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Classroom Study Material

POLITY

JUNE 2016 – FEBRUARY 2017

NOTE: March 2017 to 15th May 2017 current affairs for PT 365 will be updated on our website on third week of May.

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1. CENTRE STATE RELATIONS

1.1. INTERSTATE WATER

1.1.1. SINGLE TRIBUNAL FOR INTER-STATE WATER DISPUTE

Why in news?

- The Central Government has decided to **amend Inter-State Water Disputes Act, 1956 (ISWDA)** to constitute a **permanent tribunal** to decide on all inter-state water disputes that arise.
- An agency, to collect and maintain all relevant water data, like rainfall, water flow and irrigation area, in each of the river basins of the country, is also proposed to be created.

STAGNANT WATERS

- Water dispute tribunals were created by the Centre under Inter State River Water Disputes Act of 1956.
- Each tribunal is headed by a chairman and has two members, all of them judges of the Supreme Court or a High Court, nominated by the Chief Justice.
- A tribunal has to award its decision within three years of its creation.
- Once the decision is given, it is published in the official gazette.
- Decisions published in the gazette are equal to an order or decree of the Supreme Court.

Background

- Centre currently sets up ad hoc tribunals under ISWDA to adjudicate disputes as they arise. Eight tribunals have been constituted so far.
- With water becoming scarce resource, inter-state water disputes are increasing.

Constitutional Provisions

- **Article 262(1)** of the Constitution lays down that “Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river, or river valley”. Parliament has enacted the Inter-State River Water Disputes Act, 1956.

LINGERING DISPUTES

Tribunal	States
Ravi & Beas Water Tribunal	Punjab, Haryana and Rajasthan
Krishna Water Disputes Tribunal – II	Karnataka, Maharashtra and Andhra Pradesh
Vansadhara Water Disputes Tribunal awaited	Andhra Pradesh & Odisha
Mahadayi Water Disputes Tribunal	Goa, Karnataka and Maharashtra

Interstate water dispute Act, 1956: Salient Features

- Constitution of the tribunal
- The Tribunal shall have the same powers as are vested in a civil court,
- Power to make schemes for implementing decisions of tribunal,
- Dissolution of Tribunal and power to make rules.
- Adjudication of water disputes,
- Maintenance of data bank and information,
- Bar of jurisdiction of Supreme Court and other Courts.

1.1.2. KRISHNA WATER DISPUTES TRIBUNAL II VERDICT

Why in news?

- The Krishna Water Disputes Tribunal II headed by Justice Brijesh Kumar has turned down the demands of AP and Telangana regarding their demand for redistribution of the Krishna river water among the four riparian states, including Karnataka and Maharashtra.

Background

- The KWDT I (Bachawat commission) in its final award in 1973, divided the share of water between the three states as **Andhra Pradesh, Karnataka and Maharashtra**.
- Andhra Pradesh and Telangana in their current petition have sought fresh allocation of Krishna River water among all four riparian states.
- According to them, **Section 89** in the Andhra Pradesh Reorganisation Act, 2014 calls for redistribution of Krishna water among all the four riparian States not just between both of them.

The judgment

- The tribunal observed that the **section 89 of AP reorganisation act 2014 was not applicable to Maharashtra and Karnataka.**
- Allocations made on the basis of water utilisations outside the Krishna basin were valid on historic grounds.
- **AP and Telangana have to share water that was allocated to the undivided AP.**

1.1.3. CAUVERY WATER ISSUE

Why in news?

- On September 5, the Supreme Court ordered the Karnataka government to release 15,000 cusecs of water a day for 10 days, to Tamil Nadu. This led to widespread protests and bandhs in Karnataka.
- The Karnataka government's stand was water could not be released due to drought conditions in South Karnataka.

Background

- As per 1924-agreement, Cauvery river water is distributed as 75% with Tamil Nadu and Puducherry, 23% to Karnataka and remaining to go to Kerala.
- In 1974, Karnataka (Mysore) asserted that the 1924 agreement entailed a discontinuation of the water supply to Tamil Nadu (Madras) after 50 years.
- Karnataka demanded that the river water should be divided according to international rules, i.e., in equal portions.

Cauvery waters tribunal

- Owing to Tamil Nadu government's appeal to the Central government in 1986 to constitute a tribunal for solving the issue under Inter-State Water Disputes Act, 1956, the Cauvery Waters Tribunal was established on June, 2, 1990.
- In 2007, after sixteen years of hearing and an interim order later, the Tribunal announced its final order.
- It concluded that the water availability in Cauvery stood at 740 tmcft.

Geography

- Tribunal award has been criticized for ignoring the fact that ground water in the river basin is more in lower riparian state and less in the upper riparian state while assessing water availability.
- **Deficiency in monsoon rainfall and less water due to El Nino and 2yr drought is the main reason.** Karnataka had 18 percent short of normal rainfall.
- **Inefficient use of land:** Karnataka is cultivating large-scale water-intense crops such as sugar cane, despite their soil's dry-land-farming qualities.
- **Geographic location of Tamil Nadu:** Tamil Nadu is present on the leeward side of Western Ghats for SW monsoon and receive majority of its rainfall via N-E Monsoon.

1.1.4. SPECIAL COMMITTEE FOR INTER-LINKING OF RIVERS

- Union Cabinet has given its approval to the **Status-cum-Progress Report** and constitution of "**Special Committee for Inter-Linking of Rivers**" in compliance of Supreme Court judgment.
- In February 2012, the Supreme Court allowed interlinking of rivers with the condition that Special committee should be established for timely completion of feasibility reports and projects.
- It will be chaired by **Union Minister for Water Resource, River Development and Ganga Rejuvenation.** The Director General of National Water Development Agency is the Member Secretary of the Committee.

1.1.5. KEN-BETWA RIVER PROJECT

- The Ken-Betwa river linking project aims to irrigate the drought-ravaged Bundelkhand region.
- It involves building a 288-metre **Daudhan dam**, and transfer of surplus water from the Ken river basin to the Betwa basin.
- This will submerge nearly 400 of the 4,300 hectares of the Panna tiger reserve.
- Experts suggest that the result could be drastic for the tiger population, as they have to adjust to the changes.
- Impact area will be far greater with associated activities related to construction, power houses etc.

1.1.6. ODISHA REJECTS PANEL ON MAHANADI RIVER DISPUTE

Why in news?

Odisha government has rejected the Centre's negotiation committee on Mahanadi river water **dispute with Chhattisgarh** and instead demanded constitution of a Tribunal for adjudication.

River dispute

- The 858 km long Mahanadi River is almost equally divided between Chhattisgarh (53.9 per cent) and Odisha (45.73 per cent).
- River Mahanadi, with Hirakud dam on it, is lifeline of Odisha state and critical for development of the region
- **Dispute is majorly about six water storage structures/ barrages**, being constructed by Chhattisgarh government, on Mahanadi River. These barrages might leave insufficient water to the Hirakud dam.

1.2. DEMAND FOR SPECIAL CATEGORY STATUS

Why in news?

- A demand for Special Category Status for Andhra Pradesh has led to State-wide protests in AP, and heated debates in Parliament.

Background

- The concept of a special category state was first introduced in **1969** by the **5th Finance Commission**.
- Some of the features required for special status were:
 - ✓ hilly and difficult terrain;
 - ✓ low population density or sizeable share of tribal population;
 - ✓ strategic location along borders with neighbouring countries;
 - ✓ economic and infrastructural backwardness;
 - ✓ Non-viable nature of state finances.
- The decision to grant special category status was earlier with National Development Council.

Current Status

Changes were observed from 2015-16 budget. While states began to receive a higher share of 42 percent of central taxes, the Centre diluted the benefits that accompanied the SCS status and even slashed the outlay for Centrally Sponsored Schemes.

Benefits to Special Category States (SCS)

The nature of benefits to Special Category states create further demand by many states to crave for this status. The major benefits of SCS are

- A major portion of the Normal Central Assistance (56.25%) is distributed to 11 Special Category States and the remaining (43.75%) among 18 General Category States.
- Only Special Category States receive Special Plan Assistance and Special Central Assistance grants.
- The assistance for Externally Aided Projects (EAPs) flows to Special category States as 90 per cent grant whereas for General Category States, it flows as loans.
- The state share in Centrally Sponsored Schemes is usually lower for Special Category States as compared to General Category States.
- Special-category states get a significant **excise duty concession** & other such tax breaks that attract industries to relocate/locate manufacturing units within their territory.
- There is **no preferential treatment to SCS** when it comes to sharing of the central tax revenue.

1.3. COMPETITIVE FEDERALISM

Why in news?

- Recent studies show signs of successful competitive federalism in Indian economy especially in terms of ease of doing business. States are trying to attract investments by facilitating reforms.

What is competitive federalism?

- Competitive federalism is a concept where centre competes with states and vice-versa, and states compete with each other in their joint efforts to develop India.
- The policy of one-size-fit-all is replaced with different policies of various states based on the own priorities within the state.
- Competitive federalism follows the bottom-up approach as it will bring the change from the states.
- The meaning of competitive federalism as espoused by the Liberty Foundation in the US would entail a system that allows States to compete with each other over a broad range of issues to provide citizens with the best value goods and services at the lowest cost.

1.4. INTER-STATE COUNCIL MEETING

Why in News?

- Recently, the eleventh meeting of the Inter-State Council (ISC) was held after a gap of 10 years.

What is ISC?

- **Article 263** provides the establishment of an Inter-State Council to effect coordination between the states and between Centre and states.
- It is **not a permanent constitutional body**. It can be established 'at any time' if it appears to the President that the public interests would be served by the establishment of such a Council.
- First time it was set up on the recommendation of the Sarkaria Commission and established the ISC by a presidential ordinance on May 28, 1990.
- The ISC is proposed to meet thrice a year, but in 26 years, it has met only 11 times.

Composition

- Prime Minister **acts as the chairman of the council**.
- **Members:**
 - ✓ Union Ministers of Cabinet rank in the Union Council of Ministers nominated by the Prime Minister.
 - ✓ Chief Ministers of all states and Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly.

1.5. WESTERN ZONAL COUNCIL MEETING

Why in news?

- The 22nd meeting of the Western Zonal Council was held in October, 2016 under the Chairmanship of Union Home Minister.
- The Zonal Councils are mandated to discuss and make recommendations on economy and social planning, border disputes, inter-State transport and linguistic minorities related issues.

About Zonal Council

- The idea of zonal councils emerged during the course of debate on the report of the States Re-organisation Commission 1956.
- In the light of the vision of Pandit Nehru, five Zonal Councils were set up under the States Re-organisation Act, 1956. (Zonal councils are **not** constitutional bodies, they are statutory bodies)
 - ✓ The Northern Zonal Council
 - ✓ The Central Zonal Council
 - ✓ The Eastern Zonal Council
 - ✓ The Western Zonal Council
 - ✓ The Southern Zonal Council
- The North Eastern States i.e. (i) Assam (ii) Arunachal Pradesh (iii) Manipur (iv) Tripura (v) Mizoram (vi) Meghalaya and (vii) Nagaland (viii) Sikkim are not included in the Zonal Councils and their special problems are looked after by the **North Eastern Council**, set up under the North Eastern Council Act, 1972.

1.6. LIEUTENANT GOVERNOR POWERS IN UT

Why in News?

- The powers of the Lieutenant Governor are being debated after LG of Puducherry made a statement that she could choose to overlook the legislature depending on circumstances.

UTs and its Administration

- Every UT is administered by the President through an “Administrator” appointed by him.
- The “Administrator” of the UT has powers similar to that of the Governor but he is just a representative of the President and not the constitutional head of the state like the Governor.
- The administrator may be designated as **Lieutenant Governor, Chief Commissioner or Administrator.**
- The powers and functions of the Administrator of a UT are defined under **Article 239 and 239AA of the Indian Constitution.**
- The UTs of Delhi and Puducherry have been provided with a legislative assembly and Council of Ministers. Therefore the Administrators of these two UTs are meant to act upon the aid and advice of the Chief Minister and his Council of Ministers.
- **Article 239AA** deals with Special provisions with respect to Delhi.

- The UT of Puducherry is guided by the **Union Territories Act, 1963.**
- The UT of Delhi is governed by the **Government of National Capital Territory of Delhi Act, 1991** and the **Transaction of Business of the Government of National Capital of Delhi Rules, 1993.**



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2. ISSUES RELATED TO CONSTITUTION AND FUNCTIONING OF PARLIAMENT/STATE LEGISLATURE

2.1. ARTICLE 370

Why in news?

Scenes of pandemonium were witnessed in J&K Assembly following statement of Chief Minister Mehbooba Mufti in which she termed those acting to weaken Article 370 as anti-nationals.

Background

- Jammu and Kashmir High Court (in Oct 2015) had ruled that Article 370 has assumed place of permanence in the Constitution and the feature is beyond amendment, repeal or abrogation.
- The Supreme Court in a fresh appeal in November, 2016 has **agreed to examine the inviolability** attached to Article 370.
- **Article 370, Article 35A** and other aspects of J&K's special status have been challenged in four important cases in the Supreme Court and two in the Delhi High Court.

About Article 370 and Article 35A

- Article 370 of the Indian Constitution is a '**temporary provision**' which grants special autonomous status to Jammu and Kashmir.
- Except for **defence, foreign affairs, finance and communications**, the Parliament needs the state government's concurrence for applying all other laws.
- **Article 35A** gives special rights and privileges to permanent residents of J&K, and empowers its legislature to frame any law without attracting a challenge on grounds of violating the right to equality of people from other states or any other right under the Indian Constitution.

Special Status to J&K

- **Legislative powers:** The state's residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians.
- **Territory:** Indian Parliament cannot increase or reduce the borders of the state and Indian citizens from other states cannot purchase land or property in Jammu & Kashmir.
- **Emergency Provisions:**
 - ✓ The Union government cannot declare emergency on grounds of internal disturbance or imminent danger unless it is made at the request or with the concurrence of the state government.
 - ✓ Centre can declare emergency in the state only in case of war or external aggression.
 - ✓ The Center has no power to declare financial emergency under Article 360 in the state.
- **Constitutional Amendment:** a Constitution amendment becomes applicable to J&K only after the President issues an order.

2.2. EIGHTH SCHEDULE OF CONSTITUTION

Why in news?

A group of Hindi Professors has written to the Prime Minister to not add dialects of Hindi like Bhojpuri and Rajasthani to the Eighth Schedule of the Constitution.

About Eighth Schedule

- Eighth Schedule of the Constitution contains 22 languages. 14 languages were initially in the Constitution.
- Sindhi language was added in 1967. Konkani, Nepali and Manipuri were added in 1992.
- Bodo, Dogri, Maithili and Santhali were added in 2004.
- At present, there is demand for at least 38 more languages in the Eighth Schedule.

- There is “**no established set of criteria**” for inclusion of languages in the Eighth schedule.
- **Sitakant Mohapatra Committee** was set up to evolve a set of objective criteria for inclusion of more languages in the Eighth Schedule which submitted its report in 2004.
- The above report is under consideration of the Central Government.

2.3. PUBLIC ACCOUNTS COMMITTEE

Why in news?

- RBI governor Urjit Patel appeared before the committee to brief it on the impact of demonetization.
- A controversy also arose over whether the PAC can summon the Prime Minister.

About Parliamentary Accounts Committee

- It has been in existence from **1921 and was formed under the Government of India Act, 1919.**
- It is constituted by the Parliament **each year** for parliamentary oversight over finances of the government.
- It is a joint committee consisting of **15 members from Lok Sabha and 7 from Rajya Sabha** who are elected according to principle of **proportional representation** by means of the single transferable vote.
- Since 1967, its chairman by convention is selected **from the Opposition parties.**
- The committee is **empowered to call witnesses** to give evidence and produce documents required by the committees.
- All the deliberations of the committee are **confidential.**
- The government submits an **Action Taken Report** on the recommendations of the PAC which is then laid before the parliament.

Primary Functions of the Committee

- To examine the appropriation accounts and the finance accounts of the Union government and any other account laid before the Lok Sabha.
- In scrutinizing the Appropriation Accounts and the Reports of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself:
 - ✓ that the money shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
 - ✓ that the expenditure conforms to the authority which governs it; and
 - ✓ that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority
- To examine audit reports of various autonomous and semi-autonomous bodies, the audit of which is conducted by the CAG.
- It considers the justification for spending more or less than the amount originally sanctioned.
- The functions of the Committee extend however, “beyond, the formality of expenditure to its wisdom, faithfulness and economy” and thus the committee examines cases involving losses, nugatory expenditure and financial irregularities
- The Committee examines cases involving under-assessments, tax-evasion, non-levy of duties, misclassifications etc., identifies the loopholes in the taxation laws and procedures and makes recommendations in order to check leakage of revenue

2.4. ANTI DEFECTION LAW

Why in News?

Recent trends have been observed in past few years where MLA’s defected to ruling party without being disqualified from their legislative membership. This questions the viability of Anti-Defection-Law in India.

What is Anti Defection Law?

- The anti-defection law was passed by parliament in 1985.
- The **52nd amendment** to the Constitution added the **Tenth Schedule** which laid down the process by which legislators may be disqualified on grounds of defection.

- An MP or MLA is deemed to have defected if he either voluntarily resigned from his party or disobeyed the directives of the party leadership on a vote (against party's whip).
- Independent members would be disqualified if they joined a political party.
- Nominated members who were not members of a party could choose to join a party within six months; after that period, they were treated as a party member or independent member.
- The law also made a few exceptions.
 - Any person elected as speaker or chairman could resign from his party, and rejoin the party if he demitted that post.
 - A party could be merged into another if at least two-thirds of its party legislators voted for the merger.
- The law initially permitted splitting of parties, but that has now been outlawed.

2.4.1. SC RULING ON SPEAKER'S POWER TO DISQUALIFY MEMBERS

- As part of judgment on the Arunachal Pradesh crisis, SC observed that a Speaker should refrain from deciding the disqualification of MLAs for defection under the Tenth Schedule of the Constitution while a notice of resolution for his own removal from the office of Speaker is pending.
- As per tenth schedule Speaker's or the Chairperson's decision on questions of disqualification on ground of defection shall be final.
- Further, "Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule."

2.5. NATIONAL SYMBOLS

2.5.1. RESPECTING NATIONAL SYMBOLS

Why in news?

In **Shyam Narayan Chouksey case** (National Anthem Order), the Supreme Court directed all cinema halls to play national anthem at the start of movies.

Legislations and Rules regarding National Symbols

- **Article 51A** of the Constitution makes it a **fundamental duty** for every citizen of India to abide by the Constitution and **respect** its ideals and institutions, the national flag and the national anthem.
- **The Prevention of Insult to National Honour Act, 1971** deals with cases of insults to the Constitution, the national flag and the national anthem and provides for penal provision for insulting these symbols.
- **Flag Code of India, 2002** is **not a law** but a consolidation of **executive instructions** issued by the Government of India from time to time and contains detailed instruction for observing such behaviour which will not disrespect the National Flag.

Provisions of the Prevention of Insult to National Honour Act, 1971

- **Section 2** of the Act provides for a maximum imprisonment of three years with or without fine for insulting the Indian national flag and the constitution of India.
- **Insult includes** burning, mutilating, defacing, defiling, disfiguring, destroying or otherwise showing disrespect or contempt towards the national flag or the constitution.
- **Section 3** of the Act criminalizes insult to national anthem.
- **No section** of this Act or Indian Panel Code, 1860 **makes it mandatory for a citizen to stand up** when the national anthem is being played.

2.5.2. PROMOTION OF NATIONAL SONG

Why in News?

- Supreme Court **rejected a plea to direct the Central government to frame a national policy under Article 51A** of the Constitution to promote the National Anthem, the National Flag and a 'National Song'.
 - ✓ It also rejected making the National Anthem compulsory in offices, courts, legislative houses and Parliament.
 - ✓ However the court **"kept alive"** the plea that schools should play or sing National Anthem on working days.

National Song

- Our national song is 'Vande Matram', composed in Sanskrit by Bankimchandra Chatterji.
- It was first sung at the 1896 session of the Indian National Congress.

National Anthem

- Indian National Anthem is the first stanza of Rabindra Nath Tagore's composition called 'Jana Gana Mana' originally composed in Sanskritized Bengali.
- It was translated to Hindi and Urdu by Abid Ali.
- It was first sung in 1911 convention of Congress.

2.6. UNITED GROUP IN RAJYA SABHA

Why in news?

- Recently Vice-President of India formally recognised a **group of 22 MPs** belonging to parties with less than four MPs and certain independents as a consolidated block — **the United Group** in Rajya Sabha.

Background

- This is only the third time in the history of Indian Parliament that this is happening.
- In **1983**, the first such consolidated group was called **United Associations of Members** was recognised by the then Rajya Sabha Chairman.
- In **1990**, the then chairman of Rajya Sabha recognised **organised group of Parliamentarians** and was renamed as the United Group.

About United Group

- The united group will be the **third largest group** of MPs in the Rajya Sabha, after the Congress and the BJP.
- The group will find a place in the **Business Advisory Committee (BAC)** that decides time allotment.

2.7. RIGHT TO CHOOSE

Why in news?

- Recently, Patna High Court in *the Confederation of Indian Alcoholic Beverage Companies v State of Bihar (2016)* holds the imposition of "prohibition" in Bihar as unconstitutional.

Background

- The Bihar government issued a notification under the Bihar Excise Act, 1915 banning the manufacture, sale, and distribution, as well as the possession and consumption of alcohol.
- It also reversed the burden of proof, requiring the accused to prove her innocence to avoid imprisonment.
- Supreme Court, however, has stayed the operation of the Patna High Court judgment, allowing the continuation of a draconian prohibition law in Bihar.

Right to Choose guarantees individuals the right to personal autonomy, which means that a person's decisions regarding his or her personal life are respected so long as he/she is not a nuisance to the society.

2.8. FREEDOM OF SPEECH AND EXPRESSION

- The Central Board of Film Certification had asked makers of Bollywood film "Udta Punjab" to remove all references to Punjab.
- Later, The Bombay High Court ordered that the film be granted a certificate in the 'Adult' category and allowed it to be screened with one cut and a disclaimer.
- There have been many efforts to secure the freedom of expression for example the **G.D. Khosla report in 1969**

Freedom of Speech and Expression

The Constitution of India provides Freedom of Speech and Expression as Fundamental Right under article 19(1) (a). However, it is not an absolute right. The state can impose reasonable restrictions U/A 19(2) on its exercise on the grounds of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation, and incitement to an offence.

recommended independent members on the Board, then called the Central Board of Film Censors.

- **Shyam Benegal Committee** has offered a practical solution: **CBFC should only certify a film** and its scope should be restricted to categorizing the suitability of the film according to the intended audience group.

2.9. ARTICLE 224-A

- Supreme court has asked centre to explore possibility of using Article 224-A seeing the problem of recusal being faced in Tripura High court
- Article 224-A of Constitution states “the Chief Justice of a High Court for any State may at any time, with the previous consent of the President, request any person who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State.”

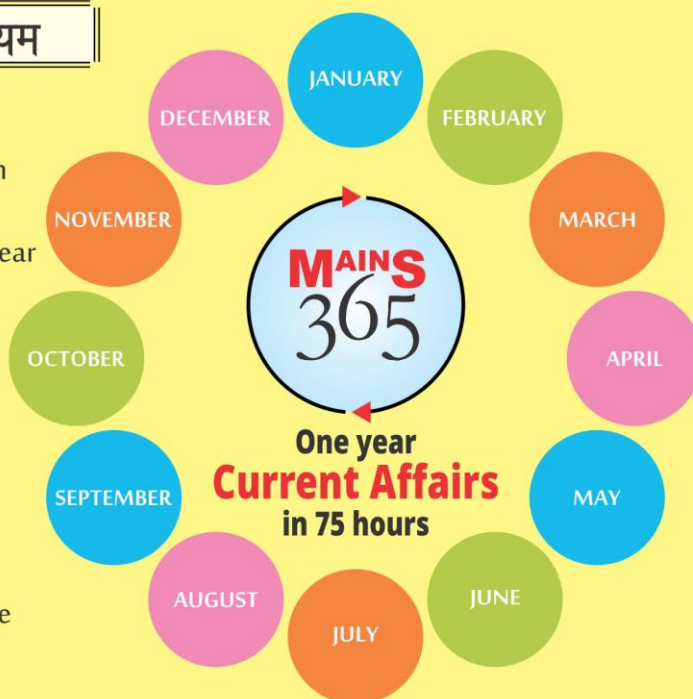
2.10. ARTICLE 174 OF THE CONSTITUTION

- Recently a petition was moved in Mumbai High Court regarding mandatory summoning a session or dissolving the Goa legislative assembly as per Article 174
- Under Article 174, it is the duty of the Governor to summon the House within six months of its previous sitting.
- Consequently, Goa government convened a one day special session of state legislative assembly.

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3. EXECUTIVE

3.1. SUPREME COURT ON ORDINANCES

Why in news?

- The Bihar Government had **re-promulgated a 1989 ordinance for seven successive times** by which it took over 429 Sanskrit schools in Bihar without even once tabling it in the State Assembly.
- Also recently, a seven-judge Constitution Bench of the Supreme Court in **Krishna Kumar Singh vs. State of Bihar** has held that the failure to place an ordinance before the legislature constitutes abuse of power and a fraud on the Constitution.
- The Supreme Court had already declared in 1986, in D.C. Wadhwa case, that repeated re-promulgation of ordinances was unconstitutional.

Constitutional Provisions

- **Article 123 and Article 213** confers power to promulgate ordinance on the President and the Governor respectively.
- Under the Constitution, an Ordinance can be **promulgated only when**
 - ✓ Legislature or either house of legislature is not in session.
 - ✓ Circumstances exists which **require immediate action**.
 - ✓ Ordinances must be approved by Parliament within six weeks of reassembling or they shall cease to operate. They will also cease to operate in case resolutions disapproving the Ordinance are passed by both the Houses.
- An Ordinance may relate to any subject that the Parliament has the power to legislate on. Conversely, it has the same limitations as the Parliament to legislate, given the distribution of powers between the Union, State and Concurrent Lists.
- The powers of the President and the Governor are broadly comparable with respect to Ordinance making. However, the Governor cannot issue an Ordinance without instructions from the President in certain cases where the assent of the President would have been required to pass a similar Bill.

3.2. SC RULING: POWER OF PARDON

Why in news?

- Constitutional bench of Supreme Court held that power of the executive to grant pardon to convicts **cannot be exercised by the Supreme Court** unless there is a violation of fundamental rights.
- SC also observed that **Article 32** (the right to Constitutional remedies whereby individuals may seek redressal for the violation of their fundamental rights) **can be only invoked when there is violation of any fundamental right** or where the Court takes up certain grievance which falls in the realm of public interest litigation.

Pardoning power of President and Governor:

- The President's powers to pardon in Article 72 are different from those granted to **the Governor in Article 161**. The President enjoys **extensive powers** under Article 72 as compared to what is available to the State Governor.
- In case where the convict is sentenced to death penalty, only the President can exercise the right to pardon him/her. The governor **does not have the right to pardon death sentences**, he/she can only suspend, commute or provide remission in case of death sentences.
- The President has the right to pardon punishments of sentences given under **Court Martial**, whereas the governor does not have this power.
- Both the President and Governor have concurrent powers in cases of suspension, commutation and remission of a death sentence.

3.3. ARUNACHAL PRADESH GOVERNMENT RESTORED

Why in News?

- Supreme Court had restored the Congress government in Arunachal Pradesh and declared all decisions of Governor as “unconstitutional”.
- Governor’s decision had led to imposition of President’s rule in the state and later formation of a new government.
- In future, Judgment will be helpful in avoiding the misuse of the Governor’s power under Article 356.

President’s rule (Article 356)

- President’s rule can be imposed in a state if a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.
- Once President’s rule is imposed, the assembly ceases to function and the state comes under the Central government’s direct control. The assembly is generally kept in suspended animation.

3.4. PRESIDENT REJECTS THREE BILLS PASSED BY MANIPUR

Why in news?

- Recently, President Mukherjee returned three bills the Manipur Assembly had passed on August 31, 2015.
- Since last year Manipur has been experiencing various forms of agitations in connection with these bills.
- The contentious bills are the Manipur Land Reforms and Land Revenue (7th Amendment) Bill, 2015, the Manipur Shops and Establishment (2nd Amendment) Bill, 2015 and the Manipur Protection of Peoples Bill, 2015.
- Experts will now re-examine the first two bills for a “reasonable conclusion” and in the case of the third bill, legal and constitutional experts will re-examine it for a “new legislation taking into consideration all aspects of the hill and valley people of Manipur.”

Background

- Manipur merged with India on October 15, 1949. Before the merger, entry into the State was regulated by a permit system, which was later abolished.
- This permit system known as **Inner Line Permit (ILP)** was introduced by the British colonial government to protect its commercial interests. Later, it was used as an instrument to protect the tribal people and their cultures.
- Since Manipur is not officially a tribal state, there are constitutional challenges to implementing the ILP system.

Inner line Permit System (ILPS)

- The Inner Line Permit regulates the entry of non-domicile citizens into a restricted region.
- The British used this to safeguard their revenue-generating regions in the Northeast against raiding tribal communities from the hills.
- Today, ILP is seen as a way to protect the demographic, cultural, political and social integrity of the small tribal populations in the hill states.
- At present, it is imposed in Arunachal Pradesh, Mizoram and Nagaland.

3.5. REVIEW OF STATUS OF ATTORNEY GENERAL UNDER RTI

Why in news?

The Delhi HC ruled that the office of Attorney General (AGI) **does not** come under the **ambit of RTI** Act as it is not a public authority under **section 2(h)** of the act.

Various constitutional provisions related to AG include:

- **Article 76** mentions about AG as the highest legal officer in the country.
- **Article 88** mentions about rights of AG with respect to the Houses of Parliament and its Committees, which includes:
 - ✓ He has the **right to speak and to take part in the proceedings of both Houses** of Parliament and their joint sittings and any committee of Parliament of which he may be a member.
 - ✓ But he does not have the right to vote in the Parliament.
- **Article 105** defines that powers, privileges and immunities of AG are similar to Member of Parliament.

3.6. PARLIAMENTARY SECRETARY ISSUE IN DELHI

Why in News?

President has refused to give his consent to the amendment to the Delhi Members of Legislative Assembly (Removal of Disqualification) Act, 1997, to exempt the post of Parliamentary Secretary from the purview of 'office-of-profit'.

Constitutional Provisions

- Under **Article 102(1) (a) and Article 191(1) (a)** of the Constitution, a person shall be disqualified as a member of Parliament or of a Legislative Assembly/Council if he holds an **"Office of Profit"** under the central or any state government (other than an office declared not to disqualify its holder by a law passed by the Parliament or state legislature).
- Parliamentary Secretary's post is also in contradiction to **Article 164 (1A)** of the Constitution which provides for limiting the number of Ministers in the State Cabinets to 15 per cent of the total number of members of the State Legislative Assembly because a Parliament Secretary holds the rank of Minister of State. (The limit is 10% for Delhi, owing to its special status).

Definition of Office of Profit

'Office of profit' is not defined in the Constitution. However, based on past judgments, the Election Commission has noted five below **tests** for what constitutes an office of profit:

- Whether the government makes the appointment
- Whether government has the right to remove or dismiss the holder.
- Whether the government pays remuneration.
- What the functions of the holder are.
- Does the government exercise any control over the performance of these functions.

Who is a Parliamentary Secretary?

- Parliamentary Secretary is a member of the parliament in the westminster system who assists a more senior minister with his or her duties. Originally, the post was used as a training ground for future ministers.
- The post has been created in several states now and then like Punjab, Haryana, and Rajasthan etc.
- However, various petitions in the High Court have challenged the appointment of Parliament Secretary.

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4. CONSTITUTIONAL, REGULATORY AND OTHER BODIES

4.1. NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

Why in News?

- Supreme Court bench proposed to consider the grievances of the NHRC due to which it become difficult for the statutory body to discharge its functions.
- The Global Alliance for National Human Rights Institutions (**GANHRI**), affiliated to the UN High Commissioner for Human Rights, has deferred National Human Rights Commission (NHRC) re-accreditation until November 2017.
 - ✓ Accreditation confers international recognition and protection of the National Human Rights Institution besides its compliance with the Paris Principles
 - ✓ A-status accreditation (full compliance with Paris Principles) grants participation in the work and decision-making of National Human Rights Institutions (NHRI)'s International Coordinating Committee (ICC) as well as the work of the Human Rights Council and other UN mechanisms.

About NHRC

- It is a statutory body **established in 1993** under the provisions of Protection of Human Rights Act 1993.
- This apex body is responsible for protecting and promoting human rights related to life, liberty, equality and dignity of individuals as guaranteed by the constitution of India and international covenants.
- It consists of a Chairman and 4 members. Chairman should be a retired Chief Justice of India. Members should be either sitting or retired judges of the Supreme Court or a serving or retired Chief Justice of a High Court and 2 persons having practical knowledge in the field of human rights.
- Ex officio members are the chairpersons of National Commission for Scheduled Caste, National Commission for Scheduled Tribes, National Commission for Minorities and National Commission for Women.

Issues faced by NHRC

- Its recommendations are not binding.
- NHRC cannot investigate a case if complaint was made more than one year after the incident.
- The act does not extend to the state of Jammu & Kashmir.
- Protection of human rights act 1993 does not categorically empower NHRC to investigate matters of human rights violation by private parties.
- NHRC do not have any kind of **contempt powers** thus it cannot penalize authorities who do not implement its recommendations in a time bound manner.

About Paris Principles

The UN Paris Principles provide the **international benchmarks** against which NHRIs can be accredited under five heads:

- **Monitor** any situation of **violation of human rights** which it decides to take up.
- Able to **advise the Government** on specific violations, on issues related to legislation and general compliance and implementation with international human rights instruments.
- Be able to relate to regional and international organizations.
- Have a **mandate to educate** and inform in the field of human rights.
- **some institutions should be given a quasi-judicial competence**

4.2. TRAI CONSULTATION PAPER ON NET NEUTRALITY

Why in News?

- Telecom Regulatory Authority of India (TRAI) released a consultation paper on Net neutrality (NN) for comments.

Background

- **A.K. Bhargava Committee on Net Neutrality** was setup by DoT in 2015
- In 2016, TRAI released a pre-consultation paper on Net neutrality.

Net Neutrality

- It was first coined by Tim Wu.
- It means to treat all content, sites and platforms equally on a public information network.
- It is an important part of a free and open internet.
- It enables access, choice and transparency of Internet to every user.

About TRAI

It is a statutory body established under the Telecom Regulatory Authority of India Act, 1997, to regulate telecom services, including fixation/revision of tariffs for telecom services.

4.3. REGULATION OF MEDIA

4.3.1. PRE-CENSORSHIP TO REGULATE MEDIA

Why in news?

- On November 4, 2016, the Union Ministry of Information and Broadcasting ordered the channel to go off air on November 9 for allegedly divulging 'strategically sensitive' details while covering attack on the Pathankot air base.
- The Supreme Court rejected a PIL for pre-broadcast or pre-publication censorship of the media by the court.
- It said that role of a court or a statutory body will come only after a complaint is made **when the content is published**.

Current scenario of Regulatory Mechanism

- The electronic media in India is mostly self-regulated.
- A lot of private channels by themselves have set up **the News Broadcasting Standards Authority (NBSA)** of India which issues standards in the nature of guidelines.
- The NBSA is empowered to warn, admonish, censure, express disapproval and fine the broadcaster a sum upto Rs. 1 lakh for violation of the Code.
- If something goes wrong, the Government also may step in and punish the channels e.g. by taking them off the air for a day or so.

Existing Mechanism to Regulate Other Forms of Media

- **Central Board of Film Certification:** For controlling content of movies and television shows etc.
- Radio channels have to follow the same **Programme and Advertisement Code** as followed by All India Radio.
- Program and Advertisement Codes for regulating content broadcast on the television, are issued under the **Cable Television Networks (Regulation) Act, 1995**.
- The **Advertising Standards Council of India (ASCI)** has also drawn up guidelines on content of advertisements.
- Press Council of India
 - Created by Press Council Act of 1978. It is a statutory body to regulate newspapers, journals, magazines and other forms of print media.
 - It is the apex body for the regulation of the Press in India.
 - It enjoys independence from the government.
 - It acts as the regulator that prescribes and enforces professional standards for the print media in India.
 - But it cannot penalize them for violation of its guidelines.
- **News Broadcasting Standards Authority**
 - It is an independent body set up by the News Broadcasters Association.
 - It is headed by eminent jurist
 - Its task is to consider and adjudicate upon complaints about broadcasts.
 - It has laid down the Code of Ethics and Broadcasting Standards for violation of which a complaint may be made.
- **Broadcasting Content Complaints Council (BCCC)**
 - It is the independent self-regulatory body for non-news general entertainment channels set up by the Indian Broadcasting Foundation (IBF) in June 2011.

- There is a constructive recognition of BCCC's self-regulatory mandate by the Ministry of I&B, which refers complaints received/generated by it to the Council.

4.4. NGOs

4.4.1. NON-PROFIT ORGANISATIONS IN INDIA

Why in news?

- According to a CBI report submitted at Supreme Court there are more than 31 lakh NGOs existing in India, while only 8% - 10% of those file annual financial statement.
- Supreme Court demanded a clear data bank about existing NGOs. There is a need to provide institutional and legal framework to NGOs.

Legal recognition of NPOs

The Indian context, a non-profit entity can be incorporated under:

- The Societies Registration Act, 1860
- The Indian Trusts Act, 1882
- The Co-operative Societies Act, 1904
- The Trade Union Act, 1926
- Section 8 of Indian Companies Act, 2013

4.4.2. REGULATION OF NGOS UNDER FCRA ACT

Why in news?

- Under the Foreign Contribution (Regulation) Act 2010 (FCRA 2010), licences of around 20,000 of 33,000 NGOs were cancelled by the government thus barring them from receiving foreign funds.
- Independent analysis has revealed that nearly Rs 6000 crores have been amassed as cash and cash equivalents and for acquisition of vast tracts of real estate by NGOs in violation of FCRA.

About FCRA, 2010

- The FCRA, 2010 **regulates the acceptance and utilization** of foreign contribution or foreign hospitality by certain individuals or associations or companies.
- It **prohibits acceptance and utilization** of foreign contribution or foreign hospitality for any **activities detrimental to national interest**.
- Funds can be collected only for **research, training, awareness, rehabilitation and relief** for victims of man-made and natural calamities, maintenance of buildings and real estate for philanthropic activities.

4.4.3. PROPOSAL TO BRING ALL NGOS UNDER HOME MINISTRY

Why in News?

- The Home Ministry wants the Finance Ministry to surrender its powers to monitor non-governmental organisations (NGOs) under the Foreign Exchange Management Act (FEMA).

Present Situation

- Presently, there are nearly 100 international NGOs and associations that receive foreign funds through their liaison offices and disburse them to NGOs across India.
- The Home Ministry monitors foreign funds donated to NGOs and organisations through the **Foreign Contribution Regulation Act (FCRA)**.
- International donors such as the Ford Foundation, the U.K.'s Department for International Development and Canada's International Development Research Centre are registered under FEMA but not the Foreign Contribution Regulation Act (FCRA).

About FEMA

- The Foreign Exchange Management Act (1999) or in short FEMA has been introduced as a replacement for earlier Foreign Exchange Regulation Act (FERA). FEMA came into act on the 1st day of June, 2000.
- The main objective was to consolidate and amend the law relating to foreign exchange with objective of facilitating external trade and payments and for promoting the orderly development and maintenance of foreign exchange market in India.

4.5. NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION NCDRC

Why in News?

- The National Consumer Disputes Redressal Commission had ordered a hospital in Mumbai to pay Rs 12,000 to a patient who had contracted HIV 20 years ago after blood transfusion.

About NCDRC

- It is a quasi-judicial commission set up in 1988 under the **Consumer Protection Act of 1986**.
- The commission is headed by a sitting or retired judge of the Supreme Court of India.
- Section 21 of Consumer Protection Act, 1986 posits that the National Consumer shall have jurisdiction:
 - ✓ To entertain a complaint valued more than one crore.
 - ✓ It also has Appellate and Revisional jurisdiction from the orders of State Commissions or the District fora as the case may be.
- Section 23 of the Act provides that person aggrieved by an order of NCDRC, may Appeal to Supreme Court of India within a period of 30 days.

The Consumer Protection Act, 1986

- It is a benevolent social legislation that lays down the rights of the consumers and provides for promotion and protection of the rights of the consumers.
- The Act mandates establishment of Consumer Protection Councils at the Centre as well as in each State and District, with a view to promoting consumer awareness.
- The Central Council is headed by Union Minister In-charge of the Dept. of Consumer Affairs and the State Councils by the Minister In-charge of the Consumer Affairs in the State Governments.
- It also provides for a 3-tier structure of the National and State Commissions and District Forums for speedy resolution of consumer disputes.

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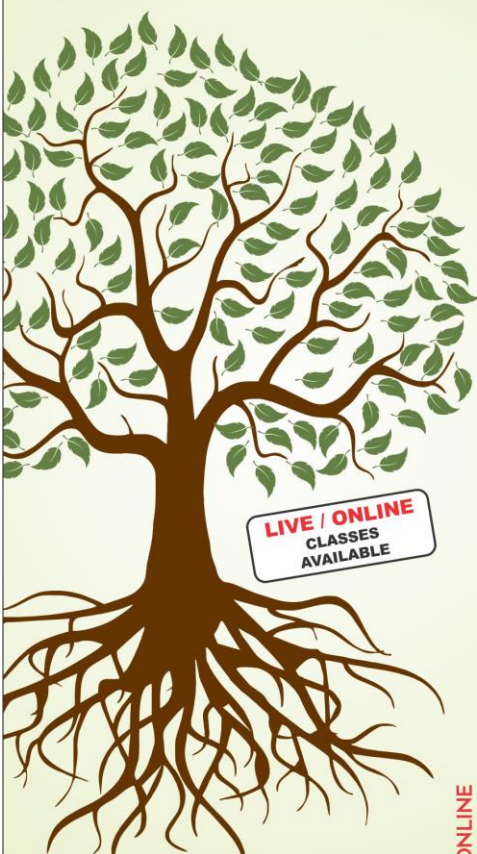
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5. ELECTIONS IN INDIA

5.1. REFORMS IN FUNDING TO POLITICAL PARTIES

Why in news?

The union budget 2017-18 announced certain reforms to bring transparency in funding to political parties.

Reforms

- The maximum amount of cash donation that a political party can receive will be **2000/- from one person**.
- Political parties will be entitled to receive donations by **cheque or digital mode** from their donors.
- An amendment is being proposed to the **Reserve Bank of India Act** to enable the issuance of **electoral bonds (India will be the first country in the world)** in accordance with a scheme that the Government of India would frame in this regard.
- Every political party would have to file its return within the time prescribed in accordance with the provision of the Income-tax Act.
- The existing exemption to the political parties from payment of income-tax would be available only subject to the fulfillment of above conditions.

Electoral bonds

- The bonds will only be issued by a notified bank.
- It could only be bought using cheques or digital payments.
- The bonds purchased by donor will be given to a political party for a fixed period of time.
- A political party using their notified bank account can convert these bonds into money.
- All political parties are required to notify their bank account to the Election Commission.
- This bond will be like a bearer cheque which will facilitate donor's anonymity.

Background

- Election Commission had asked the government to amend law to ban anonymous contributions of Rs. 2000 and more to political parties.
- Association for Democratic Reform highlighted in its report that **75% funding** to parties came from anonymous sources between 2004-05 to 2014-15

5.2. TAX EXEMPTION FOR POLITICAL PARTIES

Why in News?

- The Supreme Court dismissed a petition seeking to lift "100 percent tax exemption" given to political parties.
- A writ petition was filed by advocate M N Sharma challenging the constitutionality of Section 13A of I-T Act of 1961 and Section 29 of Representation of People Act, 1951.
- Supreme Court has dismissed the petition saying that political parties need funds to function.

What is it?

- A political party registered under with the Election Commission under **Section 29 of Representation of the People Act, 1951** is exempted from taxation as long as it files its income tax returns every year.
- According to the **Section 13A of the I-T Act, 1961**, a political party must maintain records of all its earnings including voluntary contributions to be eligible for this exemption.
- The petition sought an answer as to why ordinary persons have to pay tax while political parties don't.

5.3. SECTION 123(3) OF REPRESENTATION OF PEOPLE ACT, 1951

Why in News?

- A seven-judge **Supreme Court** bench ruled by a 4-3 majority that "**religion, race, caste, community or language would not be allowed to play any role in the electoral process**"
- It also said that election of a candidate would be declared null and void if an appeal is made to seek votes on these considerations.

Section 123(3) of RPA Act, 1951 declares a corrupt practice if:

- "The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of **his** religion, race, caste, community or language....."
- The word "**his**" was included through an amendment in 1961.

The Judgement

- The judgment was handed out as an interpretation of **Section 123(3) of the Representation of the People Act, 1951 which deals with with abiding to “corrupt practices”** for canvassing votes in an election.

5.4. REVIEW OF STATUS OF NATIONAL PARTY

Why in news?

- The Election Commission of India (EC) accorded national party status to the All India Trinamool Congress (TMC), making it the **seventh party** that can contest Lok Sabha and assembly polls across the country on its own symbol.

Recent changes made by ECI

- Under the revised rules of EC, a party's performance over two consecutive Lok Sabha or assembly elections is considered, as opposed to one previously, for granting recognition as a national party.
- The changes have helped other parties that performed badly in 2014 elections to maintain their nation party status.
- The Election Commission amended rules that, from now onwards, it will review the national and state party status of political parties every 10 years instead of the present five years.
 - Amendment has been brought regarding this in Election Symbols (Reservation and Allotment) Order, 1968
 - The criterion of recognizing them as national or state party remains the same
- The **other six** are the Bharatiya Janata Party, the Congress, the Bahujan Samaj Party, the Nationalist Congress Party, the Communist Party of India (Marxist) and the Communist Party of India.

Privileges of National Parties

- Unique symbol
- Free airtime on public broadcasters AIR and Doordarshan during the Lok Sabha elections.
- Two free copies of electoral rolls while their candidates need only one proposer to file their nomination papers.
- Deploy 40 star campaigners whose expenditure is not clubbed with the election expenses of an individual candidate.

Criteria for becoming national party

A political party shall be eligible to be recognised as a National party if **any of the given three criteria** is met.

- It secures at least **six percent** (6%) of the valid votes polled in any **four** or more states, at a general election to the House of the People or, to the State Legislative Assembly; **and** in addition, it wins at least **four** seats in the House of the People from any State or States.
- It wins at least **two percent** (2%) seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least **three** different States.
- A party has got recognition as a state party in at least four states.

5.5. SUPREME COURT ON STAR CAMPAIGNER'S EXPENDITURE

Why in News?

Recently, Supreme Court ruled that Air travel expenditure incurred by a star campaigner to propagate the programmes of a political party **cannot be included** in the election expenses of a candidate.

Details

- The court observed that this exemption was limited to the campaign travels of a star campaigner.
- Hence, the expenditure incurred in connection with arrangements such as erection of pandals for a meeting of a star campaigner does not form part of the exempted expenditure.
- And court also observed that the star campaigner's travel expenditure must have been incurred by the star campaigner himself.

Section 77 of Representation of the People Act

- **Section 77** obligates every candidate to keep a separate current account of expenditures incurred for the election.
- However, clause (a) of explanation (1) to Section 77 declares that money spent by leaders of a party on air travel or other means of transport for propagating the programme of the party should not be included in the candidate's expenses.

5.6. ECI SEEKS MORE POWERS

Why in news?

- Election Commission of India (ECI) was forced to resort to extraordinary powers to restrict political advertisements in newspapers ahead of recent polls in Bihar, Assam and WB.
- The ECI, under **Article 324** of the Constitution, had imposed an unprecedented restriction on political advertisements in print, a day ahead of Bihar elections last year.

Electoral reforms sought by ECI

- The **section 126 of RPA** currently prohibits publication of ads by political parties in electronic media (TV, radio) and recently added social media, 48 hours before voting ends. The ECI wants print media to be included in Section 126 of the RP Act.
- ECI seeks to introduce **totalizer machines** for counting of votes.

About Totalizer machine

- Totaliser machine mixes votes from various booths for counting.
- In the current system votes from each Electronic voting machine are counted separately and hence reveal the voting trends in each polling station.
- This leaves the voters in that vicinity open to harassment, intimidation and post-election victimisation.

5.7. MODEL CODE OF CONDUCT: PARLIAMENTARY COMMITTEE REVIEW

- The Model Code of Conduct (MCC) for polls is under review by a Parliamentary Committee.

What is MCC?

- It is a set of guidelines laid down by the Election Commission to govern the conduct of political parties and candidates in the run-up to an election.
- It is intended to provide a level playing field for all political parties, to keep the campaign fair and healthy, avoid clashes and conflicts between parties, and ensure peace and order.
- Its main aim is to ensure that the ruling party, either at the Centre or in the states, does not misuse its official position to gain an unfair advantage in an election.
- The Model Code of Conduct comes into force the moment an election is announced and remains in force till the results are declared.
- It applies to all political parties, their candidates and polling agents, the government in power, and all government employees.

5.8. NATIONAL ELECTORAL ROLL PURIFICATION 2016 (NERP 2016)

- The Election Commission of India (ECI) has launched the National Electoral Roll Purification (NERP) programme across the country to correct errors in electoral rolls and enrolment of all eligible citizens, among other things.
- It will ensure single electoral register entry for every eligible elector with unique Elector Photo Identity Card (EPIC) number, removal of all absent, shifted or dead electors' entries and repeat entries.
- Geographic Information System (GIS) would be used to standardise sections, polling station boundaries and locations.
- The Commission has launched the intensive field implementation phase of NERP 2016 which would culminate well before the next draft publication of Electoral Rolls for annual summary revision with January 1, 2017 as qualifying date.
- Provision has been made to provide the information electronically on National Voters Service Portal (NVSP).

The **NERP-2016** strives to improve the fidelity of the rolls through effective use of technology and SVEEP (Systematic Voters' Education and Electoral Participation) strategies.

- Information Technology is being extensively used in information collection, processing, sharing and efficient decision making.
- Comprehensive training for Booth Level Officer has been done on NERP and the orientation of the members of Booth Awareness Groups (BAGs) will be done to conduct an effective SVEEP campaign.

5.9. EXIT POLLS

Why in News?

- FIRs were filed in Uttar Pradesh against the editor of Dainik Jagran and the head of the surveying agency, Resource Development International (I) Pvt. Ltd after they let publish the results of an exit poll online.

Exit poll

- An **exit poll** is a **post-election survey** conducted immediately after people have voted.
- Exit poll results cannot be published till the last round of elections is over. It covers even other states when polls are being held in more than one.
- EC bans exit polls **from the time the poll begins till half-an-hour after the polling ends.**

Opinion Poll

- An **opinion poll** is a **pre-election survey** to gather voters' views on a range of election-related issues.
- Results of any opinion poll or any other poll survey in any electronic media is prohibited during the period 48 hours, including the hour fixed for conclusion of voting in each of the phases in connection with the elections.

5.10. PROCUREMENT OF CONTROL UNITS, BALLOT UNITS AND VVPAT

Why in news?

- Cabinet has recently approved proposal of EC to procure more EVMs and VVPATs to ensure phasing out of obsolete EVMs

About EVM

- EVMs were developed by two PSUs - Bharat Electronics Limited, Bangalore (BEL) and Electronics Corporation of India Limited (ECIL), Hyderabad
- An EVM normally consists of a **Ballot Unit (BU)** and a **Control Unit (CU)** if the number of candidates is not more than 16
- If greater than 16, another BU (maximum of 4) can be attached to one CU.

About VVPAT

- Voter-verifiable paper audit trail (VVPAT) which helps voters ascertain that the vote was cast to the intended party through a paper verifiable by the voter himself
- Recently supreme court also directed Election commission to set up a deadline to implement VVPAT for poll transparency

5.11. REFERENDUM

Why in news?

- The **Brexit referendum**, on whether Britain should stay in the European Union, concluded on June 23 with 52 per cent (of 72.2 per cent of the electorate that turned out) voting to "Leave".
- Recently, **the October 2 referendum** called by the **Colombian government** to ratify the accord with the Revolutionary Armed Forces of Colombia (FARC) resulted in a "No" vote favoured by 50.3 per cent of the less than 38 per cent of the electorate that turned out.
- Last year, in a **referendum on Scottish's stay in UK**, Scotland voted to remain with Britain in a close verdict.

What is a referendum?

- Referendums are instruments of direct democracy where citizens get to directly vote on specific and important issues rather than for representatives who will make a choice on their behalf on those issues.
- They are perceived to be a better democratic instrument especially in modern states where people have a better say in the decision making.

6. JUDICIARY

6.1. SUPREME COURT GETS FIVE JUDGES

Why in news?

- Five more judges were sworn in to the Supreme Court taking the total strength to 28.
- The SC judges and the Chief Justice of India are appointed by the President under **clause (2) of Article 124** of the constitution.

Strength of the Supreme Court

- At present, the maximum strength of the Supreme Court **can be 31** (CJI + 30 judges)
- The number of SC judges was increased from 26 to 31 in 2009 following the **Supreme Court (Number of Judges) Amendment Act, 2008**.
- The number was originally 8 but it has been increased five times since.

6.2. CONTEMPT BY JUDGE

Why in news?

- In a first, the Supreme Court started contempt proceedings against Justice C S Karnan, a sitting judge of the Calcutta High Court.
- He had earlier suo motu stayed a Supreme Court Collegium recommendation to transfer him from the Madras High Court to the Calcutta High Court.

Transfer of a High Court Judge

Article 222(1) of the Constitution says that the "President may, after consultation with the Chief Justice of India, transfer a judge from one High Court to any other High Court."

Contempt of Court

- **Contempt of court consists of** words spoken or written which tend to bring the administration of Justice into contempt, to prejudice the fair trial of any cause or matter which is the subject of Civil or Criminal proceeding or in any way to obstruct the cause of Justice.
- **Article 129 and Article 142 (2) of the Constitution** enables the Supreme Court to issue notice and punish any one including Judges of the High Court for its contempt or contempt of any subordinate courts.
- **Need of Such Powers:** Contempt provisions have been provided to ensure that the Judges do not come under any kind pressure either from media criticisms or by general public opinion and discharge their duties without any kind of fear and favour or any external influence whatsoever.
- **The Contempt of Courts Act, 1971** defines 'contempt' as
 - ✓ **Disobeying** court orders,
 - ✓ **Interfering** with judicial proceedings,
 - ✓ **Obstructing** the administration of justice
 - ✓ **Scandalising** or lowering the authority of the court

6.3. PLACES OF WORSHIP ON PUBLIC LAND

Why in news?

- The Supreme Court has decided to deal with the question whether it is right for a secular government to grant public land for construction of religious places of worship.
- In this context, the SC ordered to hear all pending cases related to grant of public lands for the construction of religious places of worship, be it temples, mosques, churches, gurudwaras, synagogues, etc. together.

Constitutional Provisions and Supreme Court Judgements

- The Preamble declares that India is a secular state.
- **Article 25-28** grant freedom of religion and form the basis for a secular state.
- The SC in 2009 had placed a ban on construction of places of worship at public places till the time SC gives its final verdict on the issue.
- The Supreme Court in **S R Bommai** case held secularism as a basic feature of the Constitution of India.
- In this case, the SC held that these constitutional provisions by implication prohibit the establishment of a theocratic State and prevent the State either identifying itself with or favouring any particular religion or religious sect or denomination.

6.4. ALL INDIA JUDICIAL SERVICES

- Prime Minister recently revisited the possibility of recruiting judges through an All India Judicial Service (AIJS).
- After the **Swaran Singh Committee's recommendations in 1976, Article 312 was modified to include the judicial services.**

Article 312

- It provides that an All India Service can be created only if the Rajya Sabha declares by a resolution supported by not less than a two-thirds majority that it is necessary in the national interest to create one or more such All India Services.
- Presently, the **All India Services (AIS)** comprises of the Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS).
- A common unique feature of the All India Services is that the members of these services are recruited by the Centre, but their services are placed under various State cadres, and they have the liability to serve both under the State and under the Centre.

6.5. SUPREME COURT RULING ON AFSPA

Recent SC Ruling

- Recently SC ruled that every death caused by armed forces in a disturbed area involving either a common person or an insurgent must be thoroughly enquired into so as to find out whether the killing was extra-judicial or not.
- Thus there is **no absolute immunity** for armed forces personnel who commit a crime even in a disturbed area.
- Supreme Court was hearing the plea demanding probe into 1528 deaths alleged to be fake or extra-judicial encounters by the armed forces in the state of Manipur.

About AFSPA

- **Armed Forces (Special Powers) Act** was enacted in the year 1958 by the parliament of India grants extraordinary powers and immunity to the armed forces to bring back order in the disturbed areas.
- Some of these extra-ordinary powers include:
 - ✓ Fire upon anyone after giving warning who is acting against law & order in the disturbed area.
 - ✓ Arrest anyone without warrant.
 - ✓ Stop and search any vehicle or vessel.
 - ✓ Armed forces personnel have legal immunity for their actions.
- Presently AFSPA is enforced in the 6 states of North East and J&K. Tripura recently decided to lift this act.

THE JUDGEMENT

Not permissible for armed forces to use excessive force on citizens



Internal disturbances not war. Citizens can't be treated as enemy to justify shoot and kill

Even if person is armed in disturbed area can't be killed under presumption that he is an enemy

If such excessive force leads to death, must be thoroughly enquired into by independent body

The rule book of dos and don'ts in operations will apply whether it is militants, or terrorists or dreaded criminals

Armed forces personnel will face criminal prosecution in such cases of unjustified deaths

Can't cite AFSPA to claim immunity from all that is done in lawful discharge of official duty

7. IMPORTANT ASPECTS OF GOVERNANCE/ TRANSPARENCY/ ACCOUNTABILITY

7.1. SPOILS SYSTEM

Why in News?

- 11 appointments made by the State Governor to the Tamil Nadu Public Service Commission were set aside by the Madras High Court and the Supreme Court (SC) recently.

Background

- The Madras HC observed that **appointments were made in a hurry and the process was suspicious.**
- E.g. Selection of chairperson of Tamil Nadu Commission for Protection of Child Rights created a legal controversy as the qualifications for the post was not met, thus violating the law.
- In **Upendra Narayan Singh case (2009)**, SC observed that the Public Service Commissions are becoming victims of spoils system.
- Even **appointments and exits of Governors** with changes in political dynamics is an indication of a shift towards spoils system in constitutional posts.

Spoils System

- It is also called patronage system.
- Under this, a **winning political party rewards its campaign workers and supporters by appointing them to government posts** or by other favours.

Article 14: State shall not deny equality before law or equal protection of law on grounds only of religion, race, caste, sex or place of birth.

Article 16: State shall not deny equality of opportunity in employment for public employment on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them.

7.2. NEW CBI LAW

Why in News?

- Government of India (GOI) **turned down** the recommendation of Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice (**PSC**) on a new law for the CBI.

Background

- Supreme Court in **Vineet Narain case** suggested reforms for making CBI independent.
- SC ruled that the Director of the CBI should be appointed on the recommendations of a committee headed by the **Central Vigilance Commissioner, Home Secretary and Secretary in Department of Personnel** as members.
- PSC 85th report wanted to **replace Delhi Special Police Establishment (DSPE) Act of 1946** by a new CBI law.

Central Bureau of Investigation

- It is the **main investigation agency of the central government** for cases relating to corruption and major criminal probes.
- It has its origin in **Special Police Establishment** set up in 1941 to probe bribery and corruption during World War II.
- CBI was set up by a **resolution of Ministry of Home Affairs** in 1963 after **Santhanam committee** recommendation.
- Superintendence of CBI rests with CVC in corruption cases and with Department of personnel and training in other matters.
- Presently it acts as an **attached office under DOPT.**
- Although DSPE Act gives legal power to CBI, **CBI is not a statutory body as:**
 - ✓ Word 'CBI' is not mentioned in DSPE act.
 - ✓ Executive order of MHA did not mention CBI to be constituted under DSPE Act.
- **Functions of CBI include** solving:
 - ✓ Corruption Cases
 - ✓ Economic Crimes like financial frauds, narcotics, antiques, smuggling etc.

7.3. SECTION-19 OF PREVENTION OF CORRUPTION ACT

Why in News?

- Recently Supreme Court **upheld a past judgement** that a court initiated investigation against a public servant **would require** previous sanction of government.

Background

- **Section 19 of the PC Act** puts a bar on the **court** to take cognizance of an offence by a public servant **except with the previous sanction of government**.
- The bar is against the court to take cognizance **for the purposes of trial**.
- **But** as per Sec 19, there is **no prohibition** to start an investigation by lodging an FIR or through a court-initiated investigation **under Section 156(3) CrPC**.

Previous Sanction under Sec 19 (1) PC Act

- It is given by Union government if Union government has power to remove the official.
- It is given by State government if State government has power to remove the official.
- In case of other public servants, it is given by competent authority.

7.4. RIGHT TO INFORMATION (RTI)

7.4.1. COMPLIANCE RATE

Why in news?

- As per the **Central Information Commission (CIC) Report 2015-16**, **94%** of central ministries and departments have provided details about RTI Act implementation.
- This is the **first time** since the rollout of RTI in 2005-06 that compliance rate of public authorities has been **more than 90%**.
- Such high compliance shows that govt. is moving towards establishing a transparent and corruption free regime.

YEAR	PERCENTAGE OF MINISTRIES REPORTING RTI STATISTICS
2005-06	89.23%
2006-07	83%
2007-08	86.53%
2008-09	86.33%
2009-10	77.26%
2010-11	67.5%
2011-12	68%
2012-13	79%
2013-14	73%
2014-15	75.27%
2015-16	94%

Background

- RTI was enacted by parliament in 2005 to **empower citizens**, promote **accountability** and **transparency** in the working of the government and contain **corruption**.
- As per the RTI Act, every year **all public authorities** have to provide information regarding:
 - ✓ Number of RTI applications received, applications disposed of and applications still pending.
 - ✓ Number of applications rejected and ground for rejection.
 - ✓ Number of first appeals filed.
- However over the years public authorities have been stubbornly reluctant to submit their RTI statistics reaching as low as **67.5%** in 2010-11 who followed the rule.

About CIC

- It is an independent body constituted under the RTI Act. It is a **statutory body**.
- The jurisdiction of the Commission extends over **all Central Public Authorities**.
- It is the **final appellate authority** as per RTI Act 2005 and its decisions are **final and binding**.

7.4.2. IMPROVEMENT IN RTI

Why in news?

- The Central Information Commission (CIC) now would function like an e-court with all its case files moving digitally and the applicant being alerted about case hearings through an SMS and email from September 2016.

New Features in RTI

- Real time updates on filing a complaint or appeal under Right to Information (RTI) Act.
- As soon as an RTI applicant files an appeal or a complaint, he/she would be given a registration number and would get an alert on email and mobile phone about his case and progress.
- The case would then be electronically transferred immediately to the concerned information commissioner's registry electronically.
- CIC has already scanned 1.5 lakh files and converted them into electronic files.
- The Commission would also be able to separate complaints from the appeals.

7.5. MADHYA PRADESH TO HAVE 'HAPPINESS DEPARTMENT'

- Madhya Pradesh on Friday became the **first State** in the country to set up a 'Happiness Department', on the lines of the neighbouring country Bhutan.
- A panel of experts will be formed in the newly-constituted department which will give suggestions to ensure happiness in the lives of the people.

About Gross National happiness of Bhutan

- The Gross National Happiness (GNH) index was proposed by Bhutan in 1971 to champion a novel approach to measure prosperity by measuring spiritual, physical, social and environmental well-being of its citizens and environment.
- The four pillars of GNH are
 - ✓ Sustainable and equitable socio-economic development,
 - ✓ Conservation of the environment,
 - ✓ Preservation and promotion of culture,
 - ✓ Good governance.

7.6. LEGAL INFORMATION MANAGEMENT & BRIEFING SYSTEM (LIMBS)

Why in news?

- Recently nodal officers of all ministries were provided hands-on training on LIMBS

About LIMBS

- It is an effort to digitalize the details of court cases against Government of India pending under different ministries, to enable easy handling and monitoring of cases
- It has unique features of e-Document vault and Group SMS to sensitize the users.
- It is in line with PM's Digital India Program

7.7. IMPLEMENTATION OF E-CABINET

Why in news?

- Arunachal Pradesh became the first state in the northeast to implement e-Cabinet solution for the state cabinet members.

About e-cabinet solution

- It is a powerful tool, being implemented by the department of Information Technology and Communication, to streamline decision making process
- It helps cabinet members to prepare, conduct and review minutes of cabinet meeting by giving them access to cabinet notes well in advance for analysis and feedback

Benefits

- It reduces average length of the meetings from 4-5 hours to just 30-90 minutes
- It eliminates paper usage in meetings

8. LOCAL GOVERNANCE

8.1. MINISTRY OF URBAN DEVELOPMENT: NEW REFORM MATRIX

Why in news?

Ministry of Urban Development has evolved a new reform matrix to enable State and City Governments to implement reforms over the next three years for a turnaround in urban governance, planning and finance.

Steps to Incentivize reforms

- Increase **Reform Incentive Fund** from Rs.500 cr during 2017-18 to over Rs.3, 000 cr per year over the next three years of implementation period.
- **Ranking of Cities** based on performance under each reform category for providing reform incentive under AMRUT Guidelines.
- Introduction of new initiatives viz., Transit Oriented Development Policy, Metro Policy, Green Urban Mobility Scheme, Livability Index for Cities, Value Capture Policy and Fecal Sludge Management Policy.

Major Reforms Suggested in the Reform

- **Moving to a Trust and Verify Approach:**
 - ✓ The present system requires verification first and then issuing approval. Instead trust needs to be reposed in the citizens and approvals may be accorded first and to be verified later.
 - ✓ This approach has been recommended in respect of Permissions for building construction, Change of title in municipal records (mutation) and Birth and Death registration, involving the largest number of physical interactions between city governments and citizens.
- **Formulating Land Titling Laws:**
 - ✓ As per McKinsey **over 90% of the land** records in the country are unclear. Land market distortions and unclear land titles cost the country 1.30% of GDP per year.
 - ✓ This calls for enactment of Land Titling Laws and their implementation in a specific time frame.
- **Credit Rating of Urban Local Bodies (ULBs) and Value Capture Financing:**
 - ✓ Total revenues of the municipal sector accounts for only 0.75% of the total GDP which is 6% for South Africa, 5% for Brazil and 4.50% for Poland.
 - ✓ So, municipalities need to recover some of the value it creates for private individual. This can be done by issuing Municipal Bonds for meeting the capital expenditure needs of cities.
- **Improving Professionalism of ULBs:**
 - ✓ As per Goldman Sachs, a bureaucracy that is based on merit rather than seniority could add nearly a percentage point annually to the country's per capita GDP growth.
 - ✓ Also, shortage of qualified technical staff and managerial supervisors in ULBs prevent innovation.
 - ✓ Professionals in city governments should be inducted by encouraging lateral induction and filling top positions in cities through open competition.

8.2. NAGALAND WOMEN DEMAND ULB RESERVATION

Why in News?

- Nagaland women are demanding 33% constitutional reservation for Urban Local Bodies (ULBs) in Nagaland.

Issues involved

- There appears to be a **conflict between Article 243T** (reservation of seats for women) and **Article 371A of the Constitution**.
- **There is a conflict between women demanding political representation** and the customary law which allows only the men to run the institutions of governance.

Provisions of 74th amendment related to women reservation

- **Article 243T (3)** - Not less than 33% of the total seats by rotation are reserved for women in direct municipal elections.
- **Article 243T (4)** – Reservation of women for offices of Chairperson of municipalities would be decided by law by the State Legislative Assembly.

Background

- **74th constitutional amendment (CA)** was passed in 1993, providing reservation for women in ULBs.
- Nagaland adopted this provision by **Nagaland Municipal (First Amendment) Act of 2006**.
- Nagaland has not witnessed any ULB election since 2011 due to the conflict between 74th CA and Article 371A principles.
- In April 2016, the Supreme Court (SC) ordered the state government to hold municipal elections.

Article 371A (1): Special provision with respect to the State of Nagaland: Notwithstanding anything in the constitution of India, no Act of Parliament in respect of

- Religious or social practices of the Nagas,
- Naga customary law and procedure,
- Administration of civil and criminal justice involving decisions according to Naga customary law.
- Ownership and transfer of land and its resources.
- Shall apply to the Nagaland unless it's Legislative Assembly by a resolution so decides.

8.3. URBANIZATION AND ILLEGAL COLONIES

Why in News?

- The **Delhi High Court** rejected a plea by an unauthorized colony for regularization.
- The Court noted that legalizing unauthorized colonies in the past has encouraged encroachers.
- One of the main reasons of these illegal colonies being created is because of lack of proper settlement for new migrants coming to the city.

Challenges Posed By Illegal Colonies

- It affects urban planning and makes it difficult to provide proper drainage, sewage system, and water supply.
- Construction of proper roads is very difficult.
- Lack of proper civic facilities results in spread of diseases like malaria, tuberculosis, and diarrhea.
- Illegal colonies upsets the city's master plan regulation.

PHILOSOPHY/ दर्शनशास्त्र

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9. IMPORTANT LEGISLATIONS/BILLS

9.1. IMPORTANT ACTS

9.1.1. AADHAAR ACT, 2016

Why in News?

- The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016, was **passed by both Houses of Parliament** and received President's approval as well. Subsequently, the Centre had notified the new Aadhaar Act.
- The Act intended to provide statutory backing to Aadhaar for targeted delivery of subsidies and services to individuals residing in India.

Features of the Act

- Every resident is entitled to obtain an Aadhaar number. A resident is a person who has resided in India for 182 days, in the one year.
- To perform the functions related to Aadhaar card, **Unique Identification Authority (UID) will be formed.**
- **Composition of UID will be** chairperson, two part-time members and a chief executive officer. The chairperson and members should have experience of at least 10 years in matters like technology, governance, etc.
- **Important functions of the UID authority are:**
 - ✓ Specifying demographic and biometric information to be collected during enrolment.
 - ✓ Assigning Aadhaar numbers to individuals
 - ✓ Authenticating Aadhaar numbers
 - ✓ Specifying the usage of Aadhaar numbers for delivery of subsidies and services.
- Biometric information (finger print, iris scan and other biological attributes) will be used only for Aadhaar enrolment and authentication purpose and will not be shared with anyone.
- Only in **cases pertaining** interest of national security and on the order of court information will be revealed.
- A person may be punished with imprisonment up to 3 years and minimum fine of Rs. 10 lakh for unauthorized access to centralized database, including revealing any information stored.

To obtain an Aadhaar number, an individual has to submit his

- Biometric (photograph, finger print, iris scan)
- Demographic (name, date of birth, address) information.
- The Unique Identification Authority (UID) may specify other biometric and demographic information to be collected by regulations.

Ban on Sharing Aadhaar Details

- The Union Government has banned agencies in possession of Aadhaar number to publish or post the information publicly to ensure that the details are not misused.
- The Unique Identification Authority of India (UIDAI) issued notification under the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and services) Act, 2016 regarding the same.
- The agencies under possession of Aadhaar details will have to **ensure security and confidentiality** of the 12-digit identification number.
- The biometric information collected by UIDAI **cannot be shared with anyone** for any reason whatsoever.
- The agencies will also have to inform Aadhaar holders the purpose for which their details will be used.
- Penalty has been prescribed for offences such as impersonation of the Aadhaar holder at time of enrolment, tampering with data and disclosing identity information under the Aadhaar act.

9.1.2. ARBITRATION AND CONCILIATION ACT (AMENDMENT) ACT, 2015

Why in news?

The Arbitration and Conciliation (Amendment) Bill, 2015 was passed in December 2015. The Bill amends the Arbitration and Conciliation Act, 1996.

Salient Features of amendment:

- It enables the parties to an international commercial arbitration with the seat of arbitration outside India, to also approach the Indian courts and seeking interim relief, unless the parties have agreed to the contrary.

- Arbitral Tribunal shall make its award within a period of 12 months. Parties may extend such period up to six months. Thereafter, it can only be extended by the Court, on sufficient cause.
- The Court while extending the period may also order reduction of fees of arbitrator(s) not exceeding five percent for each month of delay and it also provides for additional fees if arbitration procedure is completed within six months if both parties agree.
- There is a provision for fast track procedure for conducting arbitration. Award in such cases shall be given in six months period.
- Mere filing of an application for challenging the award would not automatically stay execution of the award but only by order of a competent court.
- Regarding grounds for challenge of an arbitral award, the amendment has restricted the scope of the term 'Public Policy of India' to - induced or affected by fraud; in contravention with the fundamental policy of India; in conflict with the most basic notions of morality or justice.
- A new provision to provide that application to challenge the award is to be disposed of by the Court within one year.
- An application for appointment of an Arbitrator shall be disposed of by the High Court or Supreme Court as expeditiously as possible and an endeavor should be made to dispose of the matter within 60 days.
- The amendment puts a cap on the fee of an arbitrator.
- It gives wide powers to the arbitral tribunal to impose costs and the general rule of making the unsuccessful party pay costs to the successful party has been introduced.
- The person to be appointed as the arbitrator must disclose any relationship or interest of any kind, which is likely to give rise to justifiable doubts.

ADR Mechanisms

Arbitration: It is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. In choosing arbitration, the parties opt for a private dispute resolution procedure instead of going to court.

Conciliation: Conciliation is a less formal form of arbitration. This process does not require an existence of any prior agreement. Any party can request the other party to appoint a conciliator. One conciliator is preferred but two or three are also allowed. In case of multiple conciliators, all must act jointly. If a party rejects an offer to conciliate, there can be no conciliation.

Mediation: Mediation, a form of alternative dispute resolution (ADR) or "appropriate dispute resolution", aims to assist two (or more) disputants in reaching an agreement. The parties themselves determine the conditions of any settlements reached— rather than accepting something imposed by a third party. The disputes may involve (as parties) states, organizations, communities, individuals or other representatives with a vested interest in the outcome.

Negotiation: Negotiation is a dialogue intended to resolve disputes, to produce an agreement upon courses of action, to bargain for individual or collective advantage, or to craft outcomes to satisfy various interests. It is the primary method of alternative dispute resolution.

Lok Adalat

- Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably.
- Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987.
- Under the said Act, the award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law.
- If the parties are not satisfied with the award of the Lok Adalat though there is no provision for an appeal against such an award.
- There is no court fee payable when a matter is filed in a Lok Adalat.
- The persons deciding the cases in the Lok Adalats are called the Members of the Lok Adalats, they have the role of statutory conciliators only and do not have any judicial role.

9.1.3. REPEAL OF OLD STATUTE

Why in news?

- Parliament recently passed two bills to repeal outdated 1053 laws which had become redundant legislations.
- The Appropriation Acts (Repeal) Bill 2015 that seeks to repeal 758 old appropriation acts which have lost relevance and The Repealing and Amending (Third) Bill, 2015 to repeal 295 enactments and to amend certain other enactments were passed by the Parliament.

Identification of old statutes

- At the Union government level, the Law Commission of India prepared four reports in 2014 (248th, 249th, 250th, 251st), identifying old statutes that could be repealed.
- Subsequently, a Committee headed by R. Ramanujam was formed to identify Central Acts which are not relevant or no longer needed or require repeal/re-enactment.
- As per the Ramanujam Committee, 2781 Central Acts were in existence as on 15 October 2014. Out of these, it recommended the repeal of 1741 Central Acts. Of these 1741 Acts, 340 were Central Acts on State subjects that had to be repealed by the respective state legislatures.

9.1.4. THE LOKPAL AND LOKAYUKTAS (AMENDMENT) BILL, 2016

Why in news?

- The Lokpal and Lokayuktas (Amendment) Bill, 2016 was passed by the parliament (both houses) in July'2016.

Features of the Bill

- The Bill amends the Lokpal and Lokayuktas Act, 2013 in relation to declaration of assets and liabilities by public servants.
- It amends **Section 44** dealing with declaration of assets and liabilities of public servants.
- It defines “public servants” as a range of persons including the Prime Minister, Ministers, MPs, and officials of the government or of any organisation, trust or NGO that gets Rs 10 lakh as foreign aid or Rs 1 crore as government aid.
- The Lokpal Act requires a public servant to declare his assets and liabilities, and that of his spouse and dependent children. Such declarations must be made to the competent authority within 30 days of entering office.
- The public servant must file an annual return of such assets and liabilities by July 31st of every year.
- The Lokpal Act also mandates statements of such declarations be published on the website of the relevant Ministry by August 31 of that year.
- The amendment extends the deadline for declaring assets and liabilities indefinitely.

Section 44 of the Act demanded that every public servant shall furnish to the competent authority, the information relating to:

- the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;
- His liabilities and that of his spouse and his dependent children.

9.2. PENDING BILLS

9.2.1. AMENDMENT TO PREVENTION OF CORRUPTION ACT (PCA), 1988

Why in news?

The Union Cabinet gave its approval to amend the Prevention of Corruption Act, 1988 by pursuing the Prevention of Corruption (Amendment) Bill, 2013 which was pending before the Rajya Sabha.

Proposed Amendments

The proposed amendments **would fill in perceived gaps in the domestic anti-corruption law** and **also help in meeting the country's obligations under the United Nations Convention against Corruption (UNCAC)** more effectively.

- Providing for more stringent punishment for the offences of bribery, both for the bribe giver and the bribe taker.

- Penal provisions being enhanced from **minimum 6 months to 3 years and from maximum 5 years to 7 years**. The seven year imprisonment **brings corruption to the heinous crime category**.
- To contain gain of benefits from profits of corruption, **the powers of attachment are proposed to be conferred upon the trial Court (Special Judge) instead of the District Court**.
- Expanding the ambit of provision for **containing inducement of public servant from individuals to commercial entities** is being added to contain supply side of corruption.
- Providing for issue of guidelines for commercial organizations to prevent persons associated with them from bribing a public servant.
- The average trial period of cases under PC Act in the last 4 years has been above 8 years.
- It is proposed **to ensure speedy trial by providing a trial completion within 2 years**.
- **Intentional enriching by public servants will be construed as criminal misconduct** and possession of disproportionate assets as proof of such illicit enrichment.
- **Non-monetary gratification** has been covered **within the definition of the word gratification**.
- By way of explanation 2 to section 7(2), the obligation of a public servant has been explicitly delineated such that the public servant deters from violating a statutory duty or any set of rules, government policies, executive instructions and procedures

9.2.2. ENEMY PROPERTY AMENDMENT BILL

Why in news?

- The President of India has promulgated **the Enemy Property (Amendment and Validation) Ordinance, 2016** to make amendments to the Enemy Property Act, 1968.
- However, it could not be passed due to parliamentary logjam. Thus, the government has repromulgated the Ordinance for the same.

Provisions of the Ordinance

- Once an enemy property is vested in the Custodian, it shall continue to be vested in custodian as enemy property irrespective of whether the enemy, enemy subject or enemy firm has ceased to be an enemy due to reasons such as death etc.
- Law of succession does not apply to enemy property.
- There cannot be transfer of any property vested in the Custodian by an enemy or enemy subject or enemy firm and that the Custodian shall preserve the enemy property till it is disposed of in accordance with the provisions of the Act.

What constitutes Enemy Property?

- Under the Defence of India Rules framed under the Defence of India Act, the Government of India took over the properties and companies of such persons who had taken Pakistani nationality due to partition of India in 1947.
- These enemy properties were vested by the Central Government in the Custodian of Enemy Property for India.

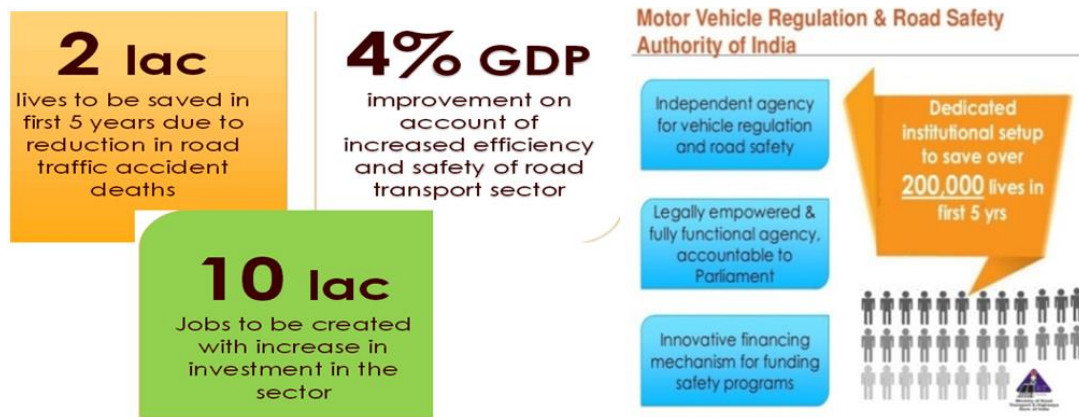
Enemy Property Act, 1968 Provisions

- The Enemy Property Act was enacted in the year 1968 by the Government of India, which provided for the continuous vesting of enemy property in the Custodian.
- The act authorized the Central Government of India to appoint a custodian for enemy property for India and one or more deputy/assistant custodians as assistances.
- There is also a provision which validates the appointments made under the Defence of India Rules 1962 and 1971.
- The fees equal two percent on the gross income from the properties vested in the Custodian. The income received by way of rent, interest etc. on securities is invested in the Reserve Bank of India.

9.2.3. TRANSPORT AND ROAD SAFETY BILL, 2015

Aim of bill

- To provide a scientifically planned and evolving framework for the safety of all road users in India, including vulnerable road users.
- To enable the seamless development of a secure, efficient, cost-effective, sustainable and inclusive transport system for the movement of passenger and freight in the country.



9.3. THE CITIZENSHIP (AMENDMENT) BILL, 2016

Why in news?

- The Citizenship (Amendment) Bill, 2016 was introduced in Lok Sabha by Ministry of Home Affairs. The Bill seeks to amend the Citizenship Act, 1955.
- The bill raised an issue of biased citizenship due to its contentious provisions.

Background

- **The Citizenship Act, 1955** provides various ways in which citizenship may be acquired. It provides for citizenship by **birth, descent, registration, and naturalisation** and by **incorporation of territory** into India.
- The Act prohibits illegal migrants from acquiring Indian citizenship. It defines an illegal migrant as a foreigner: (i) who enters India without a valid passport or travel documents, or (ii) stays beyond the permitted time.
- To apply for citizenship by naturalisation, person must have resided in India or been in service of the central government for at least 11 years before applying for citizenship.
- The Act provides that the central government may cancel registration of OCIs on certain grounds. These include: (i) if the OCI has registered through fraud, or (ii) within five years of registration has been sentenced to imprisonment for two years or more, or (iii) it becomes necessary in the interest of sovereignty and security of India, etc.

Key changes to the act

- The Bill amends the Act to provide that the following groups of persons will not be treated as illegal migrants: Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.
- The Bill creates an exception for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, with regard to citizenship qualification. The 11 years' requirement will be reduced to six years.
- The Bill adds one more ground for cancelling registration, that is, if the OCI has violated any law that is in force in the country.

9.4. INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL, 2016

Why in news?

- The Parliament has passed the Institutes of Technology (Amendment) Bill, 2016 to set up six new Indian Institutes of Technology (IITs).

Key Features of Bill

- The Bill seeks to amend the Institutes of Technology Act, 1961, which declares certain Institutes of Technology as institutions of national importance.
- Six new IITs will be in **Palakkad** (Kerala), **Tirupati** (AP), **Goa, Dharwad** (Karnataka), **Bhilai** (Chhattisgarh) and **Jammu** (Jammu and Kashmir).
- It also seeks to bring the **Indian School of Mines, Dhanbad** within the ambit of the Act.
- All these institutions will be declared as institutions of national importance.

9.5. SPECIFIC RELIEF ACT

Why in News?

- A Central government-appointed expert committee has submitted its report recommending changes to the Specific Relief Act 1963.

What is Specific Relief Act?

- As per the act, in an event where the actual damage for not performing the contract cannot be measured or monetary compensation is not adequate, one party can ask the court to direct the other party to fulfill the requirements of the contract.
- This is called specific performance of a contract.
- This extends to infrastructure contracts, like construction of housing societies or sale and purchase of land.

9.6. DRAFT INDIAN MEDICAL COUNCIL BILL 2016

Why in News?

- Ministry of Health and family welfare introduced Indian Medical Council (Amendment) Bill to amend the IMC Act 1956.
- The provisions of the Bill are based on reforms suggested by **Arvind Panagariya committee** to address concerns over quality of medical education.
- As per the bill a uniform exit test (**National Exit Test or NEXT**) to be conducted for **all medical educational institutions at undergraduate (UG) level**.

Indian Medical Council Act 1956

- The Act provides for the constitution of the Medical Council of India (MCI).
- The MCI regulates -
 - ✓ Standards of medical education,
 - ✓ Permission to start colleges, courses or increase the number of seat.
 - ✓ Registration of doctors.
 - ✓ Standards of professional conduct of medical practitioners.

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10. POLICIES/SCHEMES

10.1. TARGET OLYMPIC PODIUM SCHEME

Why in news?

The Union Ministry of Youth Affairs and Sports has reconstituted TOP committee to identify and support potential medal prospects for 2020 and 2024 Olympic Games.

TOP (Target Olympic Podium) Scheme

- Under the scheme the selected athletes are provided financial assistance for their customized training at Institutes having world class facilities and other necessary support.
- Benchmark for selection of athletes under the scheme is in relation to international standards.
- Committee will decide its procedures and can invite subject experts when required. The Initial tenure of the committee will be one year from the date of notification.

10.2. VANJEEVAN

Why in news?

- Union Ministry of Tribal Affairs in collaboration with UNDP and National Scheduled Tribes Finance and Development Corporation (NSTFDC) launched “Vanjeevan” the **National Resource Centre (NRC)** for Tribal Livelihood issues at Bhubaneswar.

Highlights of Program

- The scheme will identify problems related to livelihood issues, provide skill training and to facilitate entrepreneurship and employment among tribal people.
- NRC will serve as an apex central institution within Ministry of Tribal Affairs to act as research and technical hub for the socio-economic development of tribal communities.
- **In first phase** it will be launched in selected districts of six states having low HDI value of tribal people. These states are Assam, Gujarat, Madhya Pradesh, Rajasthan, Odisha and Telangana.
- **In 2nd phase**, programme will be implemented in Arunachal Pradesh, Chattisgarh, Jharkhand, Maharashtra, Meghalaya and Tripura.
- The centre will also have a knowledge hub that will give special emphasis on traditional tribal knowledge and make a sync with new business models and employment opportunities

National Scheduled Tribe Finances and development Corporation (NSTFDC)

- Set up in 2001 as non-profit company under ministry of Tribal Affairs, GoI.
- It provides financial assistance at concessional rates of interest for undertaking viable income generating activities to the Scheduled Tribes up to double the poverty line.

10.3. CPGRAMS

Why in news?

- Government recently awarded the **Certificates of Appreciation** to the good performing ministries/ Departments based on their performance in the **Centralized Public Grievance Redress and Monitoring System (CPGRAMS)**.
- This is a great initiative for motivation towards redress of public grievances .as Grievance Redress Mechanism is part and parcel of the machinery of any administration.
- Award Scheme is expected to bring a sense of competitiveness in Ministries/ Departments to address public grievances.

What is CPGRAMS?

- The CPGRAMS is an online web enabled application to facilitate speedy redress of public grievances as it allows for online lodging and status tracking of grievances by the citizens.
- The system is flexible enough to be extended to multiple levels as per the requirement of concerned Ministry/Department/ Govt. Organization for speedy forwarding and redress of grievance.

- The Public Grievance Portal has evolved during the last few years aiming at the following objectives:
 - ✓ To serve as a platform for dissemination of information related to Public Grievances and to monitor the redress of these Grievances.
 - ✓ To enable the citizen to lodge and keep track of the status of his/her grievance online.
 - ✓ To enable Ministries/Departments/Organisations to scrutinize and take action without delay.
 - ✓ To reduce/eliminate physical forwarding of complaints to the Ministries/Departments Concerned.

10.4. EMPLOYEES ONLINE MOBILE APP

Why in news?

- Recently, The Department of Personnel & Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions has launched Employees Online (EO) mobile App.

EO App is a mobile application of the Department of Personnel & Training (DoPT) which would enable its users to stay updated on real time basis with appointments and postings approved by the Appointments Committee of the Cabinet (ACC) and vacancies at senior level in the Government of India.

Features of EO App

- IAS officers working across the country will be able to access details of their **Annual Performance Appraisal Reports, Immovable Property Returns**, postings, domestic and foreign training, among others, at their finger tip.
- The EO App will **reduce speculations regarding transfers and postings** in the Government of India
- It will also check on the number of repeated RTI applications filed by citizens to seek governance-related information as most of the details will be put online for public in a real-time basis.
- **Significance:** EO App stands correct for the spirit of maximum Governance, minimum Government. It is another step towards transparency and e-governance. It will make the **system completely transparent**.

10.5. FIRST NATIONAL DAY OF AYURVEDA CELEBRATED

- First ever National Ayurveda Day was celebrated across the country on 28th October this year.
- The National Dhanwantary Ayurveda Awards were also given on the occasion.
- A Seminar on “Prevention and Control of Diabetes through Ayurveda” was also held. The role of Ayurveda in prevention and treatment of diabetes was highlighted.

10.6. EK BHARAT SHRESHTHA BHARAT INITIATIVE

Why in news?

“Ek Bharat Shreshtha Bharat” was launched by Hon’ble Prime Minister recently.

About the Initiative

- It is an **innovative measure that will lead to an enhanced understanding and bonding between the States** through the knowledge of the culture, traditions and practices of different States & UTs, for strengthening the unity and integrity of India.
- All States and UTs will be covered under the programme.
- According to the scheme, **two states** will undertake a **unique partnership for one year** which would be marked by cultural and student exchanges. **6 MoUs** between two States each were also signed on the occasion of launch, under this initiative.
- Students of a particular state would travel to another state to learn each other's culture.
- **District level pairings will also be done** and it would be independent of the State level pairings.

Objectives of Ek Bharat Shreshtha Bharat

- To **celebrate** the Unity in Diversity of our Nation and to maintain and strengthen the fabric of traditionally existing emotional bonds between the people of our Country.
- To **promote** the spirit of national integration through a deep and structured engagement between all Indian States and Union Territories through a year-long planned engagement between States.
- To **showcase** the rich heritage and culture, customs and traditions of either State for enabling people to understand and appreciate the diversity that is India, thus fostering a sense of common identity.
- To **establish** long-term engagements and to create an environment which promotes learning between States by sharing best practices and experiences.

- The activity will be very useful to link various States and Districts in annual programmes that will connect people through exchanges in areas of culture, tourism, language, education trade etc.
- Citizens will also be able to experience the cultural diversity of a much larger number of States/UTs while realising that India is one.

10.7. WEB RESPONSIVE PENSIONER'S SERVICE PORTAL

Why in News?

- Finance Minister launched a new **Digital India** initiative, the Web Responsive Pensioner's Service Portal undertaken by the office of Controller General of Accounts.

What is it?

- This portal will help pensioner's access information relating to status of pension cases, and pension payments processed by Central Ministries/Departments and Banks.
- This portal will also serve as an effective platform for grievance redressal.
- It has been developed by the Central Pension Accounting Office.

10.8. SWACHH YUG CAMPAIGN

- As part of its efforts to make villages located along Ganga open defecation-free, Government has launched a campaign '**Swachh Yug**'.
- It is a collaborative effort of three Union Ministries, to bring about behavioural change among people staying in villages along the river.
- There are 5,169 villages located along Ganga falling under 1,651 gram panchayats in 52 districts of five states - UP, Uttarakhand, Bihar, Jharkhand and West Bengal from where the river flows.
- A nodal officer has been identified for each district to work on making area under their jurisdiction open defecation free (ODF) in a "mission mode" and clean through proper solid and liquid waste management.
- In addition to monetary incentive offered under Swachh Bharat Mission, extensive interpersonal behaviour change communication training will be given to local trainers through network of virtual classrooms.

Ministries involved in campaign

- The Ministry of Drinking Water and Sanitation – mission mode strategy to focus on cleanliness of village through proper solid and liquid waste management.
- Ministry of Youth Affairs and Sports under the coordination of the Nehru Yuva Kendra Sangathan, will enlist support of youth agencies like Bharat Scouts and Guides, Nehru Yuva Kendras and National Service Scheme.
- Ministry of Water Resources, River Development and Ganga Rejuvenation.

10.9. NEW PRINT MEDIA ADVERTISEMENT POLICY

Why in News?

Ministry of Information & Broadcasting has framed a New Print Media Advertisement Policy for Directorate of Advertising & Visual Publicity (DAVP) with the objective to promote transparency and accountability in issuing of advertisements in print media.

Key Highlights of the New Policy

- For the first time the policy introduces a New Marking System for newspapers to incentivize Newspapers who have better professional standing.
- It includes **circulation verification Procedure** for empanelment of Newspapers/Journals with DAVP.
- The policy also stipulates the empanelment procedure for **Multi-Editions of a newspaper**.
- To promote equity based regional outreach, the policy emphasizes that the budget for all India release of advertisements shall be divided among states based on total circulation of newspapers in each State /Language.

11. MISCELLANEOUS

11.1. NORTH EAST TOURISM DEVELOPMENT COUNCIL (NETDC)

- Union Government has formed the NETDC in **Public Private Partnership Mode** under the **Ministry of Development of North East Region**.
- First time such tourism agency has been formed exclusively devoted to particular region of country.
- It will act as a **common institutional platform** facilitating development of tourism industry through effective participation of all stakeholders.
- Few others recent initiative with regard to **North east** are:
 - ✓ Setting up of "**Venture Fund**" as initial capital assistance for any young entrepreneur or start-up who wishes to launch an establishment or venture in the North-Eastern region.
 - ✓ Setting up of "**Dr A. P. J. Abdul Kalam Centre for Policy Research & Analysis**" at the Indian Institute of Management (IIM), Shillong. This Centre will facilitate research and analysis for states of North-east region.

11.2. CORRUPTION PERCEPTION INDEX (CPI)

- Recently in a report published by Transparency International placed India at **79th / 168** countries.
- **In CPI 2015-India was placed at 76th position out of 168** countries with a score of 38/100 improving from its position of 85 and 94 in 2014.
- **Presently India is places at 79th position in 2016** with a score of 40.

About the Corruption Perception Index:

- The Corruption Perception Index is being published since 1995 by Transparency International.
- The parameters for the index ranking are functioning of public institutions like police and judiciary, press freedom, access to information about public expenditure, stronger standards of integrity for public official.

11.3. NEWS BROADCAST BY PRIVATE FM RADIOS

Why in news?

- A PIL filed before the SC accuses the government of retaining sole control over dissemination of news though radio broadcasting was thrown open to the private sector in 1999.
- The Supreme Court has asked the Centre to file its response in four weeks on whether the private FM radio stations and community radio services can broadcast their own news.
- Presently FM and community radio stations can only re-transmit unedited AIR news.

Prasar Bharati Corporation

- It is the public service broadcaster of India established as an autonomous organization through an Act of the Parliament.
- It functions through its two arms- Doordarshan and AIR.

Government control

- Policy Guidelines and the Grant of Permission Agreements (GOPA) prohibit private FM radio stations and community radio stations from broadcasting their own news and current affairs programmes.
- There is **monopoly** of the Prasar Bharati Corporation, which owns and operates All India Radio, over news broadcasting and current affairs programmes.

11.4. COMMITTEE FOR NATIONAL SPORTS CODE

- With Supreme Court pressurizing the BCCI to adopt the recommendations of the Lodha Committee, the demand for revision of **National Sports Code** for other sport bodies is picking up.
- Sports bodies in India are largely run by political strongmen rather than former athletes unlike other sports bodies around the world.
- They are inefficient as sports federations and marred with charges of corruption.

- The Govt has constituted a nine-member committee in January 2017 headed by Sports Secretary (Mr. Injeti Srinivas) to draft **National Sports Code** which will be applicable across all disciplines.
- The committee is required to submit the report within one month.

11.5. LODHA COMMITTEE

- The SC appointed Lodha Committee, on January 4 2016. SC requested the three-member Lodha panel, to oversee the transition of administrative structure in the BCCI which has to take place within six months.
- The committee recommended sweeping reforms and an administrative shake-up at the troubled BCCI following which the BCCI and some of the State cricket associations, former players and cricket administrators approached the apex court with regard to the implementation of Lodha panel recommendations.
- SC accepted many major proposals of Lodha panel.

11.6. INDIAN SKILL DEVELOPMENT SERVICE (ISDS)

Why in News?

- Ministry of Skill Development and Entrepreneurship (MSDE) has issued a notification to set up Indian Skill Development Services (ISDS).

Need of the Service

- Skill India Mission has the aim to raise a 500 million skilled workforce by 2022. A unit of skilled administrators under ISDS would promote this goal.
- ISDS will **ensure more government control** in a sector that was largely private-led till 2014.
- India has the largest youth population and one of the lowest skill proficiency. This move will tackle both – **tapping our demographic dividend and improving skills in the workforce.**

Background

- Cabinet approved the creation of ISDS in 2015 for the Training Directorate of MSDE.
- With the current notification it will now become a formal service.
- The training directorate implements schemes like Craftsmen Training Scheme, Apprenticeship Training Scheme etc.

Features of the Service

- ISDS will be a **Group 'A'** service where induction will take place through Indian Engineering Service Examination conducted by UPSC.
- ISDS will have 263 all India posts.
- National Institute of Skill Development will train the administrators under ISDS.

11.7. RESERVATION FOR KANNADIGAS

Why in news?

- Karnataka govt. has released draft amendments to Karnataka Industrial Employment (Standing Order) Rules of 1961 which will provide **100% reservation** for Kannadigas for blue collar jobs in private sector.
- It will be applicable to all companies receiving government concessions except those in IT and Bio Tech sectors. Companies that don't comply will be denied concessions by government.

Impact

- It may trigger a similar response from other states for reserving quota of jobs in private sector for local people endangering **unity and integrity of the nation** by promoting divisive tendencies.
- Private companies hire employee purely on the basis of merit but if "**son of the soil policy**" is applied in hiring it would mean giving primacy to regional factors than merit.
- Private companies may not remain competitive in international market if such rules will be imposed upon them.

11.8. MANIPUR ISSUE

Why in news?

Manipur has created 7 new districts taking total number of districts in state to 16.

Background

- Manipur has largely three main communities- **the Naga and Kuki, who are tribals and Meitei who are non-tribals.**
- While the Naga and the Kuki occupy the hilly areas, the Meitei reside in the valley.
- The demand of new districts has been a subject of ethnic strife in Manipur since 1971.
- Naga and Kuki villages are located side by side in all four hill districts of Manipur thus complicating the issue.

Main Features

- The United Naga Council (UNC), which claims to represent Naga interest, is opposed to the creation of the Sadar Hills district out of the Senapati district, with a substantial Naga population.
- They allege that two districts, **Sadar and Jiribam**, would encroach the ancestral land of the Nagas.
- The state government denying the charge stated that the move was purely **aimed for administrative convenience** and with no ulterior motives.



11.9. BENEFITS TO ASYLUM SEEKERS

Why in news?

- The Union Cabinet has approved proposals for extending several benefits to **“persecuted”** minorities from Pakistan, Afghanistan and Bangladesh living in India on long-term visas.
- They can now take up self-employment, buy property, open bank accounts and get driving licences, PAN card and Aadhaar.

What is Asylum?

- Protection or safety, especially that given by a government to people who have been forced to leave their own countries for their safety or because of war.
- India is offering asylum to considerable number of refugees however India is not the signatories of the 1951 Refugee convention of the UN.
- There is a considerable increase in number of people seeking asylum in India. India does not have national asylum legislation. In India foreigners are generally dealt under
 - ✓ The Registration of Foreigners Act, 1939
 - ✓ The Foreigners Act, 1946
 - ✓ The Foreigners Order, 1948

Proposed changes

- Many members of the Hindu, Sikh, Buddhist, Jain, Parsi and Christian communities have come to India fearing persecution in their home countries.
- The registration fees for citizenship will be **reduced to Rs. 100** from Rs. 3,000-15,000.
- The Citizenship Rules, 2009, will be amended soon to help such persons get citizenship.
- The beneficiaries **can buy property** for self-occupation or use in self-employment.
- The beneficiaries are allowed **free movement within the State** of their stay, and can get their long-term visa papers transferred from one State to another.
- The government has permitted them to apply for long-term visas from the place of their current residence, even if they have moved to the present place without seeking permission.

- The government has waived the penalty on late application for extension of their short- or long-term visas.
- The Collector or District Magistrate would be empowered to authorise an officer not below the rank of Sub-divisional Magistrate for administering the oath of allegiance to the applicant.
- The powers will be delegated to the Collectors of 16 districts in Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, Delhi, Rajasthan and Uttar Pradesh for two years for registration as citizens of India.

11.10. REGULATORY BODIES IN INDIA

Justifications for regulatory interventions:

- Market Economy: Prevention of Market Failure for example to check anti-competitive practices etc.
- Fair play, consumer protection and increasing efficiency for example to prevent Externalities i.e. Environmental Regulation etc.
- To promote the public interest: Ensuring fair access, non-discrimination, affirmative action

Present	Proposed	Functions
RBI	RBI	Monetary policy; regulation and supervision of banks; regulation and supervision of payments system.
SEBI FMC IRDA PFRDA	Unified Financial Agency (UFA)	Regulation and supervision of all non-bank and payments related markets.
Securities Appellate Tribunal (SAT)	Financial Appellate (FSAT)	Sector Tribunal Hear appeals against RBI, the UFA and FRA.
Deposit Insurance and Guarantee Corporation (DICGC)	Resolution Corporation	Resolution work across the entire financial system.
Financial Stability Development Council (FSDC)	FSDC	Statutory agency for systemic risk and development.
New entities	Debt Management Agency Financial Redressal Agency (FRA)	An independent debt management agency. Consumer Complaints

11.11. CVC

- It is a multi-member statutory body monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.
- It consists of a central vigilance commissioner (chairman) and not more than 2 vigilance commissioners as members.
- It extends superintendence over CBI when it investigates case under Prevention of Corruption Act
- It has powers of a civil court while inquiring or causing to inquire or investigate references made by central government

11.12. CENTRAL WAQF COUNCIL

- Recently 75th meeting of central Waqf council was held
- It is a statutory body under Waqf act
- Government of India appoints a union minister in charge of Waqfs and max 20 persons as members
- It ensures proper administration of Waqfs in the country as well as advise state Waqf boards

11.13. RASHTRIYA GRAM SWARAJ ABHIYAN

The Rashtriya Gram Swaraj Abhiyan will strengthen the Panchayati Raj system across the country and address critical gaps that constrain its success. RGSA seeks to:

- Enhance capacities and effectiveness of Panchayats and the Gram Sabhas;
- Enable democratic decision-making and accountability in Panchayats and promote people's participation;
- Strengthen the institutional structure for knowledge creation and capacity building of Panchayats;
- Promote devolution of powers and responsibilities to Panchayats according to the spirit of the Constitution and PESA Act.
- Strengthen Gram Sabhas to function effectively as the basic forum of peoples participation, transparency and accountability within the Panchayat system;
- Create and strengthen democratic local self-government in areas where Panchayats do not exist;
- Strengthen the constitutionally mandated framework on which Panchayats are founded.

11.14. SANKALP PROJECT

Why in news?

- To create awareness amongst retiring employees about this project, the Department has been conducting Pre-Retirement Counselling workshops regularly.

About the project

- This scheme is initiated by Department of Pension & Pensioners' Welfare in January 2014
- It aims at channelizing skill, experience and time available with retired government servants into meaningful, voluntary contribution to society
- It would also restore dignity and purpose to life post-retirement.

11.15. 'MARKING' SYSTEM FOR NEWSPAPERS FOR GOVERNMENT ADS

- Ministry of Information & Broadcasting has framed a New Print Media Advertisement Policy for Directorate of Advertising & Visual Publicity (DAVP).
- It aims to promote transparency and accountability in issuing of advertisements in print media.
- The policy introduces a new marking system for newspapers on the basis of professional standing and verification of circular by ABC (audit bureau of circulations)/RNI (registrar of newspapers for India)

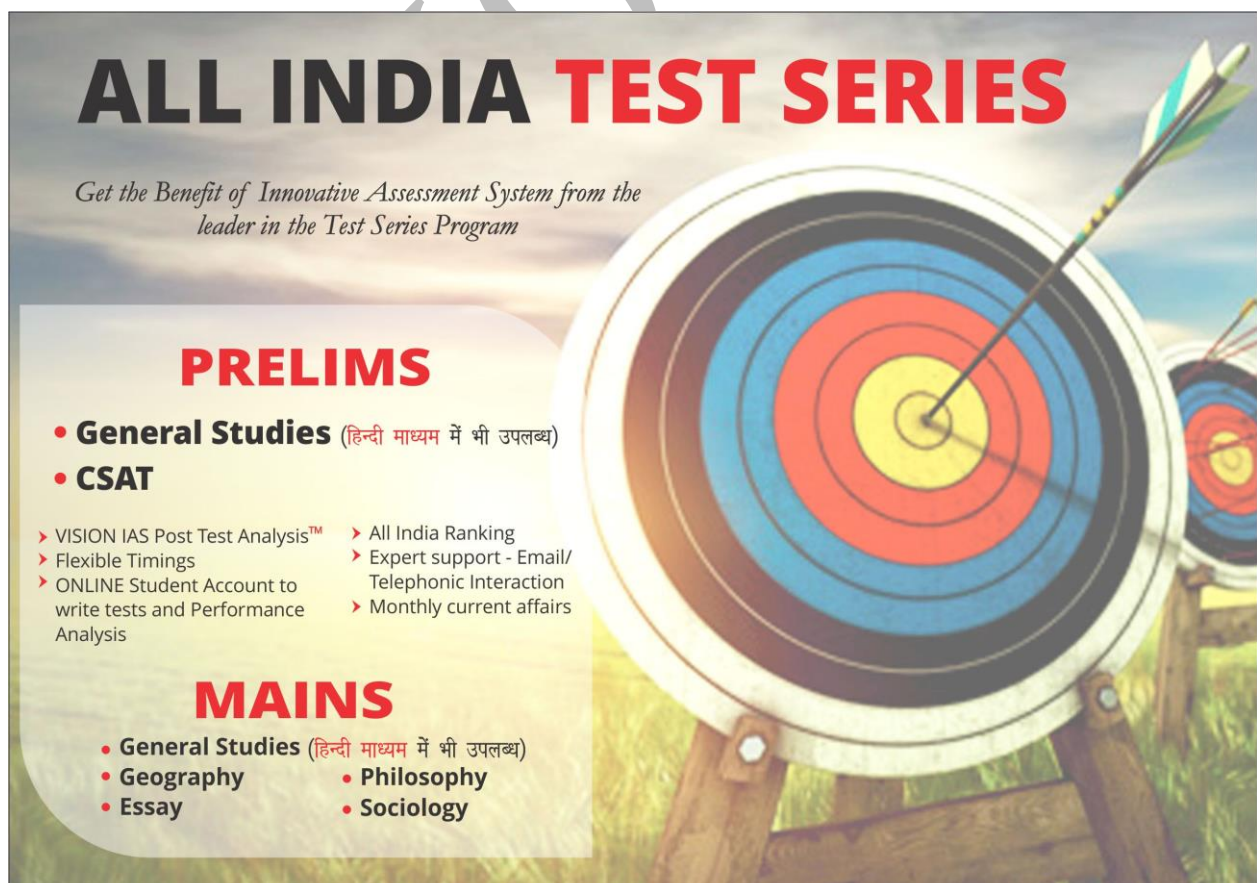
About RNI

- It is also known as Press Registrar
- It maintains a register of newspapers and periodicals published in India to ensure that no two newspapers or periodicals bear same title in same language and same state.

Audit Bureau of Circulations (ABC): founded in 1948, is an international federation of bureaus having several organisations of the same name operating in different parts of world.

It is a not-for-profit, voluntary organisation consisting of publishers, advertisers and advertising agencies.

It develops audit procedures to certify the circulation figures of publications which are members of ABC.



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12. PREVIOUS YEAR QUESTIONS

SC Portal on Pendency of Cases

1. With reference to Lok Adalats, consider the following statements:
1. An award made by a Lok Adalat is deemed to be a decree of a civil court and no appeal lies against thereto before any court.
 2. Matrimonial/Family disputes are not covered under Lok Adalat.
- Which of the statements given above is/are correct?
- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Answer – (a)

Law Commission recommended capital punishment abolition

2. Consider the following statements:
1. The highest criminal court of the district is the Court of District and Sessions Judge.
 2. The District Judges are appointed by the Governor in consultation with the High Courts.
 3. A person to be eligible for appointment as a District Judge should be an advocate or a pleader of seven years' standing or more, or an officer in judicial service of the Union or the State.
 4. When the Sessions Judge Awards death sentence, it must be confirmed by the High Court before it is carried out.
- Which of the statements given above are correct?
- (a) 1 and 2 (b) 2, 3 and 4
(c) 3 and 4 (d) 1, 2, 3 and 4

Answer – (d)

NJAC Act as Unconstitutional and Void

3. Consider the following statements:
1. The Judges (Inquiry) Bill 2006 contemplates to establish a Judicial Council which will receive complaints against Judges of the Supreme Court including the Chief Justice of India, High Court Chief Justices and Judges.
 2. Under the Protection of Women from Domestic Violence Act, 2005, a woman can file a petition before as 1st Class Judicial Magistrate.
- Which of the statements given above is/are correct?
- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Answer – (b)

Uniform Civil Code

4. Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India:
- a. Securing for citizens of India a uniform civil code.
 - b. Organizing village panchayats.
 - c. Promoting cottage industries in rural areas.
 - d. Securing for all the workers reasonable leisure and cultural opportunities.
- Which of the above are the Gandhian Principles that are reflected in the Directive Principles of State Policy?
- (a) 1, 2 and 4 only (b) 2 and 3 only
(c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Answer – (b)

Child Rights

5. Which Article of the Constitution of India says, 'No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment'?
- (a) Article 24 (b) Article 45
(c) Article 330 (d) Article 368

Answer – (a)

Minority Status of Educational Institutes

6. Match List I (Article of Indian Constitution) with List II (Provision) and select the correct answer using the codes given below the lists:

List I	List II
A. Article 16(2)	1. No person shall be deprived of his property save by the authority of law
B. Article 29(2)	2. No person can be discriminated against in the matter of public appointment on the ground of race, religion or caste
C. Article 30(1)	3. All minorities whether based on religion or language shall have the fundamental right to establish and administer educational institutions of their choice.
D. Article 31(1)	4. No citizen shall be denied admission into any education institution maintained by the State, or receiving State aid, on grounds of religion, race, caste, language or any of them.

A B C D	
(a) 2 4 3 1	(b) 3 1 2 4
(c) 2 1 3 4	(d) 3 4 2 1

Answer – (a)

Supreme Court Verdict on Haryana Panchayati Raj (Amendment) Act 2015

7. If a Panchayat is dissolved, elections are to be held within:
- (a) 1 month (b) 3 months
(c) 6 months (d) 1 year

Answer – (c)

8. The Constitution (Seventy-Third Amendment) Act, 1992, which aims at promoting the Panchayati Raj Institutions in the country, provides for which of the following?

1. Constitution of District Planning Committees.
2. State Election Commissions to conduct all panchayat elections.
3. Establishment of state Finance Commissions.

Select the correct answer using the codes given below:

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Answer – (c)

9. In the areas covered under the Panchayat (Extension to the Scheduled Areas) Act, 1996, what is the role/power of Gram Sabha?

1. Gram Sabha has the power to prevent alienation of land in the Scheduled Areas.
2. Gram Sabha has the ownership of minor forest produce.

3. Recommendation of Gram Sabha is required for granting prospecting licence or mining lease for any mineral in the Scheduled Areas.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Answer – (b)

10. According to the National Human Rights Commission Act, 1993, who amongst the following can be its Chairman?

- (a) Any serving Judge of the Supreme Court
(b) Any serving Judge of the High Court
(c) Only a retired Chief Justice of India
(d) Only a retired Chief Justice of a High Court

Answer – (c)

11. Which of the following statements is/are correct?

1. A Bill pending in the Lok Sabha lapses on its prorogation.
2. A Bill pending in the Rajya Sabha, which has not been passed by the Lok Sabha, shall not lapse on dissolution of the Lok Sabha.

Select the correct answer using the code given below.

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer – (b)

12. The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the

- (a) Lok Sabha by a simple majority of its total membership
(b) Lok Sabha by a majority of not less than two-thirds of its total membership
(c) Rajya Sabha by a simple majority of its total membership
(d) Rajya Sabha by a majority of not less than two-thirds of its members present and voting

Answer – (d)

13. Consider the following statements:

1. The minimum age prescribed for any person to be a member of Panchayat is 25 years.
2. A Panchayat reconstituted after premature dissolution continues only for the remainder period.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer – (b)

14. Consider the following statements:

1. The Chief Secretary in a State is appointed by the Governor of that State.
2. The Chief Secretary in a State has a fixed tenure.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer – (d)

15. With reference to the 'Gram Nyayalaya Act', which of the following statements is/are correct?
1. As per the Act, Gram Nyayalayas can hear only civil cases and not criminal cases.
 2. The Act allows local social activists as mediators/reconciliators.
- Select the correct answer using the code given below.
- (a) 1 only
 - (b) 2 only
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2

Answer – (b)

16. 'Rashtriya Garima Abhiyaan' is a national campaign to
- (a) Rehabilitate the homeless and destitute persons and provide them with suitable sources of livelihood
 - (b) Release the sex workers from their practice and provide them with alternative sources of livelihood
 - (c) Eradicate the practice of manual scavenging and rehabilitate the manual scavengers
 - (d) Release the bonded labourers from their bondage and rehabilitate them

Answer – (c)

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