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STUDENT NOTE

Dear Students,



To support you, we have **distilled essential information from VisionIAS Mains 365 resources,** renowned for their comprehensive coverage of current affairs.



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classes.

1. INDIAN CONSTITUTION, PROVISIONS AND BASIC STRUCTURE



About: The Supreme Court upheld the **103rd Amendment**, validating the 10% EWS quota in **Janhit Abhiyan v. Union of India, 2022.**

Key facts and information

Recommended by **Sinho Commission** (2010).

Introduced Articles 15(6) and 16(6) for non-OBCs/SCs/STs

For both central and state governments (have choice) Violate principle of equality (excludes OBCs, SC/ST communities).

Misalignme nt with purpose of social

Concerns

Violate principle of equality (excludes OBCs, SC/ST communities).

₹8 lakh income may cover socially advanced

upliftment

Opens Pandora box for more demands

P Road Ahead

Effective identification

Expanding employment opportunities

Improving educational institutions

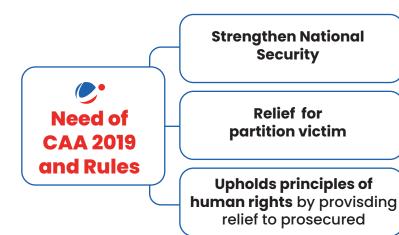
1.2 Citizenship (Amendment) Rules, 2024

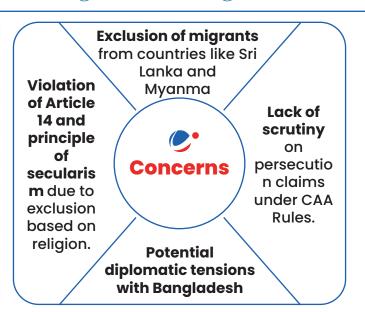
Key Highlights

To enforce Citizenship Amendment Act (CAA), 2019

20 documents
(visas,aadhar etc.)
accepted as proof of
entry into India.

Application submitted electronically to Empowered
Committee via District Level Committee

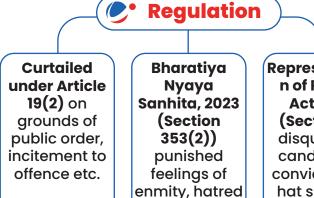




Conclusion

While the Constitutional Amendment Act aims to address the concerns of persecuted minorities, it is imperative to address the raised concerns to ensure a comprehensive and inclusive approach.

1.3 Hate Speech



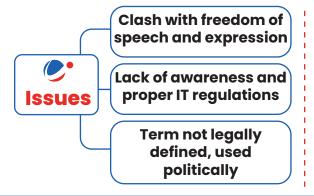
etc

Representation of People Act, 1951 (Section 8) disqualifies candidates convicted for hat speech.

O*Judicial Pronouncemnets

Amish Devgan vs
Union of India,
2020: Balance
competing
interests of free
speech and
prevent hatred and
communal
disharmony

Shreya Singhal vs Union of India, 2015: Reasonable restructuration's may be imposed only if it incites violence





Rabat Plan of Action (2012): Emphasizes collective responsibility

UN Strategy and Plan of Action on Hate Speech (2019): offer a roadmap

UN Security Council Resolution 2686 (2023): Encourages stakeholders to share good practices

O Way Ahead

Need Legal definition.

Judicial measures like ADR to prevent victimisation.

Non-legal measures like involving religious heads and strategic interventions to monitor hate speech.

1.4 Abrogation of Article 370



- Nature of Article 370: Temporary, transitional provision.
- Truth and reconciliation commission set-up by Centre to investigate human rights violation by State and non-State actors in J&K.
- No internal sovereignity (J&K shall be an integral part of Union of India).

! Impact

- Extension of rights and central laws to J&K and Ladakh.
- New land laws, social justice provisions, local government constitutional status to J&K.
- End of exclusive property rights and local symbols (flag, penal code etc.)



 Focus on economic development and early elections in J&K (by 30th September 2024 for legislative assembly as suggested by SC)

1.5 Article 142

Article 142

Positive Impact

Addressing legislative gaps (Vishaka Guidelines). Strengthenin g democracy (safeguardin g privacy). Addressing civil rights (e.g., daughters' coparcenary rights). Promoting equality (permanent commission for women in the Army). Subjective definition risking misuse. Blurring judiciary-legi slature lines. Unaccountabi lity.

Negative Impact

Inconsistenc y in legal rulings complicate litigation planning for individuals.



Ensure decisions under Article 142 are based on relevant facts

Create **regulatory framework** and refer cases to 5 judge Constitution Bench

Establish guidelines for 'complete justice'





1.6 Uniform Civil Code (UCC)



About UCC

UCC aims to establish one law for all religious communities, covering marriage, divorce, inheritance, adoption, and succession.

Goa is the only state where a form of common civil code is in practice, Portuguese Civil Code 1867.



Judicial pronouncements / **Recommendations**

Shah Bano Case (1985): SC Highlighted need for UCC among religions

Paulo Coutinho vs Maria Luiza Valentina Pereira (2019): SC Highlights need for uniform laws for consistency

Law Commission **(2018):** No **UCC** needed now, amends existing laws.



Personal Laws in India

Hindu Succession Act 1956 for Hindus, Sikhs, Jains and Buddhists

Muslim Personal Law for Muslims

Indian Succession Act 1925 for Christians, Parsis and Jews

Special Marriage Act for interfaith marriage

Arguments for UCC

Constitutional mandate under DPSP (Art 44)

Secular state

Common citizenship fosters National Unity

Gender Justice

Simplifies legal procedures

Update laws with modern principles

Arguments against UCC

Undermines cultural and religious identities

Resistance and social unrest

Disrupt principles of cooperative federalism

* Way Forward

Seek consensus

Piecemeal approach

Review existing personal laws

1.7 Ladakh Demands for Sixth Schedule

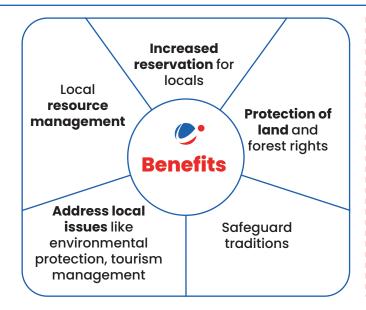
The people of Ladakh are protesting for Ladakh to be recognized as a tribal area under Sixth Schedule

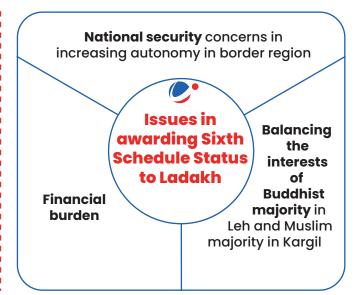


Provisions of the Sixth schedule

Governor to create **Autonomous District** Councils and Autonomous Regional Councils Conferred certain executive, Legislative and Judicial powers to ADCs and ARCs.







Conclusion

Dialogue with Ladakhs' representatives Find alternative solution

1.8 Ninth Schedule

Ninth Schedule

Contains laws immune to judicial review

Added by the First Constitutional Amendment Act, 1951.

O Judicial Pronouncements

IR Coelho Vs State of Tamilnadu, 2007:

Constitution bench ruled that Ninth Schedule can be challenged for violating basic structure of Constitution.

Waman Rao V Union of India, 1981: SC held that amendment to Constitution which was made before 24th April 1973 is valid

! Issues with Ninth Schedule

Against fundamental rights as it provides blanket protection Against judicial review, however in L. Chandra Kumar case 1997, SC affirmed that power of judicial review is an essential feature of Constitution

Misuse for political gains

Outlived its utility to safeguard land reform laws

Conclusion

Implement periodic review to ensure relevance of laws.



1.9 Delimitation Commission

* About Delimitation

Redrawing boundaries based on population changes

Provides equal representation and fair geographical division



Constitutional Provisions related to Delimitation

Article 82: Parliament enacts a Delimitation Act after every Census which establishes a delimitation commission.

Article 170: States get divided into territorial constituencies as per **Delimitation Act after** every Census.



Delimitation Commission

Appointed by **President of India** Its order cannot be questioned before court of law

Commission has 3 ex-officio members



Issues

Decreased voice of states with population control

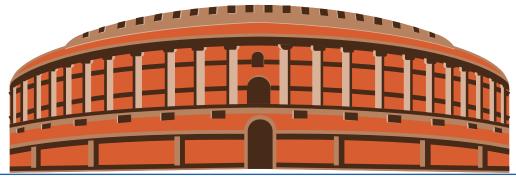
Dilution of 'One Citizen One Vote' principle

Disenchantment in underrepresented states

Chairperson: Retired judge of SC

Chief Election Commissioner (CEC) or Election Commissioner nominated by CEC

State Election Commissioner of concerned state





2. ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE

2.1 Cooperative Federalism



Need of Cooperative federalism in India

Bridge socio-economic and infrastructural gaps

Effective implementation of central government policies

Facilitates fair and equitable sharing of resources

Promotes decentralization of power, giving more autonomy to states

Tackle issues such as **national** security, disaster management, etc. in coordinated manner



Challenges

Over-centralization of power (e.g., Disaster Management Act during COVID-19)

Inter-state river-water disputes (e.g., Cauvery dispute)

Inadequate consultation with states (e.g., new farm laws controversy)

Steps taken to foster Cooperative federalism in India

Share of states in central tax revenue has been increased to 41% (15th Finance Commission).

States have freedom to plan their expenditure.

Restructuring of centrally sponsored schemes.

Ujwal DISCOM Assurance Yojana (UDAY) for financial sector bailout.

Way Forward

Expand Inter-State Council's role

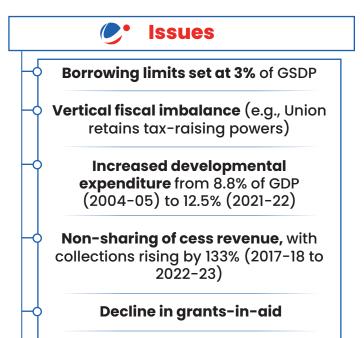
Grant constitutional status to NITI Aayog

Transfer financial allocations to a permanent Finance Commission

Share best practices among states (e.g., Karnataka's "Bhoomi" project)



2.2 Fiscal Federalism





Review off-budget borrowing practices

Address horizontal imbalances with minimum fiscal resource value for states

2.3 Special Category Status (SCS)

States finance higher shares in **Centrally Sponsored Schemes**



* Key facts and information

First Recommended by Fifth Finance Commission

Funding based on Gadgil-Mukherjee formula

Ceased to exist following 14th **Finance** Commission recommendations **P** Benefits with SCS

Favorable funding for centrally sponsored schemes (90:10)

Continuity of unspent money to next financial year

Incentives (e.g., tax concessions)



Lack of consensus on SCS criteria

Inter-state disparities

Encourages fiscal indiscipline

Poses a **fiscal burden** on Centre



Reduce dependency on central assistance

Review SCS criteria to include socio-economic backwardness

Promote inter-state collaboration and knowledge sharing

2.4 Inter-State Water Dispute (ISWD)

Factors responsible for Inter-State water dispute

Asymmetrical access to river water (Cauvery water dispute) Rising water demand (32% by 2050)

Lack of clarity on water usage Rights (Krishna River water dispute) Lack of integrated basin approach in river water governance (Mahanadi river basin)

Challenges

resolution (11 years for Godavari water dispute tribunal decision) Ambiguity (Article 262 limits, Article 136 empowers SC appeals against ISWD) Lack inputs from specialist like ecologists

Politicisation of dispute for pursuing political goals





Way forward

Inclusion of
parameters like
contribution of
water to river basin
by each state etc. in
Water Policy

Integration of states in deliberative processes, and strengthening cooperative federalism Water Management
Board should include
experts from
disciplines like
environmentalists
etc.

restoration,
conservation of river
ecosystem, balancing
of water supply and
demand etc.



2.5 Role of Governor



Nabam Rebia case (2016): If a governor exercised his discretion beyond his jurisdiction or power, it would fall under subject matter of judicial review.

Tamil Nadu Governor case (2023): SC stated that Governor cannot refer bills to President after Assembly has re-enacted the Bills following the Governor's declaration of withholding the assent.



Pending decisions and delays disrupt parliamentary democracy.

Administrative inefficiency due to friction with state governments.

Burden on judiciary from disputes related to Governor's actions or exercise of discretionary powers.



Sarkaria Commission: Rare use of discretion, Appointee should be a detached outsider, not act as an agent of President etc.

Punchhi, Commission: Expected to be independent, and act in a manner devoid of any political consideration.

Venkatachaliah Commission: Governor should make use of advice of CoM in day-today administration of state.

2.6 Government of National Capital Territory of Delhi (Amendment) Act 2023

Parliament passed the GNCTD (Amendment) Act 2023, repealing NCTD (Amendment) Ordinance 2023.



C Key Provisions

Establishes National Capital Civil Services Authority (NCCSA).

Expands discretionary role of LG by giving powers to approve recommendations of NCCSA.

Ministers consult LG via CM, Chief Secretary before orders on key issues (Peace and tranquillity of Delhi).



*Key Issues

Central government controls officer transfer and posting.

Breaks triple chain of accountability

Violates collective responsibility and enhances LG's discretionary powers.



Way Forward

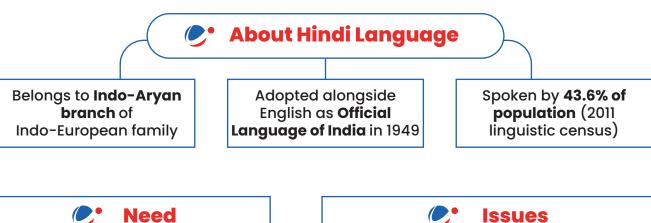
Explore different governance models for capital cities (Berlin, Washington DC)

Decentralize decision-making (Australia, Sydney is divided into 31 local governments,).

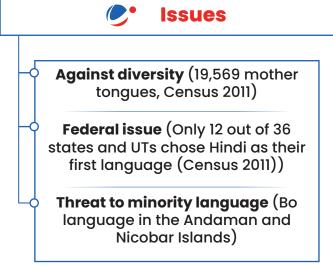
Provide **enforcement** powers to municipalities



2.7 One Nation One Language



Brotherhood spirit (reduced gap between North and South India) **Enhance Administrative efficiency** and Service delivery (healthcare) Saves government money and time



Conclusion

A single language can enhance unity and administrative efficiency, but steps should be taken to strengthen and respect linguistic diversity, as per Article 29.





3. PARLIAMENT AND STATE LEGISLATURES: STRUCTURE AND FUNCTIONING



3.1 Parliamentary Privileges of Lawmakers

Recently, SC set up a seven-judge bench headed by CJI for reconsideration of its 1998 five-judge Constitution bench judgement in P V Narasimha Rao case.



Rationale behind Parliamentary Privileges

Ensure freedom of expression of legislators without fear of legal consequences carry out functions independently and effectively of both houses without any interference Maintain authority, dignity of legislature

Ensure attendance of parliamentary sessions

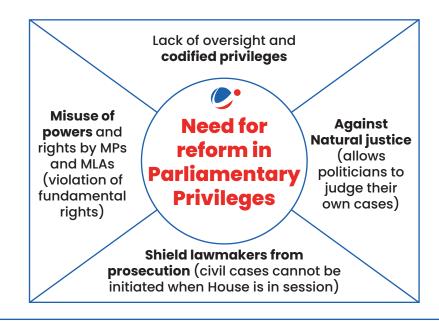


SC Judgements **PV Narasimha Rao vs. State:** SC stated that members need wider protection of immunity against all **civil and criminal proceedings** that bear a nexus to their speech or vote.

M.S.M. Sharma case: SC stated whenever there is a condition of imbalance between provision of Part V, Article 194(3) (privileges) and fundamental rights conferred by part III, fundamental right will remain supreme over others.

Conclusion

Providing immunity to parliamentarians is essential. Also, Parliament can establish clear boundaries by enacting specific legislation to monitor the misuse of parliamentary privileges by its members.





3.2 Parliament Functioning

17th Lok Sabha held 274 sittings as compared to 331 sittings in 16th Lok Sabha.



Reasons for declining parliamentary productivity

Dissatisfaction in MPs because of inadequate time for airing

their

grievances

Sitting hours are not fixed by constitution or rules of houses

Standing **Committees** have anchored debates outside the house

Unresponsive government and insensitive behaviours of treasury benches towards opposition

Absence of prompt action against disrupting MPs under the legislature

Political parties not adhering to parliamentar y norms and discipling their members



Importance to ensure **Parliament functioning**

Central role in democracy that checks and balances government work

Examining Legislation

Fulfill constitutional mandate i.e. 3Ds (Debate, Discussion and Deliberation)

Improvement measures

Increase sittings (Lok Sabha and Rajya Sabha should be fixed at 120 and 100 respectively (NCRWC))

Institutional research support for **MPs**

Refer bills to committees, and encourage responsible opposition

3.3 Office of Speaker



! Issues in functioning

Role under anti-defection law (Nabam Rebia case (2016),

SC held that speaker or **Deputy Speaker facing** notice of removal cannot decide disqualification proceedings against legislators)

On declaring money bil (e.g., Speaker's decision

to certify Aadhaar bill as money bill)

Allegations of bias, favouritism and partisanship



Suggestions to reform office of speaker

Reduce speaker's role in Anti-defection law (Current mechanism where disqualification petitions are entrusted to Speaker can be replaced by permanent Tribunal (**Keisham Meghachandra Singh case**))

Follow Britain's model (parties refrain from opposing Speaker during elections to uphold impartiality)

Restrictions on political office



How neutrality of Speaker is ensured?

Security by tenure
Speaker can be
removed on
resolution by Lok
Sabha

Salaries and allowances charged on consolidated fund of India Cannot vote in first instance (only exercise casting vote) Work and conduct cannot be discussed except on a substantive motion

3.4 Anti- Defection Law



Need for an Anti-Defection Law

Facilitate
democratic
realignment of
parties in
legislature by
merger of
parties

Prevent
non-developm
ental
expenditure
incurred in
irregular
elections

ensure loyalty of members to political party and its policies. **Upholds will** of people

Provide greater
political
stability by
checking
propensity of
legislators to
change parties



SC Judgements Kihoto Hollohan versus Zachillu and Others, 1992: SC said that judicial review is applicable on Speaker's decision but cannot be available at a stage prior to making of a decision by Speaker/Chairman.

Keisham Meghachandra Singh vs. Hon'ble Speaker Manipur Legislative Assembly & Ors. Case, 2020: SC held that disqualification petitions under Tenth Schedule should be decided by Speakers within three months.



Need for Overhaul

Absolute power to presiding officer and limited space for dissent

> Expulsion does not attract disqualification

No liability for political parties (only punishes legislators for switching parties)

Problem with merger provision



Way ahead

Define actions constituting defection

Active **involvement of ethics** committee

Issue of disqualification of members on grounds of defection should be decided by President/Governor on advice of EC (2nd ARC recommendation)

3.5 Delegated Legislation



Judgements

Petition Vivek Narayan Sharma vs Union of India (Demonetisation case), 2016: SC upheld validity of delegated legislation by upholding Centre's 2016 decision on demonetisation.

D. S. Garewal vs State of Punjab and Another: Court held that Article 312 of Constitution deals with powers of delegated legislation.



!ssues

Low **Scrutiny**

High frequency to notify rules and regulations (since enforcement of Companies Act 2013, MCA notified 56 Rules under Act)

Against the spirit of **Democracy**

Abuse of ruling making powers by executive and overlapping of functions



Way ahead

Coordination between MPs and **Committees**

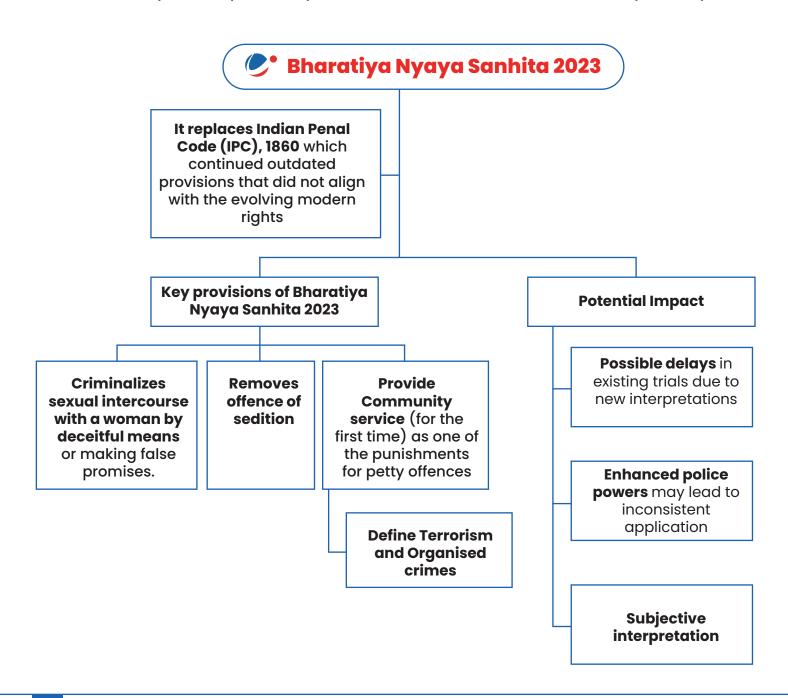
Delay in drafting rules within six months of an Act's commencement must be reported to committee with reasons Create additional working committees within Standing Committee on Subordinate Legislation to conduct thorough rule analysis



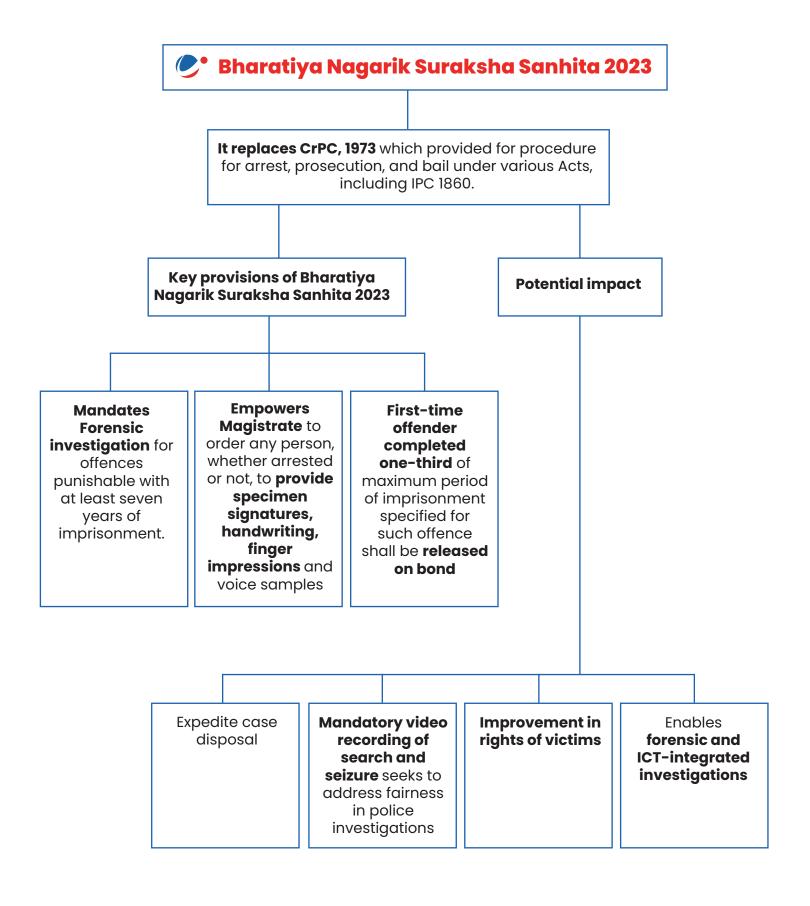
4. STRUCTURE AND FUNCTIONING OF JUDICIARY AND OTHER QUASI-JUDICIAL BODIES

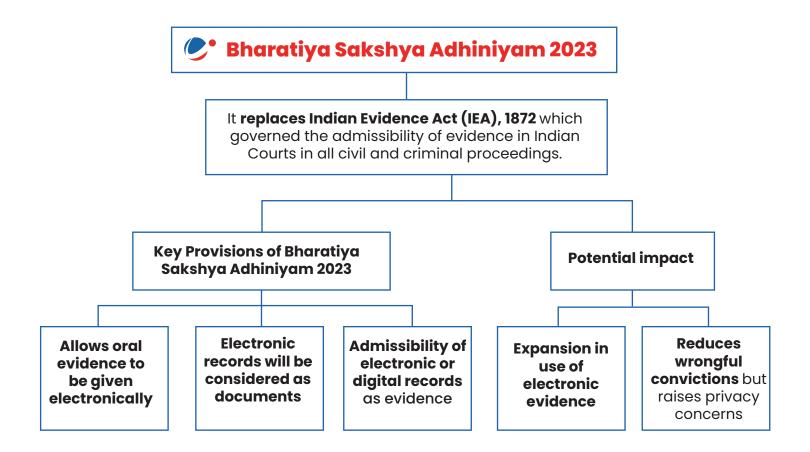
4.1 Criminal Law Reform Acts

Three new criminal laws—Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhiniyam—came into effect across the country on, July 1



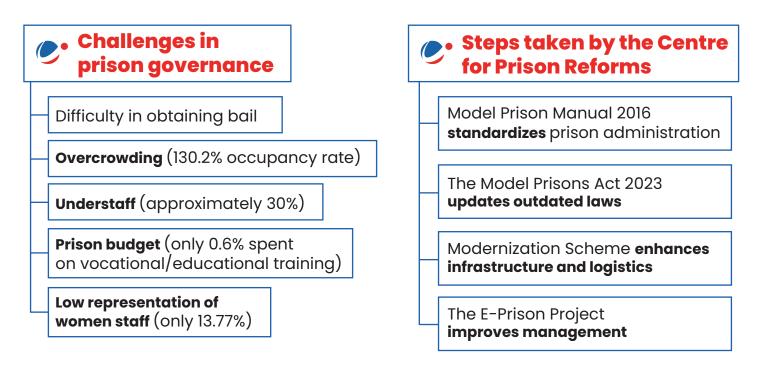


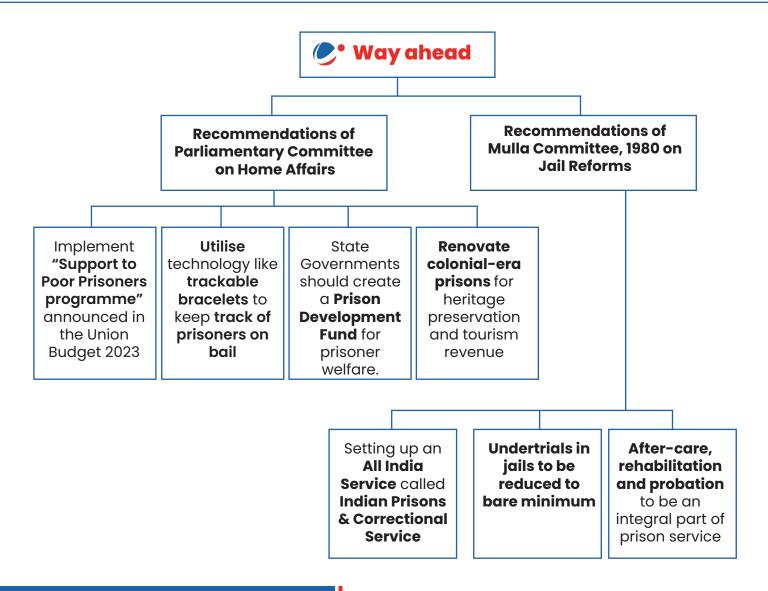




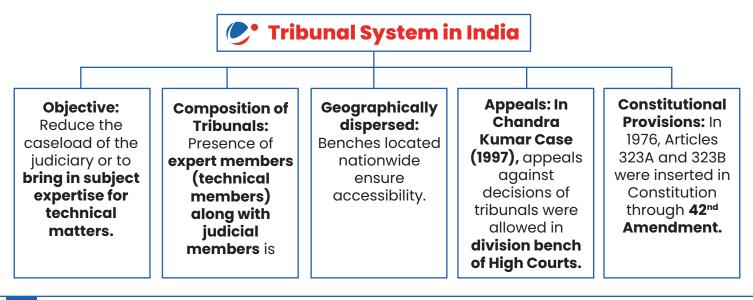
4.2 Prison Reform

Prisons/ Persons detained therein is a 'State' subject.

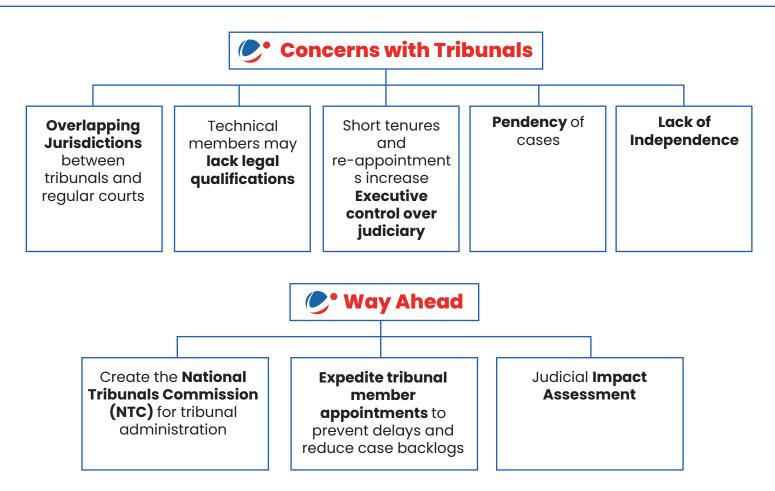




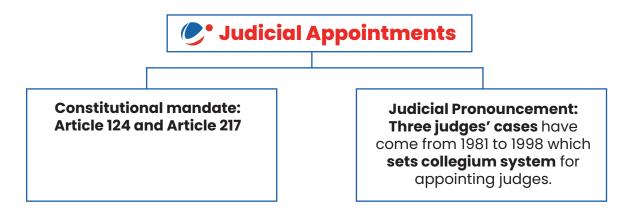
4.3 Tribunal System in India



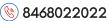




4.4 Judicial Appointments











Issues in Judges Appointment/Collegium system in India

Judges appointing judges undermines the separation of powers and the principle of checks and balances

Judge appointments need a secretariat and background checks

Promotion of mediocrity

Lack of transparency



Steps to ensure transparency in judicial appointments

Public Disclosure

Inclusive Selection Process

Establish **Search-cum-Evaluation** Committee (SEC)

Objective Eligibility Criteria

4.5 All India Judicial Services (AIJS)

AIJS is a reform that seeks to centralize the recruitment of judges at level of additional district judges and district judges for all states.



Need for AIJS

Reduce pendency of cases

Solution to judicial vacancies

Qualified legal talent (116th Law Commission Report).

Social Inclusivity

Improving quality and efficiency of Judiciary



• Issues with setting up an AIJS

Structural issues E.g. infrastructural issues or varying pay and remuneration across states

Career uncertainty

Local language barrier

Difference of opinion among the States and HCs



Way forward • to effectively implement AIJS

Stakeholder Consultation

Include a **local** language proficiency test in the recruitment process.

Establish a monitoring **mechanism** to ensure efficient system operationLaunch on pilot basis in select states to evaluate effectiveness and feasibility



4.6 Regional Benches of Supreme Court

Need of Regional benches of SC

Challenges in

the creation of regional benches

Access _____ (

Reduce geographical bias

Reduce litigation cost to common man

Increase number of Judges in SC, thereby increasing the Judge to Population ratio

Constitutional mandate (Article 130)

Opposition from SC

Affect unitary character of the SC

Rise of conflicting precedents resulting in increased litigation.

Might reduce position of SC

Identifying and categorizing cases of constitutional significance is difficult



95th Report of Law Commission (1984): Proposed two divisions in SC—Constitutional and Legal.

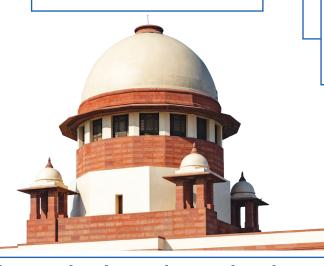
229th Report of Law Commission (2009):

Suggested a
Constitution Bench
in Delhi and four
Cassation Benches.

Promote hybrid/virtual hearings.

Learn from France's separate appeal and cassation courts.

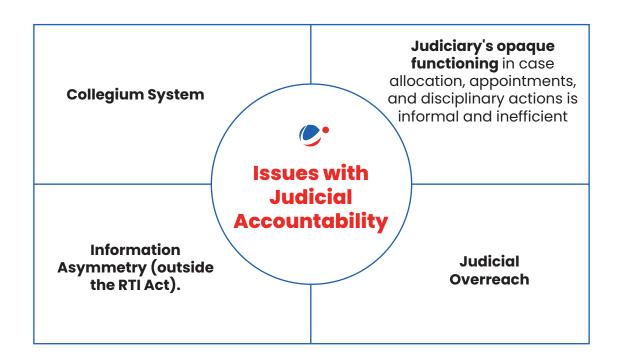
Facilitate judicial reforms by increasing judicial staff and judges.





4.7 Judicial Accountability

It is defined as the set of mechanisms aimed at making judges and courts personally or institutionally responsible for behaviours and decisions contrary to constitutional or legal standards.





Conclusion

A more formal and comprehensive Code of Conduct for Judges should be put in place which is enforceable by law.

4.8 Mediation Act, 2023

* Key Features

Mediation is when parties aim to amicably settle disputes with a mediator's help

Voluntary Pre-litigati on Mediation

Excludes disputes involving minors. unsound mind. criminal prosecution

Mediation agreements enforceable as court judgments

Establishment of **Mediation** Council of India (MCI) for mediator registration

Completion within **120** days



Need of Mediation Act

Aligns with India's commitment to the Singapore Convention on Mediation.

Less Time Consuming as compared to courts

Reduces cost of Mediation

Reduces burden of court

Dedicated Act

Amicable Solution



Concerns related with the Act

No penalties for confidentiality breaches

Online Mediation limited by 55% internet access in India.

No enforcement for international mediation agreements conducted outside India

Mediation Council needs central government approval, causing potential conflicts of interest.

Way Forward

Include **Government-related** disputes

Confidentiality agreement

Ensure that a **maximum** number of disputes go through pre-litigation mediation



4.9 National Legal Services Authority (NALSA)



Issues with NALSA

Lack of Awareness:

Despite 80% eligibility, only 15 million used legal aid since 1995

Budget Constraints:

0.75 paise per capita annually in 2017-18

Lawyer **Compensation:**

Low fees deter pro bono work

Staff Shortages:

20 out of 34 positions filled (Dec 2022)

Underutilized Para-Legal **Volunteers**

Recommendations

NALSA should aid vulnerable groups, especially undertrials, and address prolonged detentions.

Increase NALSA funding,

mandate annual pro bono work, and establish Senior Advocate Panels.

Recognize pro bono contributions with Merit Certificates.

Upgrade Lok Adalats

with technology and resources.

Train and fairly compensate PLVs, and fill vacancies promptly.



5. ELECTIONS IN INDIA

5.1 Chief Election Commissioner and other Election Commissioners Act, 2023

The President has given her assent to the Chief Election Commissioner (CEC) and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023.

About the Act

Replaces the Election Commission

(Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991. Aims to regulate appointment, conditions of service, and term of office of CEC and other ECs, and procedure for transaction of business by the Election Commission

Key Provisions

Selection Committee:

Includes the Prime
Minister (Chairperson),
Leader of
Opposition/leader of
the largest opposition
party in Lok Sabha, and
a Union Cabinet
Minister nominated by
the Prime Minister.

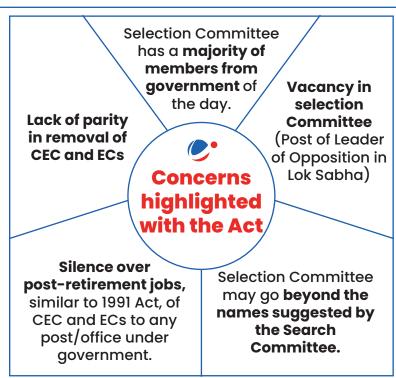
Eligibility Criteria for CEC and ECs: Equivalent to the rank of Secretary to the Gol.

Salary is equivalent to a Judge of the Supreme Court Term of office is 6 years or until age 65, whichever is earlier. Not eligible for reappointment.

CEC can only be removed in a manner and on grounds similar to that of SC judge whereas EC can be removed upon CEC recommendation.

A Search Committee, headed by **Minister of Law and Justice**, prepares a panel of five persons for the Selection Committee's consideration.







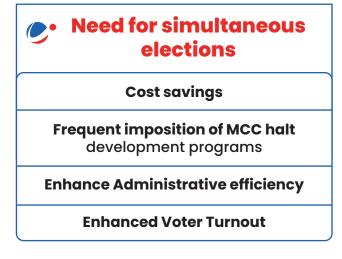
The Goswami Committee and 255th Law Commission Report recommend including the CJI in the Selection Committee.

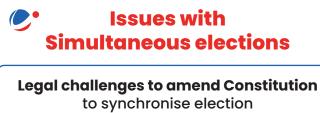
Post-retirement prohibitions to maintain independence

Goswami Committee and ECI recommend an independent ECI secretariat and equal protection

5.2 Simultaneous Elections

Synchronize Lok Sabha, State Assemblies elections, Municipalities and Panchayats such that voters in a particular constituency vote on the same day





Challenges related to **logistics and manpower,** including EVMs, VVPATs

Altering state elections would **violate** rights of the states

Issue of hung Parliament/Assembly and premature dissolution



Way forward

Two steps to manage legal challenge

Firstly, hold simultaneous elections for Lok Sabha and State Legislative Assemblies.

Secondly, within 100 days of the Sabha and State Legislative Assemblies elections, synchronize the elections for Municipalities and Panchayats.

Fresh elections for House of the People, serving only unexpired term of the preceding full term The Commission can pre-estimate equipment needs, like EVMs and VVPATs, and arrange polling personnel and security.

5.3 Electoral Funding

SC in **Association for Democratics Reforms vs Union of India (2024)** unanimously struck down Electoral Bonds Scheme (EBS), which aimed to enhance transparency in electoral funding.

* Key Highlights of judgment

EB Scheme, by anonymizing contributions, violates the Right to Information under Article 19(1)(a) and is therefore unconstitutional

Amendment to Companies
Act permitting unlimited
corporate contributions to
political parties is arbitrary
and violative of Article 14.

EBS not proportionally justified to curb black money

Increased Cash Transactions

Growing
Corporate and
political
parties' nexus

©•

Concerns
associated
with Electoral
Funding

Deters small parties

and independent candidates

Huge expenditure (around 1.35 lakh crore was spent during 2024 Lok Sabha elections)



5.4 Inner Party Democracy

Inner party democracy refers to **inclusion of party members in the decision making** and deliberation within the party structure.

- O Dinesh Goswami Committee, Tarkunde Committee and Indrajit Gupta Committee has argued for more transparent working of the political parties in country.
- Draft Political Parties (Registration and Regulation of Affairs) Act, 2011 aims to regulate constitution, functioning, funding, accounts and audit, and other affairs of political parties participating in elections.



Reduce criminalization of politics

Facilitate decentralisation of power and decision making

Promote transparency and accountability in handling party funds

Prevents nepotism and dynasty politics

Ensuring equal representation to participate in politics and contest elections



Elitism in Party Leadership

Resistance from Dynastic, Caste, and Religious Parties

The **anti-defection law binds legislators** to the party whip, discouraging individual voting preferences

No legal basis to mandate elections within political parties

Inadequate Power with Election Commission



Way Forward

Give constitutional status for political parties like Germany Regulations should mandate regular internal elections at all levels, defining terms for office-bearers Internal
elections for
leadership
positions should
be carried out
through
committee

State funding of political parties Empowering
ECI to
deregister
parties that fail
to comply with
rules



5.5 Criminalization of Politics



About

2nd ARC report in its 'Ethics in Governance' report stated Criminalization of Politics as participation of criminals in electoral process



Judicial pronouncements/Recommendations

Union of India v Association for Democratic Reforms, 2002: SC stated that electors have a fundamental right to know the antecedents of candidates.

Lily Thomas v Union of India, 2013: SC ruled Section 8(4) of RP, 1951 unconstitutional, disallowing convicted MPs and MLAs from retaining posts.

Public Interest Foundation v. Union of India, 2018: SC ordered political parties to publish criminal records of their candidates on their social media handles, and newspapers



Causes of Criminalization of Politics

Winnability of candidates (twice compared to other candidates, ADR report).

Delays in conviction of cases

 Legal loopholes: Section 8 of RPA, 1951, bans only convicted politicians from contesting

Limited powers given to Election
Commission



Impact of Criminalization of Politics

Criminalization of Political Parties

Affects working of investigation and prosecution agencies

Institutionalized corruption and trust erosion

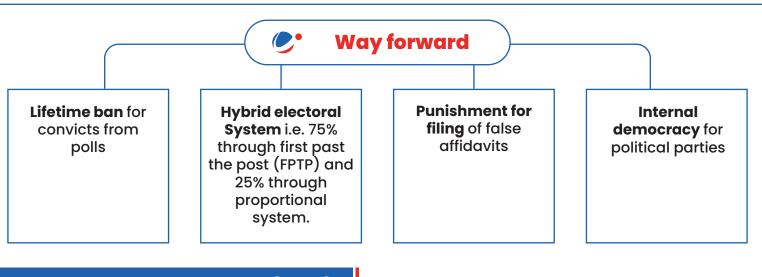
Pending cases against lawmakers (5,097 cases are pending against lawmakers)



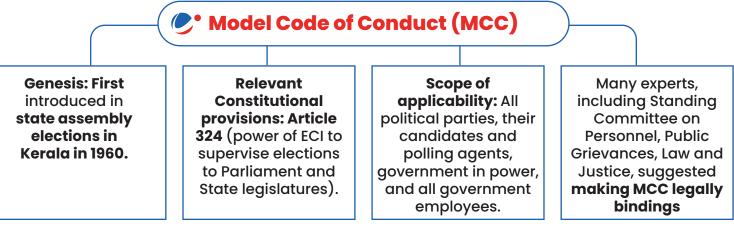
Measures to check Criminalization of Politics

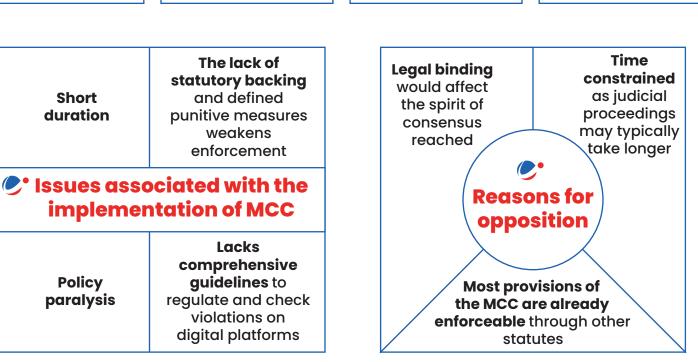
Section 8(3) of RPA 1951 says any lawmaker sentenced to at least two years in jail remains disqualified for six years upon their release.

Web portal launched by ECI for political parties to file their financial accounts online



5.6 Model Code of Conduct (MCC)





Way Ahead

Outline graded punitive measures

MCC should include penalties, fines or actions under 'The **Election Symbols** (Reservation and Allotment) Order', for political parties

Punitive actions should be taken within 72 hours of the violation

Periodic review

5.7 Artificial Intelligence and Elections

Role of Al in **elections**

Predictive modelling

Real time data analysis

Personalised communication

Participative democracy

Concerns Associated with Al in Elections

Manipulation by creating deepfake videos, misinformation, distorting truth etc.

Lack of regulation

Accuracy and Data Quality

Cyber security vulnerabilities (Use of Al by Cambridge Analytica)

Way forward

Strengthen ECI to reduce the risk of AI misuse by political campaigns.

Promote innovation in detection of deep-fake

Continuously monitor and adapt to emerging threats and challenges related to AI in elections

Establish clear Regulatory Frameworks (Example: EU Code of Practice on Disinformation, 2022)

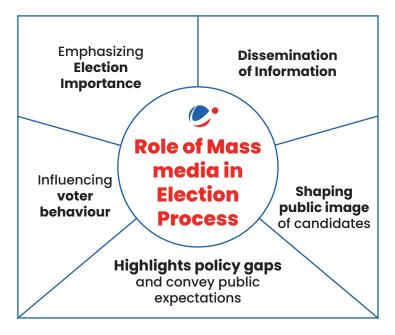


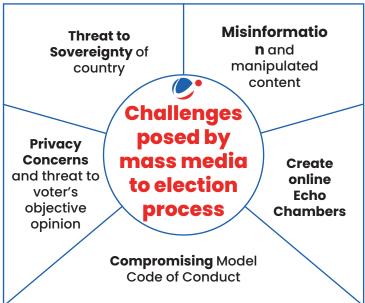




5.8 Mass Media and Election

ECI issued guidelines for ethical use of Social Media Platforms (SMPs).





Way Ahead

Follow advisories of **Press Council of India** to give objective reports about elections and candidates, observe all directions of ECI, Chief Electoral Officer etc

Effective Implementation of Voluntary **Code of Ethics**

Strengthen links between civil society groups and internet platforms

Strengthen **Data Protection** Framework





5.9 Municipal Elections

• Need for fair and timely **Municipal Elections**

'First-mile' Connect as India has 87,000+ councilors across its 4,700+ cities

Tackle grassroots level issues

> **Efficient** utilization of funds

Challenges in Municipal Elections

Untimely elections (despite the SC-specific direction in Suresh Mahajan v. State of Madhya **Pradesh (2022))**

Delay in Council Formation.

Delimitation and reservation

Inconsistent Mayoral terms

SECs lack power as they depend on state governments to complete the delimitation of ward boundaries

Low voter turnout for municipal elections than parliamentary and state assembly elections



Way forward

Power of delimitation must be vested in SECs or an independent Delimitation Commission in each State

Single electoral roll for all three tiers of Government

Strengthening SECs by giving them significant role in elections of mayors, deputy mayors and standing committees

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6. GOVERNANCE

6.1 Role of Civil Servants in Governance



Assist in **policy formulation**

Act as intermediaries between government and people

Support democracy (e.g., free and fair elections).

Promote inclusive democracy (e.g., Sweekruti for transgender community integration)

Serve as career diplomats and quasi-judicial officers



Autonomy issues due to political pressure

Infrastructure deficiencies

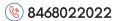
Red-tapism and slow decision-making

Security threats (e.g., threats to IAS officer Tukaram Mundhe).

Conclusion

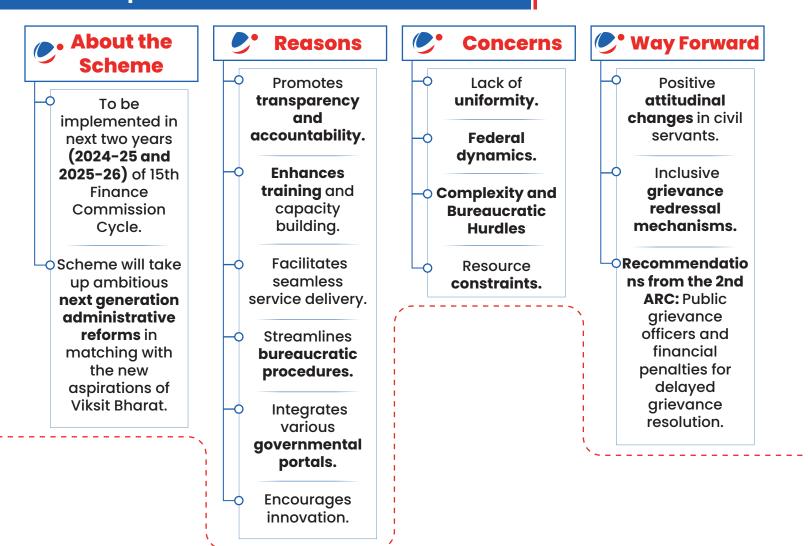
Civil servant's transparency, efficiency, and integrity contribute to good governance. However, restructuring is necessary to meet contemporary needs.







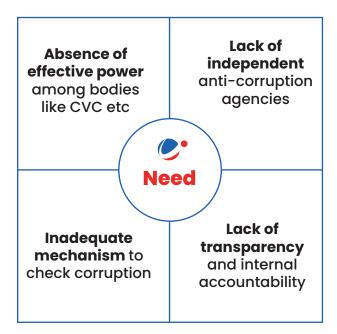
6.2 Revamped Scheme for Administrative Reforms

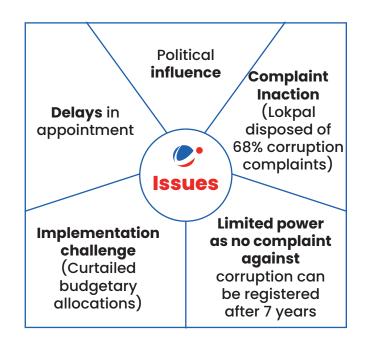


6.3 Lokpal and lokayuktas





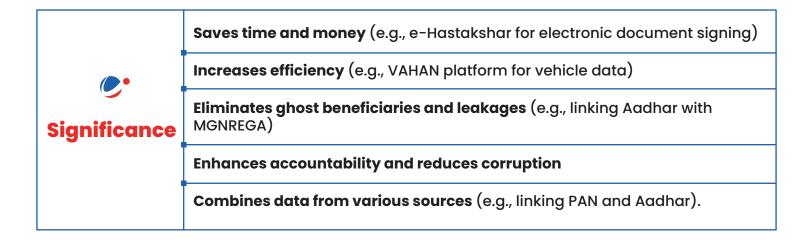




Wayforward

- Lokpal and Lokayukta must operate independently from those they investigate and prosecute.
- Decentralized Institutions: with robust accountability mechanisms.
- State-Level Lokayuktas: Lokayuktas should be established in states similar to Lokpal.

6.4 Role of Technology in Public Services Delivery



have e-filing



Wayforward

Enhance digital literacy, Establish a robust legal framework for data protection, Improve cybersecurity infrastructure, Enhance service interoperability.

6.5 Digital Personal Data Protection Act 2023



About DPDP Act 2023

Regulates the processing of digital personal data while ensuring individuals' right to protect their data and the need to process it for lawful purposes.



Key-Provisions

Applicability: Covers processing of digital personal data within India and data processed outside India (if offering goods/services in India)

for lawful purposes after obtaining consent from the Data Principal

Exemptions include government services, medical emergencies, etc

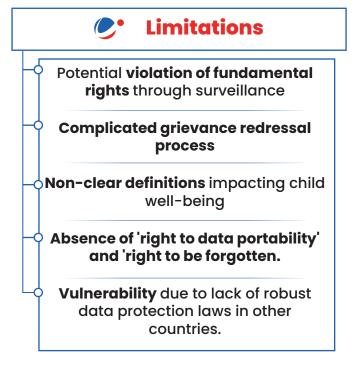
Data Protection Board of India: Established to monitor compliance, impose penalties, and handle grievances

Significant Data Fiduciaries:
Obligated to maintain data accuracy, secure data, and delete it once its purpose is met.



Aligns with worldwide data protection standards.

Ease of Doing
Business: It gives
businesses clear
rules on how to use
personal data



Wayforward

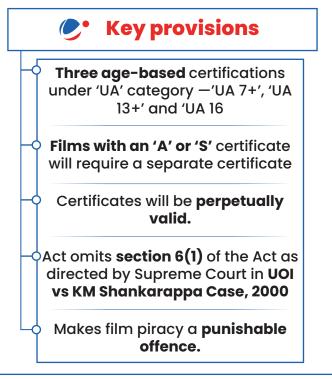
Develop cross-border data governance mechanisms, Grant 'right to data portability' and 'right to be forgotten.', Clearly define terms like sovereignty and integrity of India, Specify a time duration for data deletion after its purpose is met or consent is withdrawn.

6.6 Cinematography (Amendment) Act, 2023



cinematographs.

About the Act

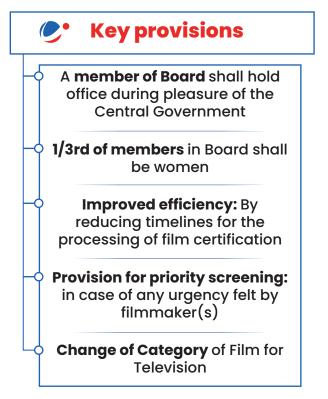


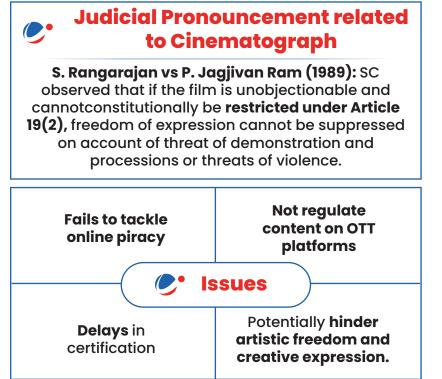


The Act
addresses issues
in the film
industry with new
certification
categories and
calls for early
regulation of OTT
platforms to
benefit society
and the industry.



6.7 Cinematograph (Certification) Rules, 2024





Conclusion

While streamlined processes and diverse representation in the revamped Cinematograph (Certification) Rules, 2024 are positive steps, concerns linger over censorship, content control etc. Striking the right balance between creative freedom and societal responsibility remains the true test ahead.



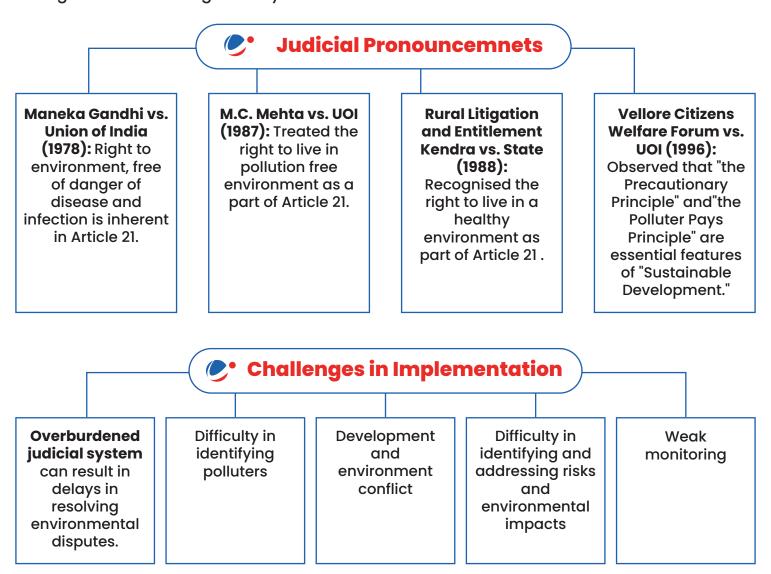






6.8 Constitutionalization of Environmental Issues

SC, in a recent judgment, stated that the right to be free from the adverse effects of climate change should be recognised by **Articles 14 and 21** of the Constitution.



Wayforward

- O Government can set up more separate machinery, like NGT.
- Need for umbrella legislation which relates to climate change.
- Strengthen institutional capacity by allocating adequate financial resources.
- European Court of Human Rights ruling supported a citizen lawsuit against government for climate change inaction. Such cases can generate awareness globally.



6.9 Temple Regulation in India



Legal and Institutional Framework to Regulate Temples in India

Article 25 (1) gives freedom of religion

Article 26 provides for freedom to manage the religious affairs

Hindu Religious and Charitable **Endowments** (HR&CE): Several states have enacted legislative and regulatory frameworks.

Hindu Religious Endowments Commission (1960): declared that government control over temples was essential to prevent maladministration

Arguments in favour

Social Reforms: challenging hereditary priesthood ensuring non-discrimination.

Representation of Marginalized Sections: Example: Tamil Nadu HR&CE Act mandates SC/ST representation in temple trust.

Efficient Temple Management.

> Community Welfare

Argument in against

Violation of principle of Secularism

Erosion of Operational Autonomy

Erosion of Cultural Capital

> Loss of **Tourist** Potential.

State control **might** not be sensitive to unique customs and traditions of tribal communities

Judicial pronouncements related to temple

Kerala's **Padmanabhas** wamy Temple Case (2020): SC granted the erstwhile **Travancore** royal family the shebaitship rights (right to manage a temple)

Seshammal & others versus State of Tamil Nadu (1972): SC held that the appointment of an Archaka to a temple would be a secular function.

Way forward

Temples should be categorized by size and organized using a

hub-and-spoke

model.

State-level Temple **Administration Board** (Having state officials) assisted by Temple Management Committee.

Special Purpose Vehicle: Temple Development and **Promotion** Corporation can be formed.

Following Best Practices:

Concept of Devaswom (property of God) in Kerala is an interesting model to keep check on corruption.



7. LOCAL GOVERNANCE

7.1 Urban Governance in India

* Key challenges plaguing urban governance in India

Growing Urban Population: Urban share projected to exceed 50% by 2050)

Spatial Planning: 39% of capital cities lack active plans

74th CAA: Provisions oare non-binding due to discretionary language

Low Municipal Budget: Indian revenue <1% of</p> GDP, vs. 7% in Brazil

Accountability Issues: Rajkot fire report shows inaction by authorities

Initiative taken

Local area plan and town planning scheme

Smart cities mission

PM SVANidhi scheme

Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Mission



Way forward

Balance the 4 Es -**Economic growth**, **Environmental** sustainability, Equitable access to opportunities and services, and democratic **Engagement** to secure India's urban future

> **Decentralized Planning**

Develop a comprehensive digital public financial management system

Implement Indore **Municipal Corporation practices** for public services

Form a high-powered council like the GST council for overhaul of the 74th CAA

Alternative Sources of Financing (Municipal Bonds, Pooled Financing)



7.2 Capacity Building of Urban Local Bodies (ULBs)



Need for Capacity Building for ULBs

Streamline planning and institutional roles for ULBs

Urban centers drive two-thirds of India's economic growth

> To deal with regional aspirations

Ensure effective implementation of schemes like **Smart City and AMRUT Missions**



Challenges associated with Capacity Building of Urban Local Bodies

Partial Devolution

Absence of formal structures, comprehensive cadre and cadre rules etc.

> Lack of personnel with appropriate skill sets

Ineffective communication channels with private sector and civil society

Measures taken for capacity building of ULBs

Capacity **Building Scheme** for Urban Local **Bodies**

World Bank-assisted **Capacity Building** for Urban

Development Project

National Urban Digital Mission (2021)

Municipal Bonds

Jawaharlal **Nehru National Urban Renewal Mission**

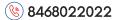
Way forward

Developing **Municipal cadre** and provide specific training

Creation of a separate division or Cell for **Capacity Building** at Central level

Strengthen Training Institutes

Capacity building through partnership (For example, Engage NGOs for selected tasks)





7.3 Finances of Panchayati Raj Institutions (PRIs)



Sources of Finance for PRIs

Internal/Own sources of revenue

Transfer of Funds from Central
Finance Commission (CFC) and State
Finance Commission (SFC)

Other Sources like Grants from internationals bodies like World Bank, etc.

• Challenges associated with the finance of PRIs

State Finance Commissions (SFC) **not constituted regularly**

Assessment of fiscal health of PRIs is difficult due to lack of data on their revenues and expenditures

Corruption

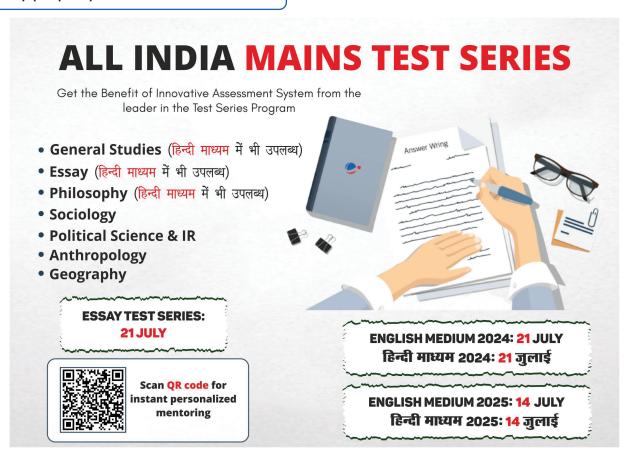
Sources of revenue for PRIs are limited, mainly property taxes, fees, and fines



Regular and independent audits, and transparent reporting mechanisms to prevent misuse of funds and corruption.

SFCs should be **constituted timely every 5 years**

Increase budgetary allocations







8. IMPORTANT ACTS AND LEGISLATIONS

8.1 Nari Shakti Vandan [Constitution (106th Amendment)] Act, 2023



Key Provisions

Reservation of 1/3rd seats for women in Lok Sabha (LS) and State legislative assemblies respectively (Article 330A and Article 332A Inserted)

1/3rd seats for women belonging to **SC/ST** (Article 330 and 332)

Reservation of 1/3rd seats for women in the Legislative Assembly of NCT of Delhi(Art. 239AA amended)

Reservations will come into effect after delimitation following the first census post-act commencem ent, ceasing after 15 years

Periodic rotation of seats reserved for women after each delimitation as determined by Parliament.



Need for Women's Reservation in Legislature

Under-representation (Only 74 women MPs in 18th Lok sabha)

Gender-Sensitization of Public Policy.

Evidence from Local Level Reservations

(increase in reporting of crimes better access to amenities,etc)

Patriarchal nature of political parties

Contradicts the principle of equality Women are not

a homogeneous community like caste groups.

Limited Impact on Political **Empowerment** (lack of internal democracy in political parties)

constitutional

Concern for Women's **Reservation in** Legislature

Rotating Reserved Seats may demotivate MPs due to re-election

uncertainties.

Impact on voter's choices

No Reservatio n in Rajya Sabha and Legislative Councils

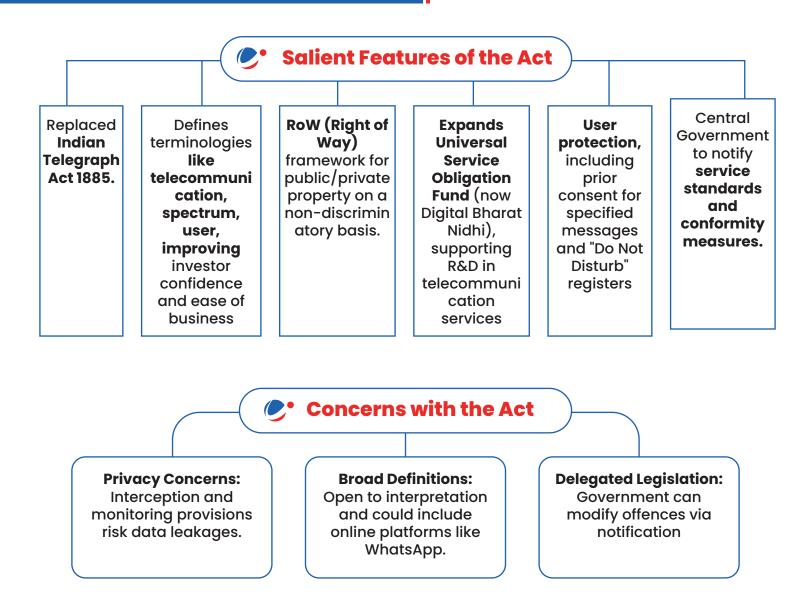




Conclusion

Conduct and publish census data and delimitation exercises timely. Capacity building with civil society to provide training and mentorship to women leaders.

8.2 Telecommunications Act, 2023

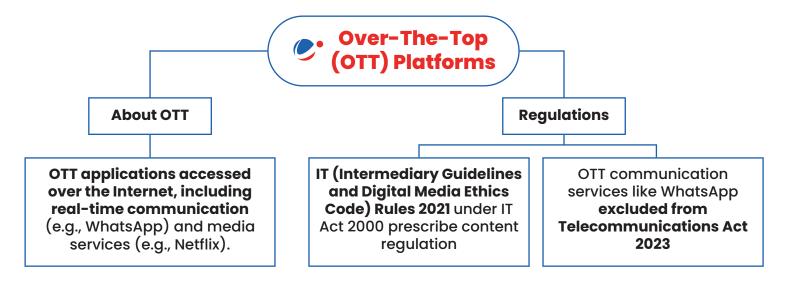


Conclusion

Addresses telecom sector issues like spectrum allocation. Multi-stakeholder approach needed for implementation.



8.3 Over-The-Top (OTT) Platforms Regulations





Reasons for regulations

Consumer Protection

Prevent misuse by terrorists and anti-social

Fair competition with traditional media.

Ensure proper reporting and taxation



Concerns

Over Regulation

Higher costs for OTTs may drive up consumer prices.

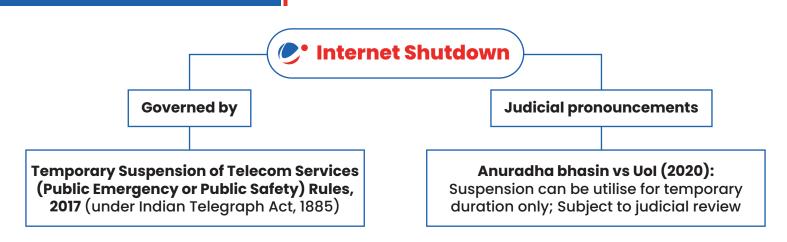
Complex regulations hinder new entrants

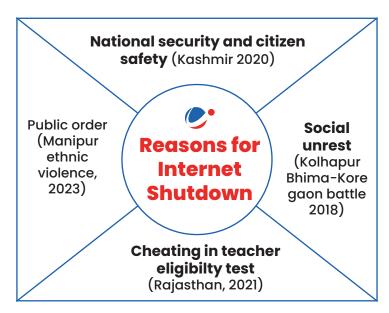
Global operations complicated by local regulations

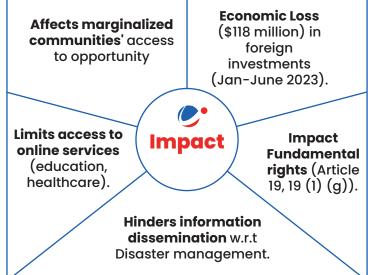
Way forward:

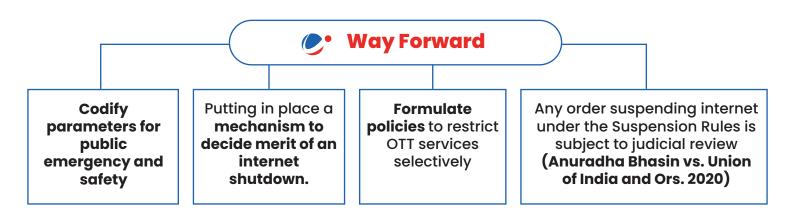
Develop a comprehensive and dynamic regulatory framework balancing creative freedom and competition.

8.4 Internet Shutdown



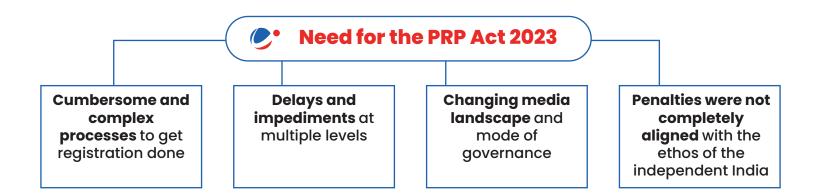






8.5 Press and Registration of Periodicals Act, 2023

About Act: It repealed the colonial era law of the Press and Registration of Books Act, 1867.



Benefits

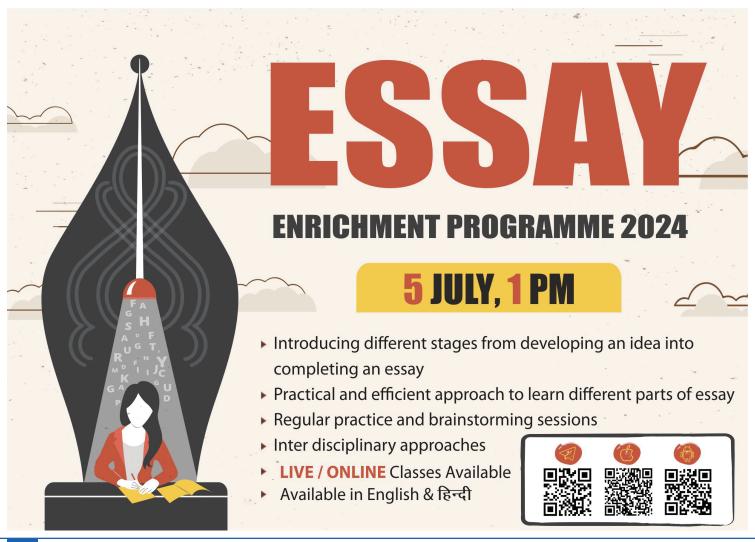
Digitalization:
information
regarding
printing presses
to be submitted
through an online
portal

Fast-tracking process: by filing an online application with Press Registrar General (PRG) for e.g., by replacing jail terms with fines Ease in
Cancelling
Registration
process: It
empowers PRG to
suspend/cancel
Certificate of
Registration

Provides clarity:
on cases like
facsimile
editions of a
foreign
publication

Conclusion

The 2023 Act aligns with the modern era of free press and media freedom, emphasizing digital governance for faster and more efficient service delivery through trust, transparency, and technology.





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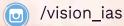
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