:

- A crèche worker and helper will undergo a mandatory short-term training after he/she joins the crèche center.
- The training will be organized by the State Boards through identified recognized training institutes.
- No crèche shall be started if crèche workers have not undergone training organized by State Board and Secretary State Board shall be responsible for the timely conduct of training in their State.
- Training will emphasis on areas such as childcare, health-first aid, cardio pulmonary resuscitation, emergency, handling hygiene.

Guidelines for coaching centers by Ministry of Education

Context:

- Recently, the Ministry of Education issued guidelines for coaching centres. These guidelines come following complaints received by the government about rising cases of student suicides, fire incidents, lack of facilities in coaching incidents as well as methodologies of teaching adopted by them.

Background:

- According to official figures and the Hindu newspaper, Richa Sinha became the 23rd student who committed suicide in Kota this year (2023), the highest ever for the country's coaching hub. Last year, the figure was 15 (2022).

Analysis for Prelims:

Objective of the Guidelines:

- To provide guidelines for the regulation of coaching center for better guidance and assistance to the students in any study programme, competitive examinations, or academic support.

Need for the Guidelines (according to the government):

- To provide framework for registration and regulation of coaching centers.
- To suggest minimum standard requirements to run a coaching center.
- To safeguard the interest of students enrolled in coaching centers.
- To advise coaching centers' focus on co-curricular activities as well for holistic development of students
- To provide career guidance and psychological counseling for mental well-being of the students

As per the Guidelines:

Definitions:

- **'Coaching'** means tuition, instructions or guidance in any branch of learning imparted to **more than 50 students** but does not include counselling, sports, dance, theatre and other creative activities.
- **'Coaching center'** includes a center, established, run, or administered by any person to provide coaching for any study programme or competitive examinations or academic support to students at school, college, and university level, **for more than 50 students**.
- **'Institution'** means school or any other educational institution recognized or controlled by, or affiliated to a Board, or controlled or recognized by State / UT Government, an affiliated college, and associated college, a constituted college, a university or educational institution established under the act of central government or State / UT government.
- **'Tutor'** means a person who guides or trains students in any coaching center and includes tutor giving specialized tuitions.
- **'University'** means a university established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognized by the UGC in accordance with the regulations made in this behalf under UGC Act.

Registration of the Coaching Center:

- The competent authority shall, within **three months from the date of receipt** of the application for registration of coaching center, either grant the registration certificate in the prescribed form, or shall communicate to the applicant his order of refusal to grant such registration after recording reasons in writing, for such refusal.
- The period of validity of the registration certificate shall be decided by the appropriate government.
- Every registered coaching center shall apply for **renewal** of registration certificate to the competent authority **two months prior** to the date of expiry of such registration.

Conditions for Registration:

- **No coaching center shall:**
 - engage tutors having qualification less than graduation.
 - make misleading promises or guarantee of rank or good marks to parents/students for enrolling them in the coaching center.
 - enroll student below 16 years of age or the student enrolment should be only after secondary school examination.

- publish or cause to be published or take part in the publication of any misleading advertisement relating to any claim, directly or indirectly, of quality of coaching or the facilities offered therein or the result procured by such coaching center or the student who attended such class.
- be registered, if it has less than minimum space requirement per student.
- hire the services of any tutor or person who has been convicted for any offence involving moral turpitude.
- be registered unless it has counselling system as per the requirement of this guidelines.
- Coaching center shall have a website with updated details of the qualification of tutors, courses/curriculum, duration of completion, hostel facilities (if any), and the fees being charged, easy exit policy, fee refund policy, number of students undertaken coaching from the center and number of students finally succeeded in getting admission in Higher Education Institutions etc.

Fees:

- The tuition fees for different courses/curriculum being charged shall be fair and reasonable and receipts for the fee charged must be made available.
- The coaching center must issue a prospectus mentioning the different courses/curriculum, their duration of completion, number of classes, lectures, tutorials, hostel facilities (if any), and the fees being charged, easy exit policy, fee refund etc. These details shall also be displayed at prominent and accessible place in the premises of the building.
- The prospectus, notes and other material shall be supplied by the coaching center to their enrolled students without any separate fees thereof.
- If the student has paid for the course in full and is leaving the course in the middle of the prescribed period, student will be refunded from out of the fees deposited earlier for the remaining period, on pro-rata basis within 10 days. If the student is staying in the hostel of the coaching center, then the hostel fees and mess fee etc. will also be refunded.
- Under no circumstances, the fee on the basis of which enrolment has been made for a particular course and duration shall be increased during the currency of the course.

Infrastructure Requirements:

- Within the basic structure of the coaching center, a minimum one square meter area may be allocated for each student during a class / batch. There shall be sufficient infrastructure in proportion to the number of students enrolled.
- The coaching center building shall adhere to fire safety codes, building safety codes and other standards and shall obtain a Fire and Building Safety Certificate from the appropriate authorities as decided by appropriate government.
- For the assistance of the students, coaching center shall have first aid kit and medical assistance/treatment facility. List of referral services like hospitals, doctors for emergency services, police helpline details, fire service helpline, women helpline etc. shall be displayed and the students shall be informed about them.
- The coaching center building shall be fully electrified, well ventilated, and sufficient lighting arrangements shall be made in each classroom of the building.
- Safe and potable drinking water shall be available for all students and staffs of the Center.

- The coaching center may be suitably fitted with CCTV cameras wherever required and security shall be well maintained.
- A complaint box or register may be placed at the coaching center for the students to raise a complaint. Coaching center shall have committee for redressal of complaints / grievances of students.
- Provision of separate toilets for males and females shall be made within the coaching center building premises.

Classes:

- Coaching center shall make efforts to complete the classes in the stipulated time as mentioned in the prospectus.
- Coaching classes for those students who are also studying in institutions / schools shall not be conducted during their institutions / schools' hours, so that their regular attendance in such institutions / schools remains unaffected and also to avoid dummy schools.
- Remedial or support classes may be provided to student who require additional support in their academics.
- The curriculum/class timetable may be suitably spaced out to allow the students to relax and recuperate and thus, not build additional pressure on them.
- Coaching center shall ensure weekly off for students as well as tutors.
- There shall be no assessment-test / exam on the day after weekly off.
- During the important and popular festivals in the respective region, coaching center shall customize leave in such a manner that the students are able to connect with their family and get emotional boosting.
- Coaching centers shall conduct coaching classes in a way that it is not excessive for a student and it should not be more than 5 hours in a day and the coaching hours should neither be too early in the morning nor too late in the evening.
- Coaching centers shall organize classes for co-curricular activities for holistic development and enhancing cognitive abilities of students.

Code of Conduct by the Coaching Centers:

- The number of students to be enrolled in each class/ batch may be clearly defined in the prospectus and published on website.
- The number of students admitted may be in line with the requirements of maintaining a healthy teacher-student ratio in each class
- The coaching center shall not enroll student below 16 years of age or the student enrolment should be only after secondary school examination.
- The students shall be well apprised about the difficulty of exams, syllabus, level of intensity of preparation and efforts required from the student before enrolling into the curriculum.
- The students shall be made aware about the educational environment, cultural living, realities, and difference between preparation of school level examinations and competitive examination.

- Apart from options for admission in engineering and medical institutes, information about other career options may be provided to the students.
- An admission or mock test to assess the capability of the student may be conducted.
- The students and parents shall be made aware that admission in the coaching center is no way guarantee of success for admission in institutions like medical, engineering, management, law etc. or in the competitive examination.
- Coaching center should conduct periodic workshops and sensitization sessions regarding students' mental health in collaboration with mental health professionals.

Analysis for Mains:

Positive consequences:

- **Improved quality of coaching:** The guidelines set minimum standards for coaching centres, such as requiring qualified tutors and having a safe and secure environment. This should help to improve the overall quality of coaching that students receive.
- **Reduced stress on students:** The guidelines also aim to reduce the stress that students feel by limiting the number of hours they can be coached and by requiring breaks. This should help to create a healthier learning environment for students.
- **Protected students from exploitation:** The guidelines prohibit coaching centers from making misleading promises or charging exorbitant fees. This should help to protect students from being exploited by unscrupulous coaching centers.

Negative consequences:

- **Increased cost of coaching:** The guidelines may increase the cost of coaching, as coaching centres will have to comply with the new requirements. This could make it more difficult for some students to afford coaching.
- **Reduced competition:** The guidelines may also reduce competition among coaching centres, as it will be more difficult for new centres to enter the market. This could lead to higher prices and lower quality coaching.
- **Bureaucracy:** The guidelines may also create additional bureaucracy for coaching centres, as they will have to register with the government and comply with the new regulations. This could make it more difficult for coaching centres to operate.
- **Job losses:** The guidelines may force smaller centres to face closure, leading to job losses for teachers, particularly those teaching children below 16 years of age and in less specialized positions.

Associated Additional Information:

Factors behind student suicides in Kota:

Academic Challenges:

- **Intense pressure and competition:** Kota fosters a hyper-competitive environment with gruelling schedules and constant comparison against peers. This relentless pressure to excel can lead to anxiety, stress, and feelings of inadequacy.
- **Limited break time:** Packing days with long study hours leaves little time for leisure, exercise, or social interaction. This lack of balance and isolation can contribute to depression and low motivation.

- **Academic performance and self-worth:** Students often define their self-worth by their test scores. Poor performance can trigger feelings of shame and worthlessness, fuelling suicidal thoughts.

Social and Emotional Challenges:

- **Homesickness and social isolation:** Leaving family and friends for Kota can be a lonely experience. Lack of support networks and meaningful relationships can worsen mental health.
- **Parental expectations and financial burdens:** Many students carry the weight of their parents' hopes and sacrifices. The financial costs of coaching and living in Kota add to the pressure, making failure feel catastrophic.
- **Cultural and socioeconomic differences:** Many students come from diverse backgrounds and may feel ostracized or disadvantaged. This can lead to feelings of alienation and difficulty adjusting.
- **Emotional immaturity and unpreparedness:** Young teenagers navigating complex emotions like loneliness, frustration, and academic pressure might lack the coping mechanisms to deal with them effectively.

Other Contributing Factors:

- **Lack of access to mental health Support:** Stigma surrounding mental health and limited access to professional help can prevent students from seeking support.
- **Abusive or unhealthy living conditions:** Some students face poor living situations, contributing to stress and depression.
- **Cyberbullying and social media pressure:** Exposure to online negativity and unrealistic comparisons can worsen existing mental health struggles.

Addressing the issue:

Steps taken by the administration:

- Mandating installation of an anti-hanging device in fans. If an object weighing more than 20 kg is hung from the fan, the spring attached to it expands, making it impossible for someone to commit suicide by this method. Simultaneously, a siren goes off.
- "Anti-suicide nets" are also being installed in balconies and lobbies of hostels to prevent students from taking any extreme step.

Way Forward:

- **Mandating Stress Management Workshops:** Coaching institutes and schools should incorporate stress management techniques and counselling sessions into their programs.
- **Parental Counselling and Awareness Programs:** Educating parents on mental health concerns and encouraging open communication should be emphasized.
- **Establishing Helpline Numbers and Support Groups:** Creating accessible helplines and peer support groups should provide students with emotional and practical assistance.
- **Improving Living Conditions and Hostel Regulations:** Enforcing regulations on hostel facilities and encouraging social interactions can create a more supportive environment.
- **Introducing Flexible Learning Options:** Exploring alternative learning methods and timetables to reduce pressure and cater to diverse learning styles.

- **Promoting Open Communication and Destigmatizing Mental Health:** Creating platforms for open discussions and raising awareness about mental health challenges can encourage help-seeking behaviour.

Conclusion:

- While these efforts are commendable, there's still room for improvement. Continued research, collaboration between stakeholders, and a holistic approach focusing on individual well-being, academic reform, and societal expectations are crucial to effectively address this complex issue of suicide by the students.

Prelims PYQ:

Question: Which of the following provisions of the Constitution does India have a bearing on Education? (UPSC 2012)

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below:

- A. 1 and 2 only
- B. 3, 4 and 5 only
- C. 1, 2 and 5 only
- D. 1, 2, 3, 4 and 5

Mains Practice Question

- **Question:** Critically evaluate the Ministry of Education's guidelines for coaching centres in the context of rising student suicides in India. Suggest comprehensive, sustainable solutions beyond regulation to address this crisis. (250 words)

Andhra Pradesh caste census

Context:

- Recently, the Andhra Pradesh government started a 10-day-long "caste survey", aimed at creating a comprehensive caste-based database of people.

Background:

- **Definition:** A caste census can be defined as the count of the population of a country or region according to caste.

Analysis for Prelims:

- **First Caste census:** The first caste census in India was conducted in 1871 under Governor-General ship of Lord Mayo. The Census Commissioner at that time was Sir Richard Temple.
 - The caste census was conducted in two phases. The first phase was conducted in

1871-72, and the second phase was conducted in 1881.

- The census covered all of British India, except for the princely states.
- The 1871 caste census was a landmark event in the history of India. It was the first time that the caste system had been systematically studied and documented.
- The result of the census was used to justify the British colonial government's policies of divide and rule.
- **Note:** The First Official Census in India was done in 1881 under Lord Ripon. It was called the First synchronised census.
- **Second Caste Census:** The second caste census was conducted in 1931 under the Governor-Generalship of Lord Irwin. The Census Commissioner at that time was Sir J.H. Hutton.
 - The 1931 caste census was the last caste census to be conducted in India.
 - It was a more detailed census than the 1871 caste census.
 - It asked questions about the caste of the respondents, their occupation, their literacy status, and their property ownership.
 - It also asked questions about the social and economic conditions of different caste groups.

Analysis for Mains:

- After the Bihar Caste census, the demand for caste census is gaining traction in India. There are a number of arguments for and against conducting a caste census in India.

Arguments in favour of a caste census:

Conducting a caste census would:

- Help in gauging socio-economic conditions of different caste groups. The data can then be used to design policies and programs to address the inequalities that exist between caste groups.
- Help in raising awareness about caste discrimination and how entrenched it is in the society. This can lead to a more egalitarian society.
- Help in upholding accountability of the government and political leaders towards addressing caste discrimination issue.
- Help in ensuring that benefits of positive discrimination, reservation policies and other government programs are reaching the intended beneficiaries.

Arguments against a caste census:

However, a caste census could:

- Strengthen caste identities and the overall caste system. This can go against the idea of fraternity and brotherhood enshrined in constitution of India.
- Weaken the pitch for 'de-castigation' of Indian society.
- Result in 'castigation of politics' and 'politicisation of caste' to an ever greater extent.
- Be used to discriminate against certain caste groups, resulting in divisiveness and social unrest, especially in highly caste sensitive states such as UP and Bihar.

- Be expensive and time-consuming to conduct.

Conclusion:

- The debate over whether or not to conduct a caste census in India is likely to continue for some time. There are strong arguments on both sides of the issue. Ultimately, the decision of whether or not to conduct a caste census is a political one.

Associated Additional Information:

Supreme Court Judgements:

- The Supreme Court of India has also weighed in on the issue of caste census.
- In *Indra Sawhney v. Union of India* case, the Supreme Court held that the government must collect data on caste in order to implement reservation policies.
- In *Sukhdev Singh v. Union of India* case, the Supreme Court held that the government must collect data on caste in order to formulate and implement policies to address the problem of caste discrimination in education and employment.

Mains Practice Question :

- **Question:** Should India conduct a nationwide caste census? Evaluate and propose alternative solutions to tackle social inequality without resorting to caste enumeration. (150 words)

Idate Commission Report

(Additional: Renke Commission)

Context:

- Recently, The National Human Rights Commission (NHRC) stressed upon the need to implement the Idate Commission report. The commission had recommended setting up a permanent commission for Nomadic, Semi Nomadic and De-Notified Tribes (NTs, SNTs, and DNTs) in India.

Background:

- In 2014, A commission was set up under the leadership of Bhiku Ramji Idate to compile a statewide catalogue of Denotified, Nomadic, and Semi-Nomadic Tribes (DNTs). It was also to recognize those who were excluded from Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) categories and recommend welfare measures for their well-being.

Analysis:

Some recommendations of the commission:

- Establish a dedicated Department/Directorate for DNT/NT communities in each state with a significant population, headed by an IAS officer.
- Conduct a comprehensive survey of DNT families to determine their estimated population and distribution across various Regions/Districts of States/UTs. Share the results selectively or provide the data to Central/State Governments.
- Include individuals not identified in the SCs/STs/OBCs list in the OBC category.

- Issue a single caste certificate (SC-DNT, ST-DNT, OBC-DNT) instead of separate certificates, streamlining the documentation process.
- Strengthen legal and constitutional safeguards by incorporating a third schedule into the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to prevent atrocities and instill a sense of security among community members.
- Establish a permanent commission with legal standing to address the concerns of DNTs, SNTs, and NTs.
- Form a dedicated department to oversee the welfare of these communities in states with substantial populations.
- Conduct a thorough survey of DNT families to ascertain their estimated numbers and geographical distribution.

Associated Additional Information:

About Renke Commission:

- Renke Commission was the National Commission for De-notified, Nomadic and Semi-Nomadic Tribes (NCDNT) constituted in 2006 by the then government.

Gist of Recommendations of the Renke Commission:

- Union Government may initiate steps to enumerate DNTs in the next census due in 2011.
- For implementation of welfare Schemes for DNTs State-wise list of such tribes should be prepared.
- Advisory Committees may be made at District and State level to assist the socio-economic condition of the DNTs, so that action plan can be drawn for their welfare.
- State Government may take special steps to issue Caste Certificates and ration cards to every member of DNT, and BPL Certificates and to the concerned members, expeditiously.
- Union of India may take special campaign for issue of voter ID to the eligible members of DNT.
- Basic civic amenities may be provided to the DNTs living in colonies and clusters.
- Ministry of Social Justice and Empowerment may earmark outlay for the welfare of DNTs.
- Central should modify the existing Housing Schemes in urban/rural areas and earmark specifically for DNTs.
- Special drive be made for awareness of DNTs particularly among women to avail the benefit of various schemes for educational empowerment.
- Special Residential Schools for DNT Boys and Girls be made to encourage education among them.
- Skill Development Programme may be taken up for DNTs to improve their self-employability and wage employment, in collaboration with National Small Industries Corporation (NSIC), Khadi & Village Industries Commission (KVIC), the Central Cottage Industries Corporation of India Limited, the Handicrafts and Handlooms Exports Corporations of India Limited.
- States/UTs and Central Ministries should formulate and implement DNT Sub-Plan for DNTs.
- Separate Finance and Development Corporation for DNTs, like National Scheduled Castes Finance & Development Corporation, may be set up at the center.

- Considering the gravity of their plight, there is a need for a separate department for the welfare of DNTs at the State level and separate Ministry/Department for the welfare of DNTs at the Centre.
- It is necessary that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be made applicable to DNTs and the implementation of the same be reviewed and monitored from time to time.
- Constitution may be amended to include “Scheduled Communities” under Article 330 and Article 332 to enable these communities to be eligible for reservation of seats in the Houses of the People and in the Legislative Assemblies of the States.
- Seats may be reserved in Block/Taluka Panchayats and Zila Panchayats/Zila Parishads, and the Urban Local Bodies for DNTs wherever their population is concentrated.
- To mobilize additional resources to improve the socio-economic conditions of DNTs, it is suggested that 10% of the funds earmarked for M.P. Local Area Development Fund.
- It is suggested that the DNTs be given 10% reservation in Government jobs even if the total reservation exceeds 50%.
- Research Institutes should be set up by the States/UTs for DNTs.
- A multicultural complex/Academy may be set up in every State/UT to develop, preserve and exhibit the diverse and rich cultural heritage of DNTs.

71st Plenary Session of North Eastern Council

Context:

- Recently, the union Home Minister and Minister of Cooperation addressed the 71st Plenary Session of the North Eastern Council in Shillong.

Background and Analysis for Prelims:

North-Eastern Council (NEC):

- It was created by a separate Act of Parliament: The North-Eastern Council Act of 1971.
- Its members include Assam, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.
- Its functions are similar to the zonal councils, but with few additions:
 - It has to formulate a unified and coordinated regional plan covering matters of common importance.
 - It has to review from time to time the measures taken by the member states for the maintenance of security and public order in the region.

Analysis for Mains:

Steps by North-Eastern Council (NEC):

- Over the last fifty years, NEC has been instrumental in setting in motion a new economic endeavor aimed at removing the basic handicaps that stood in the way of normal development of the region and has ushered in an era of new hope in this backward area full of great potentialities.
- A total of 10,500 KM of roads have been constructed with the NEC funding and handed over to the States for maintenance.
- The Perspective Plan 2001 prepared at the initiative of NEC has been taken into consideration by the Ministry of Road Transport and Highways for the development of road infrastructure in the region.
- It has till date supported the installation of 694.5 MW of power plants and construction of 2540.41 KM of transmission & distribution lines.
- Eleven Inter-State Bus terminus (ISBT) projects have been taken up across different States with its help to ease out inter-state movement of people. Nine of these have been completed and two are under construction in Meghalaya and Manipur.
- To facilitate movement of essential goods, three Inter State Truck Terminus: 2 in Assam and 1 in Nagaland have been completed and one in Tripura (Jirania) is under construction with its help.
- It has also contributed for the up-gradation/strengthening of the infrastructure of the existing Airports in the region. Improvement of the infrastructure in 5 major airports of the Regions namely, Guwahati, Dibrugarh, Jorhat, Imphal and Umroi have been taken up in collaboration with Airport Authority of India on 60:40 (60% by NEC and 40% by AAI) basis.
- The North Eastern Region Community Resource Management Project (NERCORMP), a sustainable Livelihood Project, is the Flagship Programme of NEC, with support from International Fund for Agricultural Development (IFAD).
 - The first two phases of the project covered 6 most inaccessible remote hill districts in Assam, Meghalaya and Manipur covering 1326 villages.

Social Audit advisory body

Context:

- Recently, the 1st meeting of the Social Audit Advisory Body (SAAB) was held at conference hall, Dr Ambedkar International Centre in New Delhi.

Background:

- This advisory body, a first of its kind, has been set up to guide the Ministry of Social Justice and empowerment in institutionalizing social audits for its various schemes.

Analysis:

What is social audit?

- A social audit is a community-driven process of assessing and examining the implementation of public programs and policies, particularly those aimed at social welfare and development. It involves stakeholders coming together to analyse how effectively projects are being delivered, whether resources are being utilized efficiently, and if benefits are reaching the intended beneficiaries.

Key Features of social audit:

- **Public Participation:** Citizens, particularly beneficiaries of the program, are actively involved in the audit process. This ensures a bottom-up perspective and identifies concerns that might be missed by official channels.
- **Transparency and Accountability:** The audit aims to promote transparency in how public funds are spent and hold government officials accountable for delivering on their promises.
- **Participatory Data Collection:** Information is gathered through various methods, including surveys, interviews, public hearings, and document analysis. This ensures a comprehensive understanding of the program's impact.
- **Independent Verification:** The audit process is often conducted by independent organizations or committees to ensure objectivity and neutrality.
- **Action-Oriented:** The findings of the audit are not just for reporting, but are used to identify areas for improvement and recommend corrective actions to enhance the program's effectiveness.

Framework of social audit in India:

The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):

- It is the first official Indian program to mandate social audits. The framework involves:
- **Gram Sabhas:** Responsible for initial discussions and planning the audit.
- **Social Audit Teams:** Comprised of local community members who conduct the fieldwork and data collection.
- **Facilitation Agencies:** Independent organizations providing technical support and training to the teams.
- **State-Level Social Audit Units:** Oversee the process and consolidate reports across the state.

National Resource Cell for Social Audit (NRCSA):

- To further strengthen the social audit framework in India, the cell was established by the Department of Social Justice and Empowerment. It plays a crucial role in ensuring effective social audits across the country by:
 - **Supporting State-Level Social Audit Units:** It provides technical assistance, training, and resources to the Social Audit Units established in each state. This ensures consistent quality and methodology in conducting audits across diverse regions.
 - **Developing Training Materials and Tools:** It helps in developing standardized training materials and tools for community members and Social Audit Teams. This strengthens their capacity to conduct comprehensive and meaningful audits.
 - **Promoting Knowledge Sharing and Best Practices:** It facilitates the exchange of knowledge and best practices between states through workshops, conferences, and resource sharing platforms. This helps in continuous improvement and innovation within the social audit process.
 - **Conducting Research and Evaluation:** It conducts research and evaluation studies on the effectiveness of social audits. This provides valuable insights and evidence to inform further policy development and strengthen the overall framework.

Advantages of Social Audit:

- **Empowers communities:** Enables citizens to hold the government accountable and have a say in how programs are implemented.
- **Improves service delivery:** Identifies bottlenecks and suggests corrective actions to enhance program effectiveness and efficiency.
- **Reduces corruption:** Increases transparency and discourages misuse of resources.
- **Promotes inclusivity:** Ensures that the needs of marginalized communities are heard and addressed.
- **Builds trust:** Encourages collaboration and dialogue between citizens and government, fostering a sense of shared responsibility.

Challenges in social audit:

- **Logistical challenges:** Implementing efficient and inclusive audits in diverse contexts can be difficult.
- **Limited capacity:** Community members may lack the training or skills required to conduct thorough audits.
- **Potential bias:** Social audits can be vulnerable to political or personal biases within communities.
- **Time-consuming process:** Conducting and following up on audits can be time-consuming and resource-intensive.
- **Limited impact:** Recommendations may not be always acted upon by the government, limiting the audit's effectiveness.

Conclusion:

- Despite the challenges, social audits remain a valuable tool for promoting transparency, accountability, and good governance in social welfare programs. Ongoing efforts to address the limitations and strengthen the framework can further enhance their impact in ensuring equitable and effective development in India.

Mains PYQ :

- **Question :** An independent and empowered social audit mechanism is an absolute must in every sphere of public service, including the judiciary, to ensure performance, accountability, and ethical conduct. (UPSC Mains 2021)

A high-level panel formed to safeguard the interests of scheduled caste communities

Context:

- A high-level panel has been formed to examine the administrative steps that can be taken to safeguard the interests of scheduled caste communities like the Madigas, sources said on Friday.

Background:

- The prime minister had directed a committee of secretaries to be constituted under the chairmanship of cabinet secretary to safeguard the interests of scheduled caste.

Analysis for Prelims:

About the high-level panel:

- **Composition:**
 - The panel will comprise secretaries of:
 - The Ministry of Home Affairs
 - The Department of Personnel and Training
 - The Ministry of Tribal Affairs
 - The Department of Legal Affairs
 - The Department of Social Justice and Empowerment
- It will also include representations from state governments, including Andhra Pradesh, Telangana and Karnataka for the sub-categorization of SCs, which includes the Madiga community.

Function:

- It will seek to ensure fair allocation of benefits to the most disadvantaged communities within the Scheduled Castes, which have been overshadowed by comparatively affluent and influential groups.

Steps taken by the Government (Ministry of Social Justice and Empowerment) for the SCs:

The Ministry of Social Justice and Empowerment is implementing following schemes for the welfare of the Scheduled Castes throughout the country:

- Centrally Sponsored Scheme for Pre-Matric Scholarship to the SC Students studying in classes IX & X
- Pre-Matric Scholarship to the Children of those engaged in occupations involving cleaning and prone to health hazards
- Post matric Scholarship for SC
- Central Sector Scholarship of Top-Class Education for SC Students
- Free Coaching Scheme for SC and OBC Students
- Pradhan Mantri Adarsh Gram Yojana
- Special Central Assistance to Scheduled Caste Sub Plan
- National Overseas Scholarship
- Babu Jagjivan Ram Chhatrawas Yojana for Boys and Girls
- National Fellowship for SC students
- Centrally Sponsored Scheme for the implementation of the Protection of Civil Rights act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- Central Sector Scheme of Grant in Aid to Voluntary and other organizations working for Scheduled Castes i.e. for running Non-residential schools, Residential schools and Hostels
- Venture Capital Fund for Scheduled Castes (VCF-SC)
- Credit Enhancement Guarantee Scheme for Scheduled Castes (CEGSSC)
- Schemes of National Scheduled Castes Finance and Development Corporation (NSFDC)

- Assistance to State Scheduled Castes Development Corporations (SSCDC).

For the successful implementation of the Schemes, Government is undertaking steps like:

- Mandatory annual inspections by District Authorities
- Scrutiny of proposals by Multidisciplinary State Level Grants-in-aid Committee
- Mandatory submission of audited statement of accounts duly verified by Chartered Accountants
- Periodic review by holding meetings, video conferences, field visits etc.

Mains PYQ :

1. **Question:** Whether National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. (UPSC Mains 2018)
2. **Question:** How do you explain the statistics that show that the sex ratio in Tribes in India is more favourable to women than the sex ratio among Scheduled Castes? (UPSC Mains 2015)

Weekly Current Affairs – Monthly Compilation

Polity & Governance – February 2024

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Government Schemes

PM Young Achievers Scholarship Award Scheme for Vibrant India for OBCs and others (PM-YASASVI)

Context:

- Recently, the government released Rs 32.44 Crore for Pre-matric Scholarship and Rs 387.27 Crore for Post-Matric Scholarship to States/UTs under PM YASASVI scheme.

Background:

- The vision of the Ministry of Social Justice and Empowerment is to build an inclusive society wherein members of the target groups can lead productive, safe and dignified lives with adequate support for their growth and development. It aims to support and empower its target groups through programs of educational, economic and social development, and rehabilitation, wherever necessary.
- In order to achieve its vision, the Ministry implements various Central Sector and Centrally Sponsored Schemes (CS/CSS) for vulnerable groups comprising of Other Backward Class (OBCs), Economically Backward Class (EBC) and Denotified, Nomadic and Semi-Nomadic Tribes (DNT/S-NT). **PM-YASASVI is one such umbrella scheme.**

Analysis for Prelims:

About PM-YASASVI:

- It is an umbrella scholarship scheme for Other Backward Class (OBCs), Economically Backward Class (EBC) and Denotified Nomadic Tribes (DNT) Students.
- Under:** Ministry of Social Justice and Empowerment
- Components of Schemes:**
 - Pre-Matric Scholarship for OBC, EBC and DNT Students.
 - Post-Matric Scholarship for OBC, EBC and DNT Students.
 - Top Class School Education for OBC, EBC and DNT Students.
 - Top Class College Education for OBC, EBC and DNT Students.
 - Construction of Hostel for OBC Boys and Girls.

More about Components of the Scheme:

Pre-Matric Scholarship:

- Pre-Matric Scholarship is for students studying in class IX and X on a full-time basis in Government Schools only.
- Income from all sources does not exceed Rs.2,50,000/- per annum.
- The students shall be given a consolidated academic allowance of Rs. 4000/- per annum.
- During the year 2023-24, an amount of Rs 32.44 Crore has been released to States/UTs for implementation of the Pre Matric 387 crores for post matric scholarship Scheme till 18th January,2024.

Post-Matric Scholarship:

- Scholarship is awarded to students studying at post-matriculation or post-secondary stage to enable them to complete their education.
- Income from all sources does not exceed Rs.2,50,000/- per annum.
- Academic allowance from Rs.5000 to Rs.20000 is awarded to students as per category of course.

Top Class School Education:

- The scheme provides premium education to the meritorious students belonging to OBC, EBC and DNT categories by funding their education from Class 9 onwards till they complete Class 12.
- Income from all sources does not exceed Rs.2,50,000/- per annum.
- Scholarship is awarded for tuition fee, hostel fee and other charges as required by the school, subject to a maximum of Rs. 75,000/- per annum per student of class 9 and 10 and Rs. 1,25,000/- per annum per student of class 11 and 12.
- National Scholarship Portal is open till 31st January, 2024 for submitting applications under the Scheme.

Top Class College Education:

- The scheme is to recognize and promote quality education amongst Students belonging to OBC, EBC and DNT categories by providing full financial support.
- Income from all sources does not exceed Rs.2,50,000/- per annum.
- Students, who secure admission in the notified institutions, will be awarded scholarship to meet the requirements for:
 - Full tuition fee and non-refundable charges (there will be a ceiling of Rs. 2.00 lakh per annum per student for private sector institutions and Rs. 3.72 lakhs per annum per student for the private sector flying clubs for Commercial Pilot Training and Type Rating Courses)
 - Living expenses to the beneficiary @Rs.3000/-per month per student
 - Books and stationery @ Rs. 5000/- per annum per student and
 - A latest computer/laptop of reputed brand with accessories like UPS and printer limited to Rs. 45000/- per student as one time assistance during the course.
- National Scholarship Portal is open till 31st January,2024 for submitting applications under the Scheme.

Construction of Hostel for OBC Boys and Girls:

- The scheme aims at providing hostel facilities to students belonging to socially and educationally backward classes, especially from rural areas to enable them to pursue secondary and higher education in the Govt. schools, universities, institutions and institutes located at a reasonable distance in order to provide them greater access to high quality education.
- During the year 2023-24, an amount of Rs 12.75 Crore has been released to States/UTs for implementation of the Scheme till December 2023.

Analysis for Mains:

Positive aspects of the scheme:

- **Inclusive:** Caters to a specific and historically disadvantaged group, promoting educational equity.
- **Multi-layered support:** Offers scholarships at various stages, from pre-matriculation to top-class college education.
- **Financial relief:** Reduces financial burden on students and their families, encouraging higher education pursuit.
- **Hostel construction:** Addresses accommodation challenges, particularly for girls, promoting access to education.
- **Transparency:** Utilizes the National Scholarship Portal for online application and tracking, reducing potential for corruption.

Negative aspects of the Scheme:

- **Income limit:** Excludes economically disadvantaged students within non-targeted groups.
- **Merit-based selection:** While encouraging excellence, it might disadvantage students facing additional challenges beyond academics.
- **Utilization concerns:** Reports suggest underutilization of allocated funds, raising questions about effectiveness (According to the Parliamentary Standing Committee on Social Justice and Empowerment, the scheme had only spent around 2% of its more than 1,500 crore budget as of December 31, 2022.)
- **Limited scope:** Focuses only on specific groups, leaving out other marginalized communities.
- **Sustainability:** Long-term financial sustainability beyond government funding needs exploration.

Conclusion and Way forward:

PM-YASASVI is a commendable initiative promoting educational opportunities for disadvantaged groups. However, it's crucial to address its limitations to maximize its impact:

- **Expanding eligibility:** Consider including other economically disadvantaged students regardless of caste or tribe.
- **Alternative selection criteria:** Explore holistic selection processes considering socio-economic factors alongside academic merit.
- **Improving outreach and awareness:** Ensure effective communication to reach all eligible students.
- **Monitoring and evaluation:** Regularly monitor and evaluate the scheme's impact, addressing utilization issues and identifying areas for improvement.
- **Sustainable funding:** Explore alternative funding sources like corporate partnerships or endowments to ensure long-term sustainability.

Prelims Practice Question:

The PM YASASVI scheme, recently in the news, is primarily associated with which of the following domains?

- A. Skill Development
- B. Sustainable Agriculture
- C. Education
- D. Cultural Heritage Conservation

LABHA Scheme of ODISHA

Context:

- Recently, The Odisha government announced the launch of LABHA ('Laghu Bana Jatya Drabya Kraya') Yojana a 100% State-funded minimum support price (MSP) scheme for minor forest produce (MFP).

Background:

About Odisha (in context of tribals):

- It is home to 62 distinct tribes, including 13 Particularly Vulnerable Tribal Groups (PVTG), showcasing one of the most diverse tribal landscapes in the country.
- It ranks as the third largest concentration of a tribal population, trailing behind Madhya Pradesh and Maharashtra.
- About 44.70% of the State's geographical expanse falls under the Scheduled Areas classification. The Scheduled Tribes in Scheduled Areas constitute approximately 68.09% of the total tribal population in the State.
- 121 out of the 314 blocks in Odisha have been designated as Scheduled Areas.

Analysis for Prelims:

- **Focus of the scheme:** Provides a 100% state-funded Minimum Support Price (MSP) for 22 selected Minor Forest Produce (MFP) collected by a primary collector (tribal communities) in Odisha.

Objectives:

- **Increase income and improve livelihoods:** Offer fair and stable prices for MFP, leading to economic upliftment and reduced poverty.
- **Eliminate exploitation:** Eliminate middlemen and provide direct access to MSP, empowering communities and ensuring fair share of earnings.
- **Promote sustainable MFP management:** Encourage responsible harvesting practices through fair prices, potentially contributing to forest conservation.

Key Features:

- **100% state-funded MSP:** Government guarantees to purchase MFPs at predetermined prices, removing market fluctuations and ensuring stable income.
- **Direct procurement:** Eliminates middlemen and connects communities directly with government procurement agencies.

- **Transparency:**
 - Pricing mechanisms and MSPs are clearly communicated to ensure fairness and accountability.
 - A primary collector (a tribal person) will be able to sell the MFP, collected at the procurement centres by the Tribal Development Cooperative Corporation Limited of Odisha (TDCCOL), at the MSP.
 - TDCCOL to take up e-tendering and explore value addition and processing units.
 - Direct Benefit Transfer (DBT) of the amount to the beneficiary's account.
- **Initial 22 Minor Forest Produces:** Includes kendu leaves, tamarind, honey and other potentially valuable products.
- **Focus on tribal communities (which numbers close to one crore or 23% of Odisha's total population):** A primary collector with valid identification is eligible to participate.
- **Integration with Mission Shakti's Women SHGs:** 99% of primary collectors being tribals and the majority of them being women, the procurement centres will be managed by SHGs and any other notified agencies assisted by TDCCOL.

Associated Additional Information:

- NOTE: At the National Level, Tribal Cooperative Marketing Federation of India (TRIFED) fixes the MSP for MFP.

Judiciary and laws

Default Bail

Context:

- Supreme Court recently said that the default bail can't be claimed on the ground that investigation is pending against other accused.

Background:

What is default bail?

- In India, "default bail", also known as "statutory bail", refers to the right of an accused person to be released on bail when the police fail to complete their investigation and file a chargesheet within the stipulated timeframe.

Analysis for Prelims:

Provisions related to Default bail:

- **Enshrined in:** Section 167 of the Code of Criminal Procedure (CrPC).
- **Time limits:** As per Section 167(2) of the Code of Criminal Procedure (CrPC), a Magistrate can authorize the detention of an accused for a maximum of 15 days if the investigation is not completed within the initial 24 hours.
- This detention can be extended up to 90 or 60 days, depending on the nature of the offense.
- However, if the investigation is not completed within this time frame, the accused must be released on bail, provided they are willing to furnish bail.

Analysis for Mains:

Default bail plays a crucial role in the Indian legal system by balancing two seemingly contradictory objectives:

- **Enabling Effective Investigation:** It grants police a reasonable timeframe to investigate, gather evidence, and build a strong case for prosecution. This period is crucial for ensuring a fair and successful trial.
- **Safeguarding Individual Liberty:** By setting time limits, it protects individuals from arbitrary detention and prolonged incarceration without charges. This, at the same time, upholds the fundamental right to liberty enshrined in Article 21 of the Constitution.

However, concerns exist regarding potential misuse and limitations:

- **Misuse by Accused:** Frivolous applications can delay investigations and burden the justice system.
- **Inconsistent Application:** Variations in court interpretations and potential manipulation by law enforcement raise concerns about its effectiveness.
- **Debate on Time Limits:** There are ongoing debates regarding the adequacy of current time limits for complex investigations.

Considering these challenges, the way forward can involve:

- **Stricter Norms for Applications:** Implement mechanisms to discourage frivolous applications while upholding genuine claims.
- **Capacity Building for Police:** Enhance investigative capabilities and infrastructure to ensure efficient evidence gathering within stipulated timeframes.
- **Standardized Procedures:** Develop clear guidelines and oversight mechanisms for consistent application of default bail provisions across courts.
- **Exploring Alternatives:** Consider alternative dispute resolution mechanisms for minor offenses, potentially reducing strain on the criminal justice system.
- **Regular Review and Reforms:** Conduct periodic evaluations of the system's effectiveness and implement necessary reforms to address emerging challenges.

Conclusion:

- By addressing these concerns and exploring potential improvements, the stakeholders can ensure that default bail continues to serve its intended purpose, effectively balancing the need for thorough investigations with safeguarding individual liberties within the Indian legal framework.

Associated Additional Information:

Case Laws related to Default bail:

Ritu Chhabaria vs Union of India Case:

- The Supreme Court expressed disapproval of a concerning practice where investigating agencies submit incomplete chargesheets with the aim of preventing the accused from exercising their statutory right to default bail under Section 167(2) of the Code of Criminal Procedure (CrPC).
- The court emphasized that an investigating agency cannot file a chargesheet or prosecution complaint without first completing the investigation, purely to deny and deprive the detained accused of the right to default bail under Section 167(2) of CrPC.
- The court also held that “the right of default bail under Section 167(2)) is not merely a statutory right, but a fundamental right that flows from Article 21 of the Constitution” to protect accused persons from the “unfettered and arbitrary power of the State”.

Question:

With reference to India, consider the following statements:

1. Judicial custody means an accused is in the custody of the concerned magistrate and such accused is locked up in police station, not in Jail.
2. During judicial custody, the police officer in charge of the case is not allowed to interrogate the suspect without the approval of the court.

Which of the statements given above is/are correct? (UPSC Pre 2021)

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

Mains Practice Question

- **Question:** What is default bail ? Examine its importance in India's criminal justice system in protecting rights of an accused and expediting justice. (150 words)

Diamond jubilee of Supreme Court

Context:

- Recently, The Prime Minister inaugurated Diamond Jubilee celebration of the Supreme Court

Analysis for Prelims:

Various citizen-centric information and technology initiatives were launched during the unveiling, which include Digital Supreme Court Reports (Digi SCR), Digital Courts 2.0 and the new website of the Supreme Court.

- **Digital Supreme Court Reports (SCR):** It will make Supreme Court judgments available to the citizens of the country free of cost and in electronic format. The key features of digital SCR are that all 519 volumes of the Supreme Court reports since 1950, covering 36,308 cases, shall be available in a digital format, bookmarked, user-friendly, and with open access.

- **Digital Courts 2.0 application:** It is a recent initiative under the e-Courts project to make court records available to the Judges of the district courts in electronic form. This is coupled with the use of artificial intelligence (AI) for transcribing speech to text on a real-time basis.
- **The New Website:** It is in bilingual format in English and Hindi and has been redesigned with a user-friendly interface.

Associated Additional Information:

Abstracts from the speech of the Prime Minister:

- "The Supreme Court has strengthened India's vibrant democracy."
- "The laws being made in India today will further strengthen the bright India of tomorrow."
- "Ease of justice is the right of every Indian citizen and the Supreme Court of India, its medium."
- "A strong judicial system is the main foundation of a Viksit Bharat."
- "The transition from old laws to new ones should be seamless."

Abstracts from the speech of the CJI:

- Diamond jubilee year of the Supreme Court should be the time to recognize challenges threatening the relevancy of the court as an institution.
- "An independent judiciary does not really mean the insulation of the institution from the executive and the legislative branches, but also the independence of individual judges in the performance of their roles as judges".
- "The art of judging must be free of social and political pressure and from the inherent biases which human beings hold. Efforts should be made from within the institution to educate and sensitize judges across courts to unlearn their subconscious attitudes, inculcated by social conditioning on gender, disability, race, cost, and sexuality."
- While highlighting that 65,915 registered cases are pending before the Supreme Court, he said "As much as we would like to reassure ourselves that the mounting pile represents the faith of citizens in the line, we need to ask hard questions on what needs to be done."
- "We need to make more efforts to bring different sections of the society into the legal profession, for instance the representation of Schedule Castes and Schedule Tribes is quite low both at the bar as well as on the bench."
- He also highlighted several issues of "**difficult conversations**" that must be discussed:
 - "Adjournment culture" should give way to a "culture of professionalism" in court.
 - Lengthy oral arguments, some of which usually go on for days on end, delay judicial outcomes and lead to the capture of judicial institutions by the powerful and the mighty.
 - The legal profession must provide a level playing field for all from marginalized segments who have the will to work hard and the potential to succeed.
 - Level playing field for first generation lawyers has to be made.
 - Conversations on long vacations and whether alternatives such as flexi-time for lawyers and judges is possible.

Report of Parliamentary Committee on the Subject 'Review of the working of Legal Aid under the Legal Services Authorities Act, 1987'

Context:

- Recently, the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice submitted its report to the Rajya Sabha on the subject "Review of the Working of Legal Aid under the Legal Services Authorities Act, 1987," as documented in the One Hundred Forty-Third Report.

Background and Analysis:

Recommendations of the Committee:

- The Government should take an extensive mass media campaign to educate the eligible population about the legal aid avenues available for them to get justice.
- NALSA should study and evaluate cases related to under trials in prisons and assist them on priority. This is because:
 - Out of total number of prisoners in the country, approximately 70 percent are under trials.
 - The under-trial prisoners have spent more time in jail than the actual sentence prescribed under the relevant Sections/ Acts in case if they have been convicted.
 - A large number of such prisoners are unable to arrange bail due to non- furnishing of personal bail bonds/surety.
- Grant-in-aid to NALSA should be substantially increased.
 - As per "India Justice Report, 2019" published by the Tata Trust, per capita free legal aid spend in India is just 0.75 paise per annum (in 2017-18), which is perhaps among the lowest in the world.
- Bar Council of India should make mandatory appearance of every lawyer in at least in one pro bono work in a year to enable him to secure any relief fund from All India/State Bar Council.
- The pro bono work done by a lawyer may also be taken into consideration for assessing his/her merit when they apply for any judicial posts, law officers post including appointment of High Court Judges and Supreme Court Judges, consideration of designation of Senior Advocates.
- Senior Advocates in all High Courts/Supreme Court should come together to form a panel for doing pro-bono works.
- NALSA should compensate lawyers adequately, so that they are able to sustain themselves and remain motivated in their job.
- A robust system of monitoring the efficacy and accountability of legal aid services provided to the beneficiaries may also be put in place by NALSA.
- Lok Adalats need to be provided with adequate infrastructure, equipment, staff and training. They also need to adopt modern technology and methods to streamline their processes and reduce delays.

- Legal services authorities and the Lok Adalats should conduct awareness campaigns and outreach programs to inform and educate the people about the role and functions of Para Legal Volunteers.
- Competent and dedicated lawyers should be empanelled through a transparent selection process for manning the Legal aid defence counsel scheme.
- The Government should sanction additional 40 posts to NALSA.

PRS Report on Functioning of 17th Lok Sabha

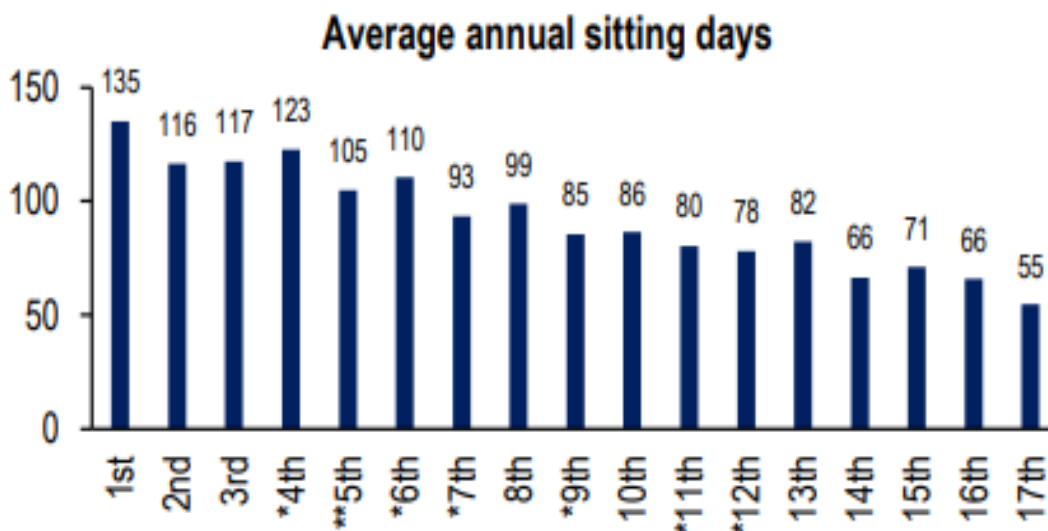
Context:

- Recently, PRS Legislative Research released its report on the functioning of 17th Lok Sabha.

Analysis of the Report:

Annual Sitzings:

- The 17th Lok Sabha sat only for 55 days on average in a year.
- The first Lok Sabha, with Prime Minister Jawaharlal Nehru as the leader of House, sat for 135 days on average in a year.



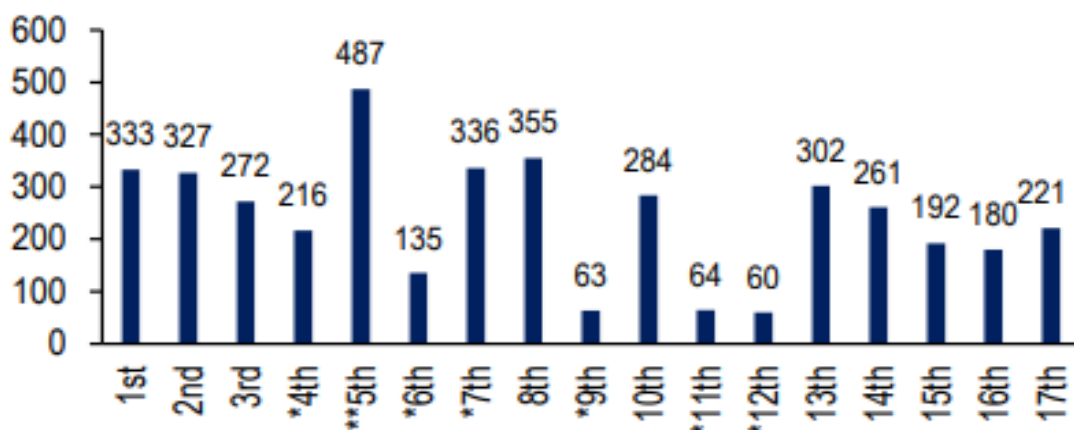
Note: * indicates a term less than five years; ** indicates a six year term.

Bills passed:

- A total of 179 Bills (excluding Finance and Appropriation Bills) were passed by the 17th Lok Sabha.
- The Ministries of Finance and Home Affairs piloted the highest number of Bills (15% each), followed by Law and Justice (9%), and Health and Family Welfare (9%).
- Key Bills passed include:
 - The J&K Reorganization Bill, 2019
 - The Women's Reservation Bill, 2023
 - The Appointment of CEC Bill, 2023
 - The three Labour Codes

- The Digital Data Protection Bill, 2023
- Three Bills replacing the IPC, 1860, the CrPC, 1973, and the Indian Evidence Act, 1872
- Most Bills introduced during this term of the Lok Sabha were passed.
 - However, 58% of the Bills were passed within two weeks of their introduction.
 - Some bills including the J&K Reorganization Bill, 2019 and the Women's Reservation Bill, 2023 were passed within two days of introduction.
 - 35% of Bills were passed with less than an hour of discussion in Lok Sabha. The corresponding figure for Rajya Sabha was 34%.

Bills passed by Parliament

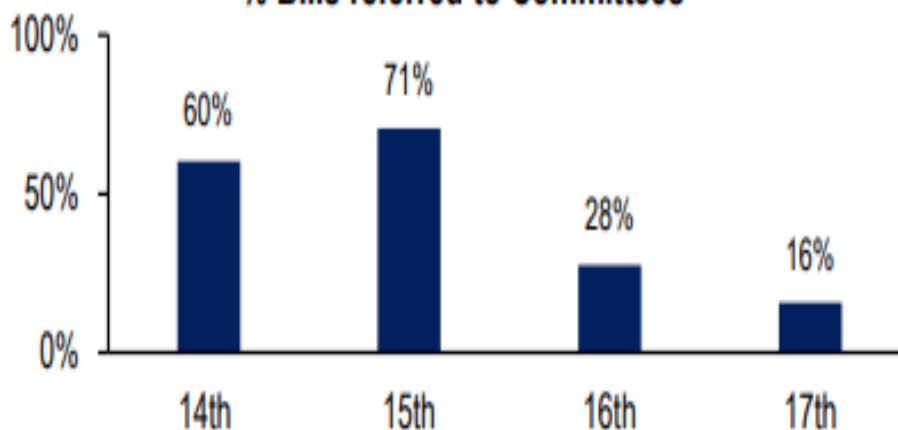


Note: * indicates a term less than five years; ** indicates a six-year term.
This figure includes Finance and Appropriation Bills.

Bills and Parliamentary committees:

- Only 16% of Bills were referred to Committees for detailed scrutiny. This is lower than corresponding figures for the previous three Lok Sabhas.
- Here only four Bills were referred to Joint Parliamentary Committees, and one (the Surrogacy (Regulation) Bill, 2019) to a Rajya Sabha Select Committee.

% Bills referred to Committees



Time Spent in Parliament:

- About 31% of the total functioning time in Lok Sabha, and 32% in Rajya Sabha was spent on discussions other than legislation and budgets.
 - These include discussions on the President's Address to Parliament, matters of public importance, and trust votes.
- No adjournment motions were taken up for discussion in Lok Sabha.

Others:

- Deputy Speaker was not elected for the first time for the entire duration of Lok Sabha despite Article 93 of the Constitution requiring that Lok Sabha elect a Speaker and a Deputy Speaker 'as soon as may be'.
- During this Lok Sabha, MPs were suspended on 206 instances, across both Houses of Parliament. In Winter Session 2023, 146 MPs were suspended for serious misconduct in the House. Several key legislations like the new Bills to reform criminal laws were passed after MPs were suspended.

Mains Practice Question :

- Question: The number of Lok Sabha sittings has been declining in recent years, raising concerns about its impact on parliamentary scrutiny and legislative output. Critically evaluate the reasons behind this decline and analyse its potential consequences for Indian democracy (250 words).

Article 142 of the Constitution

Context:

- Recently, the Supreme Court nullified the outcome of the January 30 Chandigarh mayoral polls by invoking its plenary power under Article 142 of the Constitution of India.

Background and Analysis:

What is Article 142?

- Article 142 of the constitution of India provides a unique power to the Supreme Court, to do "complete justice" between the parties, where, the law or statute may not provide a remedy.

Scope and extent of powers under Article 142 as defined in major judgements:

- **Prem Chand Garg case, 1962:** The Supreme court, especially by the majority opinion, demarcated the contours for the exercise of the Court's powers under Article 142(1). According to it, an order to do complete justice between the parties:
 - Must be consistent with the fundamental rights guaranteed by the Constitution.
 - It cannot be inconsistent with the substantive provisions of the relevant statutory laws i.e. the laws made by Parliament.
- **Union Carbide Corporation (UCC) vs Union of India case, 1991:** The Supreme Court ordered UCC to pay \$470 million in compensation for the victims of the tragedy under Article 142(1) of the constitution. In doing so,
 - The court highlighted the wide scope of Article 142 (1).

- The court also clarified that “prohibitions on limitations on provisions contained in ordinary laws cannot, ipso-facto, act as prohibitions or limitations on the constitutional powers under Article 142”.
- **Supreme Court Bar Association vs Union of India case, 1998:** The Supreme Court held that the powers under Article 142 are supplementary in nature and cannot be used to supplant or override a substantive law and “build a new edifice where none existed earlier”. The Court also held that the powers conferred by Article 142 are curative and cannot be construed as powers “which authorise the court to ignore the substantive rights of a litigant while dealing with a cause pending before it”.
- **State of Karnataka vs Umadevi case, 2006:** The Supreme Court clarified that “complete justice” under Article 142 means justice according to law and not sympathy, while holding that it will “not grant a relief which would amount to perpetuating an illegality encroaching into the legislative domain.”

Prelims PYQ

Q. With reference to the Constitution of India, prohibition or limitations or provisions contained in ordinary laws cannot act as prohibitions or limitations on the constitutional powers under Article 142. It could mean which one of the following? (UPSC Prelims 2019)

- A. The decisions taken by the Election Commission of India while discharging its duties cannot be challenged in any court of law.
- B. The Supreme Court of India is not constrained in the exercise of its powers by laws made by the Parliament.
- C. In the event of grave financial crisis in the country, the President of India can declare Financial Emergency without the counsel from the Cabinet.
- D. State Legislatures cannot make laws on certain matters without the concurrence of Union Legislature

Union and State Legislature

Interim budget

Context:

- The finance minister recently presented the Interim Budget in the Lok Sabha which envisioned 'Viksit Bharat' by 2047.

Background:

- An interim budget serves as a temporary spending plan presented by the Indian government when a full budget for the entire financial year can't be prepared due to specific circumstances. This typically occurs when General elections are upcoming. The interim budget allows essential government functions to continue while avoiding pre-empting policy decisions by the future government.

Analysis for Prelims:

- While there's no specific mention of an "interim budget" in the Constitution, Article 116 mentions Votes on account, votes of credit and exceptional grants. It empowers the Lok Sabha to approve "any grant in advance" for essential expenses. This provision allows the government to seek parliamentary approval for funds to cover necessary expenditures.
- Though both "interim budget" and "Votes on account" are interchangeably used, an interim budget is one which contains both the revenue and expenditure details for the period until the new government takes over and presents a full budget, while a vote on account includes only the government's expenditures.

Associated Additional Information:

Article 112 of the constitution of India: Annual financial statement

- The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".
- The estimates of expenditure embodied in the annual financial statement shall show separately:
 - the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and
 - the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.
- The following expenditure shall be expenditure charged on the Consolidated Fund of India:
 - the emoluments and allowances of the President and other expenditure relating to his office;
 - the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;
 - debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
 - (i) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court,

- (ii) the pensions payable to or in respect of Judges of the Federal Court,
- (iii) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before the commencement of this Constitution exercises jurisdiction in relation to any area included in a Governor's Province of the Dominion of India;
- the salary, allowances and pension payable to or in respect of the Comptroller and Auditor-General of India;
- any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;
- any other expenditure declared by this Constitution or by Parliament by law to be so charged.

Miscellaneous

Padma Awards

Context:

- Recently, the Padma Awards 2023 were announced by the government.

Analysis for Prelims:

About Padma Awards:

- They are one of the highest civilian Awards of the country.
- They are conferred in three categories, namely, Padma Vibhushan, Padma Bhushan and Padma Shri.
- The awards come under the aegis of the Ministry of Home Affairs.
- These Awards are given in various disciplines/ fields of activities, viz.- art, social work, public affairs, science and engineering, trade and industry, medicine, literature and education, sports, civil service, etc.
 - 'Padma Vibhushan' is awarded for exceptional and distinguished service.
 - 'Padma Bhushan' for distinguished service of high order.
 - 'Padma Shri' for distinguished service in any field.
- These awards are announced on the occasion of Republic Day every year.
- These Awards are conferred by the President of India at ceremonial functions which are held at Rashtrapati Bhawan usually around March/ April every year.
- Government servants including those working with PSUs, except doctors and scientists, are not eligible for these Awards.
- A higher category of Padma award can be conferred on a person only where a period of at least five years has elapsed since conferment of the earlier Padma award. However, in **highly deserving cases, a relaxation can be made by the Awards Committee.**
- All nominations received for Padma Awards are placed before the Padma Awards Committee, which is constituted by the Prime Minister every year.
- The Padma Awards Committee is headed by the Cabinet Secretary and includes Home Secretary, Secretary to the President and four to six eminent persons as members.

- The recommendations of the committee are submitted to the Prime Minister and the President of India for approval.
- The President can also cancel and annul the award.

For the year 2023:

- The President has approved conferment of 106 Padma Awards including 3 duo cases.
- The list comprises 6 Padma Vibhushan, 9 Padma Bhushan and 91 Padma Shri Awards.
- 19 of the awardees are women and the list also includes 2 persons from the category of Foreigners/NRI/PIO/OCI and 7 Posthumous awardees.

Question:

Consider the following statements in respect of Bharat Ratna and Padma Awards:

1. Bharat Ratna and Padma Awards are titled under Article 18(1) of 'the Constitution of India.
2. Padma Awards, which were instituted in the year 1954, were suspended only once.
3. The number of Bharat Ratna Awards is restricted to a maximum of five in a particular year.

Which of the above statements are not correct?

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

Jnanpith award

Context:

- Recently, Renowned Urdu poet Gulzar and Sanskrit scholar Jagadguru Rambhadracharya have been named the recipients of the 58th Jnanpith Award by the Jnanpith selection committee.

Background and Analysis:**About the Jnanpith Award:**

- It is the oldest and the highest Indian literary award presented annually by the cultural organization "Bharatiya Jnanpith" to an author for their "outstanding contribution towards literature".
- It was instituted in 1961 and the first award was given in 1965. Until 1982 it was presented for a specific work, thereafter, it was given for a writer's overall contribution to literature.
- It is bestowed only on Indian writers writing in Indian languages included in the Eighth Schedule to the Constitution of India and English, with no posthumous conferral.
- The award includes:
 - A cash prize.
 - A citation.
 - A bronze replica of Vagdevi (Saraswati), the goddess of learning.



Rules and selection process for the award:

- The nominations for the award are received from various literary experts, teachers, critics, universities, and numerous literary and language associations. All the nominations are scrutinised and the recommendations are submitted to the Jnanpith Award Selection Board.
 - The Selection Board consists of between seven and eleven members of "high repute and integrity". Each member is part of the committee for a term of three years which can also be extended further for two more terms.
- The language of the most recent recipient's work is not eligible for consideration for the next two years.

Recipients of the award:

- G. Sankara Kurup was the first recipient of the award. He received the award for his collection of poems, *Odakkuzhal* (The Bamboo Flute), published in 1950.
- Ashapurna Devi became the first woman to win the award in 1976. She was honoured for her 1965 novel *Prothom Protishruti* (The First Promise), the first in a trilogy.
- In 2018, Amitav Ghosh became the first writer in English to receive the Jnanpith Award.

Associated Additional Information:

About the dignitaries:

- **Gulzar** is known for his works in Hindi cinema and is considered one of the finest Urdu poets of this era. He has earlier received Sahitya Akademi Award for Urdu in 2002, Dadasaheb Phalke Award in 2013, Padma Bhushan in 2004, and at least five National Film awards for his works.
- **Jagadguru Rambhadracharya**, the founder and head of Tulsi Peeth in Chitrakoot, is a renowned Hindu spiritual leader, educator and writer of more than 100 books.

Constitutional and Non-Constitutional Bodies

22nd Law commission

Context:

- Recently, the 22nd Law commission submitted various reports:
 - 284th Report: Revisiting the Law on Prevention of Damage to Public Property
 - 285th Report: The Law on criminal Defamation.

Background:

Pre-Independence Developments:

- The Law Commission was first established in 1834 under the provisions of the Charter Act of 1833. It was chaired by Lord Macaulay and recommended codification of the Penal Code and the Criminal Procedure Code.

Post-Independence Developments:

- After the independence, the Central Government established the first Law Commission in 1955 with the then Attorney-General of India, Mr. M. C. Setalvad, as its chairman. Since then, twenty-two Law Commissions have been appointed, each with a three-year term and with a definite term of reference.

Analysis for Prelims:

Vision of Law Commission:

- Reforming the laws for maximizing justice in society and promoting good governance under the rule of law.

Terms of Reference of the Law Commission:

The Terms of Reference of the Law Commission, inter alia, includes:

- Review/repeal of obsolete laws.
- To examine the Laws which affect the poor and carry out post-audit for socio-economic legislations.
- To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure.
- To examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislations as might be necessary to implement the Directive Principles and to attain the objectives set out in the Preamble to the Constitution.
- Examine the existing laws with a view for promoting gender equality and suggesting amendments thereto.
- To revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.
- To examine the impact of globalization on food security, unemployment and recommend measures for the protection of the interests of the marginalized

Functioning of Law commission:

- The Commission works on projects based on the references received from the Central Government and/or from the Supreme Court and High Courts.
- At times, keeping in view the importance of the subject matter, the Commission initiates study on specific subjects, Suo moto.

Reports of Law commission:

- The Reports of the Law Commission are laid in Parliament from time to time by the Department of Legal Affairs, Ministry of Law and Justice and forwarded to the concerned administrative Departments/Ministries for implementation.
- Such reports are acted upon by concerned Departments/ Ministries depending on the Government's decision.
- Invariably, the Reports are cited in Courts, Parliamentary Standing Committees, in academic and public discourses.

Associated Additional Information:

- **Some Suggestions of 284th Report regarding the Law on Prevention of Damage to Public Property:** (The act being referred to here: Prevention of Damage to Public Property Act, 1984)
- Following sections/ clauses have to be added in the Act:
 - **Presumption against accused:** Where an offence under this Act has been committed and it is shown that public property has been damaged as direct consequence of such offence and the accused participated in the commission of such offence, it shall be presumed unless the contrary is shown that the accused had committed such offence.
 - **Abetment of mischief:** Where damage to public property is caused in consequence of demonstration, hartal or bandh called by any organization, the office bearers of such organization, shall be deemed to be guilty of the commission of the offence of abetment.
 - **Same Punishment for abetment of mischief:** Whoever abets an offence punishable under this Act shall be punished with the punishment provided for that offence under this Act.
 - **Procedure for videography of incidents of demonstration etc.:** Where a call for demonstration, hartal or bandh has been given by an organization and the officer-in-charge of a police station has reasons to believe that damage to the public property is likely to be caused or there is imminent danger of such damage, he shall:
 - Make such arrangements for the videography of the area where the demonstration, hartal or bandh is proposed to be held.
 - Deposit the soft copies of videography in such manner with the Sub-Divisional Magistrate or Executive Magistrate concerned.
 - Get the statement of the videographer recorded before the Sub-Divisional Magistrate or Executive Magistrate in such manner as may be prescribed.
 - **Bail Conditions:** A person accused of an offence punishable under sections of the Act shall be released on bail on condition of his depositing in Court the amount equal to the estimated market value of the property damaged, within such time as the court directs.

- Provided that where the value of the property damaged is not capable of being assessed in terms of money, such amount as the Court may fix taking into account the facts and circumstances of the case, shall be deposited as a condition for releasing such person on bail.
- **Power to make rules:** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- **Issue of Damage to Private property:** In order to address the issue of damage to private property, a separate law can be brought in such as the Kerala Prevention of Damage to Private Property and Payment of Compensation Act, 2019 enacted in the State of Kerala. The same can also be achieved by amending and adding to the applicable sections of IPC or the Bharatiya Nyaya Sanhita.
- **Protests on Roads:** Wherever protests are not in designated places and tend to create willful obstruction and blockade of public spaces and roads for prolonged periods, a comprehensive law should be put in place to address them so that they cannot get ignored and continue to cause tremendous hardships to the general public in the guise of absence of legislation.

Some Suggestions of 285th Report regarding the Law on criminal Defamation:

- According to the commission, criminal prosecution for defamatory statements is opposed to the right of freedom of speech and expression.
- Any form of speech should not be illegal in general, unless there are very specific and unusual circumstances.
- And utmost caution needs to be exercised while doing so. Speech, ought to be illegal only when it is meant to do substantial harm and when such harm materializes.
- Reputation being an integral facet of Article 21 of the constitution, it cannot be allowed to be jeopardized just because an individual has to enjoy his freedom of speech at the expense of hurting the sentiment of another.
- There is no absoluteness in any of the rights and both have to be harmoniously construed in its spirit to make the society peaceful and livable.
- The Bharatiya Nyaya Sanhita, 2023 has added a provision of community service as an additional punishment.
- Through introduction of this punishment, Indian law has shown the most balanced approach in protecting one's reputation and speech too.
- Commission recommends that criminal defamation as an offence be retained within the scheme of criminal laws in our country.

Constitutional Framework

Uniform civil code (Uttarakhand)

Context:

- Recently, the Uttarakhand Assembly passed the Uniform Civil Code (UCC) Bill, becoming the first legislature in independent India to pass a law that proposes common rules on marriage, divorce, inheritance of property, and live-in relationships for all citizens, irrespective of their religion.

Background:

Historical Context:

- **Pre-Colonial Era:** Different communities in India had their own customary laws governing personal matters like marriage, inheritance, and adoption. These laws were often based on religious texts and traditions.
- **Colonial Era:** The British implemented a system of personal laws based on religion, which further codified differences in legal treatment across communities. This system has been criticized for perpetuating discrimination and inequality.
- **Post-Independence:** The Constitution of India guaranteed equality before the law and promised to strive for a UCC under Article 44.
 - **Ambedkar's position:** His position in the Constituent Assembly debates towards a uniform civil code was that such a code would be desirable but for the moment would remain voluntary. He recommended:
 - "It is perfectly possible that the future parliament may make a provision by way of making a beginning that the Code shall apply only to those who make a declaration that they are prepared to be bound by it, so that in the initial stage the application of the Code may be purely voluntary [...] so that the fear which my friends have expressed here will be altogether nullified."
 - **Ambedkar** also pointed out that Muslims in many parts of India were governed by Hindu law and even Marumukkatayam system of inheritance and succession which had been prevalent in many of the Southern Indian States.
 - **The Hindu Code Bill** was a comprehensive omnibus legislation that sought to reform, unify and "statutorise" family law for all people who were not Christians, Muslims or Parsis.
 - In the subsequent years there were a number of interventions by legislature, judiciary as well as civil society organisations seeking amendments to personal laws or instituting a uniform civil code. The most notable of these judgments were the:
 - Mohd. Ahmed Khan vs. Shah Bano Begum case.
 - Jordan Diengdeh vs. S.S. Chopra case.

- Sarla Mudgal v. Union of India case.
- The Supreme court in **Shah Bano case** observed:
 - “**Article 44 of our Constitution** has remained a dead letter. There is no evidence of any official activity for framing a common civil code for the country. A common Civil Code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies. It is the State which entrusted with the duty of securing a uniform civil code for the citizens of the country and, unquestionably, it has the legislative competence to do so. A beginning has to be made if the Constitution is to have any meaning.”

Analysis for Prelims:

Applicability of the Uttarakhand UCC bill:

- It is applicable to all residents of Uttarakhand except the tribal community which constitutes 2.9% of the State's population.

Main provisions of Uttarakhand UCC bill:

- It is obligatory for all heterosexual couples (irrespective of whether they are residents of Uttarakhand or not) to register their live-in relationships by submitting a “statement” to the concerned Registrar.
 - If such a relationship is terminated, the Registrar has to be informed.
 - If either of the partners is less than 21 years old, the declaration will also be sent to their parents or guardians.
- A woman can claim maintenance in case she is “deserted” by her live-in partner.
- In case, a couple spends a month without registering their live-in relationship, they can face a jail term of up to three months or a maximum fine of ₹10,000, or both.
- Upon being issued a notice, if they still do not register the relationship, they may face six months of imprisonment or a fine of ₹25,000 or both.
- It prohibits practices such as bigamy or polygamy.
- It abolishes the concept of “illegitimate children”. It extends legal recognition to children born in void and voidable marriages as well as children born in live-in relationships.
- It also states that no marriage can be dissolved without a court order or else it can attract imprisonment up to 3 years. Grounds for divorce also include religious conversion.
- It abolishes the coparcenary system governing ancestral property under the Hindu Succession Act, 1956. The same scheme of succession will now apply to both ancestral and self-acquired property for Hindus.
- It also guarantees equal property rights for the spouse, children and parents.
- It also criminalises certain existing Muslim personal law practices governing marriage and

divorce such as nikah halala, iddat, and triple talaq without explicitly naming them.

Mains Practice Question :

- **Question:** Considering the current socio-political climate in India, is the implementation of a UCC feasible and desirable at this time? If not, what alternative approaches could be considered?

Bharat Ratna

Context:

- Recently, it was announced that Karpoori Thakur, LK Advani, Prime Ministers PV Narasimha Rao and Chaudhary Charan Singh, alongside agricultural scientist MS Swaminathan, would be honored with Bharat Ratna.

Background and Analysis:

About 'Bharat Ratna':

- It is the highest civilian Award of the country, was instituted in the year 1954.
- Any person without distinction of race, occupation, position or sex is eligible for these awards.
- It is awarded in recognition of exceptional service/performance of the highest order in any field of human endeavor.
- The recommendations for Bharat Ratna are made by the Prime Minister himself to the President. No formal recommendations for this are necessary.
- The number of annual awards is restricted to a maximum of three in a particular year as per MHA document.
- On conferment of the award, the recipient receives a Sanad (certificate) signed by the President and a medallion. The Award does not carry any monetary grant.
- In terms of Article 18 (1) of the Constitution, the award cannot be used as a prefix or suffix to the recipient's name. However, should an award winner consider it necessary, he/she may use the following expression in their biodata/letterhead/visiting card etc. to indicate that he/she is a recipient of the award:
 - 'Awarded Bharat Ratna by the President'
 - 'Recipient of Bharat Ratna Award'

Prelims PYQ:

Consider the following statements in respect of Bharat Ratna and Padma Awards:

1. Bharat Ratna and Padma Awards are titles under the Article 18(1) of the Constitution of India.
2. Padma Awards, which were instituted in the year 1954, were suspended only once.
3. The number of Bharat Ratna Awards is restricted to a maximum of five in a particular year.

Which of the above statements are not correct? (UPSC Prelims 2021)

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

Miscellaneous:

About personalities:

- **Karpoori Thakur (Posthumous):** Bihar's former chief minister and a well-known socialist leader. Popularly known as referred to as 'Jan Nayak' (people's leader). Mungeri Lal Commission gave rise to what is now called the Karpoori Thakur formula for reservation.
- **Lal Krishna Advani:** Bharatiya Janata Party stalwart, he has been associated with the party since its establishment in 1980. He has also served as both the home minister and deputy Prime Minister under the leadership of Atal Bihari Vajpayee from 1999 to 2004.
- **Pamulaparthi Venkata Narasimha Rao (Posthumous):** Ex-Prime Minister and a respected Telugu leader, he served full five-year term as prime minister from 1991 to 1996 and is widely lauded for his pivotal role in introducing economic reforms.
- **Chaudhary Charan Singh (Posthumous):** Another former Prime Minister and prominent Jat leader hailing from western Uttar Pradesh. He is known for playing a pivotal role in spearheading anti-Congress politics during an era when the party held dominant influence.
- **Mankombu Sambasivan Swaminathan (Posthumous):** Eminent agronomist, he is known for his significant contributions to agriculture and the welfare of farmers. He revolutionized Indian agriculture, ensuring both food security and prosperity for the nation.

Chhattisgarh conversion bill

Context:

- Recently, the state of Chhattisgarh prepared a draft bill for to regulate religious conversion titled:
 - “Chhattisgarh Prohibition of Unlawful Religious Conversion Bill”

Background:

What are Anti-conversion laws?

- Anti-conversion laws are legal regulations designed to impede or disallow the conversion of individuals from one religious faith to another. Their primary objective is to curb coerced religious conversions and thwart religious groups from actively soliciting members from different faiths. These laws may be implemented through the imposition of criminal or civil penalties to enforce their specific provisions.

Introduction of Anti-Conversion Bills (Post-Independence):

Following independence, the Indian Parliament proposed several anti-conversion bills:

- **Indian Conversion (Regulation and Registration) Bill, 1954:**

- Introduced in 1954.
- Aimed to enforce "licensing of missionaries and the registration of conversion with government officials."
- Failed to gather majority support in the Lok Sabha.
- **Backward Communities (Religious Protection) Bill, 1960:**
 - Introduced in 1960.
 - Objective was to "check conversion of Hindus to 'non-Indian religions'" - including Islam, Christianity, Judaism, and Zoroastrianism.
 - Did not secure political support and was not enacted.
- **Freedom of Religion Bill, 1979:**
 - Introduced in 1979.
 - Sought "official curbs on inter-religious conversion."
 - Faced a lack of political backing and was not passed.
- **Legal Constraints in 2015:**
 - In 2015, the law ministry indicated that a national-level law against forced and fraudulent conversions was not feasible. It cited the distribution of powers under the Indian Constitution, where law and order fall under the jurisdiction of individual states.
 - However, the ministry proposed that while a national law might not be viable, state governments have the authority to enact laws against forced and fraudulent conversions.

Analysis for Prelims:

Provisions under the draft:

- **Notification of religious conversion:**
 - Individuals seeking religious conversion must submit a form with personal details at least 60 days in advance to the District Magistrate.
 - The District Magistrate will request the police to assess the "real intention, reason, and purpose" behind the conversion.
- The person conducting the conversion ceremony must also submit a form at least a month in advance.
- **Prohibition on Coercive Practices:**
 - Conversion is prohibited if accomplished through abuse, force, undue influence, coercion, inducement, or fraudulent means, including marriage.
 - If the District Magistrate finds any of these elements, the conversion will be deemed illegal.
- **Verification Process:**
 - Within 60 days post-conversion, the individual must fill another declaration form and appear before the District Magistrate for verification.
 - Failure to comply may result in the conversion being deemed illegal. The declaration will be displayed on the DM's office notice board until confirmation.

- The District Magistrate will maintain a registry of all individuals who converts.
- **Objection and Legal Action:**
 - Relatives (by blood or adoption) can file an FIR in case of objections to the conversion.
 - The case will be non-bailable and triable by a sessions court.
- **Penalties for Illegal Conversions:**
 - Illegally converting minors, women, or members of Scheduled Castes or Scheduled Tribes carries a minimum two-year and maximum 10-year jail term, along with a minimum fine of Rs 25,000.
 - Mass conversions are subject to a minimum three-year and maximum 10-year jail term, with a Rs 50,000 fine.
 - The court may approve compensation of up to Rs 5 lakh to victims of religious conversion.

Analysis for Mains:

- The recent proposal of anti-conversion legislation by several Indian states has ignited significant debate regarding its potential impact on religious freedom, social harmony, and the protection of vulnerable communities.
- Hence, it is sine qua non to comprehensively examine the purported benefits and potential drawbacks of such legislations from an overall point of view:

Possible Positive Consequences:

- **Safeguarding Vulnerable Populations:** These bills can serve the crucial function of safeguarding vulnerable groups, particularly those belonging to tribal communities and religious minorities from **coercive conversion practices**.
 - There have been instances of forced conversions, where individuals have been pressured or coerced into changing their religion through undue influence, threats, or exploitative tactics.
- **Promoting Social Harmony:** Such legislations can contribute to the maintenance of a peaceful and harmonious society by:
 - **Mitigating Religious Tensions** by addressing alleged instances of forced conversion, which can pre-empt potential social unrest arising from religious conflicts.
 - **Empowering Individual Choice** to ensure that individuals have the freedom to choose their faith without undue external pressure, fostering genuine and autonomous religious conviction.

Potential Negative Consequences:

- **Infringement on Religious Freedom:** Such legislations can contravene the fundamental right to freedom of religion guaranteed by the Indian Constitution by targeting:
 - **Freedom to Convert**, as they can restrict an individual's inherent right to freely convert to another faith based on personal convictions and beliefs.
 - **Freedom of Practice and Propagation**, as they might hinder individuals from freely practicing and propagating their chosen religion, potentially impacting missionary activities and religious expression.

- **Discriminatory Application:** These laws might disproportionately target and stigmatize religious minority communities, leading to:
 - Social Stigma, marginalization and exclusion of minority groups, fostering an atmosphere of suspicion and discrimination.
 - Selective and biased application of the law, again disproportionately targeting minority groups and undermining their fundamental rights.
- **Challenges of ambiguity:** The terms used in these bills, such as “forced conversion” and “allurement”, often lack precise definitions. This may lead to misinterpretation and subjective interpretations of the legislation, potentially enabling its misuse for personal agendas or vendettas.

Conclusion:

- The issue of anti-conversion legislation in India is multifaceted and presents a complex set of considerations. While the stated goals of protecting vulnerable groups and promoting social harmony are undoubtedly relevant, the concerns regarding potential violations of religious freedom, discrimination against minorities, and the misuse of the law raise serious questions about their overall effectiveness and ethical implications.
- Addressing these concerns by the stakeholders and ensuring that such legislations uphold fundamental rights and promote a society where individuals can exercise their religious freedom without fear or coercion is of paramount importance.

Associated Additional Information:

Punishment under the conversion laws of various states:

- The Chhattisgarh Religion Freedom (Amendment) Act, 2006 legalised either three-year imprisonment and a penalty up to Rs 20,000 or both for offenders.
- The Haryana Prevention of Unlawful Conversion of Religion Act, 2022, provides a penalty of one to five years imprisonment and a fine of Rs one lakh.
- The Jharkhand Freedom of Religion Act, 2017 imposes imprisonment of up to three years and a fine of Rs 50,000 or both.
- The Orissa Freedom of Religion Act, 1967 imposes one-year imprisonment and a fine of Rs 5,000, or both.
- According to The Karnataka Protection of Right to Freedom of Religion Act, 2022, a forced conversion is punishable by imprisonment for three to five years and a fine of Rs 25,000.

Mains Practice Question :

- Question: Analyse the rationale behind anti-conversion laws in India, considering their potential benefits and drawbacks for religious freedom, vulnerable communities, and social harmony. (Word limit 150 words)

Surrogacy (Regulation) Amendment Rules, 2024

Context:

- Recently, the Central government amended the Surrogacy Rules to allow couples to use donor eggs or donor sperm for surrogacy. This overturned a previous amendment made in March 2023 that banned the use of donor gametes.

Background:

- The amendment made in March 2023 to surrogacy rules was challenged in the Supreme Court by a woman with Mayer-Rokitansky-Kuster-Hauser (MRKH) Syndrome, a rare congenital disorder that affects the reproductive system and can cause infertility.

Analysis for Prelims:

About the notification:

- The new notification states:
 - In case when the District Medical Board certifies that either husband or wife constituting the intending couple suffers from medical condition necessitating use of donor gamete, then surrogacy using donor gamete is allowed.
 - While the relaxation is for “intending couple”, if a divorced or widowed woman opts for surrogacy, the egg has to come from the mother i.e. “Single woman (widow or divorcee) undergoing surrogacy must use self-eggs and donor sperms to avail surrogacy procedure.”

Right to Adopt children

Context:

- Recently, the Delhi High Court held that the “Right to adopt” is not a fundamental right under Article 21 of the Indian Constitution.

Background:

- The Delhi High court made these observations while dealing with batch of pleas filed by several prospective parents with two biological children and wishing to adopt a third child. These pleas challenged a decision of the Central Adoption Resource Authority that affirmed the retrospective application of the Adoption Regulations of 2022.
- Provisions of these rules mandate that couples with two or more children can only adopt children:
 - With special needs.
 - Who are Hard-to-place.
 - Who are unlikely to be adopted because of physical or mental disability, emotional disturbance, recognised high risk of physical or mental disease, age and racial or ethnic factors.

Analysis:

Observations made by the court:

- The “Right to adopt” cannot be raised to the status of a fundamental right within Article 21 nor can it be raised to a level granting prospective adoptive parents the right to demand their choice of who to adopt.
- The adoption process, in entirety, operates on the premise of welfare of children and therefore the rights flowing within the adoption framework does not place the rights of the prospective adoptive parents at the forefront.
- There are a number of childless couples and parents with one child, who are interested in adopting one more child, and will adopt a normal child, whereas the chances of a specially-abled child being adopted is remote. The policy involving retrospective application of the Adoption Regulations of 2022 has been brought in only to ensure that more and more children with special needs get adopted.

Governance and Social Justice

Supreme Court issues new guidelines for environmental regulatory bodies

Context:

- Recently, the Supreme court issued new guidelines for environmental regulatory bodies while approving the Centre’s notification making the expert committee assisting the SC on environment and forest issues, the **Central empowered committee (CEC)**, to be a permanent body.

Background:

About CEC:

- The supreme court directed the CEC to be constituted via an order dated 09.05.2002 as per **T.N. Godavarman Thirumulpad vs Union of India case**.
- Pursuant to the said direction, a notification was issued by the Central Government constituting the CEC as a **statutory authority under Section 3(3) of the Environment (Protection) Act, 1986**.
- However, it was still functioning as an Adhoc body.
- Recently, The Ministry of Environment, Forest and Climate Change issued a notification on September 5, 2023, under Section 3(3) of the Environment (Protection) Act, 1986.
- This notification constituted the CEC as a permanent body. The CEC's purpose is to:
 - Monitor and ensure compliance with Supreme Court orders related to environment, forest, and wildlife.
 - Address related issues arising from these orders.
 - Suggest measures and recommendations to the State and Central Government for more effective implementation of the Environment (Protection) Act and other relevant Court orders.

Analysis for Prelims:

Composition of CEC:

- Under the new notification, the CEC shall comprise:
 - Chairman
 - Member Secretary
 - Three expert members (one each from the fields of environment, forest, and wildlife).
- The Chairman and three expert members are to be nominated by the Government for a **tenure of 3 years**, which can be extended to one more tenure subject to the prescribed **age limit of 66 years**.
- The Member Secretary is appointed by the Central Government to be the Chief Coordinating Officer of the CEC and to assist the CEC in the discharge of its functions.

Powers and Functions:

As per the notification, the Committee shall exercise the following powers and perform the following functions:

- Powers and functions conferred upon the Committee by the Hon'ble Supreme Court of India in Writ Petition in the case of T. N. Godavarman Vs. Union of India and others:
 - To monitor the implementation of Supreme Court's orders in above matters and place reports of noncompliance before the Central Government for appropriate actions.
 - To deal with any applications made to it by any aggrieved person and wherever necessary, to make a report to the Central Government in that matter.
 - For the purposes of effective discharge of powers conferred upon the Committee under this order, the Committee can:
 - Call for any documents from any persons or the government of the Union or the State or any other official.
 - Undertake site inspection.
 - Seek assistance or presence of any person(s) or official(s) required by it in relation to its work.
 - Co-opt one or more persons as special invitees for dealing with specific issues.
 - Co-opt, wherever feasible, the Secretary of the State Government dealing with the subjects related to Forest or Wildlife or Environment or his representative or the Principal Chief Conservator of Forests of the State as special invitees while dealing with issues pertaining to a particular State.
 - To suggest or recommend measures generally to the State as well as Central Government, for the more effective implementation of the Act and other orders of the Supreme Court in above matters.
- To examine and advise or recommend on any issue referred to the Committee by the Central Government, from time to time.

Analysis for Mains:

About the guidelines:

- As per the Supreme Court, in furtherance of the principles of environmental rule of law, the bodies, authorities, regulators, and executive offices entrusted with environmental duties must function with the following institutional features:
- The composition, qualifications, tenure, method of appointment and removal of the members of these authorities must be clearly laid down.
- The appointments must be regularly made to ensure continuity and these bodies must be staffed with persons who have the requisite knowledge, technical expertise, and specialisation to ensure their efficient functioning.
- The mandate and role of each authority and body must be clearly demarcated so as to avoid overlap and duplication of work and the method for constructive coordination between institutions must be prescribed.
- The authorities and bodies must
 - receive adequate funding and their finances must be certain and clear.
 - notify and make available the rules, regulations, and other guidelines and make them accessible by providing them on the website, including in regional languages, to the extent possible.
 - issue comprehensive guidelines in a standardised form and notify them rather than office memoranda.
 - clearly lay down the applicable rules and regulations in detail and the procedure for application, consideration, and grant of permissions, consent, and approvals.
 - notify norms for public hearing, the process of decision-making, prescription of right to appeal, and timelines.
 - prescribe the method of accountability by clearly indicating the allocation of duties and responsibilities of their officers.
- There must be regular and systematic audit of the functioning of these authorities.

The Public Examinations (Prevention of Unfair Means) Bill, 2024

Context:

- Recently, The Rajya Sabha passed 'The Public Examinations (Prevention of Unfair Means) Bill, 2024'.

Background:

- A growing problem of cheating in public examinations across India has prompted the introduction of the bill.
- As highlighted by Union Minister of State (Independent Charge) Personnel, Public Grievances and Pensions in Rajya Sabha, numerous incidents of malpractices have come to light in recent years:
 - **Repeated occurrences:** The Minister cited specific examples from 2018 onwards, including:
 - 12 incidents of malpractices since 2018 in Rajasthan.
 - Sub-Inspector Recruitment scam of Jammu & Kashmir in March in 2022.

- Diploma in Elementary Education paper leak in West Bengal in November, 2022.
- 2022 Teacher Recruitment Scam in Rajasthan.
- **Widespread impact:** These incidents affected various examinations, from teacher recruitment to police constable positions, highlighting the pervasive nature of the problem.
- **Loss of trust and fairness:** Such malpractices erode public trust in the integrity of exams, disadvantage genuine candidates, and create an unfair playing field.

Analysis for Prelims:

Note: The bill serves as a model draft for states to adopt at their discretion.

- **Covers:** Examinations held by the Union Public Service Commission, the Staff Selection Commission, the Railways, banking recruitment examinations, all computer-based examinations conducted by the National Testing Agency and entrance tests such as NEET, JEE, and CUET.
- **Offences:** The Bill defines several offences in relation to public examinations:
 - It prohibits collusion or conspiracy to facilitate indulgence in any unfair means. According to the bill, unfair means include:
 - Unauthorized access or leakage of question paper or answer key.
 - Assisting a candidate during a public examination.
 - Tampering with computer network or resources.
 - Tampering with documents for shortlisting or finalizing of merit list or rank.
 - Conducting fake examination, issuing fake admit cards or offer letters to cheat, for monetary gain.
 - It also prohibits:
 - Disclosing exam-related confidential information before time.
 - Unauthorized people from entering exam centers to create disruptions.
- **Organized crimes:** The Bill provides for a higher punishment for organized crimes - an unlawful act committed by a person or a group of persons to further a shared interest for wrongful gain in relation to public examinations.

Penalties:

- All the offences are **cognizable, non-bailable, and non-compoundable**.
- In general, offences are punishable with imprisonment **between three and five years**, and a fine up to Rs 10 lakh.
- However,
 - People committing an **organized crime** are to be punished with imprisonment between **five years** and 10 years and a fine of at least one crore rupees.
 - For the Institutions held guilty of committing an organized crime, its property will be attached and forfeited, and a proportionate cost of the examination will also be recovered from it.

Responsibilities of service providers:

- An offence by a service provider, an organization providing computer resources or any other support to a public examination authority, will be punishable with a fine of up to one crore rupees.
- Proportionate cost of examination will also be recovered from such a service provider.
- Such service providers will also be barred from conducting public examinations for four years.

Investigation of offences:

- An officer not below the rank Deputy Superintendent or Assistant Commissioner of Police to investigate the offences under the bill.
- As per the provisions, the central government may transfer the investigation to any central investigating agency.

Bodies formed:

- High Level National Technical Committee to be formed to develop protocols to secure digital platforms and devising strategies for implementing foolproof IT security systems.

Analysis for Mains:

- The harrowing issue of cheating in public examinations across India has multifaceted impacts and implications:
- **Erosion of Trust and Legitimacy:**
 - Public confidence in the fairness and integrity of examinations plummets, leading to cynicism and distrust in selection processes.
 - Educational institutions and examination boards face reputational damage, questioning their ability to conduct secure and reliable assessments.
 - The credibility of degrees and certifications diminishes, potentially impacting professional opportunities and social mobility.
- **Unequal Playing Field:**
 - Cheating creates an unfair advantage for those who engage in malpractices, disadvantaging honest and hardworking candidates who prepare diligently.
 - It also creates a vicious cycle where ethical candidates feel compelled to resort to unfair means to compete, perpetuating the problem.
 - This fuels feelings of frustration, resentment, and demotivation among honest candidates, potentially impacting their academic and career aspirations.
- **Societal and Economic Costs:**
 - The resources invested in conducting examinations, investigating malpractices, and re-conducting compromised exams lead to significant financial burdens.
 - Unethical practices in recruitment processes lead to the selection of unqualified individuals, potentially impacting performance and service delivery in various sectors.
 - It also erodes the trust in institutions, built over a long time and promotes a culture of dishonesty, undermining social values and ethical conduct.

Addressing the challenges through the bill:

The Bill proposes several measures to address these concerns:

- **Stricter Penalties:** Harsher punishments, including imprisonment and hefty fines, for individuals and institutions involved in malpractices will definitely deter cheating and incentivize ethical conduct.
- **Enhanced Enforcement Mechanisms:** Authorities have been empowered to investigate and prosecute offenders more effectively, potentially improving enforcement and reducing impunity.

Potential Challenges:

- **Effective Implementation:** The success of the Bill hinges on its diligent implementation across diverse regions and exam-conducting bodies. The discretion given to the states under the provisions may lead to variations in implementation across different states.
- **Resource Constraints:** Allocating adequate resources for enforcement, infrastructure, and technological upgrades might pose challenges.
- **Addressing the Root Causes:** While the Bill focuses on deterring and punishing malpractices, tackling underlying factors like poor educational quality, social pressure, and lack of opportunities requires broader reforms.

Conclusion:

- While the bill represents a significant step towards tackling cheating in public examinations, its effectiveness will depend on its implementation, addressing root causes, and complementing it with broader educational and societal reforms.
- By holding all stakeholders accountable and prioritizing fairness, India can work towards restoring the integrity of its examination system, ensuring opportunities for all and achieving the targets enshrined in National Education Policy 2020.

Draft Government rules on coaching centre ads

Context:

- Recently, the Central government unveiled draft guidelines to curb misleading advertisements by the coaching institutions.

Background:

- These draft guidelines were unveiled to curb misleading advertisements by coaching institutions due to several concerns:
- **Widespread complaints:** There were frequent complaints against coaching centres for using misleading and deceptive advertising practices. This included practices like:
 - False claims: Making claims of guaranteed success rates, 100% selection, or job placements without any verifiable data.
 - Misleading information: Concealing crucial details like the type of course (free or paid) and duration completed by students shown as success stories.
 - Misusing student achievements: Using names, photos, or testimonials of successful candidates without their consent or accurately reflecting their experience with the institute.

- **Unethical and unfair practices:** These practices were seen as unethical and unfair to students and their families, as they were being misled into making choices based on false information. This led to:
 - Many students and their families spending significant financial resources on coaching that was not be as effective as advertised.
 - Many students opting for drastic steps such as suicides (especially in Kota) etc in case of failure in the exams after the coaching.
- **Protecting consumer rights:** The CCPA, responsible for protecting consumer rights, aimed to address these concerns and create a level playing field in the coaching sector. These draft guidelines aim to provide clear standards for advertising and empower consumers to make informed decisions based on accurate information.

Analysis for Prelims:

About guidelines:

- **Drafted by:** Central Consumer Protection Authority (established under section 10 of the Consumer Protection Act 2019) titled:
 - **“Prevention of Misleading Advertisement in Coaching Sector”**
- **Released by:** Ministry of Consumer Affairs, Food and Public Distribution.

Content of guidelines:

Definitions:

- “Coaching” means tuition, instructions or academic support or learning programme or guidance provided by any person.
- “Person” means an individual and includes a group of persons or a body corporate, or a trust, firm or society or an institution.
- **Application:** These guidelines shall apply to all advertisements **regardless of form, format or medium.**

Conditions for Misleading Advertisement:

- Any person who engages in coaching shall be considered to be engage in a misleading advertisement if it employs any of the following practices:
 - Conceal important information related to name of the course (whether free or paid) and duration of course opted by successful candidate or any other important information which can influence a consumer's decision to choose their services.
 - Make false claims regarding success rates, number of selections, or rankings of students in any competitive exam without providing verifiable evidence.
 - Falsely represent that students' success is solely attributable to the coaching, without acknowledging the individual efforts of the students.
 - Fails to clearly state the extent of the coaching involvement in their success.
 - Create false sense of urgency or fear of missing out that may heighten anxieties amongst students or parents.
 - Any other practices that may mislead consumers or subvert consumer autonomy and choice.

Obligations of every person engaged in coaching:

1. Every person who is engaged in coaching shall:

- Disclose following information with successful candidate photo:
 - Rank secured by successful candidate.
 - Name of course opted by successful candidate.
 - Duration of course opted by successful candidate.
 - Whether such course is paid or free.
- Put disclaimer/disclosure/Important information at a prominent and visible place in the advertisement. The font of disclaimer/disclosure/Important information in the advertisement shall be the same as that used in the claim/advertisement.
- Accurately represent the facilities, resources and infrastructure available to students in the advertisement.
- Avoid cherry-picking exceptional cases to create a skewed impression of success.
- Maintain transparency and truthful representation in their advertisement.
- Provide accurate, verifiable information about their services in the advertisement.

2. Every Person who is engaged in coaching shall not:

- Use names, photos, testimonial or videos of successful candidate in advertisement without successful candidate's express consent.
- Make false claims which includes 100% selection or 100% job guaranteed or guaranteed preliminary/ mains or guaranteed admission to institutions or false testimonials of successful students or fake reviews.
- State or lead the consumers to believe that enrolment in coaching will guarantee the student a rank, high marks, temporary or permanent job, admissions to institutions, job promotions, salary increase, etc. unless the coaching is able to substantiate to such effect.
- Falsely represent that the services are of a particular standard/quality.
- Mislead or make exaggerated claims about faculty credential.
- Falsely represent that the course or certificate offered have recognition and/or approval of competent authority.

Other provisions under the guidelines:

- Where an advertisement is regulated under any other law for the time being in force or the rules or regulations made thereunder, the provisions contained in these guidelines shall be in addition to and not in derogation of, such regulation in other laws.
- In cases of any ambiguity or dispute in interpretation of these guidelines, the decision of the Central Consumer Protection Authority shall be considered final.

Analysis for Mains:

Impact of guidelines on children:

Positive impact:

- **Reduced Exposure to Misleading Information:** Children will be less exposed to inflated claims and unrealistic expectations, potentially lessening the pressure to achieve them.
- **Informed Decision-Making:** Parents and children can make more informed choices about coaching based on accurate information, potentially leading to better alignment with their needs and goals.
- **Focus on Learning and Growth:** The emphasis might shift from solely achieving results to the value of learning, personal development and building strong foundational knowledge.

Potential Concerns:

- **Limited Access to Coaching:** Stringent guidelines might inadvertently restrict access to legitimate coaching by raising barriers for smaller institutions. This could limit options for students from diverse backgrounds.
- **Competition Still Exists:** The guidelines primarily address advertising, and the underlying competitive nature of entrance exams and college admissions might still create a stressful environment for students unless broader systemic changes occur.

Impact of guidelines on future of Coaching Industry:

Positive impact:

- **Increased Transparency and Ethical Practices:** The guidelines can encourage coaching institutions to adopt more ethical and transparent advertising practices, fostering trust and credibility within the industry.
- **Focus on Quality and Personalized Learning:** The focus might shift from exaggerated claims to the quality of education, personalized learning approaches, and demonstrably effective teaching methods. This could lead to a more sustainable and student-centric coaching sector.

Potential Challenges:

- **Adapting to New Standards:** Existing institutions might face challenges in adapting to stricter advertising regulations, requiring them to invest in rebranding and new marketing strategies.
- **Potential Rise of Informal Coaching:** Strict regulations might lead to the rise of informal, unregulated coaching options, potentially offering less quality and potentially misleading practices but avoiding regulation.

Conclusion:

- Overall, the draft guidelines represent a step towards a more ethical and transparent coaching industry. While potential concerns exist regarding access and adaptation for institutions, the long-term benefits for children and the industry could be significant, creating a more balanced environment that focuses on learning and growth rather than solely on achieving results is sine qua non.

Mains practice question :

- Question: Evaluate the government's attempts to regulate the coaching industry in India, considering potential benefits and drawbacks for students, institutions, and the overall educational landscape. (Word Limit: 250 words)

Issue of appointment of DGPs of state

Context:

- Recently, the Ministry of Home Affairs (MHA) directed several states to adhere to the Supreme Court (SC) guidelines regarding the appointment of Director Generals of Police (DGPs) given in Prakash Singh Case.

Background:

- The MHA took this action because some states such as Uttar Pradesh, Andhra Pradesh, Telangana, Punjab, Uttarakhand, Odisha and West Bengal were repeatedly appointing "acting" DGPs, temporary in nature, even though eligible officers were available for the permanent position.

Analysis for Prelims:

- **Judgement in Prakash Singh vs Union of India Case:** The supreme court issued following 7 directives in 2006:
- **Constitute a State Security Commission to:**
 - Ensure that the state government does not exercise unwarranted influence or pressure on the police.
 - Lay down broad policy guideline.
 - Evaluate the performance of the state police.
- Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) are provided a minimum tenure of two years.
- Separate the investigation and law and order functions of the police.
- Set up a Police Establishment Board to:
 - Decide transfers, postings, promotions and other service-related matters of police officers of and below the rank of Deputy Superintendent of Police.
 - Make recommendations on postings and transfers above the rank of Deputy Superintendent of Police.
- Set up a Police Complaints Authority at:
 - The state level to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody.
 - The district levels to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct.

- Set up a National Security Commission (NSC) at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organizations with a minimum tenure of two years.
- **Regarding DGPs:**
 - Ensure that the DGP is appointed through merit based transparent process.
 - Ensure that the DGP must be selected from amongst the three senior-most officers empaneled by the Union Public Service Commission for the post. The selection will be made on the basis of the candidate's:
 - Length of service
 - Service record
 - Range of experience.
 - Once recommended on the basis of transparent objective criteria the Chief Minister can choose from amongst the best of the candidates. This way the chosen DGP is assumed to enjoy the trust of the political executive, the police service and the public.
 - Ensure that a minimum tenure of two years for the DGP is provided. The grounds for removal prior to the two-year period must be in accordance with the laid down law.
- The court has also mandated to ensure that no temporary or ad hoc appointments of police chiefs must be made barring exceptional circumstances.

Analysis for Mains:

Implications of Appointing Acting DGPs:

Appointing "acting" DGPs, in violation of the Supreme Court (SC) guidelines, can have several negative implications, impacting various aspects of the police force and society as a whole:

- **Reduced Stability and Continuity:** Acting DGPs often hold the position for shorter periods, leading to frequent changes in leadership. This disrupts long-term strategic planning, implementation of reforms, and building trust within the force. Frequent changes can also make it difficult to hold police leadership accountable for their actions and policies.
- **Increased Political Interference:** The practice of appointing acting DGPs without concurrence of UPSC can be seen as an attempt by the ruling party to exert greater control over the police force. This can lead to:
 - **Politically motivated decisions:** DGPs might feel pressure to prioritize policies that benefit the government in power rather than focusing on public safety and serving the community objectively.
 - **Reduced morale and professionalism:** Police officers might feel less motivated and professional if they perceive the DGP's position as politically influenced, hindering their commitment to duty.
- **Undermining Professionalism and Efficiency:** Acting DGPs might prioritize short-term goals and quick fixes over long-term planning and capacity building within the police force. This can lead to:
 - **Ineffective policing strategies:** Without a long-term vision and stable leadership, the force might struggle to address complex security challenges effectively.

- **Reduced public trust:** If the public perceives the police as politically motivated or lacking professionalism, it can lead to decreased trust and cooperation, ultimately impacting crime prevention and overall security.
- **Challenges to Legal Compliance:** Acting DGPs might lack the full authority and legal standing of a permanent DGP, potentially hindering their ability to effectively implement law and order, leading to inconsistencies and operational challenges.
- **Unequal Opportunities:** Frequent appointments of acting DGPs can bypass deserving senior officers who have waited their turn and gone through the rigorous selection process. This can create a sense of demotivation and unfairness within the force.

Conclusion:

- Overall, the practice of appointing acting DGPs can have detrimental consequences for the professionalism, effectiveness, and public trust in the police force. It is crucial for the stakeholders to adhere to the Supreme Court's guidelines to ensure a stable, independent, and well-functioning police force essential for a secure and democratic society.

Associated Additional Information:

UPSC Guidelines on appointment of DGPs:

- **Empanelling committee:** A Committee consisting of the following shall be constitute for empanelling
- officers for appointment as DGP (Head of Police Force) of the State Government:
 - Chairman or in his absence, Member, UPSC - President.
 - Home Secretary to Govt. of India or his nominee not below the rank of
 - Special Secretary to Govt. of India.
 - Chief Secretary of the State Government concerned.
 - Director General of Police of the State Government concerned.
 - An officer from amongst the head of CPOs/ CPMFs not belonging to the
 - cadre for which selection is being made, nominated by the Govt of
 - India, Ministry of Home Affairs
- More about committee:
 - The Chairman or the Member of the Commission shall preside at all meetings of the Committee.
 - The proceedings of the Committee shall be valid only if the Chairman or the Member of the Commission is present and more than half the members of the Committee attend the meeting.
- **Size of the panel of officers to be recommended for DGP:** The number of officers included in the panel shall not exceed 3. However, the Panel may consist of less than 03 officers in exceptional circumstances for the reasons to be recorded in writing.
- **Proposal to be sent to the UPSC by the committee:** The State Government shall send a proposal to the Commission for convening the meeting of the Empanelment Committee, complete in all respects, at least three months in advance of the occurrence of the vacancy to the post of DGP.

Electoral Dynamics

Children and elections: Instructions by the Election Commission of India

Context:

- Recently, Election commission issued instructions stipulating that political parties and candidates should refrain from using children in political campaigns and rallies in any manner.
- ECI also conveyed its zero tolerance towards use of children in any election related work.

Analysis for Prelims:

The important points of the instructions can be summarized as follows:

- **Prohibition of Child Participation:** Political parties are explicitly directed not to involve children in any election-related activities, including rallies, slogan shouting, distribution of posters or pamphlets, or any other campaign-related tasks.
- Leaders and candidates are prohibited from using children for campaign activities, such as holding them in their arms, carrying them in vehicles or during rallies.
- **Scope of Prohibition:** The prohibition extends to using children to create the appearance of a political campaign through poems, songs, spoken words, displaying political party/candidate insignia, promoting party ideology, or criticizing opponents.
- **Exception to the Rule:** The mere presence of a child accompanied by their parent or guardian in proximity to a political leader, who is not actively involved in any election campaign activity, is not considered a violation of the guidelines.
- **Legal Compliance:** All political parties and candidates are mandated to ensure strict compliance with the Child Labour (Prohibition and Regulation) Act, 1986, as amended by the Child Labour (Prohibition and Regulation) Amendment Act, 2016.
- **Enforcement:** District Election Officers and Returning Officers shall bear personal responsibility for ensuring compliance with all relevant acts and laws pertaining to child labour.
- Any violation of these provisions by election machinery under their jurisdiction will result in severe disciplinary action.

Analysis for Mains:

- The Election Commission of India's decision to prohibit the use of children in election campaigns is a significant step with multifaceted justifications and potential benefits.
- **Potential reasons for the ban:**
 - **Child Rights:** The primary driving force is likely the protection of children's rights.
 - Exposing children to the intense atmosphere of campaigns, involving late hours, exposure to crowds and potentially volatile situations, can be detrimental to their physical and emotional well-being.
 - Besides, their right to education and a safe environment can be compromised.

- **Exploitation:** Children are often used in campaigns due to their innocence and ability to evoke sympathy. However, this can be exploitative, depriving them of their childhood and potentially using them for political gains without their informed consent.
- **Level Playing Field:** Using children can give certain parties an unfair advantage, especially if they exploit their vulnerability or emotional appeal.
- **Transparency:** Campaigns involving children often lack transparency in terms of funding and consent.
- **Social Impact:** Children are easily influenced and their exposure to political campaigning can have long-term effects on their political views and understanding of democracy.

However, it is equally important to acknowledge potential challenges:

- **Implementation:** Ensuring strict implementation across diverse regions and political parties requires robust mechanisms and active vigilance from the ECI.
- **Awareness:** Raising awareness among political parties, campaign workers, and the general public about the ban and its implications is crucial.
- **Alternative Forms of Exploitation:** Special checks and vigilance against finding alternative ways to exploit children's innocence or influence in campaigns.

Conclusion:

- Overall, the ECI's decision to ban children in election campaigns is a commendable step towards protecting children's rights, promoting fairness, and upholding democratic values. While challenges exist in implementation and awareness, the potential benefits outweigh the drawbacks, making it a positive development for Indian democracy.

Supreme court's verdict on Electoral Bonds

Context:

- Recently, the Supreme Court struck down the electoral bonds scheme as being 'unconstitutional', 'arbitrary and violative of Article 14' of the constitution.
- The court also directed the SBI to submit details of electoral bonds purchased since April 12th 2019 till date to the Election Commission by March 6th 2024.
 - The details shall include the date of encashment and the denomination of the electoral bonds.
- In April 2019, the Supreme Court, in an interim order, had asked political parties to submit details of donations via electoral bonds to the EC in a sealed cover to be kept in the safe custody of the commission till further orders.

Four Questions:

1. Is the electoral bond scheme unconstitutional?
2. Does the Electoral Bond Scheme violate the voters' right to information ?
3. Can the scheme allow anonymity with the view to protect donors' right to privacy ?
4. Does the electoral bond scheme threaten the democratic process and free and fair elections ?

Background:

What are Electoral Bonds?

- Electoral bonds are a type of financial instruments that can be purchased by eligible donors to donate to political parties in India.
- These bonds are similar to promissory notes wherein the bank acts as the custodian and pays to the political party holding the bonds.

Introduction:

- First announced in then Finance Minister Arun Jaitley's Budget speech of 2017.
- Introduced through the Finance Bill 2017.
- Scheme notified by the Union government in 2018.

Changes made during introduction to Electoral Bond scheme to other Acts:

1. **Section 13A of the Income Tax Act:** It earlier said political parties must maintain a record of contributions above ₹20,000.
 - The Finance Act 2017 amended this to make an exception for contributions through electoral bonds.
 - Due to this amendment, parties are not required to maintain any record of what they receive through the electoral bonds.
2. **Section 29C of the Representation of the People Act (RPA), 1951:** Its earlier provisions mentioned that the parties should prepare a report on contributions in excess of ₹20,000 from any person or company in a financial year.
 - This was amended in 2017.
 - Due to this amendment the contributions through electoral bonds need not be included in the report.
3. **Section 182(3) of the Companies Act:** Under the earlier provision, the companies were required to disclose details of contributions to a political party, including the amount and the party's name, in its profit-and-loss account.
 - After the amendment, it was only required to reveal the total amount given to parties in a financial year. Besides the cap on total amount to be given was removed.
4. **Section 31 of RBI Act 1934**
 - This permitted the union government to authorise any scheduled bank to issue electoral bonds.

Provisions of Electoral Bonds:

Electoral bonds:

- Are bearer instruments in the nature of a Promissory Note and an interest free banking instrument.
- Can be purchased from designated branches of State Bank of India (SBI).
- Are available for purchase for a period of 10 days each in the months of **January, April, July and October** as may be specified by the Central Government.

- An additional period of 30 days can be specified by the Central Government in the year of the General election to the House of People.
- Are available in denominations of **Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh and Rs 1 crore.**
- Are valid for 15 days from the date of issue.
- Can be purchased only on due fulfilment of all the extant KYC norms and by making payment from a bank account.
- Do not carry the name of payee.
- Can be purchased by Indian citizens or entities established in India.
- Can be bought individually or jointly with other individuals.
- Can be purchased digitally or through cheques.
- Can only be donated to political parties that are registered under Section 29A of the Representation of the People Act, 1951 with the Election Commission of India.
- Such political parties must not have secured less than 1% of the votes polled in the last general election to the House of the People or the Legislative Assembly.
- Must be deposited by the political parties in their designated bank accounts with authorised bank.

Analysis (of the judgement):

Besides holding the scheme as Unconstitutional, the Supreme court held that:

- The voters have a right to information about political parties and their sources of funding.
- There is a “deep association” between money and politics.
 - Economic inequality contributes to political inequality by increasing the possibility of quid pro quo arrangements for those with the ability to contribute larger amounts to political parties.
- The Electoral Bond scheme violates the Right to information (RTI) under Article 19(1)(a), which guarantees the freedom of speech and expression.
 - RTI can only be restricted based on reasonable restrictions to freedom of speech and expression provided in Article 19(2) of the constitution.
 - Article 19(2) does not include curbing black money as a restriction in its provisions.
 - Even assuming curbing black money is a legitimate purpose, it is not proportional to the restrictions posed by the electoral bond scheme.
- Doctrine of Double Proportionality :
- Two competing rights :
 - Right of the electorate to full information
 - VERSUS
 - Right of the donors to informational privacy

Four step process:

1. Analysis of comparative importance of the rights claimed
 2. Examination of respective justifications for infringement of rights
 3. Independent application of proportionality standards
 4. Evaluation of cost of interference with the right.
- Electoral Bond scheme is not the only means to curb black money in electoral financing.
 - Other options such as Electoral Trusts are “less restrictive” and “equally effective” in fulfilling this purpose.
 - Financial contributions to political parties are usually made for two reasons:
 - One is support for a political party.
 - Second, as a quid pro quo.
 - **RPA 1951 already mandated disclosures of amounts above 20000 rupees only.**
 - So individual donors donating less than 20000 rupees were preserved their right to privacy.
 - But when larger contributions are made there is every chance that the donation isn't merely an expression of political affiliation but also involves some quid pro quo.
 - Huge contributions made by corporations should not be allowed to conceal the reason for financial contributions made by other sections of the population.
 - The **right to privacy** of political affiliation only extends to contributions that are made as genuine forms of public support, not contributions that are made to influence the policies of a political party
 - The ability of companies to influence the political process through contributions is much higher compared to individuals.
 - Besides, the contributions made by companies are purely business transactions made with the intent of securing benefits in return.
 - The court noted that “unlimited corporate contributions to political parties is arbitrary and violative of **Article 14 [of the constitution],**” which guarantees the right to equality before law.
 - It added that this violates “free and fair elections” as it would enable companies to unduly influence the ruling parties by giving them huge contributions.
 - Hence, the court struck down the amendment to Section 182 of the Companies Act and reinstated the cap on political contributions from companies (set at 7.5% of its average net profits from the preceding three years).

Four Questions:

1. Is the electoral bond scheme unconstitutional ?
2. Does the Electoral Bond Scheme violate the voters’ right to information ?
3. Can the scheme allow anonymity with the view to protect donors’ right to privacy ?
4. Does the electoral bond scheme threaten the democratic process and free and fair elections ?

Associated Additional Information:

Electoral Trusts:

- Introduced by the government in 2013 to facilitate donations to political parties by corporates and individuals.
 - Any company registered under Section 25 of the Companies Act, 1956, can form an electoral trust.
 - Any citizen of India, a company registered in India, or a firm or Hindu Undivided Family or association of persons living in India, can donate to an electoral trust under Section 17CA of the Income-tax Act, 1961.
 - The contributors' PAN (in case of a resident) or passport number (in case of an NRI) is required at the time of making contributions.
- They have to apply for renewal every three financial years.
- They must donate 95% of contributions received in a financial year to political parties registered under the Representation of the People Act, 1951.
- They are required to submit to the Election Commission of India, a report on contributions from individuals and companies and their donations to parties every year.

Donations Electoral Trusts vis-à-vis Electoral Bonds:

During the period 2017-18, the financial year in which Electoral Bonds (EBs) were first made available, to 2021-22:

- The money donated through EBs was more than five times the amount that came through the Electoral Trusts (ETs).
- Political parties got a total Rs 1,631 crore through ETs, while Rs 9,208 crore was donated through EBs.

Mains Practice Question :

- Question: In light of the recent Supreme Court judgement deeming Electoral Bonds unconstitutional, critically evaluate the implications for political funding in India. (150 words)

Weekly Current Affairs – Monthly Compilation

Polity & Governance – March 2024

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Governance and Social Justice

Equal opportunities policy for transgender persons

Context:

- Recently, the Ministry of Social Justice and Empowerment notified “Equal Opportunities Policy for Transgender Persons”.

Background and Analysis of the Policy:

- **Background:** The policy is in line with the provisions of the Transgender Persons (Protection of Rights) Act, 2019 and the Transgender Persons (Protection of Rights) Rules, 2020.
- **Objective:** The primary objective is to ensure fair treatment of transgender individuals, free from discrimination, harassment and bias, while establishing a robust grievance redressal mechanism.

Policy Statements:

- **Non-Discrimination & Enabling Work Environment:**
 - Discrimination based on gender identity or expression is strictly prohibited.
 - An employee shall not be denied recruitment, appointment, promotion, professional or training opportunities based on their gender identity.
 - A transgender employee to be addressed according to their pronouns.
- **Recruitment and Hiring:** Transgender individuals to be considered for employment based on their qualifications and skills without prejudice.
- **Workplace Harassment and Bullying:** Harassment based on gender identity is strictly prohibited and any reported incidents to be thoroughly investigated.
- **Privacy and Confidentiality:** Information related to gender identity to be treated with utmost confidentiality and employees to refrain from disclosing any such information without explicit consent.
- **Access to Facilities:** Infrastructural facilities (such as unisex toilets) and amenities (such as hygiene products) to be provided to the transgender persons.
- **Sensitivity Training and Awareness:** Regular training programs to be conducted to raise awareness. This includes education on:
 - The Transgender Persons (Protection of Rights) Act, 2019 and
 - The Transgender Persons (Protection of Rights) Rules, 2020.
- **Grievance Redressal Mechanism:** Appointment of a Complaint Officer, preferably of a senior rank, by the ministry.

Analysis for Mains:

The policy represents a significant step towards inclusivity. However, a critical analysis is sine qua non:

Positives:

- **Increased job opportunities:** Reduces discrimination, potentially leading to better access to employment.
- **More inclusive workplaces:** Promotes a respectful and inclusive work environment through awareness training and anti-harassment measures.
- **Enhanced dignity and rights:** Recognizes privacy and self-determination, promoting overall well-being and societal acceptance.

Policy challenges:

- **Implementation:** Requires resources and training for effective enforcement.
- **Workplace dynamics:** May lead to initial discomfort or resistance during adaptation.
- **Limited scope:** Currently restricted to specific ministry, broader impact requires further legislation.
- **Though,** Equal Opportunities Policy holds immense potential to improve the lives of transgender individuals, advocating for similar policies across all sectors would be the next logical step for creating a truly inclusive society. MSJE can do so by:

Knowledge Sharing and Advocacy:

- Spread best practices: Share experiences through workshops and online resources.
- Collaborate with NGOs: Partner for awareness campaigns and research.

Leveraging Legal Frameworks:

- Analyse existing laws: Identify legal grounds such as Right to Equality (Article 14) and the Right to Live with Dignity (Article 21) in the Indian Constitution for wider implementation.
- Develop model policy: Create a template for other organizations.

Recognition and Awards:

- Recognize inclusive organizations: Motivate others through awards.
- Collect data: Show the positive impact of the policy
- Hence, by employing a combination of these approaches, the MSJE can create a ripple effect, influencing other ministries and organizations to adopt similar policies and pave the way for a more inclusive and equitable society for transgender individuals.

Prelims PYQ

Question: In India, Legal Services Authorities provide free legal services to which of the following type of citizens? (UPSC Prelims 2020)

1. Person with an annual income of less than Rs. 1,00,000
2. Transgender with an annual income of less than Rs. 2,00,000
3. Member of Other Backward Classes (OBC) with an annual income of less than Rs. 3,00,000
4. All Senior Citizens

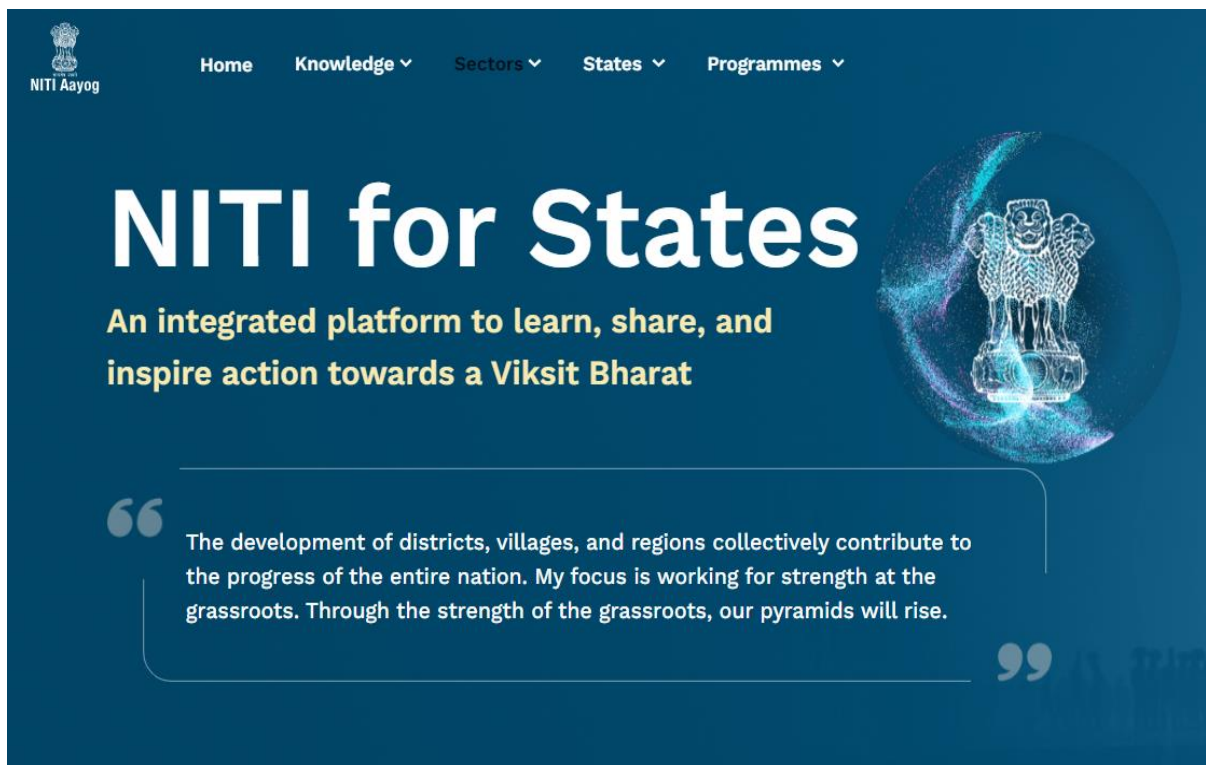
Select the correct answer using the code given below:

- A. 1 and 2 only
- B. 3 and 4 only
- C. 2 and 3 only
- D. 1 and 4 only

“NITI for states” Platform

Context:

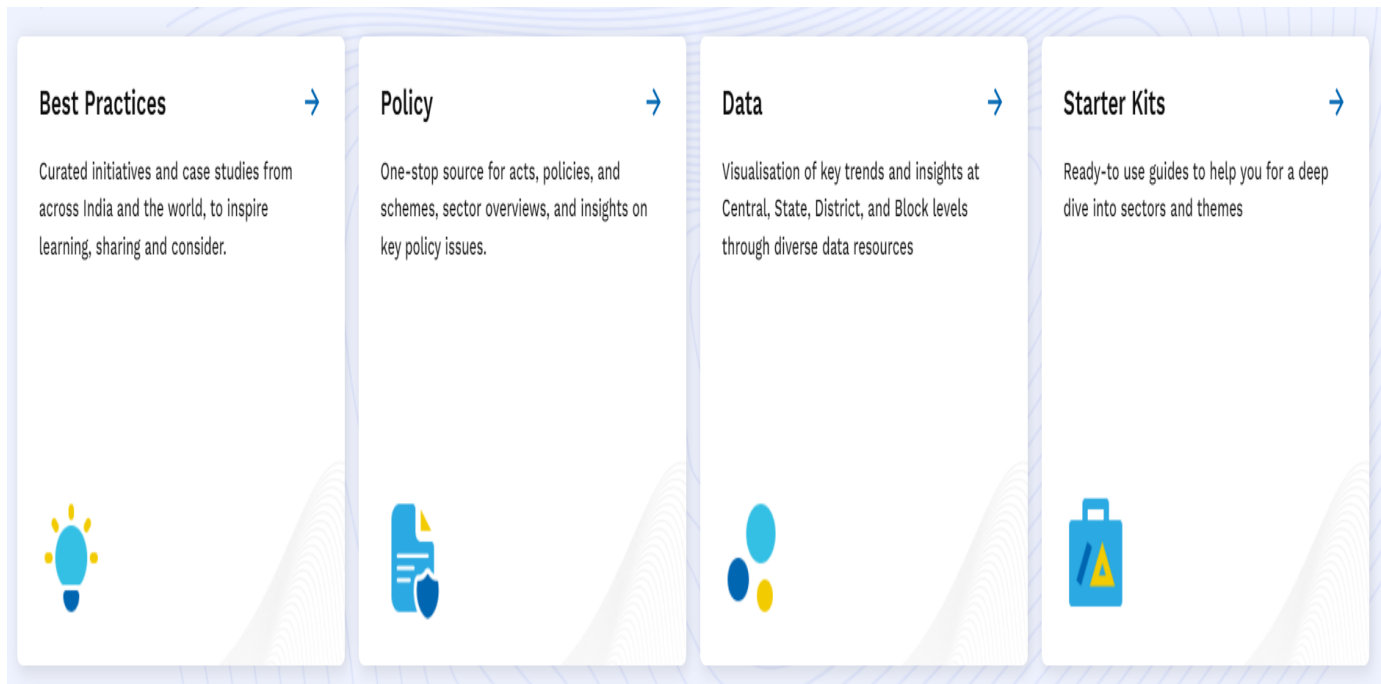
- Recently the Union Minister of Communications, Railways, and Electronics & Information Technology launched “NITI for states” Platform to help strengthening cooperative federalism and empower data-driven governance.



Analysis for Prelims:

Key Features of the platform:

- **Extensive Knowledge Base:** It houses a repository of 7,500 curated best practices, 5,000 policy documents, 900+ datasets, 1,400 data profiles, and 350 publications from NITI Aayog.
- **Multilingual Accessibility:** The platform aims to provide accessibility in 22 major Indian languages and 7 foreign languages, ensuring inclusivity for diverse user groups.



- **Extensive Knowledge Base:** It houses a repository of 7,500 curated best practices, 5,000 policy documents, 900+ datasets, 1,400 data profiles, and 350 publications from NITI Aayog.
- **Multilingual Accessibility:** The platform aims to provide accessibility in 22 major Indian languages and 7 foreign languages, ensuring inclusivity for diverse user groups.
- **Capacity Building Initiatives:** Customized digital training modules are offered for officials at various administrative levels (block, district, and state) in collaboration with relevant institutions.
- **Expert Help Desk:** Specialized guidance is provided through partnerships with leading institutions, enabling states and Union Territories to address specific challenges effectively.
- **Data Integration:** The platform integrates data from the National Data & Analytics Platform (NDAP) to offer comprehensive and actionable insights, fostering data-driven decision-making processes.

Analysis for Mains:

Expected Impact of the NITI for States Platform:

- Accelerate digital transformation of governance by equipping officials with robust knowledge, actionable insights, and user-friendly digital tools.
- Empower frontline functionaries at the district and block levels to replicate successful initiatives and address local challenges effectively.

- Foster cooperative federalism and strengthen good governance practices through knowledge sharing and cross-learning among states and UTs.

Conclusion:

- The 'NITI for States' platform stands as a pivotal initiative, empowering states and Union Territories to play a substantial role in advancing the collective vision of a developed India. It exemplifies NITI Aayog's dedication to fostering collaborative governance and advocating for good governance practices nationwide.

2 child rule

Context:

- Recently, The Supreme Court affirmed the Rajasthan government's decision to bar candidates with more than two children from applying for a police constable post.
 - The Court ruled that Rule 24(4) of the Rajasthan Police Subordinate Service Rules, 1989, which stipulates a maximum limit of two children per candidate, is **non-discriminatory and constitutional**.

Background:

Rule 24 of Rajasthan Police Subordinate Service Rules, 1989:

- It deals with "Disqualification for Appointment."
- Apart from those with over two children on or after June 1, 2002, it also disqualifies:
 - Male candidates with more than one living wife, unless the government is satisfied there exist special grounds for it.
 - Female candidates married to those who already have a living wife are disqualified unless the government is satisfied there are special grounds for it.
 - Candidates accepting dowry at the time of marriage.

Rule 24(4) of the Rajasthan Police Subordinate Service Rules, 1989:

- It says, "No candidate shall be eligible for appointment to the service who has more than two children on or after" June 1, 2002.
- There are two conditions to this:
 - The first is that candidates having more than two children will not be deemed disqualified as long as the number of children they had on June 1, 2002, does not increase.
 - Secondly, for candidates having "only one child from earlier delivery" but more than one child from a "single subsequent delivery" (twins), "the children so born shall be deemed to be one entity."

Analysis for Prelims:

Ruling of the Supreme Court:

- Recalling that a “somewhat similar provision” was introduced as an eligibility condition to contest panchayat elections and was upheld by the SC in its 2003 ruling in “**Javed vs. State of Haryana**”, the court upheld Rule 24.

Javed vs. the State of Haryana case 2003:

- In this case, a three-judge Bench upheld **the Haryana Municipal (Second Amendment) Act, 1994**, and consequently affirmed the two child-policy for holding the offices of sarpanch or up-sarpanch in the state.
- The court held that the classification which disqualifies candidates for having more than two living children was “**non-discriminatory**” and “**intra-vires the Constitution**” since the objective behind the provision was to promote family planning.

Potential Positives:

- Reduced Financial Burden:** Smaller families ease the financial burden on police officers, potentially leading to less corruption and improved focus on their duties.
- Increased Efficiency:** With fewer dependents, officers might have greater mobility and flexibility in their work schedules, potentially improving overall police efficiency.
- Population Control Alignment:** This policy aligns with India's broader population control efforts, potentially contributing to long-term demographic stability.

Potential Negatives:

- Discrimination Concerns:** The policy raises concerns about discrimination based on family size, potentially excluding qualified candidates.
- Privacy Intrusion:** Scrutinizing personal family choices might be seen as an intrusion into an individual's privacy.
- Limited Pool of Candidates:** A smaller pool of eligible candidates could hinder recruitment efforts, especially in areas with lower birth rates.
- Focus on Wrong Aspect:** The policy might not directly address core issues affecting police performance, such as training, compensation, and work environment.

Additional Considerations:

- Alternatives:** Exploring alternative solutions to address the concerns behind the policy, such as financial planning workshops or childcare benefits for police officers, might be more effective.
- Social and Economic Factors:** The policy might disproportionately impact lower socioeconomic groups who tend to have larger families, potentially exacerbating existing inequalities.

Conclusion:

- The Supreme Court's decision has both potential benefits and drawbacks. A nuanced approach that considers the effectiveness of the policy in achieving its objectives, along with potential discriminatory impacts, is crucial. Exploring alternative solutions that address the underlying concerns might be a more sustainable approach to improving police performance.

Additional Associated Information:

Small family as a criterion to qualify for various positions in various states:

- The Rajasthan Panchayati Raj Act 1994 disqualifies those with over two children from contesting elections as a panch or a member.
- The Odisha Zilla Parishad Act, 1991, bars those with more than two children from contesting.
- The Gujarat Local Authorities Laws (Amendment) Act, 1962, disqualifies those with more than two children from contesting elections for bodies of local self-governance, like panchayats, municipalities, and municipal corporations.
- The Maharashtra Civil Services (Declaration of Small Family) Rules, which came into force in 2005 mandate the filing of a “small family declaration” while applying for a government job.
- In 2021, the UP-State Law Commission proposed the Uttar Pradesh Population (Control, Stabilisation and Welfare) Bill, which sought disqualification from appointment for government employees with more than two children, disqualifying those with over two children from contesting municipal or panchayat elections, and a housing tax rebate for non-government employees having two or fewer children, among other incentives.

Mains Practice Question:

- **Question:** Should a two-child policy be implemented nationwide for government jobs in India? Analyse. (150 words)

SC asks centre to fix hospital treatment charges for entire country

Context:

- Recently, the Supreme Court directed (mandamus) the central government to expeditiously fix the hospital treatment charges to be paid by patients within the next six weeks.

Background:

- The bench was hearing a PIL filed under Article 32 of the constitution by an NGO: Veterans Forum for Transparency in Public Life, praying for the Supreme Court’s direction to determine the rate of fee chargeable by hospitals across the country from the patients in terms of Rule 9 of the Clinical Establishment (Central Government) Rules, 2012.

Analysis for Prelims:

About Rule 9 of the Clinical Establishment (Central Government) Rules, 2012:

- It states that for registration and continuation, every clinical establishment shall fulfil the following conditions, namely -
 - Every clinical establishment shall display the rates charged for each type of service provided and facilities available, for the benefit of the patients at a conspicuous place in the local as well as in English language.
 - The clinical establishment shall charge the rates for each type of procedure and services within the range of rates determined and issued by the Central Government from to time, in consultation with the State Governments.

- The clinical establishments shall ensure compliance of the Standard Treatment Guidelines as may be determined and issued by the Central Government or the State Government as the case may be, from time to time.
- The clinical establishments shall maintain and provide Electronic Medical Records or Electronic Health Records of every patient as may be determined and issued by the Central Government or the State Government as the case may be, from time to time.
- Every clinical establishment shall maintain information and statistics in accordance with all other applicable laws for the time being in force and the rules made thereunder.

Analysis for Mains:

- The Supreme Court's directive for the Central Government to fix hospital treatment charges across India stems from a need to address several key issues in the healthcare sector:
 - **Lack of Standardization:** Currently, hospital treatment charges vary widely across states, cities, and even within the same city. This lack of standardization makes it difficult for patients to budget for healthcare, potentially leading to financial hardship, especially for those requiring critical or unexpected care.
 - **Potential for Exploitation:** Unregulated charges can create an environment where hospitals, particularly private ones, exploit patients, especially those in emergencies or with limited resources. This can lead to unnecessary procedures or inflated costs, putting a significant financial strain on patients and families.
 - **Accessibility of Healthcare:** High and unpredictable costs can discourage people from seeking necessary medical treatment. This can lead to delayed diagnoses, worsening conditions, and poorer health outcomes overall. Early detection and treatment are crucial for managing chronic diseases and improving overall health.
 - **Equity and Affordability:** A standardized pricing structure can help ensure that healthcare is more affordable and accessible to all citizens, regardless of their socioeconomic background. This promotes a more equitable healthcare system where everyone has a fair chance of receiving necessary medical treatment.
- By directing the government to establish standardized charges, the Supreme Court aims to bring more transparency, predictability, and potentially affordability to healthcare costs in India. This can have a positive impact on both patients and the overall healthcare system.

Mains PYQ:

- Question: The Supreme Court recently considered national standardization of hospital treatment charges. Analyse its impact on healthcare accessibility, affordability, and quality. (150 words)

Directorate of Enforcement

Context:

- Recently, the Calcutta High Court asked the Directorate of Enforcement (ED) to increase the rates of convictions to close to 100% and follow the lead of developed countries such as Japan and Singapore, whose conviction rate in corruption cases is around 80%, which enabled them to become corruption free.

Background:

History of Directorate of Enforcement:

- In 1956, an 'Enforcement Unit' was formed in the Department of Economic Affairs for handling Exchange Control Laws violations under Foreign Exchange Regulation Act, 1947.
- In 1957, this Unit was renamed as 'Enforcement Directorate'.
- In 1960, the administrative control of the Directorate was transferred from Department of Economic Affairs to Department of Revenue.
- From 1973 – 1977, the Directorate remained under the administrative jurisdiction of the Department of Personnel & Administrative Reforms.

Analysis for Prelims:

About Directorate of Enforcement:

- It is a multi-disciplinary organization mandated with investigation of offence of money laundering and violations of foreign exchange laws.

Administrative Control:

- Department of Revenue, Ministry of Finance, Government of India

Functions include enforcement of following Acts:

- The Prevention of Money Laundering Act, 2002:** It is a criminal law. ED has been given the responsibility to enforce the provisions of the PMLA by conducting investigation to trace the assets derived from proceeds of crime, to provisionally attach the property and to ensure prosecution of the offenders and confiscation of the property by the Special court.
- The Foreign Exchange Management Act, 1999:** It is a civil law. ED has been given the responsibility to conduct investigation into suspected contraventions of foreign exchange laws and regulations, to adjudicate and impose penalties on those adjudged to have contravened the law.
- The Fugitive Economic Offenders Act, 2018:** This law was enacted to deter economic offenders from evading the process of Indian law by remaining outside the jurisdiction of Indian courts. Directorate is mandated to attach the properties of the fugitive economic offenders who have escaped from the India warranting arrest and provide for the confiscation of their properties to the Central Government.
- The Foreign Exchange Regulation Act, 1973:** The main functions under the repealed FERA are to adjudicate the Show Cause Notices.

- **Sponsoring agency under COFEPOSA:** Under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA), Directorate is empowered to sponsor cases of preventive detention with regard to contraventions of FEMA.

Positive aspects:

- **Combating Financial Crime:** The ED plays a crucial role in deterring money laundering, terror financing, and other financial crimes that can destabilize the economy and national security.
- **Recovering Lost Funds:** By investigating and attaching assets linked to criminal activities, the ED helps recover ill-gotten wealth and return it to the rightful owners.
- **Promoting Transparency:** The ED's investigations can expose financial irregularities and corruption, promoting greater transparency in financial transactions.
- **International Cooperation:** The ED collaborates with international agencies to track cross-border financial crimes, strengthening global efforts against money laundering and terrorist financing.
- **Deterrence Effect:** The possibility of investigation and asset seizure by the ED can deter individuals and businesses from engaging in financial crimes.

Negatives aspects:

- **Potential for Abuse of Power:** Concerns exist about the ED's broad powers to search, seize assets, and arrest individuals. This raises potential for misuse and violation of individual rights if not exercised with proper oversight.
- **Opaque Processes:** The ED's investigative processes can be opaque, lacking transparency in decision-making and evidence presentation. This can lead to accusations of bias and unfair targeting.
- **Selective Enforcement:** Critics allege that the ED might be more focused on pursuing cases against certain individuals or businesses with political motivations, undermining its credibility.
- **Impact on Businesses:** Rigorous investigations and asset seizures can have a chilling effect on legitimate businesses, hindering economic growth and investment.
- **Long Delays:** Trials related to ED cases can be lengthy, leading to prolonged uncertainty and potential hardship for those accused.

Conclusion:

- The Enforcement Directorate plays a significant role in safeguarding India's financial system and combating financial crimes. However, concerns about potential abuse of power and lack of transparency necessitate strong oversight mechanisms and adherence to due process. Striking a balance between effective investigation and upholding individual rights remains a crucial challenge for the ED.

Additional Associated Information:

Conviction rate of ED (As reported by minister in the Parliament):

- During the last nine years, the trial has been completed in 31 PMLA cases which resulted in the conviction of 54 accused in 29 cases. Thus, as of July 2023, rate of conviction under PMLA is 93.54 per cent.

Mains PYQ:

- **Question:** Discuss how emerging technologies and globalisation contribute to money laundering. Elaborate measures to tackle the problem of money laundering both at national and international levels. (UPSC Mains 2021)

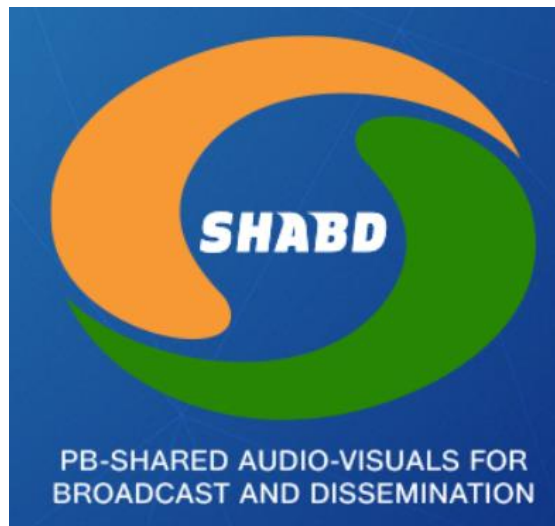
Mains Practice Question:

- **Question:** The ED's role in India's financial security is vital, but concerns exist. Analyse its positives and negatives and suggest measures to improve its effectiveness while upholding the law and due process. (150 words)

PB-SHABD

Context:

- Recently, the Union Minister of Information and Broadcasting launched PB-SHABD.



Analysis for Prelims:

About PB-SHABD:

- It is a news sharing service from Prasar Bharat.
- The platform has been designed to provide daily news feeds in video, audio, text, photo and other formats to the subscribers from media landscape.
- It is powered by the vast network of Prasar Bharati reporters, correspondents and stringers.
- The shared feeds can be used for customized storytelling across different platforms.
- At present, the SHABD service is being offered free of cost for the first year as an introductory offer and will provide news stories in all major Indian languages across fifty categories.

PIB's Fact Check Unit

Context:

- Recently, the Government of India today notified Fact Check Unit (FCU) under the Press Information Bureau (PIB) of the Ministry of Information and Broadcasting (MIB) as the fact check unit of the Central Government.
- In the Gazette notification, the Ministry of Electronics and Information Technology notified the PIB FCU under the provisions of the sub-clause (v) of sub-rule (1) of rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

Background:

- The Fact Check Unit under PIB was established in November 2019 with a stated objective of acting as a deterrent to creators and disseminators of fake news and misinformation.

Analysis for Prelims:

About Fact Check Unit under PIB:

- The FCU is mandated to counter misinformation on Government policies, initiatives and schemes either Suo motu or under a reference via complaints.
- It actively monitors, detects and counters disinformation campaigns, ensuring that false information about the Government is promptly exposed and corrected.
- It also provides people with an easy avenue to report suspicious and questionable information pertaining to the Government of India.
- It also undertakes measures to ensure the accessibility of the fact-checks to persons with disabilities:
 - Since images constitute a major part of social media, it is becoming increasingly imperative to provide 'Alternative text' (ALT) to ensure the universal reach of content. The PIB Fact Check Unit provides alternative text alongside all its posts disseminated on its Twitter, Facebook and Instagram handle.

Supreme Court directions and eShram portal

Context:

- The Supreme Court directed the States and Union Territories to give ration cards to 8 crore migrant workers who are registered on the eShram portal but not provided benefits under National Food Security Act within two months.
- According to the court, all those registered on the eShram portal must be given the document (ration card).

Background:

- This decision came after the court expressed concern over unnecessary delays, like the requirement to update eKYC for all 800 million ration cardholders before complying with the court's orders.
- The portal has 28.6 crore registrants. Of this, 20.63 crore find place in ration card data.

Analysis for Prelims:

More about the directions of the Supreme Court:

- The Supreme Court said:
- It was the duty of a welfare state to include every migrant worker on the ration card roll expeditiously.
- Any exercise of eKYC that the Centre wants to undertake should happen at the same time and must not come in the way of issuing ration cards.
- The ration cards must be issued irrespective of the quotas defined in Section 3 of NFSA.
 - The Section talks about the right to receive food grains at subsidised prices by persons belonging to eligible households under the Targeted Public Distribution System.

About eShram Portal:

- Developed by the Ministry of Labour & Employment (MoLE) as a National Database of Unorganized Workers (NDUW) seeded with Aadhaar.
- It has details of name, occupation, address, occupation type, educational qualification, skill types etc. for optimum realization of their employability and extending the benefits of the social security schemes to them.
- It is the first-ever national database of unorganized workers.



Objectives of eShram Portal:

- Creation of a centralized database of all unorganized workers (UWs) including Construction Workers, Migrant Workers, Gig and Platform workers, Street Vendors, Domestic Workers, Agriculture Workers, etc., seeded with Aadhaar.
- To improve the implementation efficiency of the social security services for the unorganized workers.
- Integration of Social Security Schemes meant for UWs being administered by MoLE and subsequently those run by other ministries as well.
- Sharing of information in respect of registered unorganised workers with various stakeholders such as Ministries/ Departments/ Boards/ Agencies/ Organisations of the Central & State Governments through APIs for delivery of various social security and welfare schemes being administered by them.
- Portability of the social security and welfare benefits to the migrant and construction workers.
- Providing a comprehensive database to Central and State Governments for tackling any National Crises like COVID-19 in future.

Registration on the portal:

- Any individual satisfying following condition can register on the portal:
- Age should be between 16-59 years.
- Not a member of EPFO/ESIC or NPS (Govt. funded).
- Following is required to register on the portal:
 - Aadhaar Number.
 - Mobile number linked with Aadhaar.
 - Savings Bank Account number with IFSC code.

Digital Criminal Case Management System and Sankalan app

Context:

- In a major fillip to India's fight against terrorism and organized crime, Union Home Minister inaugurated a unique digital Criminal Case Management System (CCMS) and Sankalan app

Background and Analysis:

About Digital Criminal Case Management System (CCMS):

- It is designed by the National Investigation Agency (NIA).
- It has been designed to:
 - Bring standardization into investigations.
 - Enable easy and streamlined compilation of terror-related data across the country.
- It will enable the NIA personnel to better coordinate in terrorism and organized crime cases, thereby improving justice delivery.

A new stand-alone version of CCMS has also been developed by NIA.

- It is a user-friendly and easy-to-deploy, customizable, browser-based software to help the State Police forces in their investigations and prosecution.
- It will help the State forces organize, integrate and digitalize the data generated during investigations, such as case documents, extracted data, collected evidence, and the charge sheets presented to the court.

About Sankalan app:

- It is a compendium of New Criminal Laws by National Crime Records Bureau (NCRB).
- It has been designed for navigating through new criminal laws as a bridge between old and new criminal laws.
- It will work as a comprehensive guide for all stakeholders.
- It will work in offline mode as well.
- Its availability has been ensured in far-flung areas so that all stakeholders can have access to desired information around the clock.
- It will be available for download on Google Play Store, Apple Store and its desktop version may be downloaded from official websites of MHA and NCRB.

Judiciary and Law

Regional Benches of Supreme Court

Context:

- Recently, the Parliamentary standing committee on Personnel, Public Grievances, Law and Justice told Lok Sabha that the government has accepted its proposal to establish regional benches of the Supreme Court throughout India.

Background:

- 1984:** The 10th Law Commission recommended the formation of two divisions of the Supreme Court. One to listen to only constitutional matters (Constitutional Division), and the other to listen the remaining cases (Legal Division).
- 2009:** The 18th Law Commission recommended the formation of regional benches of the Supreme Court of India.
- 2021:** Bar Associations of various High Courts, specifically from the southern part of the country, raised the demand for regional benches with the Chief Justice and the President of the country.
- 2021:** A Private Member's Bill was introduced in the parliament, which raised the demand to set up four regional benches of the Supreme Court in Delhi, Mumbai, Chennai and Kolkata for the North, West, South, and East zones, respectively, to decentralise the Supreme Court.

Analysis for Prelims:

Article 130 of the constitution:

- Seat of Supreme Court:** The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time appoint.
- This Article implies the legal possibility of establishing regional benches.

Analysis for Mains:

Arguments in Favor of Regional Benches for the Supreme Court:

- Increased Accessibility:**
 - Reduced Geographic Barriers:** As highlighted by the Parliamentary Standing Committee, regional benches could bridge the physical gap between the Supreme Court and citizens in far-flung regions. This would significantly reduce the financial and logistical burdens associated with traveling to Delhi for legal matters, particularly for marginalized communities and those facing resource constraints.
 - Enhanced Local Representation:** Regional benches could foster a sense of greater local ownership and participation in the judicial system by bringing justice closer to the people. This can be particularly beneficial for addressing issues specific to each region's socio-cultural and legal landscape.
 - Fundamental Right:** Establishing regional benches of the Supreme Court may allow 'Access to justice', which is a fundamental right under the Constitution.
- Improved Judicial Efficiency:**

- **Reduced Case Backlog:** By sharing the workload of the Supreme Court, regional benches could potentially expedite case disposal, addressing the ever-growing backlog of cases. Currently, there are close to 80,000 pending cases with the Supreme Court. This could lead to faster resolution of disputes and improved access to timely justice for all.
- **Specialized Expertise:** Judges in regional benches could develop deeper knowledge and understanding of legal nuances specific to their regions. This specialization could lead to more informed and contextually relevant decisions, potentially improving the quality and effectiveness of judgments.
- **Decentralization and Development:**
 - **Decentralization of Power:** Establishing regional benches could promote decentralization of power and decision-making within the judiciary. This can foster a sense of greater local autonomy and responsiveness to regional legal needs.
 - **Development of Legal Infrastructure:** The setting up of regional benches could incentivize the development of legal infrastructure and expertise across different parts of the country. This could enhance legal awareness at the grassroots level and contribute to the overall growth of the legal ecosystem in diverse regions.
- **Reduced Burden on High Courts:** Regional benches could potentially alleviate the burden on high courts, especially in regions with a high volume of cases. This could lead to faster resolution of disputes at the lower court level, improving overall judicial efficiency.
- **Greater Opportunities for Legal Practitioners:** The establishment of regional benches could open up more opportunities for lawyers across the country, potentially fostering a more diverse and inclusive legal profession.

Arguments Against Regional Benches for the Supreme Court:

- **Fragmentation of Jurisprudence:**
 - **Inconsistency in Judgments:** A key concern is the potential for regional benches to deliver conflicting interpretations of laws and legal principles. This could lead to inconsistencies in judicial decisions across different regions, creating confusion and undermining the uniformity of law application throughout the country. As former CJI K.G. Balakrishnan cautioned, it could even risk "disintegration of the institution" if left unchecked.
- **Increased Litigation:**
 - **Frivolous Petitions:** Concerns exist that regional benches might encourage frivolous petitions or "forum shopping", where litigants strategically choose the bench perceived to be more favourable to their case. This could lead to an increase in unnecessary litigation, further burdening the already strained judicial system.
- **Potential for Bias:**
 - **Regional Biases and Political Influence:** There are apprehensions that regional benches might be susceptible to regional biases or political influence, particularly in areas with strong local interests or political pressures. This could raise concerns about the impartiality and fairness of judicial decisions.
- **Concerns about Quality and Expertise of Judges:** There are some apprehensions that the quality and expertise of judges appointed to regional benches might not be on par with those at the main bench in

Delhi. This could potentially affect the consistency and reliability of judgments delivered by regional benches.

- **Logistical and Resource Concerns:**

- **Financial Strain:** Establishing and maintaining regional benches would require significant financial investments in infrastructure, including court facilities, staff, and technology. This could place additional strain on already limited judicial resources and budgets, especially considering the existing vacancies in the judiciary.

- **Issue of National Integration:** It is believed that a centralized Supreme Court fosters a sense of national unity and a shared legal identity. Establishing regional benches could potentially weaken this sense of unity and commonality.

Conclusion:

- Establishing regional benches for the Supreme Court presents a complex dilemma for the stakeholders. While arguments like increased accessibility and regional expertise hold merit, concerns regarding potential inconsistencies in law and resource constraints cannot be ignored.
- Ultimately, the decision requires a careful analysis and balancing the potential benefits against the challenges. Although, Article 130 of the constitution presents a legal possibility, a thorough and nuanced evaluation of their potential impact on the Indian judicial system should be carried out.

Mains Practice Question:

- **Question:** The ever-growing backlog of cases in the Supreme Court has reignited the debate on establishing regional benches. Critically evaluate. (150 words)

Dying declaration

Context:

- In **Naeem vs State of Uttar Pradesh Case**, a division bench of the Supreme Court convicted the accused solely on the basis of a dying declaration.

Background:

The Significance of Dying Declarations in Legal Proceedings:

- Dying Declarations hold a crucial role in the administration of justice, a practice upheld since ancient times.
- These declarations are deemed credible because they are made when an individual is on the verge of death, at a point where worldly concerns fade away.
- In such moments, there's little room for deception, and the truth is believed to be spoken with utmost sincerity.
- The solemnity of impending death ensures that the declaration remains untainted by ulterior motives, particularly when recounting the circumstances leading to the demise.
- Hence, in legal proceedings, dying declarations are granted special reverence, akin to the solemnity of an oath administered in a courtroom.

Analysis for Prelims:

In **Atbir vs Government of NCT of Delhi Case**, the court had laid down certain factors to be taken into consideration while resting the conviction on the basis of dying declaration:

- Dying declaration can be the sole basis of conviction if it inspires the full confidence of the court.
- The court should be satisfied that the deceased was in a fit state of mind at the time of making the statement and that it was not the result of tutoring, prompting or imagination.
- Where the court is satisfied that the declaration is true and voluntary, it can base its conviction without any further corroboration.
- It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence.
- Where the dying declaration is suspicious, it should not be acted upon without corroborative evidence.
- A dying declaration which suffers from infirmity such as the deceased was unconscious and could never make any statement cannot form the basis of conviction.
- Merely because a dying declaration does not contain all the details as to the occurrence, it is not to be rejected.
- Even if it is a brief statement, it is not to be discarded.
- When the eyewitness affirms that the deceased was not in a fit and conscious state to make the dying declaration, medical opinion cannot prevail.
- If after careful scrutiny, the court is satisfied that it is true and free from any effort to induce the deceased to make a false statement and if it is coherent and consistent, there shall be no legal impediment to make it the basis of conviction, even if there is no corroboration.
- These guidelines were taken into consideration **Naeem vs State of Uttar Pradesh Case** when court clearly held that dying declaration can be the sole basis of the conviction if it inspires the full confidence of the court and follow the guidelines mentioned above.

Analysis for Mains:

Supreme Court Ruling on Dying Declarations: A Double-Edged Sword

- The ruling while it allows dying declarations to be the sole basis for conviction under specific conditions, it presents both positive and negative implications for the justice system.

Positives:

- **Securing Justice for Victims:** In cases where there are no eyewitnesses or other concrete evidence, a reliable dying declaration can be crucial for securing a conviction and bringing closure to victims and their families.
- **Deterrence:** The knowledge that a dying declaration can lead to a conviction could deter potential criminals, especially in cases where they believe they can eliminate all other witnesses.
- **Simplifying Trials:** In some situations, relying solely on a corroborated dying declaration might streamline the trial process, saving time and resources.

Negatives:

- **Vulnerability to False Statements:** Dying declarations are inherently susceptible to manipulation. A grudge, fear, or external pressure might lead a dying person to make a false accusation.

- **Verifying Mental State:** Determining the deceased's mental state at the time of the declaration can be challenging. Confusion or pain-induced hallucinations could lead to inaccurate statements.
- **Lack of Corroboration:** Relying solely on a dying declaration, even if seemingly credible, removes the safeguard of corroborating evidence, potentially increasing the risk of wrongful convictions.

Way forward:

- **Stricter Standards:** To mitigate the risks, the court should establish stricter guidelines for evaluating the admissibility of dying declarations. This might include a mandatory medical examination to confirm the declarant's mental state and safeguards against potential manipulation.
- **Judicial Discretion:** While allowing dying declarations as sole evidence, judges must exercise immense caution and consider all available circumstances before reaching a conviction. Corroborative evidence, if available, should be strongly considered.

Conclusion:

- The Supreme Court's ruling offers a potential tool for securing convictions, but it necessitates a cautious and meticulous approach. Implementing stricter standards, coupled with careful judicial evaluation, can help maximize the positive impact of this ruling while minimizing the risk of erroneous convictions.

Union and State Legislature

Disqualification of MLA

Context:

- Recently, the Speaker of Himachal Pradesh state assembly disqualified Six Congress MLAs under the Tenth Schedule after they cross-voted in the recent Rajya Sabha polls in Himachal Pradesh.

Analysis for Prelims:

Disqualification of the Member of Legislative Assembly:

- **According to Article 191 of the Constitution of India**, a person can be disqualified for being chosen as a member of either house of the State Legislature if:
 - If the person holds any office of profit under the government of India or under the government of any state.
 - If the person is of unsound mind.
 - If the person is charged with insolvency.
 - If he is not a citizen of India.
 - If he is disqualified by or under any law made by Parliament.
- **According to Tenth Schedule of the Constitution of India**, a person shall be disqualified from membership in either house of state legislature:
 - If the person voluntarily gives up their position in their political party.
 - If the person votes or abstains from voting in the house contrary to any direction issued by the political party and action is not condoned by the political party within 15 days of such incident.
 - If an independent person joins a political party after being elected.

- If a nominated person joins a political party after the expiry of six-month period.
- **According to Representation of the People Act, 1951:**
 - Under **Section 8**, a person can be disqualified for getting convicted under certain offences.
 - Under **Section 9**, a person can be disqualified for dismissal for corruption or disloyalty.

Decision on the disqualification of members:

- **According to Article 192 of the Constitution of India:**
 - If any question arises regarding disqualifications mentioned in Article 191, the question shall be referred for the decision of the Governor and his decision shall be final.
 - Before giving any decision, the Governor shall obtain the opinion of the Election Commission.
- **Under the Tenth Schedule:** The question of disqualification is decided by the Speaker.

Analysis for Mains:

The disqualification of Members of Legislative Assembly (MLAs) is a complex issue:

Disqualifying MLAs: Potential Benefits

- **Deters misconduct:** Disqualification threat discourages unethical/illegal activities, promoting accountability and ethical conduct.
- **Boosts public trust:** Disqualification signals the legislature's commitment to integrity and ethical representation, potentially improving public trust.
- **Improves representation:** Removing unfit individuals allows for qualified replacements, enhancing constituent representation and legislative contributions.
- **Enhances functioning:** Disqualification can remove disruptive or corrupt individuals, fostering a more productive and collaborative legislative environment.

Disqualifying MLAs: Potential Drawbacks

- **Excessive punishment:** May be unfair for minor offenses, damaging an MLA's reputation and career disproportionately.
- **Disenfranchisement:** Can lead to temporary or permanent loss of representation, impacting the constituency's voice in the legislature.
- **Political instability:** In close margins, disqualification can drastically shift power, causing instability and disrupting the legislative process.
- **Misuse of power:** The disqualification process could be misused, allowing the ruling party to silence dissent or manipulate the legislature for their benefit.

Conclusion:

- Disqualification presents a complex situation; hence, it is crucial to weigh the potential benefits and drawbacks. Ultimately, the goal should be to maintain a balance between holding individuals accountable and protecting the integrity of democratic representation.

Additional Associated Information:

- **In Ramesh Dalal vs. Union of India (2005) Case:** The Supreme Court held that a sitting MP or MLA shall be subject to disqualification from contesting elections if he is convicted and sentenced to not less than 2 years of imprisonment by a court of law.
- **In Lily Thomas vs. Union of India (2013) Case:** The Supreme Court held that MPs and MLAs convicted for two years or above would be disqualified immediately.
- **In Pradyut Bordoloi vs. Swapnam Roy (2000) Case:** The Supreme Court laid down principles determining the expression “office of profit. Following four principles were outlined:
 - Whether the government exercises control over appointment, removal, and the performance and functions of office.
 - Whether the office has any remuneration attached to it.
 - Whether the body in which the office is held has governmental powers.
 - Whether the office enables the holder to influence by way of patronage.

Prelims PYQ

Question 1: With reference to anti-defection law in India, consider the following statements:

1. The law specifies that a nominated legislator cannot join any political party within six months of being appointed to the House.
2. The law does not provide any time-frame within which the presiding officer has to decide a defection case.

Which of the statements given above is/are correct? (UPSC Prelims 2022)

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

Question 2: Which one of the following Schedules of the Constitution of India contains provisions regarding anti-defection? (UPSC Prelims 2014)

- A. Second Schedule
- B. Fifth Schedule
- C. Eighth Schedule
- D. Tenth Schedule

Mains PYQ

- Question: “There is a need for simplification of Procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act”. Comment. (UPSC Mains 2020)
- Question: On what grounds a people’s representative can be disqualified under the representation of people act, 1951? Also, mention the remedies available to such person against his disqualification. (UPSC Mains 2019)

Nomination to Rajya Sabha

Context:

- Recently, the Philanthropist and author in Kannada and English Sudha Murty was nominated to the Rajya Sabha by the President as per the provision of Article 80(3) of the Indian Constitution.

Background:

Article 80 of Constitution of India: Composition of the Council of States

- The Council of States shall consist of:
 - twelve members to be nominated by the President in accordance with the provisions of clause (3); and
 - not more than two hundred and thirty-eight representatives of the States and of the Union territories.
- The allocation of seats in the Council of States to be filled by representatives of the States and of the Union territories shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.
- The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience **in respect of such matters as** the following, namely: Literature, science, art and social service.
- The allocation of seats in the Council of States to be filled by representatives of the States and of the Union territories shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.
- The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience **in respect of such matters as** the following, namely: Literature, science, art and social service.

Analysis for Prelims:

- Besides the two hundred and thirty-eight representatives of the States and of the Union territories, the Rajya Sabha consists of twelve members nominated by the President under 80(3) of the Indian Constitution.
 - The nominated members shall consist of persons who have special knowledge or practical experience in respect of such matters as literature, science, art and social service.
- Under the **Allocation of Business Rules, 1961**, the subject "Nominations to the Rajya Sabha" is allocated to the **Ministry of Home Affairs** which is the administrative Ministry for initiating the process of nominations. After a nomination is made by the President, that Ministry notifies the same.

Additional Associated Information:

Ram Gopal Singh Sisodia Vs. Union of India through its Secretary & Ors case (2012):

- On 19 December 2012, a Public Interest Litigation was filed in Delhi High Court, challenging the nomination of Shri Sachin Ramesh Tendulkar as a member of Rajya Sabha.
- The Court examined the scope of article 80(3) of the Constitution.

In the judgement:

- The court stated that the use of the words in article 80(3) '**in respect of such matters as the following**' is also indicative of the matters mentioned thereafter, viz., literature, science, art and social service, which are illustrative and not exhaustive.
- The court also observed that the framers of the Constitution of India, **by adopting the principle of nomination in Rajya Sabha**, ensured that the nation receives the services of the most distinguished persons of the country who have earned distinction in their field of activity. By nominating them to the Rajya Sabha, the State enables them to enrich the debates by their expertise and knowledge that they have in different areas.

Mains Practice Question:

- **Question:** The Rajya Sabha, envisioned as the 'Council of States', provides for the nomination of twelve members by the President. Critically evaluate the significance of this constitutional provision. (150 words)

Panchayati Raj and Local Bodies

Cantonments and cantonment boards

Context:

- Recently, The Central government issued a gazette notification to denotify civil areas of 10 cantonments (out of 58) in the country.
- These areas will now be merged with the state municipalities (local bodies) concerned.

Background:

- A cantonment area is a delimited area where the military forces and troops are permanently stationed.
- In terms of Entry 3 of Union List (Schedule VII) of the Constitution of India, Urban Self Governance of the Cantonments and the Housing Accommodation therein is the subject matter of the Union of India.

Analysis for Prelims:

About Cantonment boards:

- The overall municipal administration of the notified Cantonments is the function of the Cantonment Boards which are democratic bodies.
- The Station Commander of the Cantonment is the ex-officio President of the Board and an officer of the IDES or Defence Estates Organisation is the Chief Executive Officer who is also the Member-Secretary of the Board.
- The Board has equal representation of the elected and nominated/ex-officio members to balance the official representation with the democratic composition.
 - The elected members hold office for a term of five years while the nominated members (i.e., ex-officio members) continue so long as they hold the office in that station.
 - The vice-president of the board is elected by the elected members from amongst themselves for a term of five years.
 - The executive officer of the cantonment board is appointed by the president of India.

- He implements all the resolutions and decisions of the board and its committees.
 - He belongs to the central cadre established for the purpose.
- DGDE is an Inter Services Organisation of the Ministry of Defence which directly controls the Cantonment Administration. Some of the functions performed by DGDE towards the Cantonment Administration are:
 - Policy making in respect of various facets of the Cantonment administration.
 - Advising Ministry of Defence on matters relating to Cantonments.
 - Preparing and submitting the Annual Administration Report of all Cantonments to the Parliament
 - Enactment of Rules, Regulations and Bye-laws
 - Election and variation of Cantonment Boards
 - Monitoring, inspecting and guiding the Boards on various functional parameters
 - Assessment of the need for grants to Cantonments and allotment of Ordinary and Special Grants-in aid to Cantonment Boards
 - Assessing and allotting the service charges to all Cantonment Boards
 - Processing of taxation proposals
 - Classification of posts, supervisory, non-supervisory posts, industrial disputes etc.
 - Issues relating to the welfare of Cantonment Board Staff-Ex-gratia payment of bonus, etc.
- There are four categories of Cantonments which depend on the size of population residing inside a Cantonment. The Category I cantonment board consists of the following members:
 - A military officer commanding the station
 - An executive engineer in the cantonment
 - A health officer in the cantonment
 - A first-class magistrate nominated by the district magistrate
 - Three military officers nominated by the officer commanding the station
 - Eight members elected by the people of the cantonment area
 - Chief Executive Officer of the cantonment board
- The functions performed by a cantonment board are similar to those of a municipality. These are statutorily categorised into obligatory functions and discretionary functions.
- The sources of income include both, tax revenue and non-tax revenue.

Constitutional Framework

Citizenship (Amendment) Rules, 2024

Context:

- Recently, the Ministry of Home Affairs (MHA) notified the Citizenship Amendment Rules, 2024.

Background:

- On December 11, 2019, the Citizenship (Amendment) Act (CAA) was passed by Parliament, which for the first time allows citizenship on the basis of religion. The notification enabled the implementation of the provisions in the 2019 Act.

Analysis for Prelims:

- The CAA aims to expedite citizenship for persecuted minorities (Hindu, Sikh, Buddhist, Jain, Parsi, and Christian) from Afghanistan, Pakistan, and Bangladesh who entered India before December 31, 2014.

The new CAA Rules have the following provisions:

About Proof of Country of Origin:

- Unlike the Citizenship Act, 1955, a valid travel document is not mandatory.
- Applicants can provide various documents issued by these countries, including:
 - Birth certificates
 - Educational institution certificates
 - Any identity documents
 - Any license or certificate
 - Land or tenancy records
 - Any other document proving prior citizenship
 - Alternatively, documents showing citizenship of grandparents or great grandparents in these countries are also acceptable.

About Proof of Indian Language Knowledge:

- The requirement for a certificate from an educational institution certifying that the applicant knows one of the languages mentioned in the Eighth Schedule of the Constitution is eliminated.
- Applicants can now self-declare their proficiency in any language listed in the Eighth Schedule of the Indian Constitution. The ability to speak the chosen language will be enough.

About Proof of Date of Entry into India:

- The CAA Rules allow a wide range of documents to establish the date of entry, including:
 - Valid visa or residential permit issued by the Foreigners' Regional Registration Office (FRRO)
 - slip issued by census enumerators in India
 - Driving license, Aadhaar card, ration card, or government/court letter
 - Birth certificate (Indian)

- Land or tenancy records
- Registered rent agreement
- PAN card issuance document
- Documents issued by central/state government, PSUs, or banks
- Certificates from elected officials or revenue officers
- Documents related to post office accounts, insurance policies, utility bills
- Court/tribunal records
- EPF documents
- School leaving/academic certificates
- Municipal trade license
- Marriage certificate

About Application Processing:

- The process is now electronic.
- Applications are to be submitted to a District Level Committee (DLC). And an Empowered Committee, headed by a Director (Census Operations), makes the final decision.

About the Committees:

- The **Empowered Committee** will be headed by a Director (Census Operations) and will have as its members:
 - An officer of the Subsidiary Intelligence Bureau (under the Ministry of Home Affairs) of the rank of deputy secretary or above.
 - The FRRO.
 - The State Informatics Officer of the National Informatics Centre (under the Ministry of Electronics & Information Technology).
 - The Postmaster General (under the Union Ministry of Communications) of the state.
 - A representative each from the state home department and the Railways will be invitees to the Committee.
- The **District Level Committee** shall consist of:
 - The District Informatics Officer or District Informatics Assistant of the concerned district.
 - A nominee of the central government.
 - The two invitees to the committee will be a representative of the district collector's office not below the rank of Naib Tehsildar or equivalent, and the jurisdictional station master of the Railways (subject to availability).
- This relaxed approach to evidence collection aims to simplify the application process for those eligible under the CAA. However, it's important to note that the final decision on citizenship rests with the Empowered Committee.

Prelims PYQ

Question:

Consider the following statements:

1. Aadhaar card can be used as a proof of citizenship or domicile.
2. Once issued, Aadhaar number cannot be deactivated or omitted by the Issuing Authority.

Which of the statements given above is/are correct? (UPSC Prelims 2018)

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

Question:

With reference to India, consider the following statements:

1. There is only one citizenship and one domicile.
2. A citizen by birth only can become the Head of State.
3. A foreigner once granted citizenship cannot be deprived of it under any circumstances.

Which of the statements given above is/are correct? (UPSC Prelims 2021)

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

Government Schemes

"Vocal for local" initiative

Context:

- NITI Aayog recently launched the "Vocal for Local" initiative.

Background:

- In a move towards bolstering local economies and fostering grassroots entrepreneurship, NITI Aayog launched the initiative under its Aspirational Blocks Programme.

Analysis:

About "Vocal for Local" initiative:

- The initiative aims to encourage a spirit of self-reliance among the populace of Aspirational Blocks, propelling them towards sustainable growth and prosperity.
- As a part of this initiative, **indigenous local products** from 500 Aspirational Blocks have been mapped and consolidated under "Aakanksha".

- **Aakanksha** is an umbrella brand which could be supplemented into multiple sub-brands that have a potential to create an international market.
- In order to encourage these products, a dedicated window for Aspirational Blocks Programme under the brand name “Aakanksha” on GeM portal has also been established.
- Under the initiative, District Collectors and the Block Level Officials will collaborate with partners like Government e-Marketplace (GeM) and Open Network for Digital Commerce (ONDC) to facilitate sustainable growth of micro enterprises in Aspirational Blocks.
 - The partners will also provide technical and operational support for the facilitation of e-commerce onboarding, establishing linkages, financial/digital literacy, documentation/certification and skill enhancement among others.

Conclusion:

- By nurturing a conducive ecosystem for local businesses to flourish, the 'Vocal for Local' initiative is poised to usher in a new era of economic empowerment and self-sufficiency. Through sustained efforts and collective action, NITI Aayog remains committed to realizing the full potential of every Aspirational Block, driving inclusive growth and prosperity for all.

Additional Associated Information:

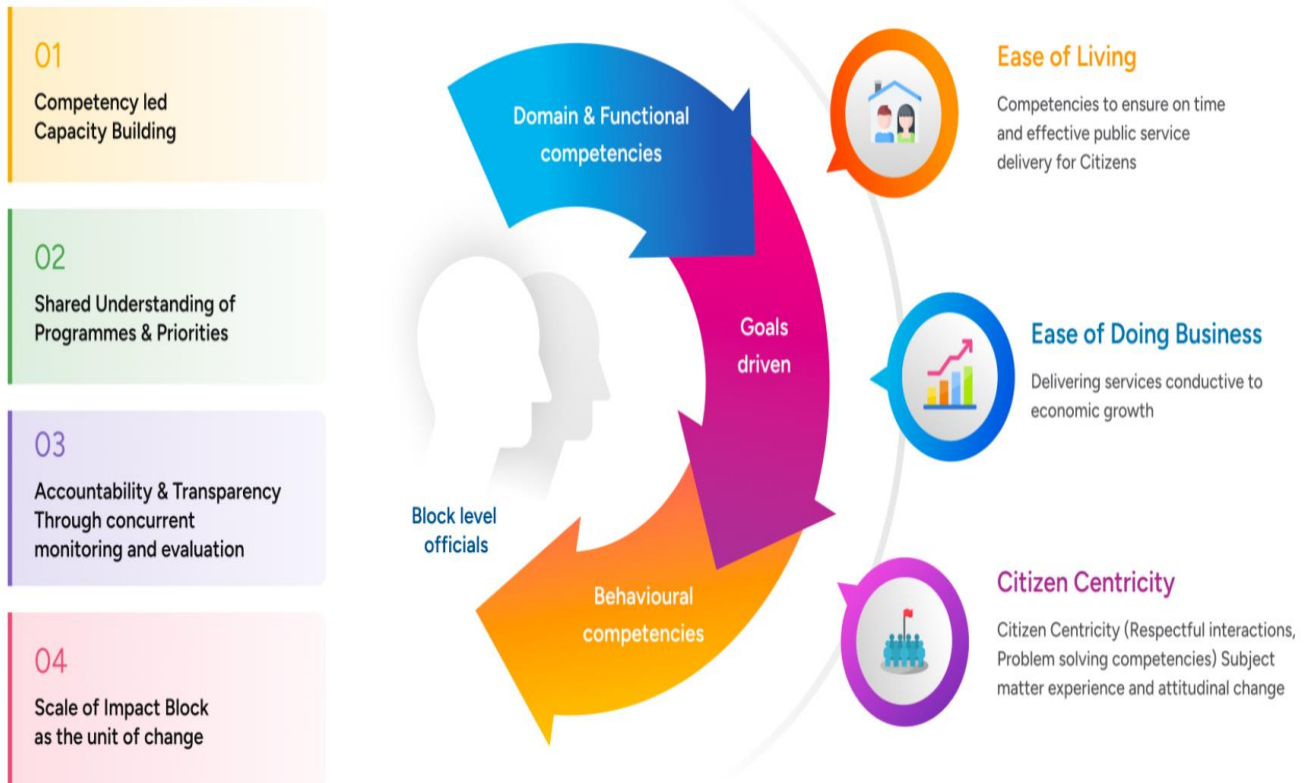
Aspirational Blocks Programme (ABP): Transforming India's Remote Blocks

- Launched in January 2023 by the Prime Minister under NITI Aayog, the Aspirational Blocks Programme (ABP) aims to **improve governance** and **enhance the quality of life** in India's most remote and underdeveloped blocks.

Key Focus Areas:

- **Improved Service Delivery:** The program prioritizes efficient service delivery in these blocks, ensuring residents have access to essential services.
- **Bridging Gaps:** By converging existing schemes, defining clear outcomes, and closely monitoring progress, ABP works to bridge development gaps in these areas.
- **Selection and Implementation:**
- **500 Blocks Identified:** An Inter-Ministerial Committee, in consultation with states, has selected 500 blocks across 27 States and 4 Union Territories for the program.
- **Focus on Key Indicators:** Each block will monitor progress based on key socio-economic indicators categorized under themes like:
 - Health & Nutrition.
 - Education.
 - Agriculture & Allied Services.
 - Basic Infrastructure.
 - Social Development.
- **Collaborative Approach:** These grassroot administrators will work collaboratively with state and district administrations to achieve their defined strategies and objectives.

- **Block Officials as Change Leaders:** ABP identifies Block Officials as leaders of change, empowering them with the necessary skills and support to drive transformation within their blocks.



Miscellaneous

PM-SURAJ portal

Context:

- Recently, the Prime Minister launched Pradhan Mantri Samajik Utthan evam Rozgar Adharit Jankalyan (PM-SURAJ) portal

Background and Analysis:

- **Ministry involved:** Ministry of Social Justice and Empowerment

Objectives and Significance:

- To function as a national gateway to provide credit support specifically for small entrepreneurs belonging to marginalized communities in India.
- To offer direct financial assistance, bypassing middlemen and eliminating associated commissions and ensuring that financial aid reaches the intended beneficiaries more effectively.
- **Targeted Beneficiaries:** Small entrepreneurs from marginalized communities, including Scheduled Castes, Backward Classes and sanitation workers.

Conclusion:

- By facilitating easier access to credit, the PM-SURAJ Portal can empower these communities to establish or expand their businesses, thereby fostering economic and social development and achieving greater social and economic inclusion.

National Creators Award

Context:

- Recently, the Prime Minister conferred the newly formed National Creators Award to online content creators.



Background:

The Rise of a Vocal India: A Backdrop for the National Creators Award

- The creator economy is experiencing a meteoric rise, amplifying a **symphony of voices** from every corner of the nation. These digital creators are not merely content producers; they are **storytellers of a New India**, one brimming with confidence and self-assuredness.
- Their narratives transcend mere entertainment. These digital pioneers are champions of social impact, passionate advocates for preserving and promoting local culture, and potent forces in stimulating tourism.
- These awards serve as a platform to not only acknowledge the exceptional work of these creators but also to amplify their message, inspire others to follow their lead, and ultimately, contribute to the ongoing transformation of India.

Analysis:

Objectives of the award:

- **Illuminating Changemakers:** To recognize and celebrate leading digital content creators who are demonstrably effecting positive societal change.
- **Elevating Diverse Perspectives:** To showcase a plurality of digital voices engaged in addressing critical social issues.
- **Fostering Collaboration and Connectivity:** To connect and facilitate collaboration among a distinguished community of digital creators, thought leaders, and government representatives.
- **Empowering the Next Generation:** To empower the next generation of changemakers by providing a launchpad for awardees to propel their social impact initiatives forward.

About Award:

- The award was given in 20+ categories.

Award Categories



Analysis for Mains:

Factors Influencing the Growth of the Creator Economy in India:

The creator economy in India is experiencing phenomenal growth, driven by a confluence of factors:

- **Rising Internet Penetration and Mobile Access:** India boasts a rapidly growing internet user base, with a significant portion accessing it through smartphones. This widespread accessibility creates a vast audience for digital content creators.

- **Affordable Data Plans:** The availability of affordable data plans allows users to consume online content more readily, further fueling the demand for high-quality creator content.
- **Rise of Social Media Platforms:** Social media platforms like YouTube, Instagram, and TikTok provide creators with readily available platforms to showcase their work, build communities, and directly engage with audiences.
- **Monetization Opportunities:** These platforms offer diverse monetization options for creators, including advertising revenue sharing, brand collaborations, and direct fan support through features like subscriptions and virtual tipping.
- **Shifting Content Consumption:** The traditional media landscape is evolving. Consumers, particularly younger generations, are increasingly turning towards online creators for entertainment, information, and inspiration.
- **Local Content Demand:** There's a growing demand for content in regional languages and reflecting local cultures. This presents a unique opportunity for Indian creators to cater to a specific and engaged audience.

Significance of the Creator Economy:

The rise of the creator economy in India holds significant value for the nation:

- **Economic Growth:** The creator economy fuels entrepreneurship and contributes to the GDP through advertising revenue, brand collaborations, and the creation of new jobs.
- **Cultural Influence:** Creators act as cultural ambassadors, showcasing India's diverse heritage and traditions to a global audience. This fosters cultural appreciation and promotes tourism.
- **Social Impact:** Content creators can be powerful agents of social change, raising awareness about critical issues, mobilizing public opinion, and advocating for reform.
- **Empowerment:** The creator economy empowers individuals, particularly from smaller towns and cities, to showcase their talents and build a career around their passions.
- **Skill Development:** This digital ecosystem fosters the development of new skills like content creation, marketing, and online engagement, leading to a more skilled workforce.
- **Democratic Discourse:** Creators can contribute to a more informed and engaged citizenry by creating content that sparks discussions on important social and political issues.

Conclusion:

- Overall, the creator economy in India is not just a platform for entertainment; it's a powerful driver of economic growth, cultural influence, social change, and individual empowerment.

Additional Associated Information:

Examples which can be quoted:

- **Green Champion Award:** Ms Pankti Pandey from Ahmedabad, an ex-scientist from ISRO, received the Green Champion Award for amplifying the message of Mission LiFE.
- **Award for Best Creative for Social Change:** Jaya Kishori, known as Meera of modern times, received this award. She shares stories from Bhagavad Gita and Ramayana insightfully, explaining her journey as a 'Kathakaar'. She creates interest among the youth by presenting the great insights of the epics of

our culture. She also talks about the possibility of living a meaningful life while fulfilling one's materialistic responsibilities.

- **Most Impactful Agri Creator Award:** Lakshya Dabas received this award for his work on improving agricultural practices with the use of innovation and technology. He trained more than 30,000 farmers about ways of natural farming and protecting the crops from insects and pests.
- **Cultural Ambassador of the Year Award:** Maithili Thakur received this award. She performs original songs, covers, and traditional folk music in multiple Indian languages.
- **Swachhata Ambassador Award:** Malhar Kalambe received this award for leading clean-up drives since 2017. He also raises awareness on plastic pollution and climate change. He is the founder of 'Beach Please'.
- **Best Creator in Education Category:** Naman Deshmukh received this award. He is an Instagram influencer and content creator in the tech and gadget space. He covers technology, gadgets, finance, social media marketing, and educates audiences on tech-related subjects like AI and coding.

Electoral Dynamics

High Level Committee report on "One nation, One election"

Context:

- Recently, the high-level committee headed by former President Ram Nath Kovind submitted its report to the President. The comprehensive 21-volume, 18,626-page report contains 11 chapters plus Annexures.

Background:

- The HLC, popularly known as the Kovind panel after its chairman, former President Ram Nath Kovind, was constituted in September 2023, to go into the issue of "One nation, one election".

Analysis:

Reasons for holding simultaneous elections:

The government lists the following reasons in favor of holding simultaneous elections:

- Frequent elections burden the government exchequer with additional expenditure. If the expenditure incurred by political parties is also added, these figures will be even higher.
- Asynchronous elections cause uncertainty and instability, thwarting supply chains, business investments and economic growth.
- Disruption of government machinery due to asynchronous elections causes hardship to citizens.
- Frequent use of government officials and security forces adversely affect discharge of their duties.
- Frequent imposition of the Model Code of Conduct (MCC) causes policy paralysis and slows down the pace of the developmental programs.
- Staggered elections induce 'voters' fatigue' and present a significant challenge in ensuring their participation.

Recommendations of the committee:

- **AMENDING THE CONSTITUTION:**
- The Constitution should be amended to enable simultaneous elections in two steps.
 - **In the first step**, simultaneous elections will be held to Lok Sabha and State Assemblies. For this, no ratification by the states will be required for the constitutional amendment.
 - **In the second step**, elections to municipalities and the panchayats will be synchronized with elections to Lok Sabha and state Assemblies in such a way that local body elections are held within 100 days of the elections to Lok Sabha and state Assemblies. This will require ratification by not less than one-half of the states.
- **SINGLE ELECTORAL ROLL AND ELECTION ID:** For the purpose of preparation of single electoral roll and electoral photo identity cards for use in elections to all the three tiers of government, the Constitution should be amended, so that the Election Commission of India can prepare a single electoral roll and election ID in consultation with the State Election Commissions.
 - **Note:** These amendments will require ratification by not less than one-half of the states.
- **IN CASE OF HUNG HOUSE, ETC.:** In the event of a hung House, a no-confidence motion, or any such event, fresh elections should be held to constitute the new Lok Sabha or state Assembly for the unexpired term of the House.
- **MEETING LOGISTICS REQUIREMENTS:** For meeting logistical requirements, the Election Commission of India should plan and estimate in advance, in consultation with the State Election Commissions, and take steps for the deployment of manpower, polling personnel, security forces, EVMs/VVPATs, etc., so that free and fair simultaneous elections are held in all the three tiers of the government.

Mains Practice Question:

- **Question:** Discuss the feasibility and desirability of conducting simultaneous elections in India. Examine the potential benefits and challenges associated with this proposal. (250 words)

One Nation One Election



1. After examination of all relevant evidences, including the macroeconomic analysis, the Committee finds that the loss of simultaneity in elections after the first two decades of India's independence has had a baneful effect on the economy, polity and society. Initially, two elections were held every ten years. Now, several elections are being held every year. This casts a huge burden on the Government, businesses, workers, Courts, political parties, candidates contesting elections, and civil society at large. **The Committee, therefore, recommends that the Government must develop a legally tenable mechanism in order to restore the cycle of simultaneous elections.**

2. The Committee recommends that in the first step, simultaneous elections to the House of the People and the State Legislative Assemblies be held. In the second step, the elections to Municipalities and Panchayats will be synchronized with the House of the People and State Legislative Assemblies

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in such a way that elections to Municipalities and Panchayats are held within a hundred days of the holding of elections of the House of the People and the State Legislative Assemblies.

3. For the purpose of synchronisation of elections to the House of the People and State Legislative Assemblies, the Committee recommends that the President of India may, by notification, issued on the date of the first sitting of the House of the People after a General election, bring into force the provision of this Article, and that date of the notification shall be called the Appointed date.
4. And the tenure of all State Legislative Assemblies, constituted by elections to the State Legislative Assemblies after the Appointed date and before the expiry of the full term of the House of the People, shall be only for the period ending up to the subsequent General elections to the House of the People.

Constitutional Amendments?

- Recommends amending Article 324A for enabling simultaneous elections in Panchayats and municipalities with General Elections of L.S/L.A.
- Amendment in Article 325 for enabling single Electoral Roll and Single EPIC which shall be prepared by ECI in consultation with SEC's.
- Since these amendments touch upon state subjects, Entry 5 of Schedule 7 State List, ratification by states will be required.
- Step 1 does not require states consent.

Cases of Hung assembly/No confidence motion etc.

7. The Committee recommends that in the event of a hung House, no-confidence motion, or any such event, fresh elections may be held to constitute the new House.

Where fresh elections are held for the House of the People, the tenure of the House of the People will be only for the unexpired term of the immediately preceding full term of the House of the People and the expiration of this period shall operate as a dissolution of the House.

A Constitution Amendment Bill will have to be introduced in the Parliament amending Article 83 (Duration of Houses of Parliament) and Article 172 (Duration of State Legislatures). This Constitutional Amendment will not need ratification by the States.

Outcome

The recommendations of the Committee depict a rationale embedded in the principles laid down by the Supreme Court of India in *Kesavananda Bharati v. State of Kerala*¹,

“Every Constitution is expected to endure for a long time. Therefore, it must necessarily be elastic. It is not possible to place the society in a straitjacket. The society grows, its requirements change. The Constitution and the laws may have to be changed to suit those needs. No single generation can bind the course of the generation to come.

Model Code of conduct (MCC)

Context:

- Recently, The Election Commission of India announced that the country would vote in seven phases in the Lok Sabha elections, from April 19 to June 1 and the results will be announced on June 4. With this, the Model Code of Conduct (MCC) came into effect.

Background:

- MCC traces its origin to assembly elections in Kerala, 1960 when the administration tried to evolve a “code of conduct” for the political parties.
- MCC was first issued by Election Commission of India under the title of “Minimum Code of Conduct” in 1968 during the Mid-Term Elections 1968-69.
- In 1979, the Election Commission, in a conference of political parties, consolidated the code.
- The code has been further revised in 1982, 1991 and 2013.

Analysis for Prelims:

About MCC:

- The MCC is a set of guidelines issued to regulate political parties and candidates prior to elections. The rules range from issues related to speeches, polling day, polling booths, portfolios, the content of election manifestos, processions, and general conduct, so that free and fair elections are conducted.

Period of enforcement:

- The MCC comes into force from the date the election schedule is announced until the date when the results are out.

Nature of MCC:

- MCC is voluntary in nature and it has no statutory backing. This implies that anybody breaching the MCC can't be proceeded against under any clause/section of the MCC. Election Commission can use moral sanction or censure for its enforcement.

Guidelines contained in MCC:

1. General Conduct:

- No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.
- There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- All parties and candidates shall avoid scrupulously all activities which are “corrupt practices” and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of

48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.

- The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc., without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
- Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties.

2. Meetings:

- The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time.
- A Party or candidate shall ascertain in advance if there is any restrictive or prohibitory order in force in the place proposed for the meeting.
- If permission or license is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license.
- Organizers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder.

3. Procession:

- A Party or candidate organizing a procession shall decide beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinary be no deviation from the programme.
- The organizers shall give advance intimation to the local police authorities of the programme so as to enable the letter to make necessary arrangement.
- The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by the competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The

assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.

- The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.
- The carrying of effigies purporting to represent member of other political parties or their leaders, burning such effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.

4. Polling Day:

All Political parties and candidates shall:

- Co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.
- Supply to their authorized workers suitable badges or identity cards.
- Agree that the identity slip supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party.
- Refrain from serving or distributing liquor on polling day and during the forty-eight hours preceding it.
- Not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid Confrontation and tension among workers and sympathizers of the parties and the candidate.
- Ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps.
- Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

5. Party in Power:

- The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:
- The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work.
- Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power.
- Public places such as maidens etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power.

- Rest houses, dak bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda.
- Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.
- Ministers and other authorities shall not sanction grants/ payments out of discretionary funds from the time elections are announced by the Commission.
- From the time elections are announced by Commission, Ministers and other authorities shall not:
 - announce any financial grants in any form or promises thereof.
 - (except civil servants) lay foundation stones etc. of projects or schemes of any kind.
 - make any promise of construction of roads, provision of drinking water facilities etc.
 - make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.
- Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.

6. Guidelines on Election Manifestos:

- The Supreme Court in its judgment in **S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others** directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. Having due regard to the above directions of the Supreme Court and after consultation with the Political Parties, the Commission came out with following guidelines:
- The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.
- The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.
- In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.

Analysis for Mains:

Strengths of MCC:

- **Fairness and Equality:** The MCC promotes fair play and equal opportunities for all political parties and candidates. It ensures that no party or candidate gains undue advantage through unfair means during the electoral process.
- **Level Playing Field:** By regulating the conduct of parties and candidates, the MCC helps in creating a level playing field. It prevents the misuse of power or resources by incumbents and ensures that all contestants compete on equal grounds.
- **Civility and Decorum:** The MCC emphasizes maintaining decorum and civility in political discourse. It discourages hate speech, personal attacks, and inflammatory rhetoric, thereby fostering a more respectful and constructive electoral environment.
- **Transparency and Accountability:** Through its guidelines on expenditure, campaign financing, and disclosure, the MCC promotes transparency and accountability in electoral processes. It helps in curbing the influence of money power and ensures that voters have access to relevant information about candidates and parties.
- **Public Confidence:** Enforcing the MCC enhances public confidence in the electoral process. It assures voters that elections are conducted fairly and that their choices will be respected without undue interference or manipulation.

Drawbacks of MCC:

- **Limited Enforcement Mechanisms:** While the ECI has authority to enforce the MCC, its effectiveness depends on cooperation from political parties and candidates. Violations often go unchecked due to limited resources and challenges in monitoring activities across vast electoral constituencies.
- **Subjectivity and Interpretation:** Some provisions of the MCC are subjective and open to interpretation, leading to inconsistencies in enforcement. Different interpretations by electoral officials may result in uneven application of the code, potentially favouring certain parties or candidates.
- **Delayed Action:** Enforcement actions against MCC violations often occur after the damage is done, such as after inflammatory speeches have been made or illegal expenditures have been incurred. This delay undermines the preventive aspect of the MCC and may fail to deter future violations effectively.
- **Limited Scope:** The MCC primarily focuses on conduct during the election period, leaving gaps in regulating activities outside this timeframe. Pre-election activities, such as political rallies and campaign speeches, and post-election issues like government formation may not be adequately addressed by the code.
- **Lack of Legal Teeth:** While the ECI can issue advisories and take administrative actions against violators, the MCC lacks statutory backing. It is essentially a voluntary code of conduct without legally binding provisions, limiting its effectiveness in deterring serious violations.

Conclusion:

- Overall, while the Model Code of Conduct plays a crucial role in promoting fair and ethical elections in India, its effectiveness depends on robust enforcement mechanisms, clarity in guidelines, and broader legal support to address its limitations effectively.

Mains PYQ :

- **Question :** Discuss the role of the Election Commission of India in light of the evolution of the Model Code of Conduct. (UPSC Mains 2022)

SVEEP (Systematic Voter's Education and Electoral Participation)

Context:

- Recently, Ministry of Information & Broadcasting conducted a one-day Integrated Communication and Outreach Programme (ICOP) on Systematic Voters Education and Electoral Participation (SVEEP).



Background:

- It is the **flagship program** of the **Election Commission of India** for voter education, spreading voter awareness and promoting voter literacy in India.
- It is a multi-intervention programme that reaches out through different modes and media i.e., print media, electronic media, social media etc. to educate citizens, electors, and voters about the electoral process in order to increase their awareness and promote their informed participation.
- It is designed according to the socio-economic, cultural, and demographic profile of the state as well as history of electoral participation in previous rounds of elections.

Analysis for Prelims:

Systematic Voters' Education and Electoral Participation (SVEEP):

Goal & Vision:

- To enlighten, enable and empower every citizen to register as a voter and cast his/her vote at every election in an informed and ethical manner.
- Universal and enlightened participation of citizens in elections and democracy.
- **Launched in:** 2009

Objectives:

- The objectives envisaged for SVEEP as per the strategy document for 2022-25 are:
- To increase voter turnout to 75% in Lok Sabha elections, 2024 by:
 - Purifying the electoral roll of every polling booth.
 - Bridging gender gap in enrolment and turnout.
 - Ensuring inclusion of all non-voters/ marginalised sections through targeted interventions, technological solutions and policy changes.

- Addressing urban and youth apathy in electoral participation.
- Turning around all low turnout constituencies and polling stations.
- To enhance the quality of electoral participation in terms of informed and ethical voting through continuous electoral and democracy education.

Analysis for Mains:

Strengths of SVEEP:

- **Inclusive Approach:** It adopts an inclusive approach by targeting various demographic groups, including youth, women, marginalized communities, and persons with disabilities. It ensures that voter education efforts reach all segments of society, thereby promoting a more inclusive electoral participation.
- **Innovative Strategies:** It employs innovative strategies and mediums to disseminate voter education messages effectively. It utilizes social media, community radio, street plays, interactive workshops, and other creative approaches to engage with voters and raise awareness about electoral processes and rights.
- **Customized Campaigns:** The campaigns are tailored to suit the local context and needs of different regions and communities. This customization ensures that voter education messages are relevant and resonate with the target audience, leading to better comprehension and engagement.
- **Collaborative Partnerships:** It fosters collaboration with various stakeholders, including government agencies, civil society organizations, educational institutions, media outlets, and community leaders. These partnerships enhance the outreach and impact of voter education initiatives by leveraging the expertise and networks of diverse stakeholders.
- **Long-term Engagement:** Its focus extends beyond individual elections, aiming to build a culture of electoral participation and responsible citizenship over the long term. By conducting continuous voter education activities and civic engagement programs, SVEEP contributes to sustaining democratic values and strengthening the electoral process.
- **Feedback Mechanisms:** It incorporates feedback mechanisms to assess the effectiveness of its initiatives and refine strategies accordingly. Through surveys, focus group discussions, and consultations with stakeholders, SVEEP gathers insights into the effectiveness of voter education efforts and identifies areas for improvement.
- **Multilingual Content:** Recognizing India's linguistic diversity, It produces voter education materials in multiple languages to ensure accessibility for speakers of different regional languages and dialects. This linguistic diversity enhances the reach and impact of voter education campaigns across the country.

Conclusion:

- Overall, the SVEEP program's strengths lie in its inclusive approach, innovative strategies, customized campaigns, collaborative partnerships, long-term engagement, feedback mechanisms, and multilingual content, all of which contribute to enhancing voter education, awareness, and participation in the electoral process.

Associated Additional Information:

- In the 2019 General Election to the Lok Sabha, the Election Commission of India noted a concern about the substantial portion of electors, totalling almost 297 million out of 910 million, who opted not to exercise their voting rights. The overall voter turnout for the election was only 67.4%.

Weekly Current Affairs – Monthly Compilation

Polity & Governance – April 2024

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Constitutional Framework

Preventive Detention

Context:

Recently, the Supreme Court held that:

- Preventive detention by routine exercise of powers must be nipped in bud.
- Advisory boards under preventive detention laws should not behave like mere “rubber-stamping authorities” for the government, but act as safety valves which stand between the capricious use of power by the state and the right to personal liberty.

Background:

- Among central legislations, the National Security Act, the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA) are examples of laws under which preventive detention can be ordered.
- As many as 25 states also have preventive detention legislations. These are expansive laws specifically addressed to local law and order issues. Examples include:
 - Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Trafficking Offenders and Slum Grabbers Act, 1982.
 - The Gujarat Prevention of Antisocial Activities Act, 1985.
 - The Bihar Control of Crimes Act, 1981.

Analysis for Prelims:

About Preventive Detention:

- Preventive detention is the holding of a person in custody, without a trial or conviction, with the aim of preventing them from committing a crime in the future. It's different from regular detention which is a punishment for a crime that has already been committed.
- In **Mariappan vs The District Collector and Others Case, 2008**: The Madras High Court held that the point of detainment and its regulations aren't to rebuff anybody yet to prevent specific wrongdoings from being carried out. The court also stated 4 criteria under which the law can be used:
 - State security
 - Public order
 - Foreign Affairs
 - Community services
- In **Union of India vs Paul Nanickan Case**: The Supreme Court stated that the motivation behind preventive detainment isn't to rebuff somebody for doing wrongdoing or an offence yet to deflect that person from not making it happen, to stop him before an offence happens. Preventive detention is based on a suspicion or reasonable possibility that a crime will take place and not on any criminal conviction so there must be sufficient proof against that person that such a crime will take place.

About Advisory Board (As per provisions of the Indian Constitution):

- **Article 22(4) of the Indian Constitution** states that no law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention.
- At the same time, **Article 22(7) of the Indian Constitution** states that parliament may by law prescribe:
 - The circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board.
 - The maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention.
 - The procedure to be followed by an Advisory Board in an inquiry.

Preventive detention and Judicial Review:

- For preventive detention, there are very narrow grounds of judicial review because the Constitution emphasizes the state's "subjective satisfaction" when ordering a detention.
- A judicial review is limited to whether the Advisory Board applied its mind, considered all material facts and whether the state showed obvious malafide in ordering detention. Because judicial review is limited, courts often strike down detention orders on technical grounds, such as delay in the decision of the advisory board, communication of grounds in a timely fashion and in a language that the detainee understands, etc.

Analysis for Mains:

Positive Consequences of Preventive Detention:

- **Maintaining Law and Order:** It allows authorities to detain individuals suspected of posing a threat to public safety or national security without requiring evidence of a specific crime. This measure helps in maintaining law and order by pre-emptively addressing potential risks.
- **Preventing Crimes:** Detaining individuals with a history of criminal activity or suspected involvement in illegal activities can prevent them from committing further offenses. By removing potential offenders from society, it contributes to crime prevention and public safety.
- **Protecting National Security:** In cases involving terrorism, espionage, or other threats to national security, it enables authorities to detain suspects and gather intelligence to prevent potential attacks or espionage activities. This measure is crucial for safeguarding the nation against external threats.
- **Swift Action in Emergency Situations:** During emergencies such as civil unrest, it allows authorities to take swift action to maintain order and protect the safety and security of citizens. Detaining individuals who may incite violence or disrupt relief efforts helps in mitigating risks and ensuring effective crisis management.

Negative Consequences of Preventive Detention:

- **Violation of Civil Liberties:** It often infringes upon individuals' fundamental rights, including the right to liberty and due process. Detaining individuals without trial or sufficient evidence undermines the principles of justice and can lead to arbitrary deprivation of liberty.
- **Risk of Abuse of Power:** The broad discretionary powers granted to authorities in preventive detention laws raise concerns about the potential for abuse of power. Without proper safeguards and oversight mechanisms, preventive detention measures can be misused for political repression or targeting of dissenting voices.
- **Undermining Rule of Law:** Detaining individuals without charge or trial undermines the rule of law and erodes public trust in the justice system. When due process rights are disregarded, it sets a dangerous precedent that undermines the principles of democracy and undermines the legitimacy of governmental institutions.
- **Stigmatization and Social Impact:** Individuals subjected to preventive detention may face stigmatization and discrimination, even if they are later released without charges.
- The social and psychological impact of being unjustly detained can have long-lasting consequences on individuals and their families, leading to alienation and mistrust in society.

Conclusion:

- Overall, while preventive detention measures may serve legitimate purposes such as protecting national security and maintaining public order, they must be carefully balanced with respect for human rights, adherence to due process, and accountability to prevent abuse and safeguard democratic principles.

Right against adverse effects of climate change

Context:

- Recently, the Supreme Court expanded the scope of Articles 14 and 21 to include the **"Right against the adverse effects of climate change"**.

Background and Analysis:

- The Supreme Court was hearing a case on the conservation of the great India bustard and the lesser florican.
- In the present judgement, the bench of the Supreme Court:
 - Expanded the scope of Articles 14 and 21 of the constitution.
 - Reversed its 2021 judgement which had introduced a blanket ban against overhead powerlines over an area of 99,000 square kilometers covering parts of Gujarat and Rajasthan to protect these birds.
- Mentioned that by only allowing underground power transmission cables in such a large area, which also has an incredible potential for clean energy such as wind and solar, will severely impact the country's clean energy shift that is necessary to attain its climate goals.
- By doing so, it will impede global efforts against climate change, thereby threatening fundamental rights of Indians, such as the right to life, equality and access to energy among others.

Excerpts from the judgement related to “Right against the adverse effects of climate change”:

- “Article 21 recognizes the right to life and personal liberty while Article 14 indicates that all persons shall have equality before law and the equal protection of laws. These Articles are important sources of the right to a clean environment and the right against the adverse effects of climate change.”
- “Without a clean environment which is stable and unimpacted by the vagaries of climate change, the right to life is not fully realized.
- The right to health (which is a part of the right to life under Article 21) is impacted due to factors such as air pollution, shifts in vector-borne diseases, rising temperatures, droughts, shortages in food supplies due to crop failure, storms and flooding.
- The inability of underserved communities to adapt to climate change or cope with its effects violates the right to life (Article 21) as well as the right to equality (Article 14).”

Associated Additional Information:

Constitutional provisions related to environment:

- **Article 48A of the Constitution:** It provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.
- **Clause (g) of Article 51A of the Constitution:** It stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

Doctrine of Harmonious construction

Context:

Recently, the Supreme Court in:

- **“PATHAPATI SUBBA REDDY vs THE SPECIAL DEPUTY COLLECTOR (LA) Case”**

refused to condone the delay of 5659 days in preferring an appeal, and laid down eight principles by providing **“Harmonious construction”** to Sections 3 and 5 of the Limitation Act, 1963.

Background:

- The inception of the Doctrine of Harmonious Construction can be traced back to the aftermath of the first amendment to the Constitution of India, notably in:
 - **“Shankari Prasad Singh Deo vs. Union of India Case, 1951”**
- This legal dispute centred on a conflict between Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of the Constitution of India.
- In this case, the court applied the Harmonious Construction Rule to resolve the disagreement. It concluded that Fundamental Rights, which are rights granted against the State, could be limited under certain circumstances and modified by Parliament to align with constitutional provisions.

Analysis for Prelims:

Meaning of the term harmonious construction:

- Harmonious construction entails interpreting statutory provisions in a manner that promotes harmony and coherence among different provisions of the enactment or a law. When statutory language is susceptible to multiple interpretations, preference is given to the interpretation that aligns most seamlessly with the overall purpose and scope of the law. This approach ensures that statutory provisions complement each other and work together in concert to achieve legislative objectives.

Principles of Doctrine of Harmonious construction:

- In “**CIT vs Hindustan Bulk Carriers Case, 2003**”, the Supreme Court laid down five principles of rule of harmonious construction:
 - The courts must avoid a head-on clash of seemingly contradicting provisions and they must construe the contradictory provisions.
 - The provision of one section cannot be used to defeat the provision contained in another unless the court, despite all its efforts, is unable to find a way to reconcile their differences
 - When it is impossible to completely reconcile the differences in contradictory provisions, the courts must interpret them in such a way so that effect is given both the provisions as much as possible.
 - Courts must also keep in mind that interpretation that reduces one provisions to useless number or dead is not harmonious construction.
 - To harmonize is not to destroy any statutory provision or to render it fruitless.

Analysis for Mains:

The Doctrine of Harmonious construction offers several key benefits to the legal system and those who interact with it:

- **Clarity and Consistency:** By ensuring all parts of a statute work together, harmonious construction promotes a clear and consistent understanding of the law. This reduces confusion and ambiguity for judges, lawyers, and the public.
- **Efficiency and Predictability:** When interpretations avoid contradictions, the application of the law becomes more efficient and predictable. This allows for smoother legal proceedings and more consistent outcomes in similar cases.
- **Preserving Legislative Intent:** The doctrine assumes that lawmakers don't intend to enact conflicting provisions. By striving for harmony, courts uphold the presumed intent of the legislature, ensuring the law functions as originally envisioned.
- **Fewer Legal Challenges:** With a clear and consistent interpretation, there are fewer opportunities for legal challenges based on perceived inconsistencies within the statute. This reduces unnecessary litigation and streamlines the legal process.
- **Promoting Fairness and Justice:** When the law is clear and consistently applied, it fosters fairness and justice. Everyone subject to the law understands its expectations and limitations, leading to more equitable outcomes.

- **Adaptability to Changing Circumstances:** In some instances, harmonious construction allows for a degree of adaptability. By finding common ground between provisions, courts can interpret the law in a way that considers evolving social or technological contexts, while still adhering to the core legislative intent.

Conclusion:

- Overall, harmonious construction serves as a vital tool for creating a legal system that is clear, consistent, efficient, and fair. It fosters predictability and upholds the will of the legislature, ultimately promoting justice within the legal framework.

Panel to address issues related to Queer community

Context:

- The Central Government, recently, notified a committee chaired by the Cabinet Secretary, “to examine the various issues relating to queer community”.

Background:

- The Supreme Court in:
 - “**Supriyo @Supriya Vs. Union of India Case (2023)**”
- had directed the Central Government to constitute a committee under the Cabinet Secretary to examine the various issues relating to queer community.

Analysis for Prelims:

About the committee:

- **Set up by:** The Ministry of Law and Justice.
- **Composition:** Six-member committee to be headed by the Cabinet Secretary. It will also comprise secretaries from the:
 - Ministry of Home Affairs
 - Ministry of Women and Child Development
 - Ministry of Health and Family Welfare
 - Ministry of Social Justice and Empowerment
 - Law Ministry
- It will suggest measures to ensure that the queer community does not encounter any discrimination in accessing goods and services, social welfare schemes, or face threat of violence among others.

Analysis for Mains:

Despite some legal progress, India's LGBTQIA+ community encounters significant hurdles in their daily lives, which include:

- **Discrimination:** Pervasive discrimination in workplaces, educational institutions, and even within families creates a hostile environment and impacts their overall well-being.
- **Identity Crisis:** The Transgender Persons (Protection of Rights) Act, 2019 acknowledges self-perceived gender identity, but the reality falls short. Many transgender individuals are forced to conform to societal expectations at work.
- **Social Stigma:** Social stigma creates barriers to property inheritance, child adoption, and safe housing. This marginalization often pushes qualified individuals into menial jobs or sex work.
- **Healthcare Disparities:** Difficulty accessing quality healthcare and a lack of sensitivity towards specific needs exacerbate existing health concerns. Mental health issues, substance abuse, and higher risks of sexually transmitted infections are more prevalent due to inadequate healthcare access.
- **Lack of Public Amenities:** The absence of gender-neutral restrooms and inaccessible public spaces like hospitals, schools, and prisons create additional daily hurdles.

Hence, formation of the committee is a step in the right direction.

Associated Additional Information:

More about Supriyo @Supriya Vs. Union of India Case (2023):

- The five-judge Constitution Bench led by Chief Justice of India declined to recognise the right to marry as a fundamental right for same-sex couples.
- In the minority opinion, Chief Justice of India ruled in favour of civil unions, stopping short of marriage, to grant legal rights to same-sex couples.
- The court also listed several legal entitlements that the committee could consider such as, the right of queer partners to be treated as part of the same family for:
 - A ration card
 - Setting up of a joint bank account
 - Jail visitation
 - To be considered “next of kin” by medical practitioners
 - Accessing the body of the deceased partner to arrange the last rites
- The court also mentioned: legal consequences such as succession rights, maintenance, financial benefits such as under the Income Tax Act 1961, rights flowing from employment such as gratuity and family pension and insurance.

Measures for Protection and Welfare of the Transgender Persons in India:

- **The Transgender Persons (Protection of Rights) Act 2019:** The Act seeks to mitigate the stigma, discrimination, and abuse against this marginalized section and bring them into the mainstream of society and ensure greater inclusiveness.
- **The Transgender Persons (Protection of Rights) Rules, 2020:** These rules were formulated and published in the Gazette of India in September, 2020.
- They seek to recognize the identity of transgenders and prohibit discrimination in the fields of education, employment, healthcare, holding or disposing of property, holding public or private office, and access to and use of public services and benefits.
- **National Council for Transgender Persons:** In exercise of the powers conferred by Section 16 of the Transgender Persons (Protection of Rights) Act, 2019, the Central Government constituted a National Council for Transgender Persons. It performs the following functions:
 - Advises the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons.
 - Monitors and evaluates the impact of policies and programmes designed for achieving equality and full participation of transgender persons.
 - Reviews and coordinates the activities of all the departments of Government and other Governmental and non-Governmental Organizations which are dealing with matters relating to transgender persons.
 - Redresses the grievances of transgender persons.
 - Performs such other functions as may be prescribed by the Central Government.
- **SMILE - Support for Marginalized Individuals for Livelihood and Enterprise Scheme:** An Umbrella scheme launched by the Ministry of Social Justice and Empowerment.
- The scheme includes various welfare measures for transgender persons such as financial assistance in the form of scholarships to transgender students studying in classes Ninth till post-graduation, skill development training & livelihood, composite medical health for availing gender reaffirmation surgeries, pre and post-operative procedures and other health care facilities, setting up of Garima Grehs in each state for providing shelter facility for abandoned and orphaned transgender persons, setting up of transgender protection cells in the entire country for providing quick redressal of offences & crimes against transgender persons etc.
- **National Portal for Transgender Persons:** The Portal provides the facility for transgender persons to apply for a certificate and an identity card from across the country without physical interface through a seamless end-to-end mechanism.
- The Transgender certificate and identity card are nationally recognized and are provided by the Ministry of Social Justice & Empowerment.
- The certificate is a mandatory document to avail of the welfare measures being provided under the SMILE scheme.
- **Skill Training through PM-DAKSH (Pradhan Mantri - Dakshta Aur Kushalta Sampann Hitgrahi):** Ministry of Social Justice and Empowerment is imparting skill development training to the Transgender beneficiaries of the SMILE Scheme through PM-DAKSH. Short-Term Training Programmes, Up-

Skilling/Reskilling Initiatives, Entrepreneurship Development Programmes and Long-Term Training Programmes are conducted for transgenders under the scheme.

Electoral Dynamics

Postal Ballots

Context:

- In view of the Lok Sabha elections and Assembly polls in four States (**Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim**), Election Commission of India (ECI) recently notified the category of electors mentioned for the purpose of facility of voting through postal ballot as absentee voters in the category of persons employed on essential services.
- The list includes the employees of Metro, Railways, BSNL Electricity and Health Department, Fire Services, Postal Services, Aviation, Disaster Management, Doordarshan and All India Radio and media persons authorized by the Commission for polling day coverage.

Background:

- Provisions of the Representation of the People Act, 1951 allow notified persons by the Election Commission of India to cast vote by postal ballot.

Analysis for Prelims:

About Postal voting:

- Postal voting, also known as absentee voting, enables electors to cast their ballots through mail, transcending the constraints of physical presence at polling stations.

Eligibility Criteria for Postal Ballots:

- The eligibility criteria for postal ballots vary depending on the specific election and jurisdiction. However, some common categories of eligible voters include:
- **Service voters**, comprising armed forces, paramilitary personnel, and government employees deployed far from their home constituencies.
- **Absentee voters**, representing individuals away from their home constituencies for work or other reasons.
- **Electors on election duty**, encompassing government officials and polling staff assigned duties at polling stations other than their own.
- **Electors under preventive detention**, consisting of individuals detained under preventive custody orders during the election period.

Application Process:

- Eligible voters must submit an application to the Returning Officer (RO) of their respective constituency.
- The application entails personal details, voter identification information, and the rationale for seeking a postal ballot.
- Upon verification of eligibility, the RO issues the postal ballot to the applicant.

Process of Postal Voting:

- **Receiving the postal ballot:** The RO dispatches the postal ballot package, comprising the ballot paper, declaration form, secrecy sleeve, and return envelope, to the voter's registered address.
- **Marking the ballot:** Voters cast their votes in secrecy on the ballot paper enclosed within the secrecy sleeve.
- **Completing the declaration form:** Voters furnish requisite details and affix their signature on the declaration form.
- **Sealing the envelope:** The marked ballot paper and declaration form are sealed within the secrecy sleeve and placed into the return envelope.
- **Returning the postal ballot:** Voters mail the sealed return envelope to the designated address within the stipulated timeframe, with a postage stamp affixed.

Counting of Postal Ballots:

- Postal ballots are counted separately from votes cast at polling stations.
- On the designated counting day, postal ballots are collected by the postal authorities and brought to the counting center.
- The RO and election officials scrutinize the postal ballots to ensure their validity and integrity.
- Valid postal ballots are then added to the respective candidate's vote count.

Analysis for Mains:

Positives of Postal Voting:

- **Accessibility:** Enhances electoral participation for individuals unable to physically visit polling stations due to various reasons.
- **Convenience:** Allows voters to cast their ballots from the comfort of their homes, avoiding queues and time constraints associated with in-person voting.
- **Inclusivity:** Ensures that voters, including those with disabilities or mobility issues, have equal access to the electoral process.
- **Flexibility:** Provides flexibility in voting timelines, enabling voters to participate in elections regardless of their location or schedule.

Negatives of Postal Voting:

- **Security Concerns:** Risks associated with ballot tampering, interception, or coercion, potentially compromising the integrity of the electoral process.
- **Verification Challenges:** Difficulty in verifying the identity of voters and ensuring the authenticity of postal ballots, leading to concerns about fraudulent voting.
- **Delayed Results:** Postal voting may result in delayed election results due to the time required for processing and counting postal ballots, impacting the overall electoral timeline.
- **Technological Limitations:** Dependence on postal services and paper-based processes may pose challenges in adapting to modern digital voting technologies and security standards.

Conclusion:

- Postal voting exemplifies inclusivity and accessibility in electoral participation, empowering citizens to exercise their democratic rights conveniently and securely beyond traditional polling stations.
- However, addressing security concerns and technological limitations is essential to safeguarding the integrity and credibility of postal voting systems.

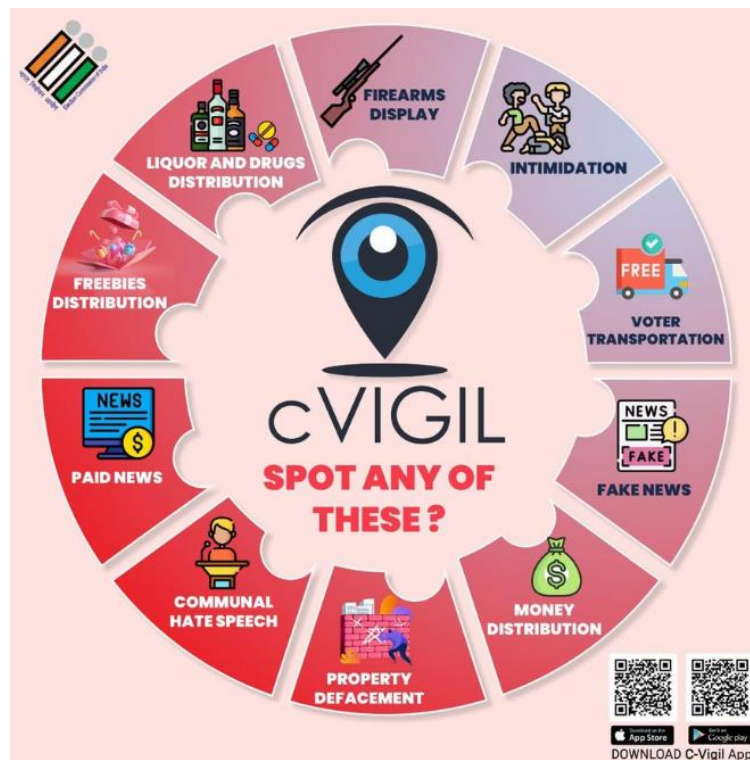
Mains Practice Question:

- Discuss the significance of postal ballots in enhancing electoral participation and democratic inclusivity. (150 words)

cVigil App

Context:

- As per the Election Commission of India, it is keeping a close eye on the election process through the cVIGIL app.



Background:

- cVIGIL Mobile App was launched by the Election Commission of India in 2018 to enable citizens to report on violation of election code of conduct.

Analysis for Prelims:

About cVIGIL App:

- It is a single app for recording, reporting, and resolving violations of the model code of conduct.
- Through this app, online complaints regarding violations of the model code of conduct can be made by capturing photos, videos etc and action within 100 minutes by the authorities is assured.
- The app connects the vigilant citizen with District Control Room, Returning Officer and Field Verification Unit (Flying Squads / Static Surveillance Teams) thereby, creating a rapid and accurate reporting, action and monitoring system.

Foolproof Features of the App:

- The application is meant only for Model Code of Conduct Violations.
- The app allows the user 5 minutes to submit an incidence report after having clicked a picture or a video.
- The app will not allow uploading of the pre-recorded images/ videos.
- The photos/videos clicked via this app cannot be saved in the gallery.
- The application has a feature that allows citizens to file a complaint only in the State where Elections have been announced.
- Any citizen who has installed cVIGIL will find that the app becomes active only in the States undergoing elections.

Analysis for Mains:

Benefits of cVIGIL app:

- **Convenient Reporting:** It provides a convenient and user-friendly platform for citizens to report instances of model code of conduct violations in their vicinity. Citizens can easily submit pictorial evidence of electoral malpractices through the app.
- **Enhanced Accountability:** Each reported incident is meticulously tracked and scrutinized from start to finish, ensuring accountability within the electoral system.
- **Effective Deterrence:** The immediate location verification feature of cVIGIL acts as a strong deterrent against miscreants and wrongdoers. Wrongdoers can be easily tracked, which discourages them from engaging in unlawful activities during elections.
- **Promotion of Civic Engagement:** By empowering citizens to report electoral malpractices, it encourages active participation in ensuring the integrity of the electoral process.
- **Support for Free and Fair Elections:** It contributes to the Election Commission's overall objective of conducting free and fair elections. The app helps in identifying and addressing violations promptly, thereby reinforcing the credibility of the electoral process.

What's up with VVPAT?



Voter Verifiable Paper Audit Trail (VVPAT)

Context:

- Supreme court has reserved its verdict on a batch of petitions seeking 100% cross verification of vote count in EVM's with VVPAT.

Background:

- **2010:** The idea of VVPAT machines first emerged during a meeting between the Election Commission of India (EC) and political parties to discuss improving transparency in the EVM-based polling process.
- **2011:**
 - A prototype VVPAT machine was developed.
 - Field trials of the prototype were conducted in five locations: Ladakh, Thiruvananthapuram, Cherrapunjee, East Delhi and Jaisalmer.
- **2013:**
 - After considering feedback from political parties and further trials, an expert committee approved the final design of the VVPAT machine.
 - The Conduct of Elections Rules, 1961 were amended to allow for the use of VVPATs with EVMs.
 - The first-ever election using VVPATs was held in a bye-election from 51-Noksen (ST) Assembly Constituency of Nagaland.
- **By June 2017:** VVPATs were adopted in 100% of polling stations across India.

Analysis for Prelims:

About Voter Verifiable Paper Audit Trail:

- It is an independent system attached with the Electronic Voting Machines that allows the voters to verify that their votes are cast as intended.
- When a vote is cast, a slip is printed containing:
 - The serial number of the candidate.
 - The name of the candidate.
 - The symbol of the candidate.
- The slip remains exposed through a transparent window for 7 seconds. Thereafter, this printed slip automatically gets cut and falls in the sealed drop box of the VVPAT.
- VVPAT runs on a power pack battery and not on electricity.
- Only authorized engineers of the manufacturers, namely Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL), conduct the First Level Checking (FLC) of EVMs and VVPATs under control of District Election Officer and direct supervision of Dy. DEO in the presence of representative of Political Parties under videography.
- Counting of printed paper slips of VVPAT is done only in the following cases:
 - Mandatory verification of printed VVPAT paper slips of 1 (one) randomly selected polling station of:

- (a) Assembly Constituency in case of election to State Legislative Assembly.
- (b) each Assembly Segment in case of election to the House of the People.
- In case of no display of result from the Control Unit, the printed paper slips of the respective VVPAT are counted.
- If any candidate, or in his absence, his election agent or any of his counting agents make a written request to count the printed paper slips of the VVPAT in respect of any polling station or polling stations under Rule 56 D of the Conduct of Elections Rules 1961, the Returning Officer taking into consideration various factors decides and issue written orders, whether to count or not to count the printed paper slips of the VVPAT of that particular polling station(s).
- **Note:** In February 2018, the Election Commission had mandated the counting of VVPAT slips of 1 (one) randomly selected polling station per Assembly constituency.
- This was increased to 5 (five) polling stations per Assembly seat, following a Supreme Court judgment in April 2019 on a petition filed by the leader of a political party.
- The five polling stations are selected by a draw of lots by the Returning Officer concerned, in the presence of candidates/ their agents.
- The Election Commission of India (ECI) said that it has matched EVM votes with more than 4 crore VVPAT slips and that there have been no discrepancies recorded so far. Countering claims of tampering, it asserted that it is impossible to manipulate EVMs “at any stage.”

5 Questions of Supreme Court

- Is the microcontroller installed in the control unit or the VVPAT? SC said it was “under the impression that microcontroller was installed in the control unit of the EVMs.
- Is the microcontroller installed one-time programmable?
- How many Symbol Loading Units are available with the ECI?
- The limitation period for storing the EVMs was submitted as 30 days in case there were any election petitions or recounts. However, Section 81 of the Representation of People Act says the limitation period is 45 days.
- SC said the EVMs include three components - ballot unit, control unit and VVPAT. Are they stored and sealed together?

Answers :

- All three units of the EVMs have their own individual microcontrollers. They are housed in secure modules. They are one-time programmes.
- Microcontrollers cannot be accessed physically and have a one-time program burnt into them.
- For symbol loading units, the ECI has two manufacturers – Electronics Corporation of India Limited (ECIL) and Bharat Heavy Electricals Limited (BHEL).
- There are over 5000 symbol loading units
- EVMs/VVPATs are stored for a statutory period of 45 days after polling.

- On expiry of the period, the Chief Electoral Officer writes to High Courts to ascertain if there are any election petitions.
- If not, they are taken out of storage
- VVPATs are stored separately from EVMs before polling. After polling, they are stored as a unit.

Analysis for Mains:

Political parties are advocating for widened verification of Voter Verifiable Paper Audit Trail (VVPAT) slips for several reasons:

- **Enhancing Electoral Integrity:** By expanding the verification of VVPAT slips, the electoral process's transparency and integrity are bolstered. This additional scrutiny helps build trust among voters that their ballots are accurately recorded and counted.
- **Addressing Suspicions of Electoral Fraud:** There are persistent concerns about potential electoral fraud, including EVM tampering. Broadening VVPAT slip verification allows for a physical audit of paper trails, providing a crucial safeguard against tampering and malpractice.
- **Compliance with Legal Mandates:** Demands for widened VVPAT verification align with legal provisions outlined in the Representation of the People Act. This empowers the Election Commission of India (ECI) to conduct random verification of VVPAT slips, ensuring EVM accuracy.
- **Boosting Public Confidence:** Given the paramount importance of credible elections in a democratic framework, expanded VVPAT verification instils greater confidence among voters. It assures them that their votes contribute to fair electoral outcomes.
- **Fostering Transparency and Accountability:** Political parties argue that widened VVPAT verification fosters transparency and accountability by enabling thorough scrutiny of voting data. This mechanism upholds democratic principles and ensures electoral processes' integrity.

Conclusion:

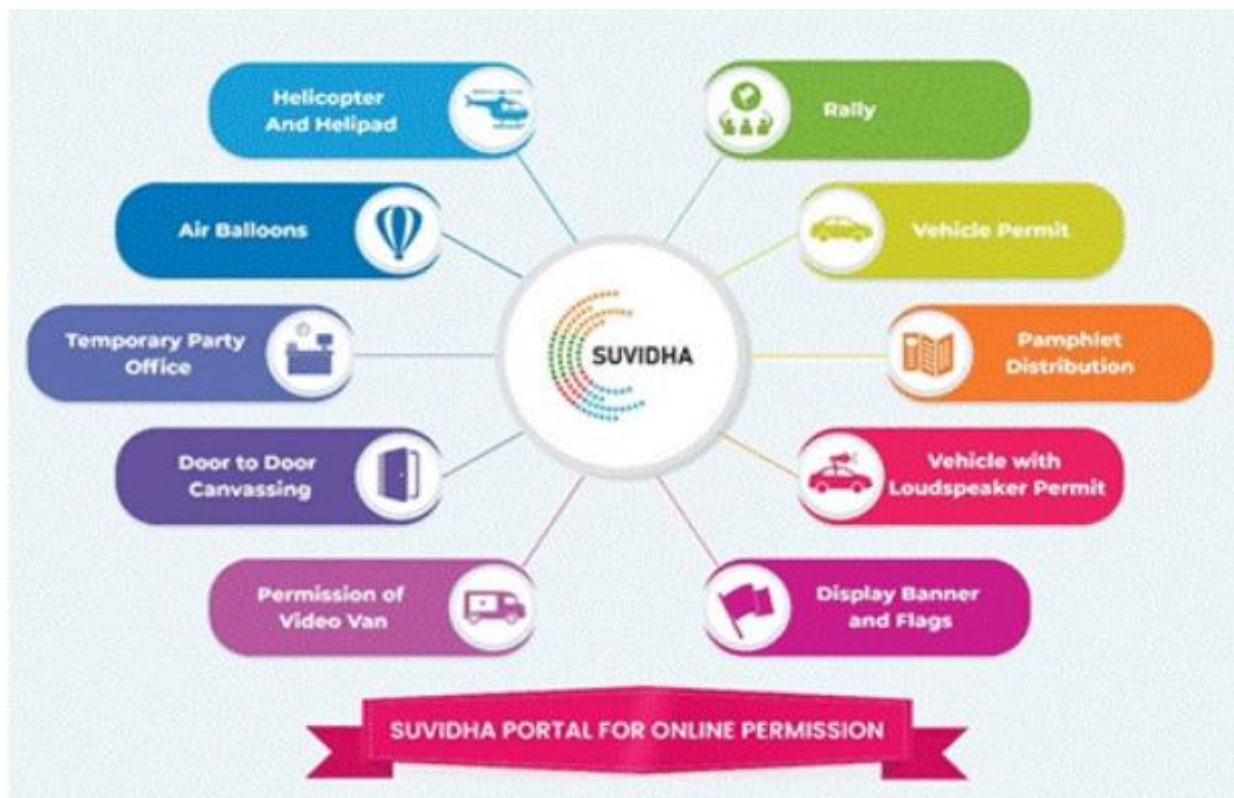
- Overall, widened verification of VVPAT slips is seen as a vital measure to safeguard elections' credibility, address fraud concerns, and uphold citizens' democratic rights to transparent and fair electoral processes.

Suvidha Platform and app of Election Commission

Background and Analysis:

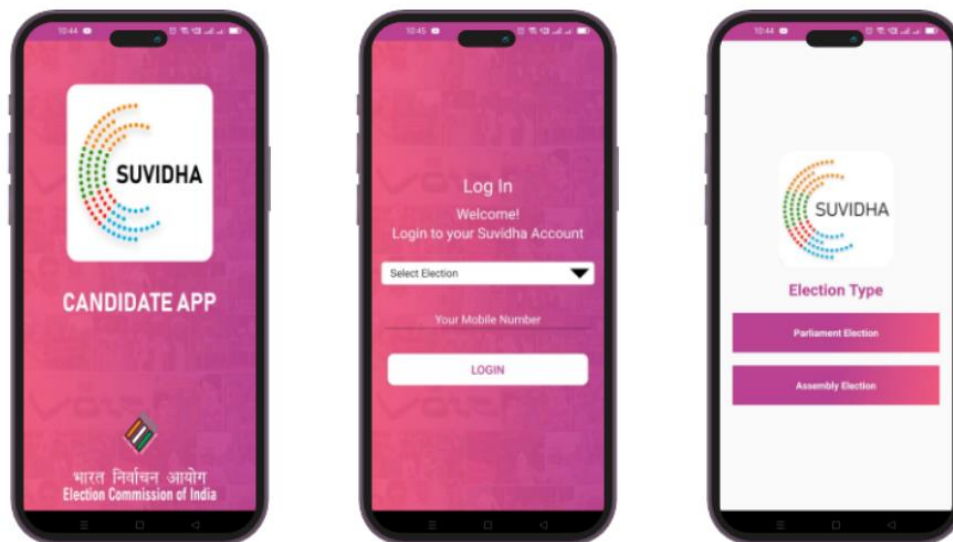
About Suvidha platform:

- It is a technological solution developed by Election Commission of India to ensure a level playing-field upholding the democratic principles of free, fair and transparent elections.
 - It streamlines the process of obtaining and acting upon requests for permissions and facilities from political parties and candidates during the election period.
 - It caters to a diverse range of permission requests transparently on the First in First Out principle such as permissions for organizing rallies, opening temporary party offices, door-to-door canvassing, video vans, helicopters, obtaining vehicle permits, distributing pamphlets etc.



About Suvidha Candidate app:

- It is a mobile application developed by the Election Commission of India to help candidates with the nomination and permission process during election periods.
- The app is available on Android as well as iOS platform.
- The app provides candidates with a number of other features, including:
 - The ability to view the list of permissions required for campaigning.
 - The ability to track the status of their permission application.
 - The ability to download the permission form and submit it online.
 - Track the status of the nomination filed by the candidate.



Home Voting in Elections 2024

Context:

- Election Commission of India (ECI), for the first time in a Lok Sabha Election, provided the facility of home voting.

Analysis for Prelims:

Eligibility criteria:

- Voters above 85 years of age and Persons with Disabilities (PwDs) with 40% benchmark disability can avail the optional home voting facility.
- There are over 81 lakh 85+ aged voters and 90 lakhs + PwDs voters registered across the country.

How to avail the optional Facility:

- The procedure to avail this facility is simple yet thorough:
- Within five days of the election notification, eligible voters must complete Form 12D and submit it to the returning officer.
 - **Note that:** PwD voters submit a baseline disability certificate with their applications.
- Booth Level Officer (BLO) is responsible for retrieving Form 12D from the elector's place of residence when the required documentation has been completed.
- Candidates receive a list of these electors in order to maintain accountability and transparency; if they wish, they can choose a representative to supervise the process.
- Following this, a dedicated team of polling officials along with security officials visits the voter's residence to collect their votes.
- Crucially, voters are notified ahead of time of the planned visit, allowing them to be prepared to exercise their right to vote in a safe and comfortable manner.
 - To further expedite the procedure and improve accessibility, voters also receive notifications via SMS about the days when their home voting facility will be active.

- The complete process is video graphed for transparency.



Analysis for Mains:

- Home voting, as introduced by the Election Commission of India, entails both positive and negative consequences:

Positive Consequences:

- Accessibility:** Home voting improves access to the electoral process for individuals with disabilities as well as health conditions due to old age, ensuring their “**Right to vote**” is upheld and is not encumbered by physical barriers and disabilities
- Inclusivity:** It promotes inclusivity by accommodating voters who may face barriers to physical attendance at polling stations. This also upholds the Commission’s motto of ensuring - “**No voter is left behind**”.
- Enhanced Participation:** By providing an alternative voting method, home voting encourages greater participation in elections.
- Empowerment:** It empowers citizens by giving them the opportunity to exercise their democratic rights independently, regardless of their physical limitations.

Negative Consequences:

- Potential for Coercion:** Home voting may be susceptible to coercion or undue influence, as voters may face pressure from family members, caregivers, or political parties.
- Security Risks:** There are inherent security risks associated with home voting, including the possibility of tampering with ballots or unauthorized access to voting materials.
- Privacy Concerns:** Maintaining the secrecy of the voting process may be challenging in a home environment, raising concerns about the confidentiality of voter choices.

- **Logistical Challenges:** Implementing home voting on a large scale may pose logistical challenges for election authorities, including the need for trained personnel and secure ballot handling procedures.
- **Resource Allocation:** Allocating resources for home voting initiatives may divert attention and resources away from other critical aspects of the electoral process, potentially impacting overall efficiency and fairness.

Conclusion:

- In conclusion, while home voting offers important benefits in terms of accessibility and inclusivity, it also presents challenges related to security, privacy, and logistical implementation. Therefore, careful consideration of these factors is essential to ensure the integrity and fairness of the electoral process.

Judiciary and Criminal Law

Bail to Police in Custodial Death Cases

Context:

- The Supreme Court in **Ajay Kumar Yadav Vs the State of Uttar Pradesh Case** stated that a stricter approach is required to be taken in granting bail to police officials in Custodial Death Cases.

Background:

- The Court relied on the precedence set in **State of Jharkhand vs Sandeep Kumar Case** and invoked **Article 136** of the Constitution of India to set aside bail granted to a Police officer by the High Court in the case of custodial death. It also asked the officer to surrender before the CBI Court within a period of four weeks.

Analysis for Prelims:

- A custodial death occurs when a person dies while in the custody of law enforcement officials or in a correctional facility. This can happen due to various reasons, including:
 - **Excessive force:** Police brutality or use of unnecessary force during arrest or interrogation.
 - For Instance, in **Nilabeti Behara vs the State of Orissa Case**, the victim had died due to the harassment and beatings by the police.
 - **Medical neglect:** Failure to provide adequate medical care to a detainee.
 - **Suicides:** Detainees taking their own lives due to stress, mental health issues, or fear.
 - **Unnatural causes:** Accidents, pre-existing medical conditions, or foul play.
- Custodial deaths are a serious violation of human rights and a major concern in India.

Provisions aimed at preventing custodial deaths in Indian Jurisprudence:

The Indian legal system has several provisions aimed at preventing custodial deaths and ensuring the safety of detainees:

The Constitution:

- **Article 21:** Guarantees the right to life and personal liberty, interpreted to include protection from torture and ill-treatment.
- **Article 22:** Provides safeguards against arbitrary arrest and detention.

The Criminal Procedure Code (CrPC):

- **Section 49:** It provides that the police are not permitted to use more restraint than is necessary to prevent the escape of the person.
- **Section 50:** It lays down that every police officer arresting any person without a warrant to communicate to him the full particulars of the offense for which he is arrested and the grounds of such arrest. Further, the police officer is required to inform the person arrested that he is entitled to be released on bail and he may arrange for sureties in the event of his arrest for a non-bailable offense.
- **Section 176:** It requires the Magistrate to hold an inquiry into the cause of death whenever a person dies in custody of the police.
- **The National Human Rights Commission (NHRC):** A statutory body empowered to investigate custodial deaths and recommend compensation to victims' families.
- **Judiciary:** Supreme Court and High Courts have issued various directives for stricter implementation of existing safeguards and holding authorities accountable for safety of the detainees. In **D.K. Basu v. State of West Bengal Case**, the Supreme Court gave out certain guidelines:
 - The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear clear identification and name tags with their designation.
 - The police officer carrying out the arrest must make a memo of arrest at the time of the arrest.
 - A friend or relative or any other person known to the arrestee shall be informed about the arrest as early as possible.
 - If the next friend or relative of the arrestee lives outside the district or town, they must be informed through the 'legal aid organization' in the district and the police station of the area concerned telegraphically after the arrest within a period of 8 to 12 hours.
 - The arrested person must be instructed about the right to have informed someone about his arrest.
 - An entry should be made in the diary regarding the arrested person.
 - The arrestee should be examined at the time of the arrest.
 - The arrested person should be subjected to medical examination within 48 hours during his detention.
 - Copies of all documents including the memo of arrest should be sent to the concerned magistrate for his record.
 - The arrestee should be allowed to meet his lawyer during interrogation.
 - A police control room should be set up in all district and state headquarters and information about the arrestee has to be communicated within 12 hours of effecting the arrest to the police control room.

Analysis for Mains:

- While India has legal safeguards in place, significant challenges hinder their effectiveness in preventing custodial deaths.
- **Incomplete Implementation:**
 - Lax Enforcement: Existing laws and guidelines, like mandatory medical examinations and informing next-of-kin, are often not strictly followed.
 - Under-reporting: Fear of reprisal or lack of awareness can lead to under-reporting of custodial violence and deaths.
 - Overcrowding: Overcrowded prisons and detention facilities make it difficult to provide proper medical care and prevent violence.
- **Issues in Investigations:**
 - Police Bias: Investigations by the very police force involved in the arrest raise concerns about impartiality.
 - Lack of Expertise: Investigative bodies might lack the necessary expertise to conduct thorough forensic examinations.
 - Lengthy Judicial Processes: Delays in judicial proceedings can hinder justice and erode public faith in the system.
- **Accountability of Officials:**
 - Weak Punishment: Penalties for custodial violence or causing custodial deaths are often seen as lenient, acting as a weak deterrent.
 - Bureaucratic Hurdles: Disciplinary proceedings against errant officials can be slow and cumbersome, delaying accountability.
 - Witness Intimidation: Fear of retaliation from authorities can discourage witnesses from coming forward.

The Way Forward: A Multi-Pronged Approach

To effectively address custodial deaths in India, a multi-pronged approach is necessary:

- **Strengthening Legal Frameworks:**
 - Enacting a comprehensive anti-torture law that explicitly criminalizes custodial violence.
 - Introducing mandatory video recording of arrests and interrogations to increase transparency.
 - Streamlining investigations with clear timelines and independent oversight mechanisms.
- **Ensuring Implementation:**
 - Sensitizing law enforcement personnel on human rights and the proper use of force.
 - Regular inspections of detention facilities by independent bodies.
 - Enhancing public awareness of their rights and ways to report custodial violence.
- **Holding Officials Accountable:**
 - Swift and stringent punishment for officials found guilty of custodial violence or negligence leading to death.

- Fast-tracking disciplinary proceedings against erring officers and ensuring transparency.
- Protecting witnesses from intimidation and providing them with support.
- **Judicial Reforms:**
 - Expediting the judicial process to ensure timely delivery of justice for victims.
 - Providing special courts or fast-track mechanisms for handling custodial death cases.
 - Enhancing judicial training on custodial death investigations and awarding appropriate compensation to victims' families.

Conclusion:

- By implementing these measures, India can create a more robust system that protects the rights of detainees and promotes accountability within the criminal justice system. Only through collective efforts can the fight against custodial deaths be truly successful.

Associated Additional Information:

About Article 136 of the Constitution of India:

- It deals with special leave to appeal by the Supreme Court. It gives the Supreme Court the authority to grant special leave to appeal from any judgment in any matter passed by any court or tribunal in India. This does not apply to any judgment passed by any court or tribunal constituted by or under any law relating to the Armed Forces.

Appeals against CAT order in contempt proceedings lie before the Supreme Court

Context:

- Recently, the Allahabad High Court in:
 - **“Dr Brajendra Singh Chauhan Vs Central Administrative Tribunal Case”**
- held that an appeal against an order of the Central Administrative Tribunal while exercising its contempt jurisdiction under Section 17 of the Administrative Tribunals Act 1985 lies before the Supreme Court under Section 19 of the Contempt of Courts Act, 1971.
- It also held that no such order can be challenged before the High Court under Article 226 of the Constitution.

Analysis for Prelims:

About Central Administrative Tribunal:

- It was established under Article 323-A of the Constitution for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other authorities under the control of the Government.
- There are 19 Benches and 19 Circuit Benches in the Central Administrative Tribunal all over India.
- The Government of India has notified 215 organizations including Ministries and Departments of Central Government, under section 14 (2) of the Administrative Tribunals Act, 1985 to bring them within the jurisdiction of the Central Administrative Tribunal, from time to time. In addition, the

Central Administrative Tribunal, Principal Bench is dealing with the matters of Govt. of National Capital Territory of Delhi.

- **Composition of the tribunal:**

- It is headed by a chairman.
 - There are 69 members in various Benches of the Tribunal out of which 34 are Judicial Members and 35 are Administrative Members.
 - Subject to other provisions of the Act, a Bench consists of one Judicial Member and one Administrative Member.
 - Salaries and Allowances and Conditions of Service of the officers and other employees of the Tribunal are specified by the Central Government. Pursuant to these provisions, the Central Government has notified the Central Administrative Tribunal Staff (Condition of Service) Rules, 1985.
- The Tribunal is also distinguishable from the ordinary courts with regards to its jurisdiction and procedure:
 - It exercises jurisdiction only in relation to the service matters of the parties covered by the Act.
 - An aggrieved government employee can also appear personally before the Tribunal.
 - It is guided by the principles of natural justice in deciding cases and is not bound by the procedure, prescribed by the Civil Procedure Code.
 - It is empowered to frame its own rules of procedure and practice.
 - Under Section 17 of the Administrative Tribunal Act, 1985, the Tribunal has been conferred with the power to exercise the same jurisdiction and authority in respect of contempt of itself as a High Court.
 - Initially the decision of the Tribunal could be challenged before the Supreme Court by filing Special Leave Petition. However, after the Supreme Court's decision in
 - **"L. Chandra Kumar's Case"**
 - the orders of Central Administrative Tribunal can be challenged by way of Writ Petition under Article 226/227 of the Constitution before respective High Court in whose territorial jurisdiction the Bench of the Tribunal is situated.

Associated Additional Information:

Legal and Constitutional Provisions:

- **Section 17 of the Administrative Tribunals Act 1985:** It empowers the Tribunal to punish for contempt of court and exercise its power similar to the High Court with regard to provisions of the Contempt of Courts Act, 1971.
- **Section 19 of the Contempt of Courts Act, 1971:** It provides that the appeals against the orders of Tribunal shall lie as a matter of right to the Bench of at least two Judges of High Court, where the contempt order is passed by the Single Judge and it shall lie to the Supreme Court where the order is passed by the Bench.
- **Article 323A of the Constitution of India:** It states that parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs

of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “contempt of court” means civil contempt or criminal contempt;

(b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;

(c) “criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which—

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

(d) “High Court” means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory.

Curative petition

Context:

- The Supreme Court, while listening to a curative petition, ruled that the Delhi Metro Rail Corporation (DMRC) will not have to pay nearly Rs 8,000 crore to the Delhi Airport Metro Express Private Limited (DAMEPL), an Infrastructure company, which was awarded by a 2017 arbitral award.

Background and Analysis:

About Curative petition:

- A curative petition is essentially the last resort option available in the Indian legal system to challenge a final judgment by the Supreme Court.
- The petition as a layer of appeal against a Supreme Court decision is not prescribed in the Constitution and is a judicial innovation, designed for correcting “grave injustices” in a ruling.
- The Supreme Court first articulated the concept of a curative writ in “**Rupa Ashok Hurra vs Ashok Hurra (2002) Case**”. The bench of the Supreme Court held that the Supreme Court could entertain a curative petition under the following grounds:
 - Violation of principles of natural justice.
 - Question of bias against the presiding judge.
 - Abuse of the process of the court.
- Curative writs are sparingly used and are narrow in scope.
- These petitions need to be approved by a senior advocate designated by the court.

- Curative writs are filed mostly in death penalty cases.
 - However, the Supreme Court in the Yakub Memon case (2015) and the Delhi gang rape convicts case (2020) dismissed curative writs challenging death sentences.
 - In 2023, in the Bhopal gas tragedy case, the Supreme Court refused to exercise its curative powers to enhance the compensation provided to victims that was deemed grossly inadequate.

Related Constitutional Provision:

- Article 137 of the Constitution of India supports the idea of a curative petition. It states that the “Subject to the provisions of any law made by Parliament or any rules made under Article 145 of the Constitution of India, the Supreme Court shall have power to review any judgment pronounced or order made by it.”

Scheduled and Tribal Areas

Protests in the Union Territory of Ladakh

Context:

- Recently, A three-day hunger strike began in Kargil in Ladakh.
- The hunger strike was conducted by a political group in support of their four-point demands, including statehood and Ladakh's inclusion in the Sixth Schedule of the Constitution, with people from different walks of life joining the symbolic protest against the Central government.

Background and Analysis:

- Recently, the people of Ladakh and local leaders had approached the Ministry of Home Affairs with four demands:
 - Statehood for Ladakh.
 - Inclusion of Ladakh under the Sixth Schedule of the Indian Constitution.
 - Setting up of a separate public service commission for Ladakh.
 - Two parliamentary seats for Ladakh.
- The MHA delegate agreed in principle to negotiate the last two demands, but downright rejected the demands for statehood and the Sixth Schedule, resulting in hunger strikes and protests.

Breakdown of their demands:

- **Statehood for Ladakh:**
 - Currently, Ladakh is a Union Territory (UT). Statehood would give Ladakh a higher level of self-governance. With statehood, Ladakh would have its own elected legislature, allowing them to make laws on a wider range of issues that directly affect them.
- **Inclusion under the Sixth Schedule (Article 244):**
 - The Sixth Schedule of the Indian Constitution provides special provisions for certain tribal areas. Inclusion under this schedule would offer Ladakh safeguards for their:
 - Culture and traditions
 - Language

- Landownership rights
- Besides, it would provide local bodies with legislative, judicial, and administrative powers as the case with tribal areas in Assam, Meghalaya, Tripura, and Mizoram. At present Ladakh has Ladakh Autonomous Hill Development Council which lack significant powers.
- The **National Commission for Scheduled Tribes** had also recommended Ladakh's inclusion in the Sixth Schedule due to its tribal majority and unique cultural heritage.
- **Separate Public Service Commission:**
 - A separate Public Service Commission specifically for Ladakh would ensure that Ladakhis have a fair chance at government jobs in their region. Currently, they compete with candidates from other parts of India.
- **Two Parliamentary Seats:**
 - Ladakh has a relatively small population. However, having two parliamentary seats would give them a stronger voice in the national parliament and ensure their concerns are heard.

Associated Additional Information:

About Ladakh Autonomous Hill Development Council:

The Ladakh Autonomous Hill Development Council (LAHDC) is a statutory body constituted under the Ladakh Autonomous Hill Development Council Act, 1995.

- It has two councils, one for Leh district and the other for Kargil district.
- The Council in Leh came into being with the holding of elections on August 28, 1995. The inaugural meeting of the council was held in Leh on September 3, 1995.
- The Hill Council in Kargil came into existence in July 2003.

Each council comprises of:

- An Executive committee composed of a Chief Executive Councillor/ Chairman, a Deputy chairman and 3 other executive councillors.
- 26 elected members/ councillors and 4 nominated councillors from the Principal Minority and Women folk.
- The councils are responsible for the following matters:
 - Planning and development and administration of the region
 - Public works
 - Agriculture, horticulture, and animal husbandry
 - Education, health, and sanitation
 - Tourism and culture
 - Roads and bridges
 - Irrigation
 - Other matters as may be delegated by the administration.
- It also has the power to make laws, raise some resources through taxes, and appoint its own employees.

Though Ladakh Autonomous Hill Development Council has been working continuously to make a positive change in the lives of the people, it continues to face a number of issues, including:

- **Limited powers:** It has limited powers over subjects such as land, law and order, and taxation. Moreover, considerable powers have been handed over to the Union Territory administration.
- **Lack of financial resources:** It does not have enough financial resources to meet the needs of the people of Ladakh. This is because the council does not have power to raise sufficient taxes and depend on administration for finances, which often come with terms and conditions.
 - Council in Leh received Rs. 300 crores in the latest budget of Ladakh for the year 2023-24
 - Council in Kargil received Rs. 233 crores in the latest budget of Ladakh for the year 2022-23.
- **Lack of representation:** Since the council is elected by a small number of people, even those groups who are indigenous to the region, such as smaller tribal groups and women do not find any role or representation.

Poll Expenditure

Context:

- With the general elections underway, among the Election Commission's (EC) key responsibilities is monitoring poll expenditure, both by parties and individual candidates, through its own observers and state and Central enforcement agencies.

Background and Analysis for Prelims:

- The Election Commission of India (ECI) monitors poll expenditure and puts limits on it under the following rules and sections:
- **The Representation of the People Act, 1951:** This act sets the overall framework for elections in India. It includes provisions for regulating poll expenditure.
- According to Section 77 (1) of RPA, 1951, candidates are expected to keep an account of expenditure from date of nomination till date of declaration of results.
- According to Section 123(6) of RPA, 1951, spending more than the maximum limit imposed by the election commission is a corrupt practice.
- According to Section 10A of RPA, 1951, failure to lodge account of election expenses can lead to disqualification for a period of three years.

The Conduct of Elections Rules, 1961: These rules provide detailed guidelines for the implementation of the provisions of the Representation of the People Act, 1951. They include provisions for monitoring poll expenditure and for imposing penalties for violations. As per the rules, the election commission can:

- Appoint expenditure observers to monitor expenses of candidates.
- Order an inquiry into any suspected violation of rules.
- Impose fine of up to Rs. 2 lakhs on a candidate for violating poll expenditure rules.
- **The Election Commission (Conduct of Elections) Order, 2004:** This order further clarifies the provisions of the Conduct of Elections Rules. It includes provisions for setting limits on poll expenditure and for requiring candidates to submit detailed reports of their expenditure.
- With such statutory backing, ECI has taken a number of steps to curb poll expenditure. These include:

- Setting limits on the amount of money that can be spent by candidates.
 - Expenditure limit for candidates for Lok Sabha constituencies is Rs 70 lakh-Rs 95 lakh (depending upon states)
 - Expenditure limit for Assembly constituencies is Rs 28 lakh- Rs 40 lakh (depending on states).
- Requiring candidates to submit detailed reports of their expenditure within 30 days of the completion of the elections.
- Appointing expenditure observers to monitor the expenditure of candidates.
- Ordering inquiries into suspected violations of the rules.

Analysis for Mains:

- Despite these efforts, poll expenditure remains a problem in India. There are a number of reasons for this, including:
- The limits on poll expenditure for candidates are highly unrealistic. The high costs associated with advertising, rallies, and other campaign activities compel candidates to seek substantial financial resources, generally leading to excessive expenditure above the limits.
- There is no cap on a political party's expenditure. Though, registered political parties have to submit details of their expenditure within 90 days of elections to Election Commission of India.
- Lack of transparency in reporting of poll expenditure.
- Lack of adequate manpower and resources with ECI hampers its ability to monitor expenditure effectively across all constituencies.

Way forward:

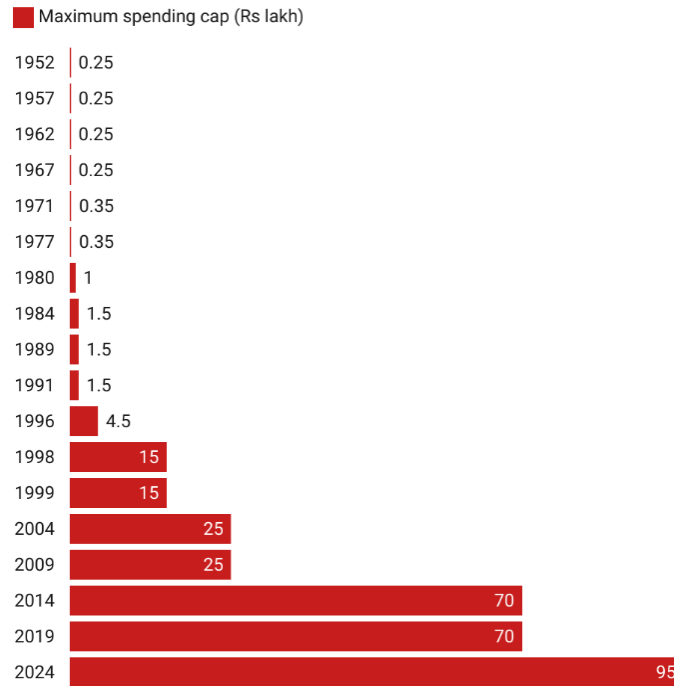
- ECI needs to take more effective steps to curb poll expenditure if it wants to ensure that elections are free and fair. As a way forward, following steps can be taken:
- Stringent implementation and enforcement of existing rules and reviewing the limits periodically.
- Setting up a dedicated unit to monitor, track and investigate suspected violations poll expenditure by candidates
- Using latest technology such as Artificial intelligence and machine learning to monitor poll expenditure.
- Educating voters about poll expenditure to hold candidates accountable for their spending.
- Increasing transparency in reporting of poll expenditure as advocated by **Indrajit Gupta Committee**.

Associated Additional Information:

Lok Sabha Expenditure limit for candidates over the years:

- The evolution of spending limits for Lok Sabha candidates in India's general elections illustrates a gradual increase over the decades:
- **1951-52:** In the inaugural general election, Lok Sabha candidates were permitted to spend a maximum of Rs 25,000, with lower caps of Rs 10,000 in some Northeastern states.

Lok Sabha expenditure limit for candidates



Source: Election Commission • Created with Datawrapper

- **1971:** Spending caps saw their first adjustment, rising to Rs 35,000 for most states.
- **1980:** A significant increase occurred, with the spending cap raised to Rs 1 lakh per candidate.
- **1984:** Further adjustments saw the cap rise to Rs 1.5 lakh in some states and Rs 1.3 lakh in smaller states, while states with one to two Lok Sabha seats were limited to Rs 1 lakh.
- **1996:** Post-liberalization, spending limits for most states tripled to Rs 4.5 lakh, with variations based on Union Territory status and the number of seats.
- **1998:** The spending cap escalated further, reaching Rs 15 lakh.
- **2004:** Another increase saw the limit set at Rs 25 lakh.
- **2014:** The cap was more than doubled, soaring to Rs 70 lakh.
- **2022:** After the 2019 polls, the spending cap was adjusted to its current figures.

Scheduled and Tribal Areas and Union Territories

Article 244(A) of the Constitution

Context:

- In Assam's tribal-majority Diphu Lok Sabha constituency, candidates of all parties have promised the implementation of Article 244(A) of the Constitution.

Background:

- Article 244(A) was inserted by The Constitution (Twenty-second Amendment) Act, 1969.

Analysis for Prelims:

About 244(A): Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both thereof.

- It enables Parliament to pass an Act to "form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part I of the table appended to paragraph 20 of the Sixth Schedule and create thereof:
 - A body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or
 - A Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law".
- A law passed under this Article is **not deemed to be an amendment of the Constitution for the purposes of Article 368**, notwithstanding that it contains any provision which amends or has the effect of amending the Constitution.

Analysis for Mains:

- There can be potential positives and negatives associated with forming an autonomous state under this provision:

Potential Positives:

- **Increased Autonomy and Empowerment:** This provision allows tribal communities to have a greater say in governing their own affairs. An autonomous state with its own legislature and council of ministers, could enable them to address local issues and development priorities specific to their communities.
- **Preservation of Culture and Identity:** Tribal communities often have unique cultural practices and traditions. An autonomous state could provide a platform to preserve and promote these aspects of their identity.
- **Socio-economic Development:** The devolution of power and resources to the autonomous state could lead to more focused efforts on improving the socio-economic conditions of tribal communities. This could involve initiatives in education, healthcare, infrastructure development and livelihood generation tailored to their specific needs.
- **Reduction of Grievances:** Granting greater autonomy could potentially address feelings of marginalization and neglect often experienced by tribal communities. Increased participation in decision-making processes could foster a sense of ownership and reduce grievances.

Potential Negatives:

- **Administrative Complexity:** Creating a new state-level administrative structure can be complex and expensive. Duplication of existing administrative functions could lead to inefficiencies and strain on resources.
- **Potential for Conflict:** The formation of an autonomous state within an existing state could lead to tensions with other communities residing in the territory. Delimitation of boundaries and power-sharing arrangements need careful consideration to ensure inclusivity and avoid conflict.
- **Financial Viability:** The economic viability of a small, newly formed state is a concern. Financial dependence on the central government could hinder its ability to effectively address development challenges.
- **Disruption of Existing Systems:** The transition to an autonomous state could disrupt existing administrative structures and service delivery mechanisms. Ensuring a smooth transition and continuity of essential services is crucial.

Conclusion:

- The decision to form a state under Article 244(A) requires careful consideration of both potential benefits and drawbacks. A thorough evaluation of factors like the size and economic strength of the proposed autonomous state, the needs and aspirations of the tribal communities, and the potential impact on existing administrative structures is vital. Open dialogue and consensus-building involving all stakeholders are essential for a successful implementation.

Associated Additional Information:

About Diphu:

- Diphu is the most sparsely populated of Assam's 14 Lok Sabha constituencies.
- It is reserved for Scheduled Tribes (STs), and covers six legislative Assembly segments in three tribal-majority hill districts of Assam: Karbi Anglong, West Karbi Anglong, and Dima Hasao.
 - These three districts are administered under the provisions of the **Sixth Schedule of the Constitution**, which describes the "Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram".

Mains Practice Question :

- **Question:** Evaluate the merits and demerits of forming autonomous states under Article 244(A) for tribal communities. Suggest a framework for successful implementation.

Governance and Social Justice

Armed Forces Special Powers Act (AFSPA)

Context:

Recently,

- The Union Home Minister said the Centre will consider revoking the Armed Forces (Special Powers) Act in Jammu and Kashmir.
- The Ministry of Home Affairs extended the term of the Armed Forces (Special Powers) Act in three districts of Arunachal Pradesh, eight districts of Nagaland and several other areas falling under 24 police stations in the two states for six more months from April 1, declaring them as disturbed areas.
- The Manipur home department has extended the Armed Forces (Special Powers) Act or AFSPA, 1958, for another six months in the state.

Background:

- The origin of Armed Forces (Special Powers) Act, 1958 (AFSPA) can be traced back to the Quit India Movement of 1942:
 - During the Quit India Movement, the British government used the Armed Forces (Special Powers) Ordinance, 1942 to give the armed forces wide-ranging powers to suppress the movement.
 - The ordinance was repealed after India gained independence in 1947.
- In 1958, the Indian government passed the Armed Forces (Assam and Manipur) Special Powers Act, 1958 in response to the Naga insurgency in the North-East of India under the G.B. Pant, the then Home Minister.

Analysis for Prelims:

Armed Forces (Special Powers) Act, 1958 (AFSPA) gives special powers to the Armed forces in so called “disturbed areas”.

- An area can be declared as disturbed under Section 3 of AFSPA.
- The Governor of the state or the administrator of that Union Territory or the Central Government can declare an area as a “disturbed area”.
 - In **Inderjit Barua vs the State of Assam Case**, the court held that the Governor is empowered to declare any area of the State as “disturbed area”. It could not be arbitrary on ground of absence of legislative guidelines.
- An Area can be declared as “disturbed area” if there is satisfaction that the situation calls for the use of armed forces in aid of the civil power.

AFSPA gives the armed forces the power to:

- Arrest any person without a warrant and detain them for up to 24 hours who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence.
 - Any person arrested and taken into custody under this Act should be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.
 - In **Horendi Gogoi vs Union of India case (1991)**: The court held that in case of arrest of any person, army authority is duty bound to handover to the officer-in-charge of the nearest police station with least possible delay.
- Use such force as may be necessary to effect the arrest.
- Search any premises without a warrant.
- Use force or fire upon any person who is acting in contravention of any law or order for the time being in force in the disturbed area.
- Destroy shelters and hide-outs of perpetrators carrying out armed attacks.
- AFSPA also gives armed forces an immunity from prosecution for any action taken under the law. Prior sanction of Central government is required for prosecution.
- In **Luithukia vs Rishang Keishing Case**, the Court held that the armed forces must act in cooperation with the district administration and not as an independent body. Armed Forces should work in harmony when they are deployed in disturbed area.

Analysis for Mains:

Significance of AFSPA:

- **Counters the threat of insurgency and terrorism:** The law gives the armed forces the necessary tools to protect the lives of civilians and maintain law and order in areas infested by threat of insurgency and terrorism.
- **Helps maintain law and order in disturbed areas.**
- **Acts as deterrent factor:** AFSPA deters insurgents and terrorists from carrying out attacks. The knowledge that the security forces have the power to take decisive action against them acts as a deterrent and hence helps to prevent violence and bloodshed.
- **Gives Confidence to armed forces for stringent action:** The law gives immunity from prosecution for any action taken under the law to the security forces. The forces can take proper action without the fear getting embroiled in legal battles.

Criticism of AFSPA:

- The law has given unfettered powers to the armed forces without actual accountability mechanism.
- There have been allegations that it has been used to violate the human rights of civilians. There have been widespread instances of extended custody, extrajudicial killings, torture, and rape by the security forces.
- It has also created a climate of fear and mistrust in the areas where it is in force.

- More often than not, armed forces in disturbed areas end up encroaching upon the jurisdiction of state police forces.
- It has also been used to suppress dissent and target minorities (**Justice Hegde Commission, formed on the directions of the Supreme Court**)

Conclusion:

- AFSPA is a complex law with a long history. It is both controversial and necessary. Hence, it is important to weigh the potential benefits of the law against the potential risks before deciding whether or not it should be implemented in an area, reformed or repealed altogether.

Associated Additional Information:

Supreme Court Judgements:

- Supreme Court upheld the constitutionality of AFSPA in **Naga People's Movement of Human Rights v. Union of India** (1998) case but gave certain cautions in the form of 'dos and don'ts' by the armed forces chief.
- In **Extra Judicial Execution Victim Families Association v. Union of India** case, Supreme Court ruled that the AFSPA does not give the armed forces the power to use excessive force. The Court also ruled that the armed forces should also investigate all allegations of human rights violations and take appropriate action against those responsible.

Committee recommendations:

- **The Jeevan Reddy Committee (2005)** recommended that the AFSPA be repealed and that the essential provisions of the act be inserted into the Unlawful Activities (Prevention) Act of 1967. It also concluded that the powers conferred under the Act are not absolute.
- **The Justice Verma Committee (2013)** observed that AFSPA legitimizes the immunity against sexual violence against women. It recommended that the AFSPA be reviewed and amended to ensure that it is in conformity with the Supreme Court of India's judgements, Constitution of India and international human rights standards.
- **Justice Hegde Commission (2013)** recommended that the Act must be properly reviewed every six months to see if its implementation is necessary. Besides, the government should provide compensation to the victims of human rights violations.
- **Second Administrative Reforms Commission (headed by M Veerappa Moily):** The report on public order recommended that the AFSPA be repealed.

Associated additional information:

AFSPA has been in force in the following states and union territories of India at one time or another:

- Arunachal Pradesh
- Assam
- Manipur
- Meghalaya
- Mizoram
- Nagaland

- Tripura
- Jammu and Kashmir

Mains PYQ :

- **Question:** Human rights activists constantly highlight the fact that the Armed forces (Special Powers) Act, 1958 (AFSPA) is a draconian act leading to cases of human rights abuses by security forces. What sections of AFSPA are opposed by the activists? Critically evaluate the requirement with reference to the view held by the Apex Court. (UPSC Mains 2015)

CBI Rising Day

Context:

- Recently, the CBI celebrated the CBI Raising Day on 1st April, 2024.

Background and Analysis for Prelims:

About CBI:

CBI is the premier investigating agency of India:

- Established in 1963 by an Act of Parliament on the recommendations of Santhanam Committee on Prevention of Corruption (1962-1964).
- Governed by the Delhi Special Police Establishment (DSPE) Act, 1946.
- Headed by a Director. Lokpal Act provides for a committee to appoint the Director. Headed by PM, the committee also includes Leader of Opposition/ Leader of the single largest opposition party, Chief Justice of India/ a Supreme Court Judge.
- Headquartered in New Delhi.
- Has offices in all major cities in India.

DSPE Act gives the CBI wide powers including power to:

- Investigate crimes such as that of corruption, economic offences, and organized crime under Prevention of Corruption Act etc.
- Register cases on its own.
- Take over cases from state police forces.
- Arrest and interrogate suspects.
- Seize evidence.

Some of the other key functions of CBI include:

- To investigate cases involving high-ranking government officials.
- To coordinate the activities of anti-corruption agencies in state police forces.
- To provide training to police officers.
- To develop and implement new methods of investigating crimes.
- To act as nodal police agency for Interpol in India.

Analysis for Mains:

The CBI has a reputation for being a professional and efficient investigating agency. It has investigated a number of high-profile cases, including:

- the Bofors gun deal.
- the Harshad Mehta securities scam.
- the 2G spectrum scam.
- the Vyapam scam.
- the Punjab National Bank fraud.
- However, it also faces some issues. Supreme Court has called CBI a “Caged Parrot of Government of India, dancing to the tunes of its political masters” and a “toothless tiger”.

Problems associated with CBI:

- **Political interference:** It is often accused of targeting political opponents of the ruling dispensation.
- **Lack of independence:**
 - It works under the overall supervision of Department of Personnel, Ministry of Personnel, Pension & Public Grievances.
 - It depends upon the government for staffing and lawyers.
 - It requires state’s consent for investigating a case in their territory according to Section 6 of DSPE Act.
 - It requires state’s consent for investigating a case in their territory according to Section 6 of DSPE Act.
 - The directors of CBI are changed at a whim of the government.
- **Lack of financial autonomy:** It has to depend upon the government for its budgetary and financial needs.
- **Corruption:** There have been allegations of corruption against CBI officials.
 - In 2019, it was accused of leaking confidential information to the media.
 - In 2021, it was accused of fabricating evidence against a politician in a money laundering case.
- **Inefficient investigations:** It has been criticized for its slow and inefficient investigations. This has led to a backlog of cases.
 - In 2013, the Supreme Court criticized CBI for its handling of 2G spectrum scam with biased and inefficient investigation.
 - In August 2020, it took over the investigation of the death of Bollywood actor Sushant Singh Rajput. It has not yet released any findings from its investigation.

Conclusion:

- These illustrate the serious problems that the CBI is facing. Some reform are sine-qua-non in order to regain public's trust:

Reforms can include:

- Providing constitutional status to reduce political interference as enjoyed by CAG.
- Enacting a separate new law for CBI (**2nd ARC, L P Singh committee, 19th report of the Parliamentary Standing Committee (2007)**)
- Fixing tenure of the director. Should not be less than 2 years (**Vineet Narain vs Union of India Case**)
- Developing separate cadre for CBI in line with international practices.
- Holding CBI officials accountable for their actions.
- Giving CBI financial autonomy

Associated Additional Information:

Other Supreme Court cases associated with reforms in the CBI:

- **Vineet Narain vs Union of India (1997):** The landmark judgment laid down number of measures to ensure the independence of the CBI, including:
 - Appointment of 3-membered committee to select CBI Director.
 - Establishment of a Lokpal to oversee the CBI.
 - Creation of a permanent bench of Delhi High Court to hear cases involving the CBI.
- **A.K. Jain vs Union of India (2000):** The judgment held that the CBI Director can be removed from office only by a two-thirds majority of the Select Committee.
- **Central Bureau of Investigation vs State of Rajasthan (2012):** The judgment held that CBI has the power to investigate cases against state government officials.

Right to Information Act, 2005

Context:

- Recently, The Punjab & Haryana High Court quashed an FIR lodged for cheating and
- forgery against an applicant seeking information under the Right to Information (RTI) Act 2005, observing there is no provision under the RTI Act or Rules to file a complaint against an applicant, who sought information.

Background:

Genesis of Right to Information at international level:

- **1948:** The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on December 10, 1948, under Article 19 includes the right to “seek, receive and impart information and ideas through any media and regardless of frontiers.”
- **1966:** The International Covenant on Civil and Political Rights (ICCPR), adopted by United Nations in 1966, under Article 19(2) states that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Genesis of Right to Information in India:

- **1976: Raj Narain vs the State of Uttar Pradesh case:** The Supreme Court said that Right to information will be treated as a fundamental right under Article 19 of the Constitution of India.
- **1986: Mr. Kulwal v/s Jaipur Municipal Corporation case:** The Supreme Court said that freedom of speech and expression provided under Article 19 of the Constitution of India clearly implies Right to Information. It also mentioned that in a democratic country like India uninformed citizens cannot enjoy freedom of speech and expression.
- **1994: Mazdoor Kisan Shakti Sangathan** wanted information from the government regarding the developmental work in the rural areas of Rajasthan. They, as well as other organisations, organized campaigns, rallies, and protests to demand the right to access government information. This culminated into the **Right to Information movement** in India.
- **1995: National Campaign for People's Right to Information** and other civil society organizations pushed for the enactment of the RTI legislation at the national level. This was a significant wake-up call for the government, which eventually led to the passing of the RTI Act in 2005 at the national level.

Analysis for Prelims:

About Right to Information Act 2005:

It empowers citizens to access information from public authorities and government organizations.

- **Objective:** The primary objective of the Act is to ensure that citizens have the right to access information held by public authorities.
- **Applicability:** It applies to the whole of India, and it covers any "Public authority".
- Public authority means any authority or body or institution of self-government established or constituted:
 - by or under the Constitution.
 - by any other law made by Parliament/State Legislature.
 - by notification issued or order made by the appropriate Government, and includes any body owned, controlled or substantially financed.
 - non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.
- **Accessible Information:** Information accessible under this Act includes information which is held by or under the control of any public authority. It includes the right to:
 - Inspection of work, documents, records;
 - Taking notes, extracts or certified copies of documents or records;
 - Taking certified samples of material;
 - Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

- **Request for Information:** Any citizen of India, including non-resident Indians, can file an RTI request to obtain information. Requests can be made in writing, electronically, or orally, depending on the state's specific rules and regulations.
- **Time Limit:** Public authorities are required to provide the requested information within 30 days of receiving the RTI request, or within 48 hours in cases involving life or liberty.
- **Exemptions:** It allows for certain exemptions, such as national security, personal privacy, and confidential commercial information. However, these exemptions are subject to reasonable restrictions.
- **Fees:** Public authorities can charge a nominal fee for providing information, but this fee is generally quite low and is intended to be affordable for citizens.
- **Appeal Mechanism:** If a request is denied or the applicant is dissatisfied with the response, they can appeal to higher authorities within the government system. The Act establishes designated bodies known as Information Commissions at the central and state levels to handle appeals and complaints.
- **Whistleblower Protection:** It provides protection to whistleblowers who disclose information about corruption, maladministration, or other wrongdoing within government bodies.
- **Penalties:** It contains provisions for penalties against officials who do not comply with the requirements of the Act, including fines and disciplinary actions.

About RTI (Amendment) Act, 2019:

- It provided that Chief Information Commissioner and Information Commissioners (of Centre as well as the States) shall hold office for such term as prescribed by the Central Government.
 - Earlier, the term was fixed at 5 years.
- It provided that the salary, allowances and other service conditions of Chief Information Commissioner and Information Commissioners (of Centre as well as the States) shall be such as prescribed by the Central Government.
 - Earlier, the salary, allowances and other service conditions of the Chief Information Commissioner were similar to those of the Chief Election Commissioner. Those of Information Commissioners were similar to those of an Election Commissioner (State Election Commissioners in case of States).

Analysis for Mains:

- Though, Right to Information Act, 2005 has strengthened participatory democracy, ushered in people centred governance and improved decision making by public authorities by removing secrecy to some extent, there are several challenges associated with its implementation. Some of the key challenges include:
- **Lack of Awareness:** Many people, especially in rural areas, may not be aware of their rights under the RTI Act, leading to underutilization of this powerful tool.
- **Procedural Delays:** Public authorities often do not adhere to the specified time limits for providing information, leading to delays and frustration for applicants.
- **Exemptions and Misuse:** Some public authorities misuse the exemptions provided by the Act to withhold information that should be in the public domain, which can undermine the spirit of transparency.

- **Inadequate Infrastructure:** Some government offices may lack the necessary infrastructure to effectively handle RTI requests, leading to inefficiencies and delays in providing information. As of June 2023, there were 3.21 lakh pending appeals and complaints within the 27 information commissions.
- **Harassment of Applicants:** In certain cases, individuals filing RTI requests have faced harassment, threats, or even violence, especially when their queries pertain to sensitive issues or corruption.
- **Incomplete and Inaccurate Information:** There have been instances where the information provided by public authorities in response to RTI requests is incomplete or inaccurate, which hinders the process of obtaining accurate and comprehensive information.
- **Lack of Accountability:** In some cases, there is limited accountability for public authorities who do not comply with the provisions of the RTI Act, which can discourage citizens from pursuing their right to information.
- **Political and Bureaucratic Resistance:** There have been instances of political and bureaucratic resistance to the implementation of the RTI Act, leading to challenges in accessing critical information, particularly related to government decisions and policies.

Conclusion:

- Addressing these challenges requires a multi-faceted approach, including increasing awareness about the RTI Act, enhancing the capacity of public authorities to handle requests efficiently, and ensuring strict enforcement of the provisions of the Act.
- Moreover, it is essential to foster a culture of transparency and accountability within government institutions to facilitate the smooth functioning of the RTI Act and uphold the principles of good governance.

Mains PYQ :

- Question: "The Right to Information act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability. Discuss. (UPSC Mains 2018)

Zero FIR

Context:

- Recently, A Zero FIR was registered against a person for making objectionable comments against the Chief Minister of Telangana State.

Background:

- The provision of Zero FIR came up after the recommendation of the Justice Verma Committee which was constituted after the 2012 Nirbhaya gang rape case. It had to suggest amendments to the Criminal Law in a bid to provide for faster trial and enhanced punishment for criminals accused of committing sexual assault against women.

Analysis for Prelims:

What is Zero FIR?

- A Zero FIR (First Information Report) is a type of FIR that can be filed at any police station regardless of the location where the crime occurred or where it was reported. It allows for the immediate registration of a complaint without jurisdictional constraints, especially in cases where the crime spans multiple jurisdictions or where the victim is unable to report the incident to the police station having jurisdiction over the area where the offense took place.
- No regular FIR number is given for the Zero FIR. After receiving such FIR, the relevant police station registers a fresh FIR and starts the investigation.

Legal Provisions for Zero FIR:

- There's no specific provision in the Criminal Procedure Code (CrPC) that explicitly mentions "Zero FIR". However, the concept is derived from Section 154 of the CrPC, which mandates police officers to register an FIR upon receiving information about a cognizable offense (an offense for which a police officer can arrest without a warrant).
- Another section which can be related to the concept of "Zero FIR" is Section 166A of the Indian Penal Code (IPC). This section deals with the punishment for not registering FIRs in cases of cognizable offenses. It holds public servants responsible for failing to record FIRs and initiate investigations.

Analysis for Mains:

- This provision for Zero FIR has both positive and negative consequences:

Positive Consequences:

- Immediate Action:** Zero FIR ensures prompt action by the police without jurisdictional delays, facilitating early investigation and evidence collection. This swift response is crucial in cases where timely intervention can prevent further harm or loss.
- Access to Justice:** Victims can seek justice without facing geographical constraints or jurisdictional barriers. This provision empowers individuals to report crimes without hesitation, knowing that their complaints will be promptly addressed, regardless of where they are located.
- Effective Investigation:** Seamless coordination between multiple police stations and investigative agencies enhances investigation efficiency, particularly in cases of serious crimes that may span across

different jurisdictions. It enables law enforcement to pool resources and expertise to solve complex cases.

- **Legal Compliance:** Filing Zero FIR ensures compliance with legal requirements for reporting crimes promptly. It holds law enforcement accountable for any negligence in registering complaints, thereby upholding the principles of justice and fairness.

Negative Consequences:

- **Challenges in Implementation:** Implementing Zero FIR may pose logistical challenges for law enforcement agencies, especially in coordinating investigations across different jurisdictions. This could lead to administrative complexities and delays in the legal process.
- **Potential Misuse:** There is a risk of misuse, with individuals filing false complaints or frivolous cases to harass others or divert police resources. Such misuse could undermine the credibility of the legal system and cause undue hardship to innocent individuals.

Conclusion:

- Despite its potential challenges, Zero FIR remains a valuable tool in ensuring timely justice delivery and enhancing access to legal remedies for victims of crime. While efforts should be made to address implementation challenges and prevent misuse, the overall benefits of Zero FIR in promoting swift and efficient law enforcement outweigh its limitations. Therefore, it remains an essential provision in safeguarding the rights of individuals and upholding the rule of law in society.

POSH Act, 2013

Context:

- The Supreme Court has appointed an Amicus Curiae in a matter wherein it had issued a slew of directions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (POSH) in May 2023.

Background:

Aureliano Fernandes vs the State of Goa Case, the Supreme Court had issued the following guidelines in May 2023:

- The Union of India, all State Governments and Union Territories to undertake a timebound exercise to verify as to whether all the concerned Ministries, Departments, Government organizations, authorities, Public Sector Undertakings, institutions, bodies, etc. have constituted ICCs/LCs/ICs.
 - A similar exercise should also be undertaken by all the Statutory bodies of professionals at the Apex level and the State level (including those regulating doctors, lawyers, architects etc), by universities, colleges, Training Centres and educational institutions etc.
- Information regarding the constitution and composition of the ICCs/LCs/ICs, details of the e-mail IDs and contact numbers of the designated persons, the procedure prescribed for submitting an online complaint, regulations and internal policies should be made readily available on the website of the concerned Authority. Such information furnished should also be updated from time to time.
- Immediate and effective steps should be taken by the authorities to familiarize members of the ICCs/LCs/ICs with their duties and the manner in which an inquiry ought to be conducted on receiving a complaint of sexual harassment at the workplace.

- The authorities/management/employers should regularly conduct orientation programmes, workshops, seminars and awareness programmes to upskill members of the ICCs/LCs/ICs and to educate women employees and women's groups about the provisions of the Act, the Rules and relevant regulations.
- The National Legal Services Authority (NALSA) and the State Legal Services Authorities (SLSAs) should develop modules to conduct workshops and organize awareness programmes to sensitize authorities, employees and adolescent groups with the provisions of the Act.
- The National Judicial Academy and the State Judicial Academies should include in their annual calendars, orientation programmes, seminars and workshops for capacity building of members of the ICCs/LCs/ICs established in the High Courts and District Courts and for drafting Standard Operating Procedures (SOPs) to conduct an inquiry under the Act and Rules.

Please note:

- ICC: Internal Complaints Committees
- LC: Local Committees
- IC: Internal Committees

Analysis for Prelims:

About Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:

- It is an important piece of legislation aimed at addressing and preventing sexual harassment in the workplace. It was introduced to provide a safer and more equitable environment for working women.

Provisions of the Act:

- **Definition of Sexual Harassment:** It defines sexual harassment broadly, encompassing unwelcome physical contact, sexual advances, demands for sexual favours, sexually coloured remarks, or any other unwelcome conduct of a sexual nature.
- **Duty of Employers:** It places the responsibility on employers to create a safe working environment, and it mandates the establishment of an ICC in organizations with more than 10 employees.
 - In cases an organization has fewer than 10 employees or in the absence of an ICC, it provides for the formation of a LC.
- **Complaint Mechanism:** It lays down the procedure for filing complaints and mandates that complaints are to be handled in a timely manner. It also ensures that the identity of the complainant is protected.
- **Redressal:** It specifies that actions can be taken against the perpetrator if they are found guilty, including penalties and disciplinary actions. Actions include:
 - Transfer of the victim or the perpetrator of the harassment to another workplace.
 - Compensation to the victim.
 - Disciplinary action against the perpetrator of the harassment.
- **Awareness and Training:** Employers are required to provide awareness and training programs to educate employees about the Act and prevent sexual harassment.

Analysis for Mains:

Benefits of the Act:

- **Legal Protection:** The Act provides legal protection to working women by addressing sexual harassment in the workplace, ensuring that their rights are safeguarded.
- **Safe Workplace:** It helps in creating a safer working environment for women, which can promote their participation in the workforce.
- **Timely Redressal:** The Act outlines a clear procedure for addressing complaints, ensuring that they are dealt with promptly.
- **Confidentiality:** The Act prioritizes the confidentiality of the complainant and encourages a harassment-free space for reporting incidents.
- **Awareness and Education:** The requirement for awareness and training programs helps in educating employees and employers about the importance of preventing sexual harassment.

Criticisms of the Act:

- **Limited Coverage:** It only addresses the issue of sexual harassment of women, potentially leaving out men and members of the LGBTQ+ community who may also experience workplace harassment.
- **Implementation Challenges:** There have been concerns about the effective implementation of the Act, particularly in smaller organizations or in sectors with a predominantly informal workforce.
- **Inadequate Punishments:** The penalties and disciplinary actions prescribed by the Act are not stringent enough to deter potential perpetrators.
- **Lack of Awareness** about the provisions of the act which can hinder its effectiveness.
- **Reliance on Internal Committees:** It places significant reliance on internal committees for redressal which may be biased in some cases.

Conclusion:

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 is an important step in addressing workplace sexual harassment in India. However, it is important to continuously evaluate such an important legislation to address its limitations and challenges effectively.

National Civil Services Day

Context:

- National Civil Service Day 2024 was celebrated recently on 21st April.

Background:

- National Civil Service Day commemorates the address given by **Sardar Vallabhbhai Patel**, the first Home Minister of Independent India, to probationary officers in 1947, where he referred to civil servants as '**the steel frame of India**,' thereby serving as a reminder to reflect on their services and reaffirm their commitment to serving citizens.
- The first celebration was hosted at **Vigyan Bhawan**, New Delhi, on April 21st, coinciding with Patel's anniversary speech, making April 21st designated as National Civil Service Day.

Analysis for Prelims:

About National Civil Service Day:

- It is a day dedicated to highlighting the important role of civil services in promoting citizen-centred governance.
- Each year on this occasion, the Prime Minister confers the Prime Minister's Awards for Excellence in Public Administration upon districts and implementing units for their exemplary achievements in priority programme implementation and innovation categories.
- While the date remains the same every year, the theme keeps changing and is chosen to emphasise the responsibility of civil servants to empower citizens through transparent, accountable, and responsive administration.
 - **Note:** The official theme of 2024 is yet to be announced by the PIB.

Supreme Court permits abortion beyond 24 weeks of pregnancy.

Context:

- Recently, the Supreme Court allowed a 14-year-old victim of sexual assault to terminate her almost **30-week pregnancy**.

Background:

History of Abortion Laws in India:

- Until 1971, the practice of abortion was governed by Indian Penal Code, 1862 and Code of Criminal Procedure, 1898.
- These laws had their roots in 19th-century British morality, according to which, abortion was a crime punishable for both the mother and the abortionist unless it was performed to save the woman's life.
- After taking into account legal developments around the world with respect to medical termination of pregnancy, **Shantilal Shah Committee** recommended legalising abortion to prevent maternal morbidity and mortality on compassionate and medical grounds.
- As a result, the MTP Act, 1971 was passed by the parliament.

Analysis for Prelims:

About India's law on Abortion:

- The Medical Termination of Pregnancy Act, 1971 (MTP Act) as amended by the **Medical Termination of Pregnancy (Amendment) Act, 2021** allows the termination of pregnancy under the following circumstances.
- Termination of pregnancy **up to 20 weeks** is allowed on the advice of one doctor.
- If pregnancy is **between 20-24 weeks**, the right to seek abortion is determined by not less than two registered medical practitioners, but only under certain categories, such as (as listed in **Section 3B of the Rules under the MTP Act**):
 - Survivors of sexual assault or rape or incest.
 - Minors.
 - Women whose change of marital status during the ongoing pregnancy has led to their being in a situation of destitution or having no means of livelihood.
 - Women with physical disabilities or mental illness that would make it extremely difficult for them to carry the pregnancy to full term or to care for the child.
 - Women who have been victims of grave injury or whose physical or mental health is at risk if the pregnancy is allowed to continue.
- **After 24 weeks**, a medical board is to be set up in "approved facilities", which may "allow or deny termination of pregnancy" only if there is substantial foetal abnormality. The Medical Board consists of:
 - a Gynaecologist
 - a Paediatrician
 - a Radiologist or Sonologist
 - such other number of members as may be notified in the Official Gazette by Government of the State or Union territory

Other Provisions:

- A registered medical practitioner cannot reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act except to a person authorised by any law for the time being in force.
- Anyone who contravenes the provisions of the act is punishable with imprisonment which may extend to one year, or with fine, or with both.

Analysis for Mains:

Criticism:

The Act has been criticized for a number of reasons:

- A woman's bodily autonomy still primarily rests with state rather than with the mother.
 - For example: A woman who does not fall into the categories specified by the act or its rules would not be able to seek abortion beyond 20 weeks.

- Time frame for Medical Board's decision is not specified.
- It is unclear if transgender persons will be covered under the provisions in the future.
- Non-inclusion of provisions for ensuring the accountability when death of the mother is caused due to the denial to perform abortion.
- Besides, there is a lack of awareness regarding reproductive rights among women, especially in rural areas.

Associated Additional Information:

Other cases where the Court allowed termination of pregnancy beyond 24 weeks:

Under the provisions of Article 142 of the Constitution of India, the Supreme Court can do complete justice. Using this provision, the court has **allowed termination of pregnancy beyond 24 weeks:**

- In August 2023, The Supreme Court allowed termination of pregnancy of a rape survivor whose pregnancy was at 27 weeks and three days.
- In September 2022, The Supreme Court allowed abortion for an unmarried woman who was 24 weeks pregnant. The Court cited "transformative constitutionalism" that promotes and engenders societal change.
- Even State High courts have taken steps to render justice. In **Bhatou Boro vs State of Assam Case (2017)**, Gauhati High Court overruled the medical board's refusal to give an opinion for termination of pregnancy of over 26 weeks of a minor rape survivor.

Miscellaneous:

Court judgements on reproductive choices of women:

- In **Suchita Srivastava v. Chandigarh Administration Case**, a bench of three judges adjudged that a woman's right to make reproductive choices is essentially a facet of personal liberty as envisaged under Article 21 of the Indian Constitution.
- In **K.S. Puttaswamy Case**, the Court observed that reproductive choice is personal liberty guaranteed under Article 21 of the Indian Constitution. In this sense, women's right to privacy, dignity, and bodily integrity must be respected.

Rights of Persons with Disabilities Act, 2016

Context:

- Recently, The Supreme Court expressed disappointment at the inadequate implementation of the Rights of Persons with Disabilities Act 2016 (RPwD) across states.
 - Observing that the enforcement of RPwD is in a “**dismal**” state, the Court directed the Ministry of Social Justice and Empowerment to consider the larger picture and provide an update in the next hearing.
- **The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act):** This act marked a significant milestone. It:
 - Recognized various disabilities and outlined specific rights for persons with disabilities (PwDs) in areas like education, employment, and accessibility.
 - Introduced a reservation system for PwDs in government jobs and educational institutions.

The 21st Century: A Push for Inclusion and Rights (2000s onwards):

- **Shortcomings of the PWD Act:** The act was toothless, outdated, unimplemented, and largely unknown. It had weak enforcement mechanisms and a focus on medical models of disability.
- **National Policy for Persons with Disabilities, 2006:** The policy recognized that Persons with Disabilities are valuable human resources for the country and sought to create an environment that provides them equal opportunities, protection of their rights and full participation in society.
- It recognized the fact that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures.
- **The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD):** India signed the UNCRPD in 2008, further strengthening international commitments to disability rights.
- **The Rights of Persons with Disabilities Act, 2016 (RPwD Act):** This act replaced the PWD Act in 2016, incorporating the principles of the UNCRPD. It:
 - Increased the number of recognized disabilities.
 - Enhanced provisions for accessibility, education, employment, healthcare, and rehabilitation.
 - Established a legal framework for ensuring the rights of PwDs.

Analysis for Prelims:

Issues highlighted by the court:

- States have not appointed a Commissioner under Section 79 of the RPwD Act (Appointment of State Commissioner in States).
- Such states include Andhra Pradesh, Chhattisgarh, Jharkhand, Punjab, Tripura, UP and UTs of Andaman and Nicobar, Lakshadweep and Chandigarh.
- States have not created a fund under Section 88 of the RPwD Act (State Fund for persons with disabilities).
- Such states include Gujarat, Himachal Pradesh, Kerala, Mizoram, West Bengal, UTs of Delhi, Daman Diu, J&K & Ladakh
- States have not constituted Special Courts for speedy trials & Public Prosecutors under Sections 84 & 85 of the RPwD Act.
- Such states include Arunachal Pradesh and West Bengal.
- States do not have assessment boards for disability certificates.
- States do not have a committee for research of disability under the act. Such states include Kerala, West Bengal, Punjab, Himachal Pradesh and UTs - J&K and Ladakh, Daman-Diu.

About Rights of Persons with Disabilities Act, 2016:

- The Act was enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities.
- **Ministry Involved:** Ministry of Social Justice & Empowerment.

Provisions of the Act:

- It recognizes 21 categories of disabilities, as opposed to the seven categories listed in the earlier legislation.
- Rights and Entitlements under the Act:
 - **Equality and non-discrimination:** The appropriate government to ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others. No person shall be deprived of his or her personal liberty only on the ground of disability.
 - Persons with disabilities will have the **right to live in the community**.
 - The appropriate government and local authorities to ensure that all children with disabilities shall have **right on an equal basis to freely express their views** on all matters affecting them and provide them appropriate support keeping in view their age and disability.
 - **Protection from cruelty and inhuman treatment.**
 - **Protection from abuse, violence and exploitation.**
 - No child with disability to be separated from his or her parents on the ground of disability except on an order of competent court.

- Government to ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.
- The Election Commission of India and the State Election Commissions to ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.
- Where a district court or any designated authority finds that a person with disability is unable to take legally binding decisions, s/he may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government.
- The act nudges the appropriate Government and the local authorities to ensure that all educational institutions funded or recognized by them provide inclusive education to the children with disabilities and towards that end:
 - Admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others.
 - Make building, campus and various facilities accessible.
 - Provide reasonable accommodation according to the individual's requirements.
 - Provide necessary support individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion.
 - Ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication.
 - Detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them.
 - Monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability.
 - Provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.
- The Act also mandates:
 - Reservation of not less than 4% in government jobs for persons with disabilities, as well as a 5% reservation in higher education institutions.
 - Creation of a separate National and State Fund to provide financial support to the persons with disabilities.
 - The Chief Commissioner for Persons with Disabilities and the State Commissioners to act as regulatory bodies and Grievance Redressal agencies, monitoring implementation of the Act.

Analysis for Mains:

- The RPwD Act, a significant step forward for disability rights in India, still faces challenges in ensuring full inclusion and empowerment for Persons with Disabilities (PwDs). Some key hurdles include:
- **Implementation Gap:** Bridging the gap between legal provisions and on-ground reality remains a major challenge. Weak enforcement mechanisms and a lack of trained personnel hinder the effective implementation of the Act's various aspects.
- **Limited Awareness:** Many PwDs, especially in rural areas, remain unaware of their rights under the Act. Raising awareness among PwDs, government officials, and the general public is crucial.
- **Attitudinal Barriers:** Deep-rooted social stigma and negative attitudes towards disability persist, creating significant hurdles for inclusion.
- **Infrastructure Accessibility:** Inadequate infrastructure, like inaccessible buildings, public transportation, and communication systems, continues to be a major barrier for PwDs.
- **Financial Constraints:** Resource limitations can hinder the provision of essential services like education, healthcare, and vocational training for PwDs.

The Way Forward: Building an Inclusive Future

- Despite these challenges, there are ways to move forward and ensure the Act's true potential is realized:
- **Strengthening Implementation:** Allocate adequate resources for capacity building of government officials and disability service providers. Implement stricter enforcement mechanisms to ensure compliance with the Act's provisions.
- **Public Awareness Campaigns:** Launch targeted public awareness campaigns to educate PwDs about their rights, and sensitize the public and government officials on disability inclusion.
- **Promoting Positive Attitudes:** Promote social inclusion campaigns that challenge societal stereotypes and encourage a more inclusive understanding of disability.
- **Enhancing Accessibility:** Invest in creating a barrier-free environment by making buildings, public transportation, and communication systems accessible for PwDs.
- **Financial Support:** Increase budgetary allocations for programs that support education, healthcare, skill development, and livelihood opportunities for PwDs.
- **Community and Stakeholder Collaboration:** Encourage collaboration between government agencies, NGOs, civil society organizations, and PwD groups to develop and implement effective disability inclusion strategies.

Conclusion:

- The RPwD Act serves as a vital framework for securing the rights of PwDs in India. By addressing implementation gaps, fostering attitudinal change, and prioritizing accessibility, we can work towards a future where PwDs are active participants in all aspects of society, leading to a **truly inclusive and equitable India**.

System of Government

Article 293 of the Constitution of India

Context:

- Recently, the Supreme Court refused to grant interim relief to the Kerala government in its dispute with the Centre over the state's additional borrowing powers under Article 293 of the constitution and referred the matter to the constitutional bench.
 - Additionally, the scope of judicial review concerning fiscal policy will also be examined by the larger bench.

Background and Analysis for Prelims:

- **Article 293 of the Indian Constitution** delineates the borrowing powers of the states and the role of the central government in facilitating such borrowings. The provision can be summarized as:
 - **Executive Power of States to Borrow:** The executive power of a state extends to borrowing within the territory of India, provided it is upon the security of the Consolidated Fund of the State. However, this borrowing power is subject to limits, if any, as may be fixed by the state legislature through law. Additionally, the state executive can give guarantees for loans within the prescribed limits.
 - **Role of the Government of India in State Borrowings:** The Government of India is empowered to make loans to any state or provide guarantees for loans raised by states, subject to conditions laid down by Parliament. Any funds required for this purpose are charged on the Consolidated Fund of India. However, these actions are subject to the limits set under Article 292 of the Constitution.
 - **Restrictions on State Borrowings:** A significant constraint imposed by Article 293 is that a state cannot raise any loan without the consent of the Government of India if there is still outstanding any part of a loan previously made to the state by the central government or its predecessor. This applies equally to loans for which guarantees have been provided by the central government.

Analysis for Mains:

- The provisions outlined in Article 293 of the Indian Constitution regarding state borrowing have both positive and negative consequences:

Positive Consequences:

- **Fiscal Discipline:** By subjecting state borrowing to legislative limits and requiring central government consent for additional borrowings when previous loans are outstanding, Article 293 promotes fiscal discipline among state governments. This helps prevent states from accumulating excessive debt, which could strain their finances in the long term.
- **Central Oversight:** The requirement for central government consent for state borrowing ensures a degree of oversight and coordination in fiscal matters between the central and state governments. This allows the central government to assess the fiscal health of states and prevent them from engaging in imprudent borrowing practices that could destabilize the broader economy.
- **Investor Confidence:** Clear guidelines for state borrowing and the involvement of the central government in guaranteeing loans can enhance investor confidence in state government securities. This can attract more investors, leading to lower borrowing costs for states and facilitating infrastructure development and other public projects.

Negative Consequences:

- **Central Control:** The requirement for central government consent may be perceived as infringing on the fiscal autonomy of states. States may feel constrained in their ability to raise funds independently for development projects or in response to emergencies if they are subject to stringent central oversight.
- **Delayed Decision-Making:** Obtaining central government consent for state borrowing can introduce delays in the decision-making process, particularly in urgent situations. This bureaucratic process may hinder timely responses to fiscal challenges or opportunities, impacting the effectiveness of state governments in managing their finances.
- **Inequality Among States:** States with weaker fiscal positions or greater reliance on central assistance may face difficulties in accessing funds compared to financially stronger states. This could exacerbate inequalities among states and hinder the development of less affluent regions.

Conclusion:

- Overall, while the provisions in Article 293 aim to ensure responsible fiscal management and prevent fiscal imbalances, they also pose challenges in balancing fiscal autonomy with central oversight and addressing the diverse financial needs of states.

Union and State Legislature

ADR report on sitting MPs in Lok Sabha Elections 2019

Context:

- Recently, the Association for Democratic Reforms (ADR) and National Election Watch (NEW) came out with a report after analyzing the self-sworn affidavits of 514 Sitting MPs out of 543 MPs in the Lok Sabha 2019 Elections.

Background and Analysis:

Criminal Background:

- Sitting MPs with Criminal Cases:** 225(44%) Sitting MPs have declared criminal cases against themselves.
- Sitting MPs with Serious Criminal Cases:** 149 (29%) Sitting MPs have declared serious criminal cases including cases related to murder, attempt to murder, communal disharmony, kidnapping, crimes against women etc.
- Sitting MPs with cases related to murder:** 9 Sitting MPs have declared cases related to murder.
- Sitting MPs with cases related to Attempt to Murder:** 28 Sitting MPs have declared cases of attempt to murder.
- Sitting MPs with cases related to Crimes against Women:** 16 Sitting MPs have declared cases related to crimes against women. Out of 16 Sitting MPs, 3 Sitting MPs have declared cases related to rape (IPC Section-376).

Financial Background:

- Billionaire Sitting MPs:** 25 (5%) are Billionaires.
- Average Assets:** The average assets per sitting MP for Lok Sabha 2019 elections are Rs. 20.71 crores.

Other Background Details:

- Education Details of Sitting MPs:**
 - 122 (24%) sitting MPs have declared their educational qualification to be between 5th pass and 12th pass.
 - 375 (73%) sitting MPs have declared having an educational qualification of graduate or above.
 - 1 Sitting MP has declared himself to be just literate.
 - 1 Sitting MP has declared himself to be Illiterate.
 - 15 Sitting MPs are Diploma Holders.
- Age Details of Sitting MPs:** 189 (37%) Sitting MPs have declared their age to be between 25 to 50 years while 325 (63%) Sitting MPs have declared their age to be between 51 to 85 years.
- Gender Details of Sitting MPs:** 75 (15%) Sitting MPs are women while 439 (85%) Sitting MPs are men.

Panchayati Raj and Local Bodies

PESA Act, 1996

Context:

- Recently, the Second PESA Regional Conference was inaugurated at Ranchi, Jharkhand. The Conference was organized by the Ministry of Panchayati Raj.

Background:

- The Panchayats (Extension to Scheduled Areas) Act or the PESA Act was enacted in 1996 to:
 - Extend the provisions of the Panchayat system to the Fifth Scheduled Areas.
 - Ensure the self-governance of tribal communities.
 - Protect their traditional rights and customs.
 - Prevent their exploitation by outsiders as tribals have often been exploited for their land resources.
 - Address their historical marginalization.
 - Promote sustainable development in the Scheduled Areas.

Analysis for Prelims:

- Provisions under PESA include:
 - Gram Sabha at the para, majra and tola levels.
 - Gram Sabha to protect the traditions, beliefs and culture of tribal communities.
 - Local disputes to be resolved by the Gram Sabha.
 - Gram Sabha to manage and protect common properties based on their traditional systems of management and protection.
 - The administration to seek permission from the Gram Sabha in case of land acquisition.
 - Gram Sabha to have:
 - The rights over minor forest produce; powers to restore land to the tribals; and control over money-lending to tribals, tribal welfare activities by social organizations and local plans and sub-plans for the development of tribal areas and communities.
 - The control over local markets and melas.
 - The rights to control the distillation, prohibition and manufacture of liquor.
 - District panchayats to have rights and powers similar to the district panchayats falling under Sixth Schedule.

Analysis for Mains:

- PESA is a landmark law that has the potential to empower tribal communities and to improve their lives.
- However, the Act has not been implemented effectively in all states.
- There are a number of challenges that need to be addressed in order to ensure that the full potential of the PESA Act is realized.

The challenges include:

- **Lack of awareness** among tribal communities about their rights under the Act.
- **Lack of capability** among the elected representatives to enforce the provisions of the Act.
- Although there is a scheme of Panchayat Development and Training (PD&T) sponsored by the Central government, it needs further augmentation both in terms of funds and the training quality.
- **Lack of capacity** among Gram Sabhas to exercise their powers under the Act. In reality, PESA Gram Sabhas remain subordinate to Gram Panchayats.
- **Interference from state governments** since administrative and fiscal empowerment still remains with state governments. According to Ajay Dandekar and Chitrangada Choudhury most of the states have enacted laws that provide the bulk of the powers to the Gram Panchayat, and not the Gram Sabha which is in stark violation of Section 4(n) of the Act.
- **Lack of resources** for the implementation of the Act.
- Applicability only to those areas which are legally regarded as Scheduled Areas.
- Significant number of tribals live outside such scheduled areas.

Conclusion:

- Hence, it is important for the stakeholders to work together with the tribals as well as the Gram Sabha to overcome these challenges to the implementation of the Act in order to realize its full potential.

Associated Additional Information:

Objective of the PESA Regional Conference:

- The main objective of the Conference is:
- To assess the progress made by the States in implementing the PESA Act.
- To develop a common vision on its impact at the grassroots level.
- To foster collaboration and discussions among participating States on enhancing the implementation of the PESA Act for the sustainable development of tribal communities in Scheduled Areas.

Constitutional and Non-Constitutional Bodies

Telecom Regulatory Authority of India (TRAI)

Context:

- The Telecommunications Act, 2023, had introduced the provision of setting up multiple regulatory sandboxes.
- Recently, TRAI recommended to allow only Indian entities to participate in regulatory sandbox that provide real-time but regulated access to networks and customer resources during product or technology tests.

Background:

About regulatory sandbox (RS):

- According to Telecommunication Act 2023, a regulatory sandbox (RS) emphasises on testing of new products, services, processes and business models in a live testing environment on a limited set of users for a specified period of time after obtaining certain regulatory relaxations.

Analysis for Prelims:

About TRAI:

- TRAI is an independent statutory regulatory body established by the Telecom Regulatory Authority of India Act, 1997, headquartered at New Delhi.
- The TRAI Act 1997, was enacted by the Central government under the powers conferred by Article 246(1) of the Constitution of India.

It has following functions:

- To make regulations on a variety of matters, including tariffs, interconnection, licensing, and quality of service.
- To promote competition and efficiency in telecommunications sector.
- To make telecommunications services more affordable, accessible, and reliable for consumers.
- To ensure the orderly growth of the telecommunications sector.
- To conduct periodical surveys of services rendered in telecommunications sector.
- To make recommendations regarding the need for introduction of new service provider etc.

It also has the power:

- To investigate complaints from consumers and service providers.
- To impose penalties on service providers for violating its regulations.
- To call upon any service provider to furnish information related to its affairs.
- To direct officers to inspect the accounts or any documents of any service provider.

Specific examples of TRAI's work:

- It introduced mobile number portability (MNP) in 2009 which allows mobile phone users to retain their mobile number even if they switch to a different network.
- It has issued several regulations to reduce tariffs for telecommunications services.
- It has played a key role in promoting new technologies in telecommunications sector such as rollout of 4G and 5G services in India.

National Human Rights Commission

Context:

- The National Human Rights Commission, NHRC India recently organized the Statutory Full Commission meeting of all the National Commissions, whose chairpersons are its ex-officio members.
- The objective of the meeting was to discuss the issue of ensuring the protection of the rights of the vulnerable and marginalized sections and share best practices and annual action plans in this regard.

Background and Analysis for Prelims:

About National Human Rights Commission:

- The National Human Rights Commission is a statutory body and an embodiment of India's concern for the promotion and protection of human rights.
- It was established in 1993 under the Protection of Human Rights Act, 1991 as amended by the Protection of Human Rights (Amendment) Act, 2006.
- It aims to protect rights related to life, liberty, equality, and dignity of individuals as guaranteed by the Indian Constitution or international covenants enforceable by Indian courts.
- It functions in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991, and endorsed by the General Assembly of the United Nations by its Regulations 48/134 of 20 December, 1993.

Composition:

- After the amendment to Protection of Human Rights Act in 2019, NHRC comprises of a chairman, five full-time members and seven deemed members.
- The chairperson must be a former Chief Justice of the Supreme Court or a Supreme Court Judge.
- The other members should be:
 - One Member who is, or has been, a Judge of the Supreme Court of India.
 - One Member who is, or has been, the Chief Justice of a High Court.
 - Three Members to be appointed from among persons having knowledge of, or practical experience in, matters related to human rights. Of these three members, at least one will be a woman.
- The Term for both the Chairperson and Members is Three years or till the age of Seventy years.

- Apart from these members, the Chairpersons of National Commission for Minorities, National Commission for SCs, National Commission for STs, National Commission for Backward Classes, National Commission for Protection of Child Rights (at present Special Invitee to Statutory Full Commission), National Commission for Women and Chief Commissioner for Persons with Disabilities serve as ex officio members.

Analysis for Mains:

The National Human Rights Commission (NHRC) of India, while crucial for safeguarding human rights, faces some shortcomings in its functioning. Key limitations include:

- **Non-Binding Recommendations:** The NHRC's recommendations on human rights violations lack enforcement power. While they can influence authorities, compliance is not mandatory. This can be seen as a "toothless tiger" situation.
- **Limited Jurisdiction:** The NHRC's authority doesn't extend to violations by private entities or the armed forces (except in certain situations). This leaves a gap in human rights protection.
- **Inability to Punish Violators:** The NHRC lacks the authority to punish violators. It cannot directly impose penalties on the perpetrators of human rights or award relief to victims.
- **Resource Constraints:** The NHRC often struggles with limited resources, leading to a backlog of cases and hindering its ability to investigate complaints effectively.
- **Time Limitations:** The NHRC cannot consider human rights violations reported after a year, potentially leaving some cases unaddressed.
- **Transparency Concerns:** The recruitment process for NHRC members can be opaque, raising questions about the selection criteria and potential lack of expertise in some appointments.
- These shortcomings can create hurdles in ensuring swift and effective action on human rights violations. Hence, some changes are sine-qua-non.

Way forward to address the shortcomings in the functioning of the NHRC:

- **Enhancing Enforcement Mechanisms:** Explore options to make NHRC recommendations more impactful. This could involve:
 - Granting the NHRC the power to impose fines or penalties for non-compliance with its recommendations.
 - Strengthening linkages between the NHRC and the judiciary to ensure swifter follow-up on recommendations.
- **Expanding Jurisdiction:** Consider broadening the NHRC's authority to investigate human rights violations by:
 - Including violations committed by private entities.
 - Loosening restrictions on investigating the armed forces, with robust safeguards to prevent misuse.
- **Strengthening Resources:** Increase budgetary allocations for the NHRC to:
 - Enhance its capacity for efficient investigation and case handling.
 - Hire qualified personnel and improve infrastructure.

- **Extending Time Limits:** Consider extending the time limit for filing complaints with the NHRC to allow for investigation of a wider range of cases.
- **Ensuring Transparency:** Introduce a more transparent selection process for NHRC members:
 - Establish clear criteria for appointment.
 - Consider involving independent bodies in the selection process.
- **Additionally:**
 - **Raising Public Awareness:** Public awareness campaigns can educate citizens about their rights and the NHRC's role in protecting them. This can empower people to file complaints and hold authorities accountable.
 - **Collaboration with NGOs:** Collaboration with credible NGOs can strengthen the NHRC's reach and investigative capabilities.
 - **Focus on Preventive Measures:** The NHRC can play a more proactive role by promoting human rights education and training for government officials and law enforcement personnel. This can help prevent violations from occurring in the first place.
- By implementing these measures, the NHRC can be strengthened to become a more effective guardian of human rights in India.

Mains PYQ :

- **Question:** Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. (UPSC Mains 2021)
- **Question:** Multiplicity of various commissions for the vulnerable sections of the society leads to problems of overlapping jurisdiction and duplication of functions, is it better to merge all commissions into an umbrella Human Rights Commission? Argue your case. (UPSC Mains 2018)

Weekly Current Affairs – Monthly Compilation

Polity & Governance – May 2024

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Constitutional Framework

Article 31C of the Constitution of India

Context:

- Recently, while hearing a case to decide whether the government can acquire and redistribute private property, a nine-judge Bench of the Supreme Court led by Chief Justice of India decided to take up another issue of “**radical constitutional consequence**”: does Article 31C still exist?

Background and Analysis:

About Article 31C:

- It protects laws enacted to ensure the “**material resources of the community**” are distributed to serve the common good (Article 39(b)) and that wealth and the means of production **are not “concentrated” to the “common detriment”** (Article 39(c)).
- As per the Article, these particular directive principles (Articles 39(b) and 39(c)) cannot be challenged by invoking the right to equality (Article 14) or the rights under Article 19 (freedom of speech, right to assemble peacefully).

³**[31C. Saving of laws giving effect to certain directive principles.—** Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing ⁴[all or any of the principles laid down in Part IV] shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by ⁵[article 14 or article 19;] ⁶*[and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy]*:

Introduction of Article 31C:

- In 1971, Article 31C was introduced by **The Constitution (Twenty-fifth) Amendment Act, 1971**.
 - The reasons for the amendment specifically mentioned the “**Bank Nationalization Case**” (**Rustom Cavasjee Cooper vs Union of India, 1970**), in which the Supreme Court stopped the Centre from acquiring control of 14 commercial banks by enacting The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969.
- In 1973, the 25th Amendment Act was challenged in the **Keshavananda Bharati case**.
- The court struck down some portions of Article 31C, which opened the door for the court to examine laws that had been enacted to further Articles 39(b) and 39(c).
- In 1976, Parliament enacted **The Constitution (Forty-second) Amendment Act**, which expanded the protection under Article 31C to “all or any of the principles laid down in Part IV of the Constitution”, under clause 4.
 - As a result, every single directive principle (Articles 36-51) was protected from challenges under Articles 14 and 19 of the Constitution.

- In 1980, in **Minerva Mills vs Union of India case**, the Supreme Court struck down clauses 4 and 5 of the 42nd Amendment Act.
- The Bench also held that Parliament's power to amend the Constitution was limited, and it could not be used to remove these limitations and grant itself "unlimited" and "absolute" powers of amendment.
- Now, the question being asked in the court is : did the court strike down Article 31 C as a whole in the Minerva Mills case or is it still present in the constitution in a restricted manner ?
- On one hand, since original version was substituted by 42nd Amendment by an expanded version, the older provision did not exist after it was struck down in Minerva Mills.
- Whereas, Solicitor General pleaded Kesavananda Bharti Position must be restored and Article 31 C in its limited form does exist.

CBSE instructs schools to focus teaching children in Mother Tongue

Context:

- Recently, The Central Board of Secondary Education (CBSE) instructed all its schools to make use of educational material which focuses on learning in one's mother tongue and encourage multilingual education.

Background:

- National Education Policy 2020 as well as the National Curriculum Framework 2022 emphasise teaching and learning in the child's mother tongue, or regional and local language. Recognising this and the value of preserving linguistic diversity, Central Board of Secondary Education (CBSE) came up with such instructions.

Analysis for Prelims:

Steps taken by the government to promote the use of Hindi (Mother tongue in Northern India):

- **Constitutional provisions:**
 - **Article 343(1):** The official language of the union shall be Hindi in Devanagari script.
 - **Article 344:** The President shall be empowered to appoint a commission to advise him on the progressive use of Hindi as the official language of the Union and the substitution of Hindi for English for all or any of the official purposes of the Union.
- **Article 350A. Facilities for instruction in mother-tongue at primary stage. – It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities**
 - Jharkhand has even made it mandatory for all government schools to teach Hindi as a compulsory subject.
- Supporting Hindi-language media outlets.
- Promoting the use of Hindi in government and other public institutions.

- Many government websites and publications are now available in Hindi.
- Bihar has made it mandatory for all government advertisements to be published in Hindi.
- Madhya Pradesh has made it mandatory for all government employees to know Hindi.
- Giving awards for Hindi language such as Sahitya Akademi Award, the Bhartiya Jnanpith Award, and the Hindi Sahitya Sammelan Award.
- Celebrating days like the Hindi Diwas.
- Proposing that Hindi be made official language at the United Nations.

Steps taken by the government to promote the use of regional and local languages:

- **Constitutional provisions: Article 350 A** of the constitution provides that every state must provide primary education in a mother tongue. It also provides for the appointment of a 'Special Officer' for linguistic minorities under **Article 350 B**, who is responsible to investigate matters relating to linguistic minorities and report them to the President.
- **Right to education Act, 2009:** Section 29(f) of Chapter V under Right to Education Act, 2009 clearly states that, "medium of instructions shall, as far as practicable, be in child's mother tongue."
- **NIPUN Bharat Mission:** The mission of the Government of India through its Mission Implementation Guidelines suggests that teaching learning process and development of teaching learning material should be done in mother tongue.
- **Setting up separate organizations for development and promotion of regional and local languages:**
 - **Sanskrit** is promoted through three Central Universities viz, Central Sanskrit University, New Delhi, Shri Lal Bahadur Shastri National Sanskrit University, New Delhi and National Sanskrit University, Tirupati.
 - **Sindhi** is promoted through National Council for Promotion of Sindhi Language, New Delhi.
 - **Urdu** is promoted through National Council for Promotion of Urdu Language, New Delhi.
 - Central Institute of Indian Languages (CIIL), Mysore works for the promotion of **all Indian languages including Scheduled/Non-Scheduled and Classical languages** namely Kannada, Telugu, Malayalam and Odia.
 - Development and promotion of **Classical Tamil** is done by Central Institute of Classical Tamil (CICT), Chennai.
- **National Education Policy (NEP) 2020:** It provides, wherever possible, for medium of instruction to be in the home language/ mother tongue/ local language upto at least class 5 and preferably upto class 8. In addition to this, it provides for more Higher Educational Institutions (HEI) and more programmes in Higher Education to use the mother tongue/local language as a medium of instruction and/or offer programmes bilingually.
- **All India Council for Technical education (AICTE)** has issued guidelines permitting technical education institutions to offer their courses in local languages also. So far 19 institutions from 10 states have started offering such courses.
- **Materials made available for free on government websites:**
 - Translation of reference material for Engineering courses are available in regional languages on SWAYAM MOOCS portal.

- Course material including text books and teaching resources for Grades 1-12 are available on DIKSHA portal of the Government in 33 Indian languages and Indian Sign language.
- **Conducting exams in regional languages:**
 - JEE and NEET exams are conducted in 13 Indian languages.
 - Constable (General Duty) examination for CAPFs is conducted in 13 regional languages in addition to Hindi and English.

Analysis for Mains:

India's rich tapestry of languages necessitates a strong focus on education in the child's mother tongue, or regional and local languages. It holds immense importance as it leads to:

- **Stronger Cognitive Foundation:** A child's mother tongue is the language they acquire naturally and effortlessly. Learning in this familiar language allows them to grasp concepts more effectively, fostering deeper understanding and critical thinking skills. This strong cognitive foundation becomes crucial for future academic success.
- **Improved Communication Skills:** Learning in their mother tongue allows children to express themselves clearly and confidently. This enhances their communication skills, which are essential for academic achievement and overall development. They can actively participate in classroom discussions, ask questions without hesitation, and articulate their ideas more effectively.
- **Cultural Connection and Identity:** Language is intricately linked to culture. By learning in their mother tongue, children connect with their heritage, traditions, and values. This fosters a sense of cultural identity and belonging, which is crucial for self-esteem and overall well-being.
- **Reduced Disparity and Increased Access:** India's education system faces the challenge of linguistic diversity. Educating children in their local languages ensures inclusivity and removes a barrier to entry for those from non-dominant language backgrounds. This can help bridge the educational gap and create a more equitable learning environment.
- **Enhanced Learning Outcomes:** Research suggests that children who receive primary education in their mother tongue tend to perform better academically in the long run. They develop a love for learning and are more motivated to engage in the educational process.

Specific Benefits in the Context of India:

- **India's Multilingual Reality:** With 22 official languages and numerous dialects, imposing a single language of instruction can be disadvantageous. Mother tongue education caters to this linguistic diversity and ensures no child is left behind.
- **Preserving Indigenous Languages:** Promoting education in regional and local languages helps preserve India's rich linguistic heritage. This is vital for maintaining cultural identity and diversity.
- **Remembering struggle for freedom in India:** Mother tongue and local languages played a pivotal role in advancing the freedom struggle in India.
 - Gandhi's speeches and writings in Gujarati and Hindi resonated deeply with people across different regions, fostering a sense of unity and collective action.
 - Rabindranath Tagore's compositions in Bengali, such as the national anthem "Jana Gana Mana," celebrated the diversity and richness of Indian culture, reinforcing the bond between language, identity, and the freedom struggle.

- The Tamil language played a significant role in the anti-colonial movements in South India, with leaders like C. Rajagopalachari and Periyar E. V. Ramasamy using Tamil as a medium to mobilize support for independence and social reform.

Conclusion:

- Education in the child's mother tongue, or regional and local languages, is not just about language learning; it's about empowering children, fostering cultural connection, and creating a more inclusive learning environment. By prioritizing mother tongue education, India can ensure equitable access to quality education and unlock the full potential of its diverse young population.

Personality Rights

Context:

- Recently, in
 “Jaikishan Kakubhai Saraf alias Jackie Shroff vs The Peppy Store & Ors Case”,
 - the Delhi High Court passed an order protecting the personality and publicity rights of actor Jackie Shroff.
 - The court also restrained social media accounts, Artificial Intelligence (AI) chatbots as well as e-commerce websites from misusing the actor's name, voice or image for any commercial purpose without his consent.

Background and Analysis:

What are personality rights?

- Personality Rights are the rights of a celebrity over their name, voice, signature, images or any other feature easily identified by the public as markers of a celebrity's personality.
- They also include a pose, a mannerism or any aspect of celebrity's personality.
- The idea of granting personality rights is:
 - The owner or creator of these distinct features has the right to **derive commercial benefit** from it.
 - **Exclusivity:** Since, exclusivity is a big factor in attracting commercial dividends for celebrities, any unauthorized use causes a tangible loss of revenue for them.

How does the law protect this right?

- Personality rights or their protection is not expressly mentioned in statutes in India.
- However, to some extent, they fall under the **‘Right to Privacy’** and the **‘Right to Property’**.

Associated Additional Information:

Other judgements of courts:

- In 2023, the Delhi High Court protected Actor Anil Kapoor's personality rights by restraining misuse by third parties.
- The Court granted ex-parte, omnibus(applicable to all) injunction restraining 16 entities from using actors' name, likeness, image, using technological tools like AI, face morphing and even GIFs for monetary gain or commercial purpose.
- In 2022, the Delhi High Court restricted the misuse of Actor Amitabh Bachchan's personality rights such as use of the name "Big B", his unique style of addressing the computer as "Computer ji" and "lock kiya jaye" by third parties.
- In 2015, the Madras High Court protected personality rights of Actor Rajnikanth. The court also observed that "personality right vests on those persons, who have attained the status of celebrity".

Governance and Social Justice

Rajasthan High Court on prevention of child marriages

Context:

- Ahead of Akshay Tritiya festival, Rajasthan High Court issued directions to the state government to ensure that no child marriage takes place in the state.

Background:

- Many child marriages are solemnised on Akshay Tritiya in Rajasthan. A PIL seeking the court's intervention to prevent child marriages was filed in the Court.

Analysis for Prelims:

Directions of the Court:

- The court noted that despite of the **Prohibition of Child Marriage Act, 2006** being in force, child marriages are still taking place in the state. As per the directions of the court:
- A duty is cast upon sarpanch to restrict child marriages as per **Rajasthan Panchayati Raj Rules, 1996**.
- Sarpanch and panch should be sensitized and informed that they will be held responsible under **Section 11 of The Prohibition of Child Marriage Act, 2006**, if they negligently fail to prevent child marriages from being solemnized.
- **State government** should call for the report from the authorities with regard to investigation done to prevent child marriages, which have taken place in the state.

Analysis for Mains:

Reasons for Child Marriage:

- Child marriage, defined as any formal or informal union where one or both parties are under 18, persists due to a complex interplay of social, economic, and cultural factors:
- **Poverty:** In many communities, families view child marriage as a way to reduce their financial burden by sending a daughter to live with her husband's family. Additionally, the dowry system in some cultures can incentivize early marriage.
- **Gender Inequality:** Deep-rooted patriarchal norms often view girls as primarily burdens or commodities. Child marriage is sometimes seen as a way to control their sexuality and ensure their "protection" within a marriage.
- **Lack of Education:** Limited access to education, particularly for girls, perpetuates the cycle of poverty and reinforces the belief that marriage is the only viable future for young girls.
- **Cultural Norms and Traditions:** In certain cultures, child marriage is a deeply ingrained tradition passed down through generations, making it difficult to break free from the social pressure.
- **Safety Concerns:** In some communities, families perceive marriage as a way to safeguard girls from potential sexual abuse or exploitation, even though it often exposes them to further risks within the marriage itself.

Consequences of Child Marriage:

- Child marriage has devastating consequences for the physical and mental well-being of children, impacting various aspects of their lives:
 - **Health Risks:** Early pregnancy and childbirth pose significant health risks to young girls, including increased risk of complications, maternal mortality, and obstetric fistula.
 - **Education Deprivation:** Child marriage often forces girls to drop out of school, limiting their educational opportunities and hindering their future prospects.
 - **Domestic Violence and Abuse:** Girls married young are more vulnerable to domestic violence, sexual abuse, and exploitation within the marital household.
 - **Economic Hardship:** Lack of education and limited opportunities often trap individuals married as children in poverty, perpetuating the cycle for future generations.
 - **Psychological Trauma:** The emotional and psychological trauma associated with early marriage can have long-lasting consequences, impacting mental health and well-being.

Conclusion:

- Child marriage can be considered a violation of human rights and a significant barrier to achieving gender equality and sustainable development. Addressing its root causes and implementing effective prevention strategies are crucial to protecting children and building a brighter future for all.

Associated Additional Information:

According to a UNICEF report titled “Ending Child Marriage: A profile of progress in India 2023 update”:

- India has 23 per cent of women aged 20 to 24 years who were first married or in union before age 18 in 2021, which was around 29 per cent in 2016.
- India registered 4.9 per cent average annual rate of reduction of child marriages.
- **Section 16 of Prohibition of Child Marriage Act (PCMA), 2006:**
 - It authorises the State Government to appoint for the whole State, or a part of the state, an officer or officers known as the “**Child Marriage Prohibition Officers (CMPO)**” having jurisdiction over the area or areas specified in the notification.
 - It also specifies the functions to be discharged by CMPOs. The functions include:
 - Preventing solemnisation of child marriages by taking such action as they may deem fit.
 - Collecting evidence for the effective prosecution of persons contravening the provisions of the Act.
 - Advising the individuals or counsel the residents of the locality not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages.
 - Creating awareness about the ill effects of child marriages.
 - Sensitizing the community on the issue of child marriages.
- Since the enactment of PCMA, the prevalence of child marriage has reduced by half from 47% in 2006 to 23.3% during 2019-21 (NFHS-5).
- However, a few States such as Andhra Pradesh, Assam, Bihar, Jharkhand, Rajasthan, Telangana, Tripura and West Bengal have higher prevalence of child marriage than national average as per NFHS-5.

Domestic Violence Act, 2005

Context:

- Recently, the Supreme Court admitted a petition raising an important question of whether the compensation awarded to the victim of domestic violence should be commensurate with the degree of domestic violence suffered or the financial status of the guilty party.

Background:

- **2005:** The **Protection from Domestic Violence Act, 2005** was passed by the Parliament in August, 2005 and assented to by the president on 13th September, 2005.
- **2006:** Ministry of Women and Child Development issued a notification to bring **Protection from Domestic Violence Act, 2005** into force from 26th October, 2006.

Analysis for Prelims:

The salient features of the Protection from Domestic Violence Act, 2005 are as follows:

- The Act seeks to cover those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption; in addition, relationship with family members living together as a joint family are also included.
 - Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to get legal protection under the proposed Act.
- “Domestic violence” includes actual abuse or the threat of abuse that is physical, sexual, verbal, emotional and economic.
 - Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
- The Act provides for:
 - Appointment of Protection Officers and NGOs to provide assistance to the woman w.r.t medical examination, legal aid, safe shelter, etc.
 - Breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both.
 - Punishment for Non-compliance or discharge of duties by the Protection Officer.
 - Woman’s right to secure housing in the matrimonial or shared household, whether or not she has any title or rights in the household.
 - The right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.
- The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from:
 - Aiding or committing an act of domestic violence or any other specified act.
 - Entering a workplace or any other place frequented by the abused.
 - Attempting to communicate with the abused.
 - Isolating any assets used by both the parties.
 - Causing violence to the abused, her relatives and others who provide her assistance from the domestic violence.

Analysis for Mains:

Domestic violence arises from a complex interplay of factors:

Individual Factors:

- **Power and Control:** Abusers often seek to exert power and control over their victims, driven by a need for dominance and a desire to maintain their perceived superiority.
- **Anger Management Issues:** Difficulty managing anger and resorting to violence as a means of expressing emotions is a common characteristic of perpetrators.
- **Mental Health Issues:** Underlying mental health conditions like depression, anxiety, or substance abuse can contribute to abusive behaviour.
- **Exposure to Violence:** Individuals who witnessed or experienced violence in their own upbringing are more likely to become perpetrators.

Societal Factors:

- **Gender Inequality:** Deep-rooted patriarchal norms that normalize male dominance and female subordination create an environment conducive to abuse.
- **Economic Hardship:** Poverty and financial stress can exacerbate tensions within relationships, increasing the risk of violence.
- **Social Norms and Traditions:** Cultural acceptance or justification of violence within families or communities can perpetuate the cycle of abuse.
- **Lack of Education:** Limited access to education, particularly for women, can hinder their awareness of their rights and limit their ability to seek help.

Relationship Factors:

- **Unhealthy Relationship Dynamics:** Power imbalances, controlling behaviour, and lack of communication contribute to a volatile environment where abuse can flourish.
- **Substance Abuse:** Alcohol and drug use can lower inhibitions and increase the likelihood of violent outbursts.
- **Jealousy and Possessiveness:** Excessive possessiveness and insecurity can lead to controlling behaviour and ultimately, violence.

Consequences of Domestic Violence:

Domestic violence has devastating consequences for victims, impacting various aspects of their lives:

- **Physical Injuries:** Victims may suffer physical harm ranging from bruises and broken bones to life-threatening injuries.
- **Mental and Emotional Trauma:** Depression, anxiety, post-traumatic stress disorder (PTSD), and low self-esteem are common psychological consequences.
- **Social Isolation:** Fear and shame can lead victims to withdraw from social circles, further isolating them.
- **Economic Hardship:** Abuse can disrupt employment opportunities and financial security, trapping victims in a cycle of dependence.

- **Impact on Children:** Witnessing or experiencing domestic violence can have severe psychological and emotional consequences on children, affecting their development and well-being.

Conclusion:

- Domestic violence is a serious public health issue with far-reaching consequences.
- Recognizing the root causes and implementing comprehensive prevention strategies are crucial to creating safe and healthy relationships for all as well as achieving Sustainable Development Goals viz SDG 3, SDG 5 etc.

Associated Additional Information:

Other Measures to Check violence Against Women:

Constitutional provisions for protection of women:

- The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio-economic, educational and political disadvantages faced by them.
- **Article 14** confers on men and women equal rights and opportunities in the political, economic and social spheres.
- **Article 15** prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc., Article 15(3) makes a special provision enabling the State to make affirmative discrimination in favour of women.
- Similarly, **Article 16** provides for equality of opportunities in matter of public appointments for all citizens.
- **Article 39(a)** further mentions that the State shall direct its policy towards securing to all citizens men and women, equally, the right to means of livelihood, while **Article 39(c)** ensures equal pay for equal work.
- **Article 42** directs the State to make provision for ensuring just and humane conditions of work and maternity relief.
- Above all, the Constitution imposes a fundamental duty on every citizen through **Articles 51 (A)(e)** to renounce practices derogatory to dignity of women.

Legislative measures: Legal rights of women

- To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support service especially to working women.
- Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc., the crimes which are directed specifically against women are characterized as '**Crimes Against Women**'.
- These are broadly classified under **two categories**:
- **The crimes identified under the Indian Penal Code (IPC)**
 - Rape (sec.376 IPC)
 - Kidnapping & abduction for different purposes (sec.363 – 373 IPC)

- Homicide for Dowry, Dowry Deaths or their attempts (sec.302/304-B of IPC)
- Torture, both mental and physical (sec.498-A of IPC)
- Molestation (sec.354 of IPC)
- Sexual harassment (sec.509 of IPC) (referred to in the past as Eve-teasing)
- Importation of girls (upto 21 years of age) (sec.366-B of IPC)
- **The crimes identified under the Special laws, such as:**
 - Commission of Sati (Prevention) Act, 1987
 - Dowry Prohibition Act, 1961
 - Indecent Representation of Women (Prohibition) Act, 1986
 - Immoral Traffic (Prevention) Act, 1956
 - Protection of Women from Domestic Violence Act, 2005

Enforcement:

- Law and order and other criminal matter are “**State subjects**” under the Constitution and therefore, the direct responsibility for dealing with enforcement of the concerned Acts is that of the State Governments and the mechanisms under them.
- The registration, investigation, detection and prevention of the crimes against women are primarily the responsibility of the State Governments/UT Administrations.
- However, the Government of India has also initiated a number of measures to check such crimes. The measures include:
 - Setting up of Helplines for women in distress under the Swadhar Scheme.
 - Support services to victims of violence through schemes such as Short Stay Homes and Swadhar under which shelter, maintenance, counselling, capacity building, occupational training, medical aid and other services are provided.
 - Grant-in-aid schemes providing assistance for rescue and rehabilitation of trafficked victims as well as prevention through special schemes in source areas of trafficking.
 - Redressal of grievances through interventions of National and State Commissions for Women.
 - Organizing legal Literacy and Legal Awareness Camps.
- Implementation of scheme for
 - Awareness generation and advocacy and
 - Economic empowerment of women through the programmes of Rashtriya Mahila Kosh, Swashkti project, Swayamsidha Project, Swawlamban programme (since transferred to the State sector) and Support to Training & Employment Programme (STEP).
- Review of laws with a view to remove provisions which may be discriminatory to women and to enhance punishments for crimes against women.
- Sensitization of judiciary and police and civil administration on gender issues.
- Follow up of reports of cases of atrocities against women received from various sources, including NCW, with concerned authorities in the Central and the State Governments.

Corporal punishment

Context:

- The Tamil Nadu School Education Department has issued Guidelines for the Elimination of Corporal Punishment in Schools (GECPP) and has instructed district-level officers to ensure that all schools in their jurisdiction take proactive steps to create safe and nurturing environments for students.

Background:

- The Madras High Court had issued a directive to the Tamil Nadu government, compelling it to enforce stringent guidelines aimed at eradicating corporal punishment within educational institutions across the state. The court had observed that corporal punishment was unacceptable, as outlined in Section 17(1) of the Rights of Children to Free and Compulsory Education Act 2009.

Analysis for Mains:

Guidelines for Corporal Punishment:

- Safeguard the mental well-being of students.
- Conduct awareness camps keeping in mind the guidelines of the National Commission for Protection of Child Rights (NCPCR).
- Promptly address any complaints related to corporal punishment and extend the focus beyond eliminating corporal punishment to address any form of harassment or situations impacting student's mental health.
- Establish monitoring committees at each school comprising school heads, parents, teachers and senior students to oversee the implementation of guidelines and addressing any issues.
- Take affirmative actions against corporal punishment, including addressing difficult situations, positive engagement with children, focus on help and not punishment, rights of the teaching community and children, multidisciplinary intervention, life-skills education, creating a positive environment and mechanisms for children's voices.
- All Chief Educational Officers and District Educational Officers, both secondary and elementary, should take proactive steps in their jurisdictions against corporal punishment.

What is Corporal Punishment:

- **Corporal punishment** refers to the use of physical force or pain as a form of discipline or punishment. This can include hitting, spanking, slapping, or any other physical methods intended to cause discomfort or pain. As per the **Right to Education Act, 2009** corporal punishment includes physical punishment, mental harassment and discrimination.
- While historically prevalent, corporal punishment is a highly debated practice due to its ethical and effectiveness concerns.

Justification for Corporal Punishment (Limited Acceptance):

- **Deterrence:** Proponents argue that corporal punishment deters future misbehaviour by creating an association between the action and an unpleasant consequence.
- **Cultural Acceptance:** In some cultures, corporal punishment is a deeply ingrained tradition viewed as a necessary and effective way to discipline children.
 - For instance, in the United States, corporal punishment is still legal in 22 states.
- **Immediate Compliance:** Physical punishment can achieve immediate compliance, which some see as desirable for maintaining order or preventing dangerous behaviour.
- However, it's important to note that these justifications are increasingly challenged due to the significant downsides of corporal punishment.

Negative Effects of Corporal Punishment:

- **Physical Harm:** Corporal punishment can lead to injuries, ranging from minor bruises to more severe physical harm.
- **Psychological Damage:** The experience of pain and humiliation associated with corporal punishment can cause emotional distress, anxiety, and even depression.
- **Increased Aggression:** Studies suggest that corporal punishment can actually increase aggressive behaviour in children, leading to a cycle of violence.
- **Ineffectiveness:** Research shows corporal punishment is not an effective long-term strategy for behaviour modification. Children often become fearful or resentful, rather than learning from the experience.

Steps Against Corporal Punishment in India:

India has taken a strong stance against corporal punishment, with several legal measures in place:

- **Constitutional Provisions: Article 21 of the Constitution** of India which protects the right to life and dignity includes the right to education for children up to 14 years of age. Corporal punishment amounts to abuse and militates against the freedom and dignity of a child. It also interferes with a child's right to education because fear of corporal punishment makes children more likely to avoid school or to drop out altogether. Hence, corporal punishment is violative of the right to life with dignity.
- **Right to Education Act (RTE), 2009:** Section 17 of this act explicitly prohibits corporal punishment in schools and prescribes alternative disciplinary methods. It prohibits physical punishment and mental harassment.
- **Juvenile Justice (Care and Protection of Children) Act, 2000:** This act protects children from all forms of violence, including any mental or physical pain.
- **National Commission for Protection of Child Rights (NCPCR):** The commission works to ensure the protection of children's rights, advocating against corporal punishment as per the provisions under Section 31 of the RTE Act, 2009.
- **Byelaws of the Central Board of Secondary Education (CBSE):** The Affiliation Byelaws of CBSE empower the School Managing Committee to place an employee under suspension if charged with cruelty with any student or employee of the school. CBSE has also issued guidelines to schools for ensuring an atmosphere free from fear in each affiliated school.

- These legal measures reflect India's commitment to protecting children and promoting positive discipline practices that focus on teaching valuable lessons and fostering healthy development.

International Law (UN Convention on the Rights of the Child):

- **Article 28(2) of UN CRC** requires the State parties to “take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.”
- **Article 37(a) of UN CRC** requires States Parties to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.

Conclusion:

- Corporal punishment is a controversial practice with limited justifications. The potential for physical and psychological harm outweighs any perceived benefits. India's legislative framework serves as a positive example for protecting children and promoting alternative approaches to discipline.

Mains Practice Question :

- Question: Critically examine the justifications for corporal punishment in schools. In light of the Right to Education Act (RTE), 2009, suggest alternative disciplinary measures to ensure a conducive learning environment. (250 words)

Delhi High Court on “Virtual Touch”

Context:

- Recently, the Delhi High Court stated that apart from the concepts of “good touch” and “bad touch”, minors must be taught the concept of “virtual touch” to enable them to recognize potential risks in cyberspace.

Background and Analysis:

- The court made these statements and observations while refusing to grant bail to a woman accused of helping the main accused, her son, commit sexual assault upon a 16-year-old girl in 2021. The victim had met the perpetrators on a “Social media application”. The woman was also accused of “forcing the victim for prostitution, as well as confining her to a room

The Court also observed that:

- Minors must be equipped with the knowledge and tools to navigate online interactions safely and recognise potential risks lurking in cyberspace.
- Educating minors about “Virtual Touch” involves teaching them about appropriate online behaviour, recognising warning signs of predatory behaviour, and understanding the importance of privacy settings and online boundaries.
- Just as children are taught to exercise caution in the physical world, efforts must be made to teach them to develop critical thinking skills to assess the credibility of online contacts and safeguard their personal information.

Analysis for Mains:

- The Delhi High Court's emphasis on "virtual touch" sheds light on a critical but often overlooked aspect of child safety in today's digital age. Traditionally, the focus has been on protecting children from physical abuse, which often involves inappropriate physical contact.
- However, the online world introduces a new layer of potential dangers that necessitate a broader understanding of "touch". Potential dangers can vary from:
- **Emotional Manipulation and Grooming:** Predators can exploit online platforms to establish a virtual connection with children. Through suggestive messages, compliments, or pretending to share interests, they can create an emotional bond that makes children vulnerable to manipulation or coercion. This "virtual touch" can make children feel a false sense of intimacy or obligation, leading them to share personal information or engage in risky online behavior.
- **Exposure to Inappropriate Content:** The internet is a vast and uncontrolled space. Children may stumble upon pornography, violent content, or other age-inappropriate material that can be confusing, disturbing, or even traumatizing. This exposure, even if unintentional, can be considered a form of "virtual touch" as it intrudes on a child's emotional and psychological well-being.
- **Cyberbullying and Online Harassment:** Online interactions can be impersonal and embolden negative behavior. Children may be subjected to cyberbullying, harassment, or hateful messages. These interactions, even if not physically touching, can cause significant emotional distress, impacting a child's self-esteem and mental health. This form of "virtual touch" can be particularly harmful as it can be relentless and difficult to escape.
- **Unrealistic Body Image and Social Comparison:** Social media platforms are often filled with curated images and unrealistic portrayals of beauty. Constant exposure to these images can lead to body image issues, low self-esteem, and a distorted sense of self-worth for children. This can be a form of "virtual touch" as it negatively affects a child's perception of their own body and their place in the world.
- The Delhi High Court's emphasis on "virtual touch" highlights the need for a more holistic approach to child safety. It acknowledges that online interactions can have real-world consequences and that children need to be equipped to navigate the digital world safely. By recognizing "virtual touch" as a potential threat, parents and educators can:
 - **Promote Open Communication:** Talking openly about online interactions and potential dangers allows children to express concerns and seek guidance.
 - **Develop Digital Literacy Skills:** Teaching children about online safety, responsible online behaviour, and critical thinking skills empowers them to make informed choices online.
 - **Set Boundaries and Manage Screen Time:** Establishing clear boundaries regarding online activities and screen time helps protect children from excessive exposure to inappropriate content or interactions.

Conclusion:

- The concept of "virtual touch" reminds us that the digital world can be an extension of our physical world, with both positive and negative consequences. By acknowledging these new dimensions of potential harm, we can better safeguard children and create a safer online environment for them to explore and learn.

Associated Additional Information:

- To safeguard children, in school and outside, against sexual abuse and sexual harassment, Government has taken various steps:
- **Protection of Children from Sexual Offences (POCSO) Act, 2012:**
 - The act defines a child as any person below the age of 18 years.
 - Under **Section 12**, it provides punishment for committing sexual harassment which can vary from three years along with a fine.
 - The Act was amended in 2019 to introduce more stringent punishment including death penalty for committing sexual crimes on children.
- **POCSO Rules, 2020:**
 - These rules were also notified by the Ministry to protect the children from exploitation/violence and sexual exploitation.
 - **POCSO Rules under Rule 3**, provides that any institution housing children or coming in regular contact with children including schools, creches, sports academies or any other facility for children must ensure a police verification and background check on periodic basis, of every staff, teaching or non-teaching, regular or contractual, or any other person being an employee of such Institution coming in contact with the child.
- **National Commission for Protection of Child Rights (NCPCR):** It has compiled different guidelines and formed a comprehensive manual titled “Manual on Safety and Security of Children in Schools”.
- **Information in Textbooks:** In the textbooks published by NCERT, the inner pages include a reference to POCSO e-box available at NCPCR@gov.in and number 1098, a national 24 hours toll free emergency phone service for children in distress.
- **School Safety Pledge:** According to Ministry of Education all States and UTs should display School Safety Pledge, including important contact numbers, at a prominent place in the school to increase awareness about the redressal mechanism and ensure physical and psychological well-being of the children.
- **Use of Media:** Ministry of Women and Child Development has circulated a short film named “KOMAL” on Good Touch and Bad Touch to States and UTs on for sensitization of children and institutions.
- **Internal Complaint Committee:** As per the provision of **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, Department of School Education and Literacy has requested all States & Union Territories, Kendriya Vidyalaya Sangathan, Navodaya Vidyalaya Sangathan, Central Tibetan School Administration and Central Bureau of Secondary Education to constitute separate Grievance Redressal Committee and Internal Complaint Committee.
- **Self-defense training to Girls:** To empower girls to tackle risk of assault and for boosting their self-confidence, under Samagra Shiksha, defense training is imparted to girls of class VI to XII belonging to Government Schools.

ED's power to arrest PMLA accused

Context:

- Recently, the Supreme Court limited Enforcement Directorate's (ED) power to arrest Prevention of Money Laundering Act, 2002 (PMLA) accused.

Background:

- The judgment came after an appeal was filed by Tarsem Lal against the ED challenging a Punjab and Haryana High Court order denying him anticipatory bail.

Analysis for Prelims:

More about the Judgement:

The court held that:

- A person summoned by a designated special court under the PMLA is presumed to be not in custody and need not apply for bail under the conditions posed under Section 45 of the Act.
- An accused under the PMLA, who appears in a special court pursuant to its summons, could be exempted from personal appearance in the future.
- However, if an accused does not appear after a summons is served, the special court could issue a bailable warrant followed by a non-bailable one.
- ED cannot arrest an accused on money laundering charges, once the special court has taken cognizance of ED's complaint.
- After cognizance is taken of the offence, the ED and its officers are powerless to exercise powers under **Section 19 of the Act**.
- The special court can direct the accused to furnish bonds in terms of **Section 88 of the Code of Criminal Procedure**.

Associated Additional Information:

About Section 45 of the PMLA:

- It provides for the twin conditions of bail which pose stringent thresholds for an accused:
Firstly, the person has to prove in court that he or she is prima facie innocent of the offence.
Secondly, the accused should be able to convince the judge he would not commit any offence while on bail.
- The burden of proof is entirely on the incarcerated accused.

About Section 19 of the PMLA:

- It allows ED officers to arrest an individual “on the basis of material in possession (and) reason to believe (to be recorded in writing) that the person is guilty”.

About Bond under Section 88 of the Code of Criminal Procedure:

- A bond furnished in terms of Section 88 CrPC is an undertaking and an order accepting bond under the section does not amount to grant of bail.
- Hence, the twin conditions of Section 45 of the PMLA are not applicable to it.

Electoral Dynamics

Hate Speech

Context:

- Recently, the Delhi High Court dismissed a petition seeking direction to the Election Commission of India to act against the Prime Minister for allegedly delivering communally divisive hate speech during the Lok Sabha poll campaigning in violation of the Model Code of Conduct.

Analysis for Prelims:

Statutory provisions related to Hate Speech:

- Hate speech has not been defined in the Indian Statutes. However, according to the Law Commission Report Number 267:
 - Sections 153(A), 153(B), 295(A), 298, 505(1) and 505 (2) of the Indian Penal Code deal with hate speech.
 - Section 8, Section 123 (3A) and Section 125 of the Representation of the People Act, 1951 also deal with candidates whose acts amount to hate speech.

Legal Provisions related to Hate speech:

- The Supreme Court of India has also not defined hate speech.
- However, the Court has made a number of observations about hate speech in its judgments:
- In **Pravasi Bhalai Sangathan vs Union of India Case (2014)**, the Court observed that hate speech:
 - Is “any expression that attacks a person or group on the basis of attributes such as their religion, ethnicity, nationality, race, caste, gender or sexual orientation”.
 - Can “incite violence, discrimination and hatred against individuals and groups”.
- In **Tahseen Poonawalla vs Union of India Case**, the Court issued a number of guidelines to be followed by the government and law enforcement agencies in dealing with hate speech.
- Hate speech can be curtailed under Article 19(2) of the constitution on the grounds of public order, incitement to offence and security of the State.
- The Supreme Court in **Brij Bhushan vs State of Delhi Case** opined that public order was allied to the public safety and considered equivalent to security of the State.

Analysis for Mains:

Negative consequences of Hate Speech:

Hate speech can have a number of negative consequences, including:

- **Inciting violence and discrimination:** Hate speech can incite violence and discrimination against minority groups. This is because hate speech can create an atmosphere of fear and hatred, which can make it more likely that people will commit acts of violence or discrimination against minority groups.
- **Undermining democracy:** Hate speech can undermine democracy by creating an atmosphere of fear and intimidation. This can make it difficult for people to participate in the democratic process and to express their views freely.
- **Silencing dissent:** Hate speech can silence dissent and prevent people from expressing their views freely. This is because hate speech can create a climate of fear and reprisal, which can make people afraid to speak out against the status quo.
- **Eroding social cohesion:** Hate speech can erode social cohesion by creating divisions and tensions between different groups of people. This can make it difficult for people to live together peacefully and to work together to build a better society.
- **Harm individuals and communities:** Hate speech can harm individuals and communities by causing emotional distress, trauma, and isolation. It can also lead to physical harm, such as violence and property damage.

Conclusion:

- Hate speech is a serious problem that can have a devastating impact on individuals, communities, and societies. It is important to take steps to address the problem of hate speech, such as through legislation, education, and public awareness campaigns.

Associated Additional Information:

- Association for Democratic Reforms and National Election Watch had released a compiled report on Hate Speech in 2023.

Findings of the report:

- A total of 107 sitting MPs and MLAs have declared cases of hate speech against them. Out of these 33 are sitting MPs and 74 are sitting MLAs.
- In the last five years, a total of 480 candidates with declared cases related to hate speech have contested elections for State Assemblies, Lok Sabha and Rajya Sabha.

Recommendations:

According to ADR:

- Amendments to the IPC, 1860 and the Code of Criminal Procedure, 1973 need to be done by adding new provisions on 'Prohibiting incitement to hatred'.
- Strict actions must be taken against the candidates giving hate speech prior, during and after elections if found guilty of hate speech.
- Unlawful statements on online platforms should be monitored and if the person found guilty, they should be penalised.

Political parties and use state-funded media during polls

Context:

- Recently, two Opposition leaders slammed Doordarshan and All India Radio for 'censoring' their speeches during the **allocated broadcast time** in the run up to the ongoing Lok Sabha elections.

Background:

- The scheme for allotment of Broadcast time to political parties was introduced at the time of General Elections to the Lok Sabha in 1998.
- It allowed **recognized political parties** free use of the State-owned Television and Radio.
- With the amendment to the **Representation of the People Act, 1951** in 2003, equitable time sharing for campaigning by recognized political parties on electronic media now has statutory basis.

Analysis for Prelims:

As per the Election Commission of India:

- Allocation of time on state media:**
 - The facility of allotment of broadcast time is available only to 'National Parties' and 'Recognized State Parties' of the state concerned.
 - It is available only on Government owned media i.e. Doordarshan & All India Radio.
- Time allocated:**
 - A base time of 45 minutes is allotted to each National and Recognized State Parties of the state concerned uniformly.
 - Additional time to be allotted to parties is decided on the basis of the poll performance of the parties in the last assembly election from the respective States/UT or in the last general elections to Lok Sabha, as the case may be.
 - National parties, all put together, get a minimum of 10 hours of telecasting time on Doordarshan's national channel, and at least 15 hours on its regional channels.
 - They also get 10 hours of broadcasting time on the national hook-up of AIR and 15 hours of broadcasting on regional AIR stations.
 - State parties, all put together, get a minimum of 30 hours of telecasting time on the appropriate regional Doordarshan channel and AIR radio station.
- The period of broadcast is between the last date of filing of nominations and two days before the date of poll (in each phase).
- The parties or their representatives are required to submit transcripts of broadcasts in advance, within the time frame as indicated by the Prasar Bharati Corporation.
- To rule out any confusion and deviation in approval of transcript submitted by the political parties to DD & AIR, Prasar Bharti constitutes an Apex Review Committee in all the States/UTs during elections which may have members/experts of both AIR and DD.
- In case of any difference of opinion/ approval, matter may be referred to this Apex Review Committee for final decision.

Guidelines of Election Commission of India on speeches' contents:

- The telecasts/broadcasts on Doordarshan/ AIR will not permit:
 - Criticism of other countries.
 - Attack on religions or communities
 - Anything obscene or defamatory
 - Incitement of violence
 - Anything amounting to contempt of court
 - Aspersions against the integrity of the President and Judiciary
 - Anything affecting the unity, sovereignty and integrity of the Nation
 - Any criticism by name of any person.

Conclusion

- Allocating time on state-funded media for recognized political parties during elections is crucial for ensuring a fair and democratic electoral process in India. This practice also aligns with the core democratic principles of equality, transparency and informed citizenry, ensuring that elections are a true reflection of the people's will.

Judiciary and Criminal Law

Section 498A of IPC

Context:

- Recently, the Supreme Court in:
“Aachin Gupta Vs State of Haryana Case”,
- expressed concern over misuse of Section 498A of the Indian Penal Code (IPC) and asked the Union government to take into consideration the pragmatic realities and consider making necessary changes in Sections 85 and 86 respectively of the Bharatiya Nyaya Sanhita, 2023 (BNS, 2023).
- **Note:** Bharatiya Nyaya Sanhita, 2023 will come into effect from 1st July, 2024

Background and Analysis:

About Section 498A of IPC:

- As per the section, whoever, being the husband or the relative of husband of women, subjects such woman to cruelty shall be punished with imprisonment for a term which may **extend to three years and shall also be liable to fine.**
- For this section, the term “**cruelty**” implies:
- Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

- Harassment of the woman, where such harassment is to coerce her or any person related to her to any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Analysis for Mains:

Why is there concern about misuse of Section 498A?

- **False Accusations:** There have been instances where women have filed false complaints against their husbands or in-laws to settle personal disputes or extort money.
- This can lead to unnecessary harassment and even imprisonment of innocent people.
 - As per the **NCRB Report of 2020**, the total number of cases registered under section 498A were 1,11,549 out of these 5,520 were considered as false by police and 16,151 cases were closed due to mistake of false fact or law, Insufficient Evidence, Mistake or Civil dispute.
 - The gross misuse has also been noted by the **Malimath Committee report, 2013**
- **High Arrest Rates:** The Non-bailable nature of the offense often leads to immediate arrests based on the complaint alone. This can be disruptive for the accused, even if the charges are eventually dropped.
- **Misinterpretation of Cruelty:** Sometimes, disagreements or arguments within a marriage are misconstrued as cruelty, leading to misuse of the law.

Consequences of Misuse:

- **Strained Marital Relations:** False accusations can damage trust and worsen existing marital problems.
- **Harassment of Men and their Families:** Wrongful accusations can subject the accused and their families to immense mental stress and social stigma.
- **Deterrence from Genuine Complaints:** The fear of misuse might discourage genuine victims from reporting actual cruelty.

Addressing the Misuse:

- **Appropriate Changes** in Sections 85 and 86 respectively of the Bharatiya Nyaya Sanhita, 2023.
- **Verification and Investigation:** Police investigations and verification of complaints before arrest are crucial to minimize misuse.
- **Counselling and Mediation:** Promoting counselling and mediation services can help resolve marital disputes and reduce reliance on the legal system.
- **Raising Awareness:** Educating both men and women about their rights and responsibilities within marriage can help prevent misunderstandings and misuse of the law.

Conclusion:

- Section 498A of IPC serves a vital purpose in protecting women from cruelty.
- However, addressing its misuse in new BNS 2023 is crucial to ensure a fair and balanced legal system.
- By implementing stricter verification procedures, promoting alternative dispute resolution methods, and raising awareness, India can ensure the law protects the vulnerable without causing undue hardship to the innocent.

Associated Additional Information:

Other related case laws:

- In **Preeti Gupta Vs State of Jharkhand, (2010)**: The Supreme Court had asked the legislature to look into the provision of **Section 498A of IPC** after noting exaggerated versions of the incident in a large number of complaints in cruelty complaints, leading to enormous social unrest affecting peace, harmony and happiness of the society.
- Recently, the **Calcutta High Court** held that a wife making false allegations against her husband & his family members under section 498A of the IPC would constitute an element of the offence of cruelty, which is a ground for dissolution of marriage under the Hindu Marriage Act (HMA).

Supreme Court's Judgement on UAPA, 1967

Context:

- Recently, the Supreme Court in '**NewsClick founder**' case held that investigating agencies should provide people arrested under the Unlawful Activities Prevention Act (UAPA) with a written copy of information specifying the grounds of their arrest.
- The **Delhi Police Special Cell's** FIR had invoked Unlawful Activities (Prevention) Act (UAPA) against NewsClick's founder.
- The FIR had said that NewsClick conspired to "disrupt supplies and services essential to the life of community in India and abet damage and destruction of property by protraction of farmers' protest."
- **Sections used in FIR:**
 - Section 15(1)(a)(iii) of the UAPA, which defines "disruption".
 - Section 15 of the UAPA describes a "terrorist act".
 - Section 16 of UAPA which prescribes a punishment for Section 15.
 - Section 17 of UAPA which talks about "raising funds for terrorism".
 - Section 153A of the IPC which penalizes "promoting enmity between different groups".

Background:

- In 2023, in the **Pankaj Bansal vs Union of India** case, the Supreme Court had mandated that **the grounds of arrest must be supplied to the accused in writing** and that merely reading out the grounds of arrest will not fulfil the mandate of **Article 22(1) of the Constitution**.
- The recent judgement in 'NewsClick founder' case held that the ratio laid down in the Pankaj Bansal judgment will also apply in the cases registered under the Unlawful Activities (Prevention) Act 1967.

Analysis for Prelims:

- **About Unlawful Activities (Prevention) Act, 1967 (UAPA):**
 - It is an Indian law aimed at prevention of unlawful activities associations in India.
 - It was enacted during the Prime Ministership of Indira Gandhi in the wake of 1965 India-Pakistan War and the Naxalite insurgency.
 - It aimed to target secessionist organizations.
 - It is considered to be a successor TADA and POTA, which have now been repealed.
- **Objective:** To make powers available for dealing with activities directed against the integrity and sovereignty of India.

Definition of Terrorist Act (Under Section 15):

- The UAPA defines a terrorist act as any act which is intended to –
 - threaten or likely to threaten the unity, integrity, security or sovereignty of India.
 - strike terror in the people or any section of the people.
 - damage or destroy property.
 - disrupt essential services.
 - death of, or injuries to, any person or persons.
 - damage the monetary stability of India by way of production or smuggling or circulation of high-quality counterfeit Indian paper currency, coin or of any other material.
 - cause death of any public functionary.

Other Provisions:

- The UAPA empowers central government:
 - to designate individuals and organizations as terrorists. Once an individual or organization is designated as a terrorist, their assets can be seized and they can be detained without charge for up to 180 days.
 - However, the duration can be extended after intimating the court.
 - to deem an activity as unlawful by way of an Official Gazette.
- It extends to the whole of India.
- The provisions of this Act apply also to:
 - Citizens of India outside India;

- Persons in the service of the Government, wherever they may be; and
- Persons on ships and aircrafts, registered in India, wherever they may be.
- Foreign nationals can also be charged under the provisions.
- The offenders to be charged in the same manner whether the act is performed in a foreign land, outside India.
- It allows for the seizure of properties connected with terrorism.
- It also allows personal as well as the financial information of an individual/ organisation designated as a terrorist to be shared with different agencies including Western agencies.
- The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act.
- Punishment:
 - Death penalty and life imprisonment if terrorist acts resulted in the death of any person
 - In any other case, imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life.

Definitions under UAPA:

- “Association” means any combination or body of individuals.
- “Cession of a part of the territory of India” includes admission of the claim of any foreign country to any such part.
- “Court” means a criminal court having jurisdiction to try offences under this Act, including a Special Court constituted under National Investigation Agency Act, 2008.
- “Designated Authority” means such officer of the Central Government not below the rank of Joint Secretary to that Government, or such officer of the State Government not below the rank of Secretary to that Government
- “Proceeds of terrorism” means:
 - All kinds of properties which have been derived or obtained from commission of any terrorist act or have been acquired through funds traceable to a terrorist act, irrespective of person in whose name such proceeds are standing or in whose possession they are found.
 - Any property which is being used, or is intended to be used, for a terrorist act or for the purpose of an individual terrorist or a terrorist gang or a terrorist organisation.

Amendments to UAPA:

The act has been amended several times over the years. The most significant amendments were made in 2004 and 2019.

- **2004 amendment**
 - It added a new chapter to the Act, which specifically deals with terrorist activities.
- **2019 amendment**
 - It expanded the definition of a terrorist act to include acts that are intended to “strike terror” in people or to “disrupt essential services.”
 - It made it easier for the government to designate individuals and organizations as terrorists.
 - It empowered the Director General of NIA to grant approval of seizure or attachment of property when the case is investigated by the said agency.
 - It also empowered the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism in addition to those conducted by the DSP or ACP or above rank officer in the state.

Analysis for Mains:

Criticism of UAPA:

- The act has been criticized by human rights groups for its draconian provisions and its misuse by the government to target dissenters and minorities. Main criticisms include:
- Definition of a terrorist act is **vague and open to interpretation**: This has led to the law being misused to target people who are not actually terrorists.
 - For example, the definition of a terrorist act can be used to criminalize legitimate forms of protest.
- **Gives the government too much power**: For example, the government can,
 - Designate individuals and organizations as terrorists without following any formal judicial process.
 - Use confessions made to police officers as evidence in court, even if they were made under duress.
- **Lack of safeguards against abuse**: Such as absence can be construed to be violation of basic human rights.
 - For example, it allows people to be detained without charge for up to 180 days. This means that people can be held in jail for months without being brought to trial. This is a
- **Misused to target dissenters and minorities**: It has been misused to target dissenters and minorities.
 - For example, the law has been used to arrest and detain activists, journalists, and academics who have criticized the government. **Some of the notable cases of UAPA misuse include**:
 - The arrest in Bhima Koregaon of a group of activists and intellectuals who were accused of allegedly plotting an attempt to assassinate the Prime Minister of India and overthrow the government.
 - The arrest of Umar Khalid, Sharjeel Imam, and other activists who were accused of allegedly inciting violence during the 2020 Delhi riots.

- The arrest of Stan Swamy, a Jesuit priest who was working with Adivasi communities in Jharkhand, who was accused of allegedly being a Maoist.
- **Low conviction rate:** According to 2019 Crime in India Report compiled by the National Crime Records Bureau (NCRB) only 2.2% of cases registered under the Act between the years 2016-2019 ended in convictions by the court. This means that many people who are arrested and charged under the law are eventually acquitted. This suggests that the law is being used to target people who are not actually terrorists.
- **Undermines the spirit of Federalism:** The act provides special power to the central government.

Way forward:

A number of reforms can be taken up such as:

- Narrowing down the definition of a terrorist act to make it more precise and less open to interpretation.
- Providing for judicial oversight of the government's power to designate individuals and organizations as terrorists.
- Reducing the maximum period of detention without charge from 180 days to 90 days.
- Providing for better safeguards against abuse of the law, such as ensuring that people have access to lawyers and that their cases are heard promptly by a court of law.
- Amending the provisions which allow the government to use confessions made to police officers as evidence in court.
- Making it mandatory for the government to disclose the grounds for designating an individual or organization as a terrorist.
- Providing compensation to people wrongfully arrested and detained under the act.

Conclusion:

- The UAPA is a controversial law that has been used to suppress dissent and target minorities.
- However, it is also important to note that the UAPA is a special law that gives the government extraordinary powers to protect the country and those working against national interests.
- Hence, these powers should be used judiciously and not misused to just silence dissent or to target innocent people.

Associated Additional Information:

Other Points mentioned by the Supreme Court in 'NewsClick founder' case:

- The right to life and personal liberty is the most sacrosanct of fundamental rights.
- The purpose of informing the grounds of arrest to the arrested person is salutary and sacrosanct as this information would be the only effective means for the arrested person to consult his advocate; oppose the police custody remand and to seek bail.

Supreme Court's Judgement on Advocates

Context:

- Recently, the Supreme Court ruled that advocates cannot be held liable for deficiency of service under the Consumer Protection Act 1986.

Background:

- In 2007, a judgment of the **National Consumer Disputes Redressal Commission** had held that the services provided by lawyers are covered under section 2 (o) of the Consumer Protection Act 1986.

Analysis for Prelims:

Key Highlights of the Judgement:

- The court held that the legislature never intended to bring the services rendered by lawyers under the purview of the Consumer Protection Act, as re-enacted in 2019.
- The court overruled the 2007 judgment of the National Consumer Disputes Redressal Commission.
- It also held that a professional cannot be treated at par with businessmen or traders or service providers of products or goods as contemplated in the Consumer Protection Act.
- The services hired or availed of an advocate are that of contract of personal service and would therefore stand excluded from the definition of service contained in Section 2(42) of the Consumer Protection Act 2019.
- It also opined that the Supreme court's 1995 ruling in "**Indian Medical Association vs VP Shantna Case**", which held that doctors and other medical professionals can be held liable under the 1986 Act should be revisited.

Supreme Court's Judgement on Acquisition of Property

Context:

- Recently, the Supreme Court held that the procedure prescribed for acquiring private property is part of the Right to Property under Article 300A of the Constitution and any acquisition done without following it would be outside the authority of law.

Background:

- The decision came as a consequence of Kolkata Municipal Corporation's decision to "forcefully enter and occupy" a property belonging to Birinchi Bihari Shah in Narkeldanga North Road in 2009, forcing him to approach the court.

Analysis for Prelims:

Key Highlights of the Judgement:

- The court highlighted that there are seven sub rights of Article 300A of the Indian Constitution. These may be procedures but they do constitute the real content of the right to property under Article 300A, non-compliance of these will amount to violation of the right.
- The Right to Notice:** The duty of the State to inform the person that it intends to acquire his property.
- The Right to Be Heard:** The duty of the State to hear objections to the acquisition.

- **The Right to a Reasoned Decision:** The duty of the State to inform the person of its decision to acquire.
- **The Duty to Acquire only for Public Purpose:** The duty of the State to demonstrate that the acquisition is for public purpose.
- **These sub-rights, as traced in the judgment, include:**
 - **The Right to Notice:** The duty of the State to inform the person that it intends to acquire his property.
 - **The Right to Be Heard:** The duty of the State to hear objections to the acquisition.
 - **The Right to a Reasoned Decision:** The duty of the State to inform the person of its decision to acquire.
 - **The Duty to Acquire only for Public Purpose:** The duty of the State to demonstrate that the acquisition is for public purpose.
 - **The Right of Restitution or Fair Compensation:** The duty of the State to retribute and rehabilitate.
 - **The Right to an Efficient and Expeditious Process:** The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings.
 - **The Right of Conclusion:** Final conclusion of the proceedings leading to vesting.

Associated Additional Information:

About Right to Property:

- The Constitution of India, as **originally adopted safeguarded the Right to Property** in a number of ways.
 - **Firstly**, it guaranteed that “All citizens shall have the right to acquire, hold and dispose of the property”. The State, however, could impose reasonable restrictions:
 - to serve the exigencies of public welfare and
 - to protect the interest of any Scheduled Tribe.
 - **Secondly**, in the phraseology of Article 300A, the Constitution makers in **Article 31(1)** guaranteed that “No person shall be deprived of his property save by the authority of law”.
 - The provision indicated that a person can be deprived of his property only through an Act passed by the Parliament/State Legislature and not by executive order or fiat.
 - **Note:**
 - The Supreme Court in **Bela Banerjee case 1954** propounded that the word “Compensation” deployed in Article 31(2) implied “full compensation”, that is, the market value of the property at the time of the acquisition.
 - The obligation to pay compensation, however went on diluting continuously by the Constitution First, Fourth, Seventh, Twenty-fifth and Forty-second Amendment Acts.
- **At present**, the Right to Property viz. “No person shall be deprived of his property save by authority of law” is enshrined in Article 300A.
 - The **Constitution 44th Amendment Act 1978**, robbed the “right to property” of its fundamental right-character, and adorned it with status of Constitutional/legal right. Articles 19(1)(f) and 31

were deleted from the Part III “Fundamental Rights” and only a fraction in the form of Article 300 A which corresponds to Article. 31(1) only, has been inserted in Part XII under a separate Chapter V “Right to Property”.

Furlough

Context:

- Recently, the Supreme Court set aside the relief granted by jail authorities in form of a **furlough** to a **double-murder convict** who had concealed from the court that he was not entitled to be considered for remission before **30 years of rigorous imprisonment**.

Background:

- The court was hearing a plea for recall of its earlier order by the kin of a victim who pointed out that Jitender, who had once escaped from Tihar, stands sentenced to a life term with a 30-year cap on remission for committing two murders in a span of a few hours.

Analysis for Prelims:

About furlough:

- It is a type of leave / remission of the sentence from the prison.
- The furlough system is defined **by The Prisons Act, 1894** under **Sections 5**.
- Prisoners Act, 1900 also defines the furlough system.
- It is distinct from the term "parole" since parole is up to the discretion of the court and furlough is a matter of right.
- However in recent judicial pronouncements, it has been stated that even furlough is not a matter of right.
- Judgements :
 - State of Gujarat versus Narayan 2021
 - Ashfaq versus State of Rajasthan 2019
- The period for furlough is **14 days in a year** but extension may be granted citing certain reasons after an application is submitted to the prison superintendent.
- It is disallowed for certain categories of prisoners which include rape convicts, dacoity or under NDPS Act (Narcotic Drug and Psychotropics Substances).
- Judicial precedent also states that a convict who has been awarded imprisonment for life with stipulation of no remission is NOT entitled to furlough.

Analysis for Mains:

Positives of Granting a Furlough

- Maintenance of Family and Social Ties:
 - **Reintegration:** Furloughs help prisoners maintain relationships with family and friends, which is crucial for their reintegration into society upon release.
 - **Support Network:** Continued contact with loved ones provides emotional support, reducing the likelihood of recidivism.
- Mental Health Benefits:
 - **Mental Equilibrium:** Temporary relief from the prison environment helps in maintaining the mental well-being of prisoners.
 - **Stress Reduction:** A break from incarceration can reduce stress and anxiety, contributing to better mental health.
- Behavioural Incentive:
 - **Good Behaviour Encouragement:** The possibility of earning a furlough can motivate prisoners to maintain good behaviour and comply with prison rules.
 - **Rehabilitation:** Furloughs can be part of a broader rehabilitation strategy, demonstrating trust and encouraging personal responsibility.
- Preparation for Re-entry:
 - **Transition Period:** Furloughs provide a transition period for prisoners to adjust gradually to life outside prison.
 - **Skill Application:** Prisoners can apply skills and lessons learned in rehabilitation programs in real-world settings, enhancing their readiness for full reintegration.
- Human Rights and Dignity:
 - **Humane Treatment:** Allowing furloughs is a recognition of the basic human rights and dignity of prisoners.
 - **Social Justice:** It reflects a more compassionate and just approach to corrections, emphasizing rehabilitation over mere punishment.

Negatives of Granting a Furlough

- Security Risks:
 - **Absconding:** There is a risk that prisoners might not return to the facility after their furlough.
 - **Criminal Activity:** Some prisoners might engage in criminal activities while on furlough, posing a threat to public safety.
- Administrative Challenge:
 - **Monitoring:** Ensuring adequate monitoring of prisoners on furlough can be resource-intensive and challenging for prison authorities.

- **Implementation:** Ineffective implementation and oversight can lead to misuse of the furlough system.
- **Public Perception:**
 - **Community Fear:** The release of prisoners, even temporarily, can create fear and anxiety in the community.
 - **Loss of Trust:** Any incidents of misuse can lead to a loss of trust in the criminal justice system and its ability to manage prisoners effectively.
- **Inequality and Bias:**
 - **Discretionary Power:** The discretionary power of authorities in granting furloughs can lead to perceptions of favouritism or bias.
 - **Access Inequality:** Not all prisoners may have equal access to furlough opportunities, leading to disparities in treatment.
- **Potential Disruption:**
 - **Family Dynamics:** The return of a prisoner, even temporarily, can disrupt family dynamics, particularly in cases of domestic issues.
 - **Adjustment Difficulties:** The temporary nature of furloughs can make it difficult for prisoners to adjust back to prison life after a short taste of freedom.

Conclusion

- Granting furloughs to prisoners carries significant potential benefits.
- However, it also comes with challenges.
- Balancing these positives and negatives is crucial for an effective and humane correctional system.
- Implementing robust monitoring, clear guidelines, and equitable access can help maximize the benefits while minimizing the drawbacks of the furlough system.

Associated Additional Information:

Advisory to states by Ministry of Home Affairs (MHA):

- Though, “**prison**” is a state subject and all states have their own rules for parole, furlough, remission and premature release based on good conduct of the prisoners, Ministry of Home Affairs (MHA) had sent an advisory to states, asking them to exercise due diligence in releasing prisoners and follow the guidelines it issued.
- It had stated that parole and furlough are not absolute rights and had asked states to include **four new provisions** in guidelines for release of prisoners:
- Grant of parole and furlough to those offenders whose release may have adverse impact on the security of the State or safety of individuals may be strictly restricted.
- The parole rules of states, including the criteria, duration and frequency, may be reviewed after making an assessment based on their experience about the benefits and detriments of such parole.

- Parole and furlough may not be granted as a matter of routine and may be decided by a committee of officers and behavioural experts, who may meet as per requirement, keeping in view all relevant factors, especially for inmates sentenced for sexual offences and serious crimes such as murder, child abduction, violence etc.
- It may be useful to invariably include an expert psychologist/ criminologist/ correctional administration expert as a member of the sentence review board and in the committee which decides grant of parole and furlough to inmates and obtain their opinion before such temporary release.

Difference Between Parole & Furlough:

- Over the years, the Supreme Court through various judicial pronouncements has differentiated between concept of parole and furlough, which can be listed as follows:
 - Parole can be granted in case of short-term imprisonment whereas furlough is granted in case of long-term imprisonment.
 - Duration of parole extends to one month whereas in case of furlough it extends to fourteen days maximum.
 - Parole is granted by Divisional Commissioner and furlough is granted by the Deputy Inspector of General of Prisons.
 - For parole a specific reason is required, whereas furlough is meant for breaking the monotony of imprisonment.
 - The term of imprisonment is not included in the computation of the term parole, whereas it is vise-versa in furlough.
 - Parole can be granted number of times whereas there is a limitation in the case of furlough.

Union and State Legislature

PRS legislative research released “Annual review of state laws 2023”

Context:

- The “Annual Review of State Laws 2023” was recently released by PRS Legislative Research, which offers a comprehensive examination of the operational dynamics of State legislatures throughout India.

Background:

FUNCTIONING OF STATE LEGISLATURES:

- Legislatures have three primary responsibilities:
 - Discussing and passing Bills.
 - Scrutinizing and approving government finances.
 - Holding the government accountable.
- Over the last several years, state legislatures in India have been meeting for fewer days, and passing Bills and budgets with less scrutiny.
- Few states have constituted committees for detailed study of Bills and budgets, and where they do exist, they do not meet frequently.
- The report delves into these crucial facets of effectiveness, providing valuable insights into their functioning.

Analysis (of the report):

- **State Assemblies met for 22 days on average in 2023:**
 - Maharashtra met for the highest number of days (41), followed by West Bengal (40), and Karnataka (39).
 - 13 states, including Andhra Pradesh, Haryana, Madhya Pradesh, Punjab, and Telangana met for less than 20 days.
 - Arunachal Pradesh, Nagaland, and Uttarakhand met for less than 10 days.
 - Goa doubled its sittings from 13 in 2022 to 26 in 2023.
- **State Legislative Councils met for 26 days on average in 2023:**
 - Six states (Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, and Uttar Pradesh) have legislatures with two Houses – a Legislative Assembly and a Legislative Council.
 - In 2023, these Councils met for 26 days on average.
 - The average number of sitting days for four Councils (except Bihar and Uttar Pradesh) in 2022 was 25.
- **62% of sittings were held during Budget Sessions:**
 - The Constitution mandates state legislature sessions to be held at least once every six months.

- The budget session, usually held between January and March, is the longest.
- In 2023, 62% of sittings were held during the budget session.
- Gujarat and Punjab held more than 80% of their sittings in the budget session.
- After the budget session, legislatures generally hold sessions between July and September, and again between November and December.
- Nine states held only two sessions in 2023.
- **In some states, the same session continued for a long period:**
 - An Assembly session begins when the Governor summons the House, and ends when the Governor prorogues it.
 - Both the summons and the prorogation are issued on the advice of the state Cabinet. During a session, sittings are called by the Speaker.
 - In 2023, in seven states, sessions continued for more than six months without being prorogued, and with gaps between sittings.
 - In Delhi, the same session continued from March to December 2023, with a total of 14 sittings.
- **Assembly sittings lasted for five hours on average:**
- When Assemblies sit for few days, and meet for only a few hours on these days, the time spent on transacting business is also low.
 - The average duration of a sitting in 2023 (across 26 states) was five hours.
 - While a sitting in Maharashtra lasted nine hours on average, in seven states, the average sitting duration was three hours.
 - In 2023, five states met for less than 50 hours.
- **Low number of sitting days every year:**
 - The average of 22 sitting days in 2023 was not an outlier. Over the last seven years, state assemblies met for 23 days on average per year.
 - Average sitting days have not exceeded 30 in any of the last seven years.
 - The **National Commission to Review the Working of the Constitution** had recommended that Assemblies with fewer than 70 members meet for at least 50 days a year, and larger Assemblies meet for at least 90 days.
- **States passed 18 Bills on average in 2023:**
 - State legislatures passed more than 500 Bills in 2023.
 - These Bills relate to a variety of subjects, including education, land, taxation, and health. 28 states passed 18 Bills on average in 2023.
 - Maharashtra passed the highest number of Bills (49), followed by Andhra Pradesh (42), and Goa (34).
 - Delhi and Puducherry passed the fewest Bills (2 each), followed by Arunachal Pradesh (6), Bihar (8), and Nagaland (8).
- **59% of Bills received assent from the Governor within a month:**

- A Bill becomes an Act once it receives the assent of the Governor or the President. Article 200 of the Constitution empowers the Governor to:
 - grant or withhold assent.
 - return the Bill for reconsideration.
 - reserve the Bill for the consideration of the President.
- The Constitution provides that the Governor give assent to Bills as soon as possible. In 2023, 59% of Bills received the Governor's assent within a month.
- **4% of Bills passed in 2023 were examined by Committees:**
 - After a Bill is introduced, it may be referred to a committee of the legislature for detailed examination. These Committees comprise of a smaller group of legislators, and may meet even when the legislature is not in session. These act as a forum for deeper scrutiny of a Bill, which may not be possible during the discussions in the House.
 - Of more than 500 Bills introduced in 2023, 23 were referred to Committees.
- **84 Ordinances were promulgated by 20 states in 2023:**
 - The Constitution gives the Executive some powers to make laws in certain emergency situations. Under Article 213 of the Constitution, the Governor of a state may promulgate Ordinances in extraordinary circumstances, which will have the effect of a law. However, these laws are temporary, and must be approved by the legislature within six weeks of its next meeting.
 - 84 Ordinances were promulgated by 20 states in 2023.

Associated Additional Information:

About PRS Legislative Research:

- It is commonly referred to as PRS and is an Indian non-profit organization that was established in September 2005 as an independent research institute to make the Indian legislative process better informed, more transparent and participatory.

Constitutional and Non-Constitutional Bodies

GANHRI and NHRC

Context:

- Recently, the Geneva-based, United Nations-linked Global Alliance of National Human Rights Institutions (GANHRI) deferred the accreditation of the National Human Rights Commission-India (NHRC) for the second year in a row.
- The decision could now affect India's ability to vote at the Human Rights Council and some UNGA bodies.

Background:

- While the latest report citing as to why this decision was taken is still awaited, the previous report had cited a number of reasons for recommending the deferral. The reasons included:
 - The lack of transparency in appointing members to the NHRC.
 - The appointment of police officers to oversee human rights investigations.
 - The lack of gender and minority representation on the member panel.
- The earlier report had also said that the NHRC had failed to create conditions required to be "able to operate independent of government interference".

Analysis for Prelims:

About Global Alliance of National Human Rights Institutions (GANHRI):

- Known until 2016 as the International Coordinating Committee of National Human Rights Institutions, GANHRI is a global network of national human rights institutions (NHRIs) which coordinates the relationship between NHRIs and the United Nations human rights system.
- It is the only non-UN body whose internal accreditation system, based on compliance with the 1993 Paris Principles, grants access to UN committees.
- It is a body of 120 members:
 - 88 countries have "A" status accreditation and are said to be "fully compliant with the Paris Principles".
 - 32 countries have "B" status" and are said to be "partially compliant with the Paris Principles".
 - The NHRC used to have "A" accreditation.

About National Human Rights Commission (NHRC):

- The National Human Rights Commission is a statutory body established in 1993 under the Protection of Human Rights Act, 1991 as amended by the Protection of Human Rights (Amendment) Act, 2006 to protect rights related to life, liberty, equality, and dignity of individuals as guaranteed by the Indian Constitution or international covenants enforceable by Indian courts.
- NHRC is an embodiment of India's concern for the promotion and protection of human rights.
- It is in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991, and

endorsed by the General Assembly of the United Nations by its Regulations 48/134 of 20 December, 1993.

More about NHRC:

- After the amendment to Protection of Human Rights Act in 2019, NHRC comprises of a chairman, five full-time members and seven deemed members.
- The chairperson must be a former Chief Justice of the Supreme Court or a Supreme Court Judge.
- The other members should be:
 - One Member who is, or has been, a Judge of the Supreme Court of India.
 - One Member who is, or has been, the Chief Justice of a High Court.
 - Three Members to be appointed from among persons having knowledge of, or practical experience in, matters related to human rights. Of these three members, at least one will be a woman.
- The Term for both the Chairperson and Members is Three years or till the age of Seventy years.
- Apart from these members, the Chairpersons of National Commission for Minorities, National Commission for SCs, National Commission for STs, National Commission for Backward Classes, National Commission for Protection of Child Rights (at present Special Invitee to Statutory Full Commission), National Commission for Women and Chief Commissioner for Persons with Disabilities serve as ex officio members.

Mains PYQ:

- **Question:** Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. (UPSC Mains 2021)
- **Question:** Multiplicity of various commissions for the vulnerable sections of the society leads to problems of overlapping jurisdiction and duplication of functions, Is it better to merge all commissions into an umbrella Human Rights Commission? Argue your case. (UPSC Mains 2018)

Miscellaneous

Portal for nomination for National Awards to Teachers (Higher Education) 2024

Context:

- Recently, the Secretary for Higher Education along with Chairman of All India Council for Technical Education (AICTE) launched the portal for nominations for National Awards to Teachers (Higher Education) 2024.

Background and Analysis:

About National Awards to Teachers (Higher Education) 2024:

- Purpose:** The purpose of the National Award to Teachers 2024 in Higher Education Institutions is to recognise the distinctive contributions of some of the finest faculty members in the country and honour them for their dedication and hard work, particularly in teaching and pedagogy, and its impact which have not only improved the quality of higher education but also enriched the lives of their students.
- The Awards also seek to recognise and honour the unique and path-breaking achievements of faculty members in teaching-learning, community outreach, institutional service, research, and novelty of work in the field of higher education.
- According to the guidelines issued by the Department of Higher Education in Ministry of Education:
 - The awards will be conferred on the exemplary teachers/faculty members of technical and non-technical higher education institutions and Teachers of Polytechnic Institutions.
- There shall be three sub-categories under the first category based on the following broad disciplines:
 - Engineering & Technology, Architecture;
 - Pure Sciences including Mathematics, Physical Sciences, Biological Sciences, Chemical Sciences, Medicine, Pharmacy; and
 - Arts and Social Sciences, Humanities, Languages, Legal Studies, Commerce, and Management.
- The award is open to all the faculty members of colleges/universities/higher educational institutions/polytechnics in India, satisfying the following conditions:
 - Should be a regular faculty member.
 - Should have at least five years of full-time teaching experience at the Undergraduate and/or Post-graduate level.
 - Should not be above 55 years of age as on the last date of receiving application for the awards.
 - Vice-Chancellor/Director/Principal (regular or officiating) are not eligible to apply. However, individuals who have held such positions earlier, but are below 55 years of age and still in active service are eligible.

Conclusion:

- The National Awards to Teachers (Higher Education) 2024 is a commendable initiative that acknowledges the invaluable contributions of teachers.
- This recognition not only motivates educators but also emphasizes the importance of education in societal progress.
- Honouring teachers aligns with the broader goal of achieving quality education for all, a cornerstone of sustainable development and national growth. As we continue to value and support our educators, we build a stronger foundation for the future of our society.

Monthly Current Affairs – June 2024

Polity, Governance, and Social Justice

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Basics of Constitutional and Constitutional Framework

Promotion not a matter of right – Supreme Court

Context :

- The Supreme Court has recently declared that "In India, no govt servant can claim promotion as their right because Constitution does not prescribe criteria for filling seats in promotional posts.
- "In India, no govt servant can claim promotion as their right because Constitution does not prescribe criteria for filling seats in promotional posts."
- The legislature or the executive may decide the method for filling vacancies to

promotional posts based on the nature of employment and the functions that the candidate will be expected to discharge."

- It said the judiciary cannot sit in review to decide whether a policy adopted for promotion is apt for selecting the best candidates', except on the limited ground where such a policy appeared to violate the principle of equal opportunity, guaranteed under Article 16 of the Constitution.
- While deciding disputes over selection of district judges in Gujarat, the bench said the principle of seniority as a parameter of selection for promotion derived from the belief that competence is related to experience and that it limits scope of favouritism.
- There is always an assumption that long-serving employees have demonstrated loyalty to employing organisation and so are entitled to reciprocal treatment.
- SC has consistently ruled that where promotion is based on the principle of 'merit-cum-seniority' a greater emphasis is placed on merit.
- Similarly, in the principle of 'seniority-cum-merit', a greater emphasis is laid on seniority.
- The terms 'merit-cum-seniority' or 'seniority-cum-merit' are not statutorily defined by legislature.
- These principles are judicial connotations that have evolved over a period of years through various decisions of this court & HCs whilst dealing with matters of promotion pertaining to different statutes and service conditions.

- It was quick to clarify that the above two parameters are not mandatory since these are not backed by law enacted by legislature.
- These are products of judicial interpretation, which evolved while dealing with different types of promotion policies .

Supreme Court Judgements Timeline on Reservation in Promotion Matter.

No	Case Name:	Important provisions:
1	Champakn Dorairajan case (1951)	Supreme Court observed that while Article 16(4) provides for reservations in favour of backward class of citizens, no such provision was made in Article 15. Led to Parliament adding Article 15 (4)
2	Indira Sawhney case (1993)	<ul style="list-style-type: none"> • It upheld 27% reservation for OBCs but excluded the advanced sections of OBCs (creamy layer) from it. • Total reservation should not exceed 50% except in extraordinary circumstances. • Required establishment of a permanent

		<p>statutory body to look onto the demands of OBCs- NCBC in 1993.</p> <ul style="list-style-type: none"> • No reservation in promotion- over-ruled by 77th CAA in 1995. • Carry forward rule should not violate the 50% ceiling which was over-ruled by 81st CAA in 2000.
3	M. Nagraj case (2006)	<p>For providing quota in promotion under Article 16, the states must provide:</p> <ul style="list-style-type: none"> • quantifiable data on the backwardness of SCs and STs. • facts about their inadequate reservation • overall administrative efficiency • not breach the ceiling-limit of 50% or obliterate the creamy layer or extend the reservation indefinitely.

4	Jarnail Singh case (2018)	<ul style="list-style-type: none"> It held that Indra Sawhney does not allow for the collection of quantifiable data as a pre-requisite for granting reservations in promotions. The Bench clarified that the second condition of states giving quantifiable data with respect to inadequate representation still stands and that inadequacy of representation has to be in relation to specific cadre and not in proportion to SC/ST population in the State. The Court read creamy layer exclusion as an ingrained principle of Equality and applies to SC/STs. 	<p>(Equality principle)</p> <ul style="list-style-type: none"> Reservation as instrument of affirmative action by state for inclusion of backward classes. Reservations for EWS does not violate basic structure on account of 50% ceiling limit fixed by Mandal Commission because ceiling limit is not inflexible. Further, it had applied only to SC/ST/SEBC/OBC communities and not the general category. <p>The Scheduled Castes, Scheduled Tribes and the backward class for whom the special provisions have already been provided in Article 15(4), 15(5) and 16(4) form a separate category as distinguished from the general or unreserved category.</p>
5	Janhit Abhiyaan Case 2022	<ul style="list-style-type: none"> Supreme Court upheld validity of EWS reservation. 103rd CAA does not breach basic structure doctrine 	

Patna High Court judgement on Bihar Reservation Law



Context :

- The Patna High Court on June 20 set aside the amendments passed by the Bihar legislature in 2023 to increase the reservation Backward Classes (BC), Extremely Backward Classes (EBC), Scheduled Caste (SC) and Scheduled Tribe (ST) from 50% to 65% in educational institutions and government jobs.

Background :

- Following the caste-based survey report, the government of Chief Minister Nitish Kumar decided to increase the reservation for Backward Classes, Extremely Backward Classes (EBC), Scheduled Castes (SC) and Scheduled Tribes (ST).
- A Public Interest Litigation (PIL) petition was filed in the Patna High Court on November 27, 2023, challenging the decision of the Bihar Government to increase reservation in the State from 50% to 65%.
- According to the legislation, named the Bihar Reservation Amendment Bill, quota for
- Extremely Backward Classes (EBC) was raised from the **existing 18% to 25%;**

- for Backward Classes (BC) from **12% to 18%;**
- for Scheduled Castes (SC) from **16% to 20%;**
- and for Scheduled Tribes (ST), the quota has been doubled, from **1% to 2%.**
- The existing 3% reservation for BC women has **been scrapped.**

Key Arguments - State Government

- State Government had given this reservation due to a lack of adequate representation of these classes. The State Government had not given this reservation on a proportionate basis.
- The ceiling of 50 percent is not unbreachable.
- Since the backward classes constitute the major part of the population and their representation in the various services and educational institutions is lesser in proportion than the unreserved category of government employees, therefore an affirmative action to provide 65% reservation to reserved category is nothing but an exceptional treatment being permissible in the Constitution.
- Since the backward classes constitute the major part of the population and their representation in the various services and educational institutions is lesser in proportion than the unreserved category of government employees, therefore an affirmative action to provide 65% reservation to reserved category is nothing but an exceptional treatment being permissible in the Constitution.

Key Arguments - Litigants

- Together with the 10% Economically Backward Class (EWS) quota, the Bill had pushed reservation in Bihar to 75%, well past the 50% ceiling set by the Supreme Court.
- Cancelling 10% reservation for EWS (Economically Weaker Sections) in the general category is against Article 14 and Article 15(6)(b) of the Indian Constitution.
- Supreme Court had imposed a restriction of 50% on the limit of reservation in the Indira Sawhney case. The case of caste survey is currently pending for hearing in the Supreme Court.

Judgement :

- The Bihar Government's argument was considered bad and rejected by the High Court because the caste survey **report doesn't specify the status of the people at large** in a caste and the economic and social status they achieved based on the reservations & beneficial schemes.
- The caste survey did not provide a comparative socio economic status of castes within the backward categories.
- Reservation could not be extended merely on the ground there exists quantifiable data.
- The availability of quantifiable data cannot justify the breach of the ceiling limit to implement an affirmative measure.

Centre State Relations and Federalism

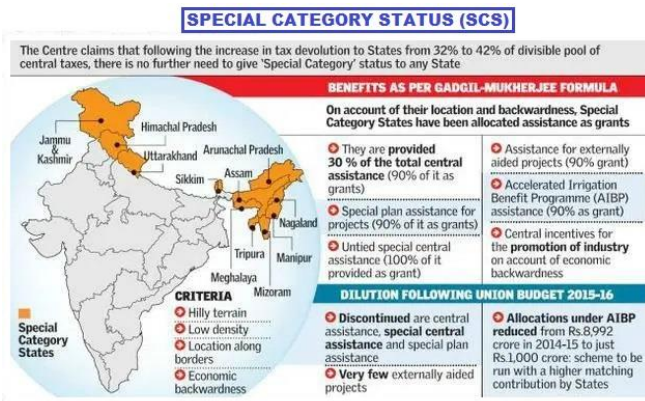
Special Category Status demand by Bihar and Andhra Pradesh



Context: Bihar and Andhra Pradesh's call for special category status

What is the special category status?

- Introduced in 1969 based on the recommendations of the Fifth Finance Commission.
- The intent was to help States that are disadvantaged in terms of **their geographic, social or economic status** to improve their position on par with other, more developed Indian States.
- Criteria such as having a hilly terrain and a sizable tribal population can entitle a State to be granted the special category status.
- A State that is granted the special category status would be able to claim more funds from the Centre than otherwise and can also enjoy various tax-related concessions.
- For example, a State with special category status would receive 90% of funds from the Centre when it comes to schemes sponsored by the Union government, as against other States which receive only around 60% to 80% of funds from the Centre.



- Note - Initially, Jammu & Kashmir, Assam and Nagaland were granted the special category status to aid their economic development.
- Subsequently, eight other States including Himachal Pradesh and Uttarakhand were granted the special status.
- Thus, 11 out of 28 States, or more than a third of Indian States, already enjoy the special category status.

Why is Bihar demanding the special category status?

- Low Per capita Income :** Bihar's per capita income of around ₹60,000 is among the lowest in the country and the State lags behind the national average in several human development indicators as well.
- Impact of Bifurcation:** Bihar has also noted that the State's fiscal situation has been adversely affected by the bifurcation of the State that caused industries to move to Jharkhand, lack of sufficient water resources for irrigation, and frequent natural disasters.
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resources for irrigation, and frequent natural disasters.

Points to Know:

- Caste Census Data :** indicates that nearly a third of the State's people live under the poverty line. Union governments headed by both the BJP and the Congress, however, have been unwilling to grant any special status to Bihar and several other States due to the increased burden it would put on the Centre's finances.
- The Bihar government last year estimated that the granting of the special category status will help the State receive an **additional 2.5 lakh crore rupees** over five years to spend on the welfare of 94 lakh crore poor families.

Why Centre opposes

- Increased Finance Commission devolution of divisible pool of taxes from 32 to 42 percent after 14th Finance Commission report.
- The Centre may also fear that granting the special category status to certain States will encourage others to demand the same from the Centre.
- It should also be noted that political considerations play a large role in the granting of special status to States.
- States with better political bargaining power with the Centre may manage to receive more funds either through a special status or by other means.
- Risk that political parties vying for power at the Centre may compete to either gain or stay in power by promising to grant special status to certain States.

- The Congress party, for instance, in its 2024 election manifesto promised to grant the special category status to Bihar if it comes to power. Such competitive populism can lead to a worsening of the Centre's finances.

Does Bihar need the special category status?

- Politicians at the State level generally have an incentive to compete for funds from the Centre as this would allow them to spend more.
- Other States like Andhra Pradesh too, which is now ruled by the BJP's ally Telugu Desam Party and Odisha which is prone to floods and has a significant tribal population, have demanded the special category status that would entitle them to more funds from the Centre's treasury.
- TDP leader N. Chandrababu Naidu had pulled his party out of the National Democratic Alliance government before the 2019 general election over the issue of granting special category status to the State.
- Mr. Naidu wanted special status to compensate for the decrease in tax revenues as a result of his State's loss of Hyderabad to Telangana.

Conflicting Views

- Bihar's economic backwardness has been cited as the primary reason for the need for the granting of the special category status to the State.
- Many analysts say this demand based on economic backwardness is very well justified as they believe that the State government will have to spend on welfare projects to uplift the poor and to invest in boosting the State's infrastructure.

- Others, however, do not believe that Bihar's economic backwardness justifies greater allocation of Central funds to the State.
- They see the increased allocation of funds to poorer States as incentivizing their bad policies and penalizing more developed States which have adopted better policies.
- Historically, States like Bihar and Uttar Pradesh suffered slow growth and high poverty levels due to poor rule of law that discouraged investments considered crucial to boosting growth.

Conclusion

- But now, as one of the fastest growing States in the country, albeit from a lower base, Bihar has managed to increase its per capita income level and also the size of its overall economy at a brisk pace in recent years.
- In 2022-23, for instance, **Bihar's gross domestic product grew at 10.6% as against the national average of 7.2% while its per capita income level in real terms grew by 9.4% in the previous year.**
- So, these analysts believe, Bihar does not need more fiscal help from the Centre but a **stronger rule of law to further improve its economy.**
- In other words, while more funds from the Centre might offer Bihar some short-term relief, its long-term economic prospects will depend on the State's ability to further strengthen rule of law.

Union and State Legislature

Pro Tem Speaker

- Bhartruhari Mahtab was appointed and administered oath by the President of India

as the pro-tem Speaker of the 18th Lok Sabha.

Duties of pro tem speaker:

- The Pro-tem Speaker presides over the first sitting of the Lok Sabha and administers the oath of office to the newly elected MPs.
- To conduct the vote for the speaker and deputy speaker. He also administers the floor test.

Lok Sabha Speaker

Context :

Sh Om Birla was elected as the Speaker of the Lok Sabha for the second time.



Presiding Officers of Parliament:

Speaker of Lok Sabha

Election: The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President.

Tenure: Usually, the Speaker remains in office during the life of the Lok Sabha. However, he has to vacate his office earlier in any of the following three cases:

1. if he ceases to be a member of the Lok

Sabha;

2. if he resigns by writing to the Deputy Speaker; and
3. if he is removed by a resolution passed by a majority of all the THEN members of the Lok Sabha. Such a resolution can be moved only when it has the support of at least 50 members and only after giving 14 days' advance notice.

Removal: When a resolution for the removal of the Speaker is under consideration of the House, he can't preside sitting of the House, though he may be present and can speak and take part in the proceedings of the House at such a time and vote in the first instance, though not in the case of an equality of votes. Whenever the Lok Sabha is dissolved, the Speaker does not vacate his office and continues till the newly-elected Lok Sabha meets.

Historical Background:

The institutions of Speaker and Deputy Speaker originated in India in 1921 under the provisions of the Government of India Act of 1919 (Montague-Chelmsford Reforms). At that time, the Speaker and the Deputy Speaker were called the President and Deputy President respectively and the same nomenclature continued till 1947.

Before 1921, the Governor-General of India used to preside over the meetings of the Central Legislative Council. In 1921, the Frederick Whyte and Sachidanand Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker (respectively) of the central legislative assembly.

In 1925, Vithalbhai J. Patel became the first Indian and the first elected Speaker of the central legislative assembly. The Government of India Act of 1935 changed the nomenclatures of President and Deputy President of the Central Legislative

Assembly to the Speaker and Deputy Speaker respectively.

However, the old nomenclature continued till 1947 as the federal part of the 1935 Act was not implemented. G V Mavalankar and A. Ayyangar had the distinction of being the first Speaker and the first Deputy Speaker (respectively) of the Lok Sabha.

Role and Powers of Speaker:

The Speaker is the head of the Lok Sabha, and its representative. He is the guardian of powers and privileges of the members, the House as a whole and its committees.

The Speaker of the Lok Sabha derives his powers and duties from three sources, that is, the Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha, and Parliamentary Conventions.

He is the principal spokesman of the House, and his decision in all Parliamentary matters is final. He maintains order and decorum in the House for conducting its business and regulating its proceedings. This is his primary responsibility and he has final power in this regard.

He is the final interpreter of the provisions of (a) the Constitution of India, (b) the Rules of Procedure and Conduct of Business of Lok Sabha, and (c) the parliamentary precedents, within the House. He adjourns the House or suspends the meeting in absence of a quorum (1/10th of total strength).

The speaker does not vote in the first instance. But he can exercise a casting vote in the case of a tie. He further presides over a joint sitting of the two Houses of Parliament in case of a deadlock.

He can allow a 'secret' sitting of the House at the request of the Leader of the House. When the House sits in secret, no stranger can be present in

the chamber, lobby or galleries except with the permission of the Speaker.

He decides whether a bill is a money bill or not and his decision on this question is final. When a money bill is transmitted to the Rajya Sabha for recommendation and presented to the President for assent, the Speaker endorses on the bill his certificate that it is a money bill.

He decides the questions of disqualification of a member of the Lok Sabha, arising on the ground of defection under the provisions of the Tenth Schedule.

He acts as the ex-officio chairman of the Indian Parliamentary Group which acts as a link between the Parliament of India and the various parliaments of the world. He also acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.

He appoints the chairman of all the parliamentary committees of the Lok Sabha and supervises their functioning. He himself is the chairman of the Business Advisory Committee, the Rules Committee and the General Purpose Committee.

As the office of the Speaker is vested with great prestige, position and authority, **independence and impartiality** becomes its sine qua non:

- He is given a very high position in the order of precedence. He is placed at seventh rank, along with the Chief Justice of India.
- He is provided with a security of tenure. He can be removed only by a resolution passed by the Lok Sabha by an absolute majority (i.e., a majority of the total members of the House). This motion of removal can be considered and
- The speaker's work and conduct

cannot be discussed and criticised in the Lok Sabha except on a substantive motion. His powers of regulating procedure or conducting business or maintaining order in the House are not subject to the jurisdiction of any Court.

- The speaker's salaries and allowances are fixed by Parliament. They are charged on the Consolidated Fund of India and thus are not subject to the annual vote of Parliament.
- The speaker can't vote in the first instance so as to ensure his impartiality.

Comparing the Indian and British position of speaker:

<u>Speaker of British House of Commons</u>	<u>Speaker of Indian Lok Sabha</u>
In Britain, the Speaker is strictly a non-party man. There is a convention that the Speaker has to resign from his party and remain politically neutral.	This is not fully established in India where the Speaker does not resign from the membership of his party on his election to the exalted office.
In the UK, Speakers usually remain unopposed by the major political parties.	In India, whether a member belonging to the ruling party is elected the Speaker or the ruling party nominates its candidate, he is not always elected unopposed.

In UK, there is a convention that once a speaker, always a speaker.

This does not apply to the Indian scenario.

Deputy Speaker:

- Like the Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members. He is elected after the election of the Speaker has taken place on **date fixed by the Speaker**.
- The Deputy Speaker remains in office usually during the life of the Lok Sabha. However, he may vacate his office earlier in any of the following three cases:
 1. if he ceases to be a member of the Lok Sabha;
 2. if he resigns by writing to the Speaker; and
 3. if he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.
- The Deputy Speaker performs the duties of the Speaker's office when it is **vacant or absent**. Importantly, the Deputy Speaker is not subordinate to the Speaker. He is directly responsible to the House.
- The Deputy Speaker has one special privilege, that is, whenever he is appointed as a member of a parliamentary committee, he **automatically becomes its chairman**.
- Like the Speaker, the Deputy Speaker, while presiding over the House, **cannot vote in the first instance**. Further, when a resolution for the removal of the Deputy Speaker is under consideration of the

House, he cannot preside at the sitting of the House, though he may be present.

- The Deputy Speaker is entitled to a regular salary and allowance fixed by Parliament and **charged on the Consolidated Fund of India.**
- Upto the 10th Lok Sabha, both the Speaker and the Deputy Speaker were usually from the ruling party. Since the 11th Lok Sabha, there has been a consensus that the Speaker comes from the ruling party and the post of Deputy Speaker goes to the **main opposition party.**
- The Speaker and the Deputy Speaker, while assuming their offices, **do not make and subscribe any separate oath or affirmation.**

Oath of Members of Parliament

When does the term of an MP begin?

- The five-year term of a Lok Sabha MP begins when the Election Commission of India (ECI) declares the results according to Section 73 of the Representation of the People Act, 1951.
- From that day onward, MPs are eligible for certain rights as elected representatives.
- For example, they start receiving their salary and allowances from the date of ECI notification – after the 2024 general elections, the ECI declared results on June 6.
- The start of their term also means that if MPs change their party allegiance, their political party can ask the Speaker to disqualify them from Parliament under the anti-defection law.

If the term of an MP has started, why is the parliamentary oath significant?

- Winning the election and starting the term does not automatically allow an MP to participate in House proceedings.
- To debate and vote in Lok Sabha, an MP has to take her seat in the House by making and subscribing to an oath or affirmation prescribed in the Constitution (Article 99).
- The Constitution also specifies a financial penalty (the only one in the document) of Rs 500 if a person participates or votes in House proceedings without taking an oath (Article 104).
- However, there is an exception to this rule. An individual can become a minister without being elected to Parliament.
- They have six months to secure a seat in either Lok Sabha or Rajya Sabha. During this time, they can participate but not vote in House proceedings.

What is the parliamentary oath?

- The Constitution's third schedule contains the text of the parliamentary oath. It reads, "I, A.B., having been elected (or nominated) a member of the Council of States (or the House of the People) do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

How has the oath evolved over years?

- The draft Constitution prepared by the drafting committee, chaired by Dr B R Ambedkar, did not invoke God in any oaths.

- The committee stated that the person taking the oath solemnly and sincerely promises to bear true faith and allegiance to the Constitution.
- When the Constituent Assembly members were discussing the draft, the question cropped up regarding the President's oath.
- Members like K T Shah and Mahavir Tyagi moved amendments to add God to the oath.
- Shah said, "When I perused the Constitution, I was left with the feeling that there was a void in it. We had forgotten, I do not know why, to invoke the grace and blessing of God."
- Tyagi argued that "those who believe in God will swear in the name of God and there will be liberty for those agnostics, who do not believe in God, only to solemnly affirm, so that there will be freedom for one's faith." But there was also disagreement on adding God to the oaths.
- Ambedkar accepted the amendments. He believed that "To some people, God is a sanction.
- They think if they take a vow in the name of God, God being the governing force of the Universe, as well as of their individual lives, that oath in the name of God provides the sanction which is necessary for the fulfilment of obligations which are purely moral and for which there is no sanction provided."
- The last change in the oath was the Constitution (Sixteenth Amendment) Act, 1963, which added that the oath-takers would uphold India's sovereignty and integrity.

- The amendment was made on the recommendations of the National Integration Council.

How do MPs take the oath?

- Before being called upon to take the oath or affirmation, MPs must submit their election certificate to the Lok Sabha staff.
- Parliament added this safeguard after an incident in 1957, in which a mentally unsound individual posed as an MP and took the oath on the floor of the House.
- After the verification, MPs can subscribe to the oath or affirmation in English or any of the 22 languages specified in the Constitution.
- Roughly half the MPs take their oath in Hindi or English.
- In the last two Lok Sabhas, Sanskrit has also been a popular language in which MPs have taken oaths. In **2019, 44 MPs and in 2014, 39 MPs took oath in Sanskrit.**
- MPs must use the name mentioned in their election certificate and adhere to the text of the oath.
- In 2019, Lok Sabha BJP MP Sadhvi Pragya Singh Thakur added a suffix to her name while reading the oath.
- The presiding officer ruled that only the name on the election certificate would go on record.
- In 2024, when Rajya Sabha MP Swati Maliwal ended her oath with "Inquilab Zindabad", the Rajya Sabha Chairman asked her to retake the oath.
- Oaths and affirmations are a matter of personal choice for MPs. In the last Lok Sabha, 87% of MPs swore in the name of

God, and the other 13% affirmed their allegiance to the Constitution. MPs have sometimes sworn in the name of God in one term and affirmed in another.

Can MPs in jail take the oath?

- The Constitution specifies that if an MP does not attend Parliament for 60 days, their seat can be declared vacant. Courts have used this ground to allow MPs in jail to take an oath in Parliament.
- For example, in June 2019, during the oath-taking for the last Lok Sabha, Atul Kumar Singh, MP from Ghosi in Uttar Pradesh, was **in jail for serious criminal charges**. The court allowed him to take oath in Parliament in January 2020, and Singh affirmed his allegiance to the Constitution in Hindi.

Parliament Security



Context :

- DMK Rajya Sabha MP M Mohamed Abdulla has complained to Chairman Jagdeep Dhankhar about “unprecedented misbehaviour” by personnel of the **Central Industrial Security Force (CISF)** who allegedly “questioned [him] on the purpose of his visit” to the Parliament complex **on June 18**.

Background :

- There has been disquiet among MPs ever since the Parliament complex was brought under a new security regime in May, and the **Parliament Security Service (PSS)** was replaced by **CISF**, a Central Armed Police Force under the Union Home Ministry.
- Security responsibilities in the complex were with the PSS and the almost-100-year-old Watch and Ward committee.
- Several MPs had expressed apprehension when this job passed to an armed force that was originally raised “for the better protection and security of industrial undertakings”
- There has been disquiet among MPs ever since the Parliament complex was brought under a new security regime in May, and the **Parliament Security Service (PSS)** was replaced by **CISF**, a Central Armed Police Force under the Union Home Ministry.
- The change was prompted by an extraordinary breach of security at Parliament House on December 13 last year, when two men jumped into the Lok Sabha chamber from the visitors’ gallery and set off smoke canisters.
- In April 2024, CISF personnel replaced the 150 personnel of the Delhi Police who were deployed at the complex alongside the PSS.

Duties handed over to CISF :

- This included the checking of passes at the flap gates of all buildings in the complex and anti-sabotage checks;
- handing over of the dogs of the Dog Squad and control of CCTV control rooms;
- and control of vehicular access through Parliament’s gates.

- Central Pass Issuing Cell (CPIC) for both Rajya Sabha and Lok Sabha to issue radio frequency tags for vehicles and verify the character and antecedents of applicants;
- Access regulation for MPs, VIPs, senior government functionaries;
- Positioning of staff at the various gates;
- Regulation and coordination of VIP movement inside the complex;
- Regulation of movement of stores in and out of the complex;
- Maintenance of order in the complex, access control in the lobbies and movement regulation and discipline in the public galleries and press gallery;
- Reception office, issue of temporary passes, and operation of gadgets in the complex;
- Coordination with other security agencies, security arrangements during meetings and conferences, rehearsal of drills, security arrangements during presidential addresses;
- Presidential and vice presidential elections; assistance and protection to the Chair.
- Currently in charge of lobbies, which include the chambers of Lok Sabha and Rajya Sabha, and the main reception.

Watch and Ward Committee (PSS) :

- The Watch and Ward Committee was set up on the initiative of Vithalbhai Patel, who was then president (equivalent to today's Speaker) of the Central Legislative Assembly, the lower house of legislature of British India.
- This followed the incident of **April 8, 1929**, when revolutionaries Bhagat Singh and Batukeshwar Dutt threw two feeble bombs

and pamphlets in the Central Assembly and raised slogans "to make the deaf hear".

- A committee was formed in 1929 which recommended a security service should be created immediately to protect and guard the inner precincts of the parliament House
- Committee named this organization Watch and Ward, A NAME THAT CONTINUED TILL April 2009 , when it was changed to parliamentary Security Service.

Article TIME !!!

- Article 98 of the Constitution provides for a separate Secretariat of Parliament.
- Former Lok Sabha Secretary General PDT Achary told The Indian Express: "Parliament security is a part of the Lok Sabha Secretariat and its job is to protect the interest of MPs and facilitate things for them.
- This cannot be done by any outside security agency that has no experience in dealing with Members of Parliament."
- According to Achary, the PSS "is under the control of the Speaker, and if at all there arises a need to change the composition of the security system, it has to be done under the direction of the Speaker, not by any Ministry".
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President Address

Context:

- President Droupadi Murmu addressed Parliament as the Monsoon session of 18th Lok Sabha commenced.



Article 87 in Constitution of India

Special address by the President

(1) At the commencement of the **first session after each general election** to the House of the People and **at the commencement of the first session of each year** the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

(2) Provision shall be made by rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address.

- When the Constitution came into force, the President was required to address **each session of Parliament**.

- So during the provisional Parliament in 1950, President Prasad gave an address before every session.
- The First Amendment to the Constitution in 1951 changed this position and made the President's address once a year.
- In constituent Assembly, Professor KT Shah recommended a more specific format for President's speech inspired by US.
- According to US Constitution, President "*shall from time to time give to the Congress information on the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient*".
- The amendment was however rejected.
- The speech that the President reads is the viewpoint of the government and is written by it.
- The government uses the President's address to make policy and legislative announcements.
- For example, in 1985 President Giani Zail Singh announced that Prime Minister Rajiv Gandhi's government intended to introduce a new national education policy and the anti-defection law.
- In 1996, Prime Minister Atal Bihari Vajpayee's 13-day government announced its intention of giving statehood to Uttaranchal and Jharkhand (Vananchal) and 33 per cent reservation to women in legislatures.
- After the devastating tsunami of 2004, Prime Minister Manmohan Singh's government used the President's Address to announce the creation of a national law for disaster management.

- The address of the president, akin to the 'speech from the Throne' in Britain, is discussed in both Houses of Parliament through a motion called the 'Motion of Thanks.'
- If any of the amendments are put forward and accepted then the Motion of Thanks is adopted in the amended form.
- Amendments may refer to matters contained in the Address as well as to matters which, in the opinion of the member, the Address has failed to mention.

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INDIA bloc to participate in debate on Motion of Thanks to President's address

Opposition speakers to keep focus on alleged NEET paper leak and the three new criminal laws; MPs to protest the use of Central agencies against BJP's rivals

Published - June 30, 2024 10:29 pm IST - New Delhi:

THE HINDU BUREAU



- At the end of the discussion, the motion is put to vote.
- The discussion is concluded by the reply of the Prime Minister or any other Minister. Immediately thereafter, the amendments are disposed of and the Motion of Thanks is put to vote and adopted.
- The Motion of Thanks must be passed in the House. Otherwise, it amounts to the defeat of the government. It is one of the ways through which the Lok Sabha can also express a lack of confidence in the government.

Elections and RPA

NOTA runner-up in Indore

Context :

- The BJP's Shankar Lalwani won from Indore Lok Sabha constituency with a massive **10.09 lakh margin, receiving 12,26,751 votes.**
- His nearest competitor was NOTA, with **2,18,674 votes**

Background :

- The Supreme Court directed the Election Commission of India (ECI) to introduce the NOTA option for voters in September 2013, in order to protect the secrecy of voters' choice.
- In 2004 the People's Union for Civil Liberties (PUCL) had approached the apex court seeking directions to the ECI for measures to protect the 'right to secrecy' of voters to exercise their franchise.
- **Argument :** Conduct of Elections Rules, 1961 violated the secrecy aspect as the Presiding Officer (from the ECI) maintains a record of voters who choose **not to vote along with the signatures or thumb impressions of each voter who exercises this right.**
- **Counter Argument :** Right to vote is "pure and simple a statutory right" (as it is provided by a law, and not the Constitution), and only voters who exercised their right to vote have a right to secrecy as well, not those who have not voted at all.
- **In the 2013 judgement, the three judge bench held that "Whether a voter decides to cast his vote or decides not to cast his vote, in both cases, **secrecy has to be maintained.**"**

- No discernible public interest shall be served by disclosing the elector's vote or his identity.
- With EVM's being used, court noted that anyone present in the polling booth would know if a voter has decided not to vote, as the machine would not emit any light or sound (as it does when a vote is cast).
- Earlier, ECI in 2001 sent a letter to the Ministry of Law and Justice seeking the introduction of a NOTA option in EVMs and ballot papers to
 - Protect Voter Secrecy
 - Allow to express dissent/discontent
 - Reduce Bogus voting
 - Force political parties to field candidates who are known for their integrity

Details :

- NOTA was used for the first time in the 2013 Assembly elections in five states of Chhattisgarh, Mizoram, Rajasthan, Delhi, and Madhya Pradesh and later in the 2014 General Elections.
- NOTA votes are counted but not considered as valid votes.
- Even if NOTA votes get the most number of votes in a constituency, the next candidate with the second-most number of votes is declared the winner.
- Currently, the apex court is considering another petition for elections to be considered "null and void" if NOTA receives the highest number of votes in the constituency.

- The petition invokes **Maharashtra, Haryana, Puducherry, Delhi, and Chandigarh** as examples of states and union territories where the State Election Commission passed orders declaring NOTA as a **"Fictional Electoral Candidate"** in local elections (including elections for panchayats and municipal bodies).
- If the votes for NOTA exceed the votes received by all other individual candidates, fresh elections will be held in these states and union territories.

Shailesh Manubhai Parmar v. Election Commission of India Through the Chief Election Commissioner Case, 2018:

- The Supreme Court decided that while the NOTA option could be useful in direct elections, it wasn't suitable for Rajya Sabha (Council of States) elections.
- The court believed that using NOTA in these elections could harm democracy and encourage defection and corruption.
- The court mandated the removal of NOTA option from Rajya Sabha elections.

Is it time for Proportional Representation?

Context: Editorial in The Hindu

HOME / NEWS / INDIA

Is it time for proportional representation? | Explained

Which are the countries which follow proportional representation in their electoral democracies? Will it work in a large and diverse country like India? What is mixed member proportional representation?

Published - June 09, 2024 11:33 pm IST

Details :

Recent election results :

- The ruling National Democratic Alliance (NDA) has won **293 seats with a 43.3% vote share**

- Opposition bloc INDIA (including Trinamool Congress) has secured **234 seats with a 41.6% vote share.**
- Other regional parties and independents polled around **15% but ended up with only 16 seats in total.**
- We follow the First Past the Post System (FPTP) in our elections to the Lok Sabha and Legislative Assemblies.
- Under this system, the candidate who polls more than any other in a constituency is declared elected.
- This is the system that is followed for elections in democracies like the **U.S., the U.K. and Canada.**

Advantages :

- The primary advantage of the FPTP system is that it is **simple and the most feasible method** in a large country like India.
- Secondly, FPTP provides **greater stability to the executive** in our parliamentary democracy because the ruling party/coalition can enjoy a majority in the Lok Sabha/Legislative assembly without obtaining majority of the votes (more than 50%) across constituencies

Issue:

- The issue with FPTP is that it may result in over or under representation of political parties when compared to their vote share.
- In the first three elections after independence, the Congress party won close to **75% of seats in the then Lok Sabha with a 45-47% vote share.**

Table 1 : The results of the 2014 and 2019 general elections

Political party (predominant State)	2014		2019	
	% of votes	No. of seats	% of votes	No. of seats
Bharatiya Janata Party (All India)	31%	282	37.3%	303
Indian National Congress (All India)	19.3%	44	19.5%	52
Bahujan Samaj Party [BSP] (Uttar Pradesh)	4.1%	0	3.6%	10
Samajwadi Party (Uttar Pradesh)	3.4%	5	2.6%	5
Trinamool Congress (West Bengal)	3.8%	34	4.1%	22
All India Anna Dravida Munnetra Kazhagam [AIADMK] (Tamil Nadu)	3.3%	37	1.4%	1
Dravida Munnetra Kazhagam [DMK] (Tamil Nadu)	1.7%	0	2.3%	24
Telugu Desam Party (Andhra Pradesh)	2.6%	16	2%	3
YSR Congress Party (Andhra Pradesh)	2.6%	9	2.5%	22
Shiv Sena (Maharashtra)	1.9%	18	2.1%	18
Biju Janata Dal [BJD] (Odisha)	1.7%	20	1.7%	12
All other parties/independents	24.6%	78	20.9%	71
Total	100%	543	100%	543

- The Proportional Representation (PR) system ensures representation of all parties based on their vote share.
- The most commonly used PR system is the **'party list PR'** where voters vote for the party (and not individual candidates) and then the parties get seats in proportion to their vote share.
- There is usually a **minimum threshold of 3-5% vote share** for a party to be eligible for a seat.
- India is a federal country and this principle if implemented should ideally be carried out at each State/Union Territory (UT) level.

The scenario as it would have played out after the 2024 election results based on applying the PR system at each State/UT level is summarised in Table 2.

Table 2: If the PR system is applied for the 2024 election

Political formation	% of votes	Actual number of seats	Seats as per PR
National Democratic Alliance (NDA)	43.3%	293*	243
INDIA bloc	41.6%	234	225
Others/independents	15.1%	16	75
Total	100%	543	543

- As can be seen, the PR system would have resulted in representation of parties according to their vote share.
- For example, in Gujarat, Madhya Pradesh and Chhattisgarh, totalling 66 seats, the NDA won 64 seats with a vote share of 62%, 60% and 53% respectively.
- Under the PR system, the INDIA bloc would have secured 23 seats in these States.
- The main criticism against the PR system is that it could potentially result in instability as no party/coalition may obtain a majority to form the government in our parliamentary democracy.
- Secondly, it may result in the proliferation of political parties based on regional, caste, religious and linguistic considerations that may promote casteist or communal voting patterns.
- However, the second criticism is not well founded since the present FPTP system has also not inhibited the formation of parties based on caste or communal considerations.
- This issue can be addressed by specifying minimum threshold for votes polled in order to make a party eligible for seats in legislative houses.
- In order to maintain balance between stability and proportionate representation, the system of Mixed Member Proportional Representation (MMPR) can be considered.
- Under this system, there is one candidate who is elected through the FPTP system from each territorial constituency.
- There are also additional seats that are filled based on various parties' percentage of votes.

- Presidential democracies like Brazil and Argentina have the party list PR system.
- So do parliamentary democracies like South Africa, the Netherlands, Belgium and Spain.



- In Germany, that follows the MMPR system, out of the 598 seats in the Bundestag (their equivalent of our Lok Sabha), 299 seats (50%) are filled from constituencies under the FPTP system.
- The voters also provide their preference for a party in the ballots.
- The balance 299 seats (50%) are filled by apportioning them amongst parties, that secure at least 5% votes, based on their percentage of votes.
- Similarly, in New Zealand, out of the total 120 seats in the House of Representatives, 72 seats (60%) are filled through the FPTP system from territorial constituencies.
- The balance 48 seats (40%) are allotted to various parties, that secure at least 5% votes, based on their vote share.
- This system is likely to provide the required stability in a parliamentary democracy like India while also ensuring representation for all parties based on their vote share.

Way Forward

- The law commission in its 170th report, 'Reform of the electoral laws' (1999), had recommended the introduction of the MMPR system on an experimental basis.
- It had suggested that 25% of seats may be filled through a PR system by increasing the strength of the Lok Sabha.
- While it had recommended to consider the entire nation as one unit for PR based on vote share, the appropriate approach would be to consider it at every State/UT level considering our federal polity.
- Now that delimitation is imminent and number of seats are bound to increase, it might be a good time to introduce MMPR.
- the MMPR system may be considered for incremental seats or at least 25% of the total seats to be filled from each State/UT.
- This could assuage the apprehension of southern, northeastern and smaller States in the northern region by limiting the domination of larger States with increased seats solely through the FPTP system.

UPSC PYQ - 2017

Q. To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful? (2017)

Constitutional and Non-Constitutional Bodies

NHRC Anti Human Trafficking nodal officer

Context :

- The NHRC has recommended that every state should have an **'anti-human trafficking nodal officer'** who shall

coordinate with the government authorities by taking effective steps and measures to curb this menace.

Details :

- This officer should not be below the rank of a secretary to a state government or an inspector general of police
- The Commission's recommendations have come in the wake of its findings in a case registered suo motu in October 2022 based on a media report alleging that girls were being **'sold on stamp paper in half a dozen districts'** of **Rajasthan** and sent to **Uttar Pradesh, Madhya Pradesh, Mumbai, Delhi** and foreign countries and 'subjected to physical abuse, torture and sexual assault in slavery
- To stop this menace, the Commission has recommended all states must have an anti-human trafficking nodal officer, who shall coordinate with the government by taking effective steps and measures through the District Anti-Human Trafficking Units (DAHTU) and state government.
- The state or UT governments, through local staff government are duty bound to spread awareness about constitutional prohibition preventing child prostitution (Article 23 and 24).

About NHRC:

- Established : **12th October 1993**, under the Protection of Human Rights Act (PHRA), 1993.
- Amendments in **2006 and 2019**.
- Established in conformity with the Paris Principles (UNGA), adopted for promoting and protecting human rights

- in the year 1991 an UN-sponsored meeting of representatives of national institutions held in Paris, a detailed set of principles on the status of national institutions was developed, these are commonly known as the Paris Principles.
- The Commission consists of a chairperson, **five** full-time Members and **seven** EX OFFICIO Members.
- Chairman is a former **Chief Justice of India or a Supreme Court judge.**

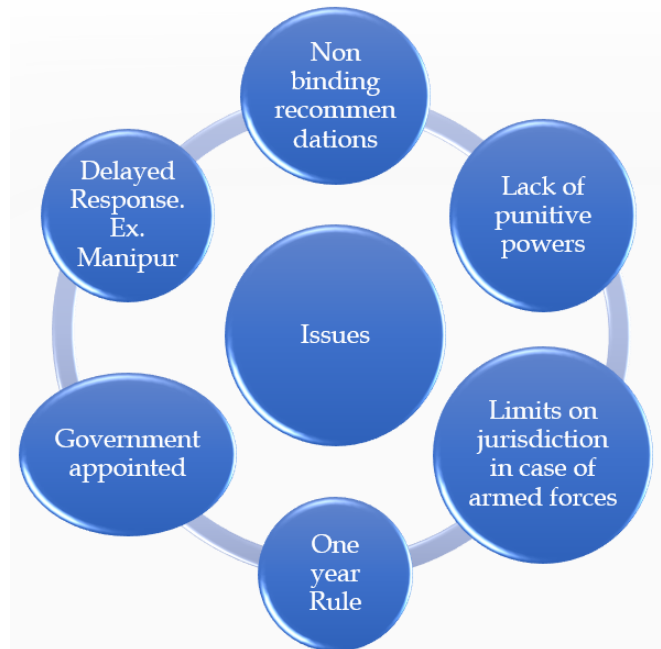
About NHRC:

Important Interventions :

- Its intervention in NHRC v. State of Arunachal Pradesh (1996) saved over 65,000 Chakma and Hajong refugees (from Bangladesh) from persecution in the hands of the local population and secured direction towards conferment of Indian citizenship.
- In the Punjab Mass Cremation case, the Supreme Court referred the matter to NHRC in 1996, with a direction that any compensation awarded by the Commission shall be binding and payable.
- In 2012, NHRC recommended nearly Rs 28 crore compensation to be paid by the State of Punjab. In the aftermath of Gujarat communal riots (2002),
- In the aftermath of Gujarat communal riots (2002), NHRC took suo motu action and observed that the State had failed to discharge its primary responsibility of protecting human rights of the people of Gujarat
- Complaints received by NHRC grew steadily from 496 in 1993-94 to 1,00,616 in

2007-08 and hovered around a lakh till 2015-16.

- Since then, the number has gradually dipped to 79,612 in 2017-18 but recovered to 1.1 lakh in 2022.

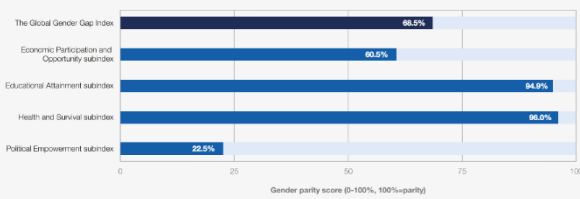


Governance and Social Justice

World Economic Forum - Global Gender Gap

FIGURE 1.3 The state of gender gaps, by subindex

Percentage of the gender gap closed to date, 2024



Source: World Economic Forum, Global Gender Gap Index 2024. Note: Population-weighted averages, 148 countries. The percentages indicate the gender gap that has been closed to date.

Context : India ranks 129 on Global Gender Gap index; Iceland on top: WEF

- India has **slipped two places** on the World Economic Forum's (WEF) Global Gender Gap index to **129th place**, while **Iceland** retained its top position in the rankings.
- Within South Asia, India was ranked **fifth after Bangladesh, Nepal, Sri Lanka and Bhutan**, while Pakistan was ranked last. Globally, **Sudan was ranked last on the index of 146 countries, while Pakistan slipped three places to 145th.**
- India figured among the economies with the lowest levels of economic parity, alongside Bangladesh, Sudan, Iran, Pakistan, and Morocco. All of them registered less than 30% gender parity in estimated earned income.
- The WEF said the world has closed **68.5% of the gender gap**, but at the current pace it will **take another 134 years – equivalent to five generations** – to achieve full gender parity. Since last year, the gender gap has closed by 0.1 percentage points.
- However, India showed the **best gender parity** in terms of **enrolment in secondary education**, while it scored well **on political empowerment** of women at 65th rank globally.
- With regard to parity in the number of years with **female/male heads of state for the last 50 years, India was ranked 10th.**

- With a population of more than 140 crore, India has closed 64.1% of its gender gap in 2024 and the decline of two places from 127th last year, mainly happened due to small declines in 'Educational Attainment' and 'Political Empowerment,' parameters, while 'Economic Participation' and 'Opportunity' scores slightly improved.
- The WEF said India's economic parity score has trended upwards for the past four years.
- "In the Political Empowerment subindex, India scored within the top-10 on the head-of-state indicator, but its scores for women's representation at the **federal level, in Ministerial positions (6.9%) and in Parliament (17.2%), remain relatively low,**

Self Declaration Certificate by Advertisers

Context

- The Hon'ble Supreme Court, in & Anr. Vs. UOI & Ors. has issued directive that all advertisers/ Advertising Agencies must submit a 'Self-Declaration Certificate' before publishing or broadcasting any advertisement.
- Ministry of Information and Broadcasting has introduced a new feature on the Broadcast Seva Portal of the Ministry of Information and Broadcasting (MIB) for TV and Radio Advertisements and on Press Council of India's portal for Print and Digital/Internet Advertisements.
- The certificate, signed by an authorized representative of the advertiser/advertising agency, needs to be submitted through these portals.

- The Certificate is required to be obtained by all advertisers and advertising agencies for all new advertisements that will be issued/telecast/aired/published on or after 18th June, 2024.
- Self-declaration certificate is to certify that the advertisement

(i) does not contain misleading claims, and

(ii) complies with all relevant regulatory guidelines, including those stipulated in Rule 7 of the Cable Television Networks Rules, 1994 and the Norms of Journalistic Conduct of Press Council of India.

Update :

- The ministry of information and broadcasting (MIB) is likely to reduce the sectors for which self-declaration certificates (SDCs) for advertisements required.
- The decision was taken following a meeting with industry associations and digital advertising platforms, including Google and Meta (Facebook).
- In the meeting, the industry associations told MIB that the requirement for SDCs was adversely affecting the advertising industry.
- The Supreme Court, in its May 7 order in the case of misleading ads related to health and food products by Patanjali, had directed that before the ad was printed, aired or displayed, the advertiser or the advertising agency must submit a self-declaration to the MIB's Broadcast Seva Portal before it is aired.
- For print ads and ads on the internet, the apex court had directed MIB to create a new portal within four weeks.

Child Food Poverty Report

Context :

- Context : UNICEF report titled 'Child Food Poverty: Nutrition Deprivation in Early Childhood'
- 'Child Food Poverty: Nutrition deprivation in early childhood' examines the status, trends, inequities and drivers of child food poverty in early childhood.

Key findings include:

- Globally, **one in four children** are living in severe child food poverty in early childhood, amounting to **181 million children under 5 years of age.**
- Progress towards ending severe child food poverty is slow, but some regions and countries are proving that progress is possible and is happening.
- Severe child food poverty is experienced by children belonging to poor and non-poor households, indicating that household income is not the only driver of severe child food poverty.
- Children living in severe child food poverty are missing out on many nutrient-rich foods, while unhealthy foods are becoming entrenched in the diets of these children.
- The global food and nutrition crisis and localized conflicts and climatic shocks are intensifying severe child food poverty, especially in fragile countries.
- Severe child food poverty is driving child undernutrition: the prevalence of severe child food poverty is three times higher in countries with a high prevalence of child stunting.

Call to action: Ending severe child food poverty

- The scale of severe child food poverty, the slow progress over the past decade, and the impacts of severe child food poverty on child survival, growth and development demand a step change in commitment, actions and accountability.
- To address child malnutrition governments and partners must invest in actions to improve children's access to diverse and nutritious diets and end severe child food poverty.
- **UNICEF calls on national governments, development and humanitarian partners, donors, civil society and media, academic and research organizations to:**
- Elevate child food poverty reduction as a requirement for achieving global and national nutrition and development goals and a metric of success in meeting children's right to food and nutrition; and commit resources to end child food poverty.
- **Transform food systems** by ensuring food environments make nutritious, diverse and healthy foods the most accessible, affordable and desirable option for feeding young children, and the food and beverage industry complies with policies to protect children from unhealthy foods and beverages.
- **Leverage health systems** to deliver essential nutrition services, including counselling and support on child feeding, to prevent and treat child malnutrition, prioritizing the most vulnerable children.
- **Activate social protection systems** to address income poverty in ways that are responsive to the food and nutrition needs

of the most vulnerable children and their families, including social transfers to protect children at highest risk of child food poverty.

- **Strengthen data systems** to assess the prevalence and severity of child food poverty; detect increases in child food poverty early, including in fragile and humanitarian contexts; and track national and global progress in reducing severe child food poverty.

Local Bodies and Panchayati Raj

Role of 73rd Constitutional Amendment in shaping India's democratic trajectory.

- **Context** : A recent World Bank working paper has called for granting greater authority to Panchayats.
- The working paper highlighted "**inefficiencies**", saying Gram Panchayat (GP) council members spend excessive time at **Block Development offices and District Collectrates**, acting as intermediaries rather than empowered decision-makers.
- **Identified three issues** :

Recentralisation due to :

- **Widespread adoption of online payment systems**
- **MIS based beneficiary selection**
- **Digital Beneficiary Tracking**

Recommendations :

- **Enhanced fiscal capacity** and broader decision-making authority are deemed essential for improving governance.
- **More devolution to Gram panchayats** comes with an additional benefit: it reduces

the burden on BDOs and higher-level bureaucrats, who are already considerably over-burdened.

- **Empowering ward members (WMs)** within village councils, who currently lack financial resources and act merely as rubber stamps, is another recommendation.
- **“Empowering WMs --** by financially allocating resources to them-- could help panchayats function better,” the working paper says, adding that smaller polity sizes improve development outcomes.
- **Building local tax capacity** is highlighted as vital for panchayat autonomy.
- The working paper suggests that improved tax collection can be achieved through **filling bill collector vacancies, digitizing property records, and granting GPs more freedom to levy their own taxes and cesses.**
- When Panchayats are seen to be responsible for a wider range of tasks, their legitimacy improves in the eyes of the citizens, which could translate to greater local revenues
- Strengthening Gram Sabhas by **increasing their frequency** and expanding their powers in village planning and beneficiary selection is also recommended.
- The working paper emphasizes the importance of listening to citizens, stating, **“Utilising Gram Sabhas as platforms** to actively listen to citizens is essential.”
- Improving **administrative data quality** and ensuring its public availability in accessible formats is another key recommendation.

- The working paper advocates for the use of **effective visualizations**, maps, and interactive dashboards to facilitate comprehensive understanding and analysis by all community members.
- The working paper also calls for developing an **independent and credible system for scoring GP performance.**
- It suggested “incentivising the performance of Panchayat elected officials and staff by rewarding them with certificates of achievement, more finances for the village, and possibly cash rewards and higher salaries, but in a way that is credible and unquestionably fair.”
- Establishing **effective grievance redressal systems** is crucial for holding Panchayats accountable, the working paper recommends.
- **“Setting up formal and effective grievance redressal systems** could allow individual citizens to report problems to the concerned higher authorities.”
- Integrating women’s **self-help groups (SHGs)** with Panchayats is highlighted as a significant measure for improving village governance.

PYQ- 2015

The fundamental object of Panchayati Raj system is to ensure which among the following? (2015)

1. People’s participation in development
2. Political accountability
3. Democratic decentralisation
4. Financial mobilisation

Select the correct answer using the code given below

- A. 1, 2 and 3 only

- B. 2 and 4 only
- C. 1 and 3 only
- D. 1, 2, 3 and 4

Answer: C

UPSC PYQ - 2022

Q. To what extent, in your opinion, has the decentralisation of power in India changed the governance landscape at the grassroots?

Government Schemes

PM AWAS YOJANA

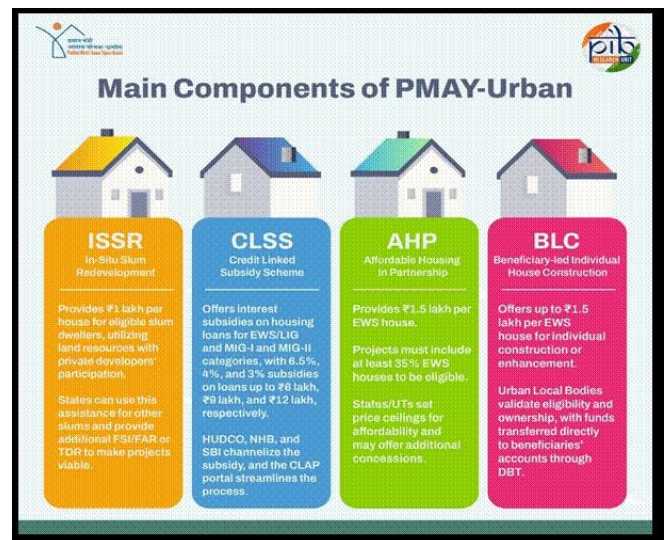
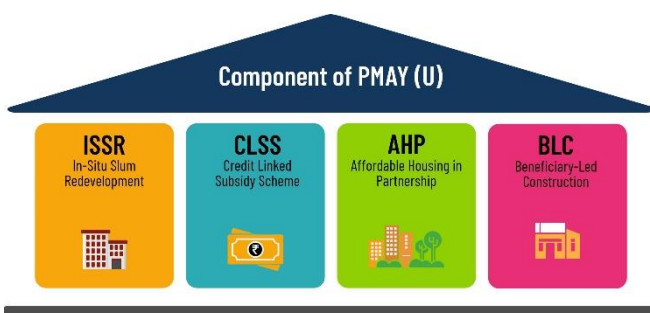
News / India / In first decision, Cabinet nod to 3 crore rural, urban houses under Pradhan Mantri Awas Yojana

In first decision, Cabinet nod to 3 crore rural, urban houses under Pradhan Mantri Awas Yojana

The Indian Express reported Monday that the newly formed NDA government was likely to approve additional houses under the Pradhan Mantri Awas Yojana-Gramin (PMAY-G) with higher assistance per beneficiary

Context :

- Chairing the maiden Cabinet meeting , Prime Minister Narendra Modi approved government assistance for the construction of three crore rural and urban houses under Pradhan Mantri Awas Yojana (PMAY).
- Of the three crore houses, two crore will be constructed under PMAY-Gramin, while 1 crore under PMAY-Urban.
- Under the PMAY-G, each beneficiary gets funds up to Rs 1.2 lakh in the plains and Rs 1.3 lakh in hilly states, difficult areas, and tribal and backward districts under the Integrated Action Plan (IAP).



- It is also learnt that the Centre has decided to increase the assistance provided to the beneficiaries under the PMAY-G by about 50 per cent.
- The sources said the Centre has decided to increase the cost of construction of the **PMAY-G house from existing Rs 1.2 lakh to Rs 1.8 lakh in the plains and Rs 1.3 lakh to Rs 2 lakh in the hilly areas.**
- These additional 2 crore PMAY-G houses will be over and above the 2.95 crore houses sanctioned under the rural scheme since its inception in 2016.
- Of these **2.95 crore, 2.61 crore** have been built under the PMAY-G till date.

Points to Know :

- The Centre and states share expenses in 60:40 ratio in case of plain areas, and in 90:10 ratio for northeastern states, two Himalayan states and the UT of Jammu and Kashmir. The Centre bears 100 per cent cost in case of other Union Territories, including the UT of Ladakh.
- Presenting the Interim Budget for 2024-25, Finance Minister Nirmala Sitharaman had announced that 2 crore more houses will be built under PMAY-G in the next five years.

Review of Agnipath Scheme

- Recent Backlash over the Agnipath Scheme have prompted calls for its review

What is the Agnipath scheme?

- Aspirants between the ages of 17.5 years and 23 years are eligible to apply (the upper age limit was increased from 21), and the recruitment standards remain the same as with regular service, prior to Agnipath.
- At present, all sailors, airmen, and soldiers, except the technical cadre of the medical branch, are recruited to the services under the scheme, which has also opened doors for the recruitment of women to the IAF and the Navy.
- The scheme was announced in June 2022, after military recruitment was paused for two years due to the Covid-19 pandemic.
- Agnipath was aimed at recruiting personnel below officer ranks – soldiers, airmen, and sailors who are not commissioned officers – to the Indian Armed Forces for a period of four years.
- At the end of this tenure, upto 25% of these recruits, the so called 'Agniveers', can join the services on a permanent commission (another 15 years), subject to merit and organisational requirements.

How are Agniveers compensated?

- Agniveers draw a basic salary of Rs 30,000-Rs 40,000 per month, and are entitled to other risk and hardship allowances.
- They contribute 30% of their monthly emoluments to the Seva Nidhi fund, which the government matches. At the end of their service, they receive approximately Rs 11.71 lakhs (with interest) as a lump sum

severance package from this fund, which is exempt from income tax.

- If they are martyred on duty, their family receives a lump sum of Rs 1 crore (including the Seva Nidhi package), and full pay for the period which the soldier could not serve.
- In case of disability, an Agniveer can receive upto Rs 44 lakh as compensation, depending on the percentage of disability suffered which is attributed to, or aggravated by military service.



AGNIPATH SCHEME

46,000

Agniveers to be recruited this year

Age:

17.5-21 years

4 years

service period, including training

First year salary package: ₹4.76 lakh

Upgradation of up to ₹6.92 lakh in fourth year

Post release: Seva Nidhi package of

₹11.71 lakh, including interest (tax free)

- Non-contributory insurance cover of ₹48 lakh
- Agniveer skill certificate will assist in post release job opportunities



How is Agnipath different from regular military service?

- Unlike soldiers in regular service, Agniveers do not draw pensions post-retirement. Only the 25% of Agniveers who get absorbed into the forces after four years will receive pensionary benefits, although

the initial four years of service will not be considered for these.

- This is the biggest change that Agnipath has brought in. Not only does the scheme will help reduce the Armed Forces' permanent force levels, this in turn will considerably cut the defence pension bill, which has been a major concern for governments for many years.

Why has Agnipath seen such strong opposition?

- Critics say that the scheme creates a "lesser" cadre of soldiers, who work on the same tasks as those with full commission, but with lesser pay, benefits, and prospects.
- On the ground, this disparity has caused significant disaffection among those who see military recruitment as a path to economic stability and upward mobility.

Is the government willing to roll back the scheme?

- Recently, the government has indicated that it is willing to alter the scheme if required, but without compromising on the Armed Forces' youthful profile
- the Forces too are carrying out an internal assessment on the impact of the scheme, based on which they will make recommendations to the government on possible changes.
- All three services are learnt to have submitted their observations to the Department of Military Affairs.

How many Agniveers have been recruited so far?

- In the Army, two batches of 40,000 Agniveers have completed training and are under posting. The third batch of 20,000 began training in November 2023.

- In the Navy, three batches of 7,385 Agniveers have completed training. In the IAF, 4,955 Agniveers have completed training.

Judiciary and Law

Delhi HC Judgment on CIC

Context :

- The Delhi High Court recently observed that the Central Information Commission (CIC) has no jurisdiction to comment on the utilization of funds by the members of Parliament under the Members of Parliament Local Area Development Scheme.

Background :

- The high court made the observations while hearing a plea filed by the Ministry of Statistics and Programme Implementation challenging an order of the CIC passed in relation to an RTI application.
- One Ram Gopa Dixit had filed an RTI application with the Lok Sabha's central public information officer seeking information on the "work initiated, pending and completed" by Rajesh Diwakar when he was the Hathras MP.
- As he was dissatisfied with the reply he had received, Dixit appealed against it and subsequently filed a second appeal before the CIC.
- The CIC then passed an order in 2018 directed the public authority under Section 19(8)(a)(iii) of RTI Act to publish MP-wise, Constituency wise and work-wise details of the funds in question.

- In its order, CIC also commented on MP misuse of MPLADS funds.
- “The Commission noticed that some MPs are not spending their MPLADS amounts in the earlier years of their term, but deliberately accumulating the funds for last year, preferably before general elections to gain advantage improperly.”
- The Commission recommends the Ministry of Statistics and Program Implementation to prevent this kind of ‘abuse’ of MPLADS funds, and implement their guidelines to distribute the money equally in each year.
- As per Section 18, CIC can “only deal with issues relating to the information sought for under the RTI Act or any other issue which leads to dissipation of information as sought for by the applicant.
- CIC has no jurisdiction to comment adversely on the functioning of any public authority.
- The court also said the observations in the CIC order on how the MPs are utilising the MPLADS funds “have to be expunged”.

Union of India - Subsection

Section 19(8) in The Right to Information Act, 2005

- (8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to,
- require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including
 - by providing access to information, if so requested, in a particular form;
 - by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
 - by publishing certain information or categories of information;
 - by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - by enhancing the provision of training on the right to information for its officials;
 - by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
 - require the public authority to compensate the complainant for any loss or other detriment suffered;
 - impose any of the penalties provided under this Act;
 - reject the application.

Judgement:

- However, the portion whereby the Ld. CIC has directed the public authority under Section 19(8)(a)(iii) of RTI Act to publish

MP-wise, constituency-wise and work-wise details of the funds is retained,”

MPLADS :

- Central Sector Scheme
- Started in December 1993
- Enables MP's to recommend works of developmental nature.
- Emphasis on creating durable community assets-drinking water, education etc.
- Can be used for scheme implementation like Swachh Bharat , Accessible India Campaign.
- MPs are to recommend every year, works costing at least **15 per cent of the MPLADS entitlement for the year for areas inhabited by Scheduled Caste population and 7.5 per cent for areas inhabited by S.T. population.**
- In order to encourage trusts and societies for the betterment of tribal people, **a ceiling of Rs. 75 lakh is stipulated for building assets by trusts and societies subject to conditions prescribed in the scheme guidelines.**
- Lok Sabha Members can recommend works **within their Constituencies** and Elected Members of Rajya Sabha can recommend works **within the State of Election** (with select exceptions).
- Nominated Members of the Rajya Sabha can recommend works **anywhere in the country.**
- All works to meet locally felt infrastructure and development needs, with an emphasis on creation of durable assets in the constituency are permissible under MPLADS as prescribed in the scheme guidelines.

- Expenditure on specified items of non durable nature are also permitted as listed in the guidelines.

Working :

- The annual entitlement of Rs 5 crore shall be released, in two equal instalments of Rs 2.5 crore each, by Government of India directly to the District Authority of the Nodal District of the Member of Parliament concerned.
- Each MP shall recommend eligible work on the MP's letter head duly signed by the MP to the district authority.
- The District Authority shall identify the Implementing Agency capable of executing the eligible work qualitatively, timely and satisfactorily.
- It shall be responsible for timely and effective implementation of such works.
- All recommended eligible works should be sanctioned within **75 days from the date of receipt** of the recommendation, after completing all formalities.

Natural & Man-made Calamities: MPs can recommend MPLADS work in the areas prone to or affected by the calamities/ Natural Disaster.

- In the event of "Calamity of Severe Nature" in any part of the country, an MP can recommend works up to Rs.1 crore for the affected district (Severity will be decided by GoI)
- Lok Sabha MPs of the State can recommend works up to Rs.25 lakh per annum in the area(s) affected by Natural & Man-made Calamity in that State



Miscellaneous

Enemy Agents Ordinance

Context :

- Recently the Director General of Police (DGP) Jammu and Kashmir, stated that the Enemy Agents Ordinance should be adopted to try those spreading terror in Jammu and Kashmir with the help of their "agents".

What is the Enemy Agents Ordinance?

- The J&K Enemy Agents Ordinance was first issued in 1917 by the then Dogra Maharaja of J&K. It is referred to as an 'ordinance' since laws made during the Dogra rule were called ordinances.
- According to the ordinance, "whosoever is an enemy agent or, with an intent to aid the enemy, conspires with any other person to any act which is designed or likely to give assistance to the enemy or to impede the military or air operations of Indian forces or to endanger life or is guilty of incendiarism shall be punishable with death or rigorous imprisonment for life or with rigorous imprisonment for a term

which may extend to 10 years and shall also be liable to fine”.

- After Partition in 1947, the ordinance was incorporated as a law in the erstwhile state and was also amended.
- According to the ordinance, “whosoever is an enemy agent or, with an intent to aid the enemy, conspires with any other person to any act which is designed or likely to give assistance to the enemy or to impede the military or air operations of Indian forces or to endanger life or is guilty of incendiarism shall be punishable with death or rigorous imprisonment for life or with rigorous imprisonment for a term which may extend to **10 years and shall also be liable to fine**”.
- After Partition in 1947, the ordinance was incorporated as a law in the erstwhile state and was also amended.
- In 2019, when Article 370 of the Constitution was repealed, J&K’s legal framework also underwent several changes.
- The Jammu and Kashmir Reorganisation Act was passed, which listed out state laws that were to continue while several others were repealed and replaced with Indian laws.
- While the security laws such as Enemy Agents Ordinance and Public Safety Act remained; the Ranbir Penal Code was replaced with the Indian Penal Code.
- Other laws including The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or Forest Act, and The Scheduled Caste and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989 were extended to J&K as well.

How are trials conducted under the ordinance?

Definition of Enemy Agent :

- It defines the enemy in the context of the 1947 tribal invasion of Kashmir.
- Anyone who conspires with another person to act intended to aid the enemy is regarded as an enemy agent.
- The trial under the Enemy Agents Ordinance is conducted by a special judge who is appointed by the “government in consultation with the High Court”.
- Under the ordinance, the accused cannot engage a lawyer to defend herself unless permitted by the court.
- “In any proceedings before the Special Judge and in proceeding before a Judge reviewing under section 9 the proceedings of a Special Judge when the Special Judge or the reviewing Judge grants permission in this behalf, a person accused of an offence triable under this Ordinance may be defended by a pleader,” according to the ordinance.

Judicial Pronouncement :

- In *Rehman Shagoo vs State of Jammu and Kashmir Case, 1959*, the Supreme Court upheld the enemy agent ordinance.
- There is no provision for appeal against the verdict, and the decision of the special judge can only be reviewed “by a person chosen by the Government from the judges of the High Court and the decision of that person shall be final”.

- The ordinance also bars any disclosure or publication of the case tried under it.
- “Any person who, without the previous authorization of the Government, discloses or publishes any information with respect to any proceedings or with respects to any person proceeded against under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both,” according to the ordinance.
- There are scores of Kashmiris who are or have been tried and sentenced under the Enemy Agents Ordinance. Jammu Kashmir Liberation Front founder Maqbool Bhat, who was hanged in Tihar Jail in 1984, was charged under the ordinance.

National Forensic Infrastructure Enhancement Scheme

Context : Cabinet approves Central Sector Scheme “National Forensic Infrastructure Enhancement Scheme” (N.F.I.E.S.)

- The Union Cabinet chaired by Prime Minister Shri Narendra Modi today approved the proposal of Ministry of Home Affairs for Central Sector Scheme “National Forensic Infrastructure Enhancement Scheme (NFIES) with a total financial outlay of Rs. 2254.43 crore during the period from 2024-25 to 2028-29. Financial outlay of the Central Sector Scheme will be provisioned by the Ministry of Home Affairs from its own budget.
- **The Cabinet has approved the following components under this Scheme:**
- Establishment of Campuses of the National Forensic Sciences University (NFSU) in the country.

- Establishment of Central Forensic Science Laboratories in the country.
- Enhancement of existing infrastructure of the Delhi Campus of the NFSU.
- The Government of India is committed to put in place an effective and efficient criminal justice system, based on scientific and timely forensic examination of evidence.
- The scheme underscores the importance of high quality, trained forensic professionals in the timely and scientific examination of evidence for an efficient criminal justice process, leveraging the advancements in technology & evolving manifestations and methods of crime. With the enactment of the New Criminal Laws which mandates forensic investigation for offences involving punishment of 7 years or more, a significant increase in the workload of forensic science laboratories is expected. Further, there is a significant shortage of trained forensic manpower in the Forensic Science Laboratories (FSL) in the country.
- To meet this heightened demand, significant investment and enhancement in national forensic infrastructure is imperative. The establishment of additional off-campus of the National Forensic Sciences University (NFSU) and new Central Forensic Science Laboratories (CFSLS) would address the shortage of trained forensic manpower, alleviate the case load / pendency of forensic laboratories, and align with the Government of India's goal of securing a high conviction rate of more than 90%.