



POLITY

Classroom Study Material

(April 2024 to October 2024)

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POLITY AND GOVERNANCE

Table of Contents

1. ELECTIONS	4	5.1. Alternative Dispute Resolution	31
1.1. Simultaneous Election	4	5.1.1. Mediation Act 2023	32
1.2. State Election Commission (SEC)	4	5.1.2. Lok Adalat	32
1.3. Delimitation Commission	5	5.2. Free Legal Aid	33
1.4. EVM-VVPAT	6	5.3. Tribunal System in India	34
1.5. Model Code of Conduct (MCC)	6	5.4. Bail	35
1.6. Lok Sabha Elections	7	5.5. Other Important News	36
1.6.1. Article 329(b)	8	5.5.1. Gram Nyayalayas	36
1.6.2. Nomination in Election	8	5.5.2. Contempt of Court	36
1.6.3. Re-polling	8	5.5.3. Mercy Petition	37
1.6.4. Silence Period	8	5.5.4. Curative Petition	37
1.6.5. One Candidate, Multiple Constituencies (OCMC)	9	5.5.5. Fast-Track Special Courts (FTSCs)	37
1.6.6. Home Voting	9	5.5.6. Zero FIR	37
1.6.7. Form 17 C	10	5.5.7. Doctrine of Coverture	38
1.6.8. Braille signage	10	5.5.8. Doctrine of Harmonious Construction	38
2. FUNCTIONING OF PARLIAMENT, STATE LEGISLATURE/LOCAL GOVERNMENT	11	6. IMPORTANT LEGISLATURES/BILLS	38
2.1. Internal Emergency	11	6.1. Criminal Law Reform Acts	39
2.2. Anti-Defection Law	12	6.1.1. Bharatiya Nyaya Sanhita 2023	39
2.3. Proportional Representation	12	6.1.2. Bharatiya Nagarik Suraksha Sanhita 2023	39
2.4. Parliamentary Committees	14	6.1.3. Bharatiya Sakshya Adhinyam 2023	40
2.5. Secretariat of the Parliament	15	6.2. Digital Personal Data Protection Act 2023	40
2.6. Other Important News	16	6.3. Public Examination (Prevention of Unfair Means) Rules, 2024	42
2.6.1. Cabinet Secretary	16	6.4. Telecommunications Act, 2023	42
2.6.2. President's Address to Parliament	16	6.4.1. Internet Shutdowns	43
2.6.3. Oath of Members of Parliament	17	6.5. Consumer Protection Act (CPA) 2019	44
3. ISSUES RELATED TO CONSTITUTION	18	6.6. Foreign Contribution (Regulation) Act	45
3.1. Citizenship	18	6.7. Post Office Act 2023	46
3.1.1. Citizenship (Amendment) Rules, 2024	18	7. IMPORTANT CONSTITUTIONAL/ STATUTORY/ EXECUTIVE BODIES IN NEWS	46
3.1.2. Overseas Citizen of India (OCI)	19	7.1. National Human Rights Commission (NHRC)	47
3.2. Reservation and Affirmative Actions	20	7.2. Central Bureau of Investigation (CBI)	48
3.2.1. Sub-Classification of Scheduled Castes	21	7.3. Lokpal	49
3.3. Uniform Civil Code (UCC)	22	7.4. Other important organisation in news	50
3.4. Places of Worship (Special Provisions) Act, 1991	23	7.4.1. National Commission for Backward Classes (NCBC)	50
3.5. Preventive Detention	23	7.4.2. National Commission for Scheduled castes (NCSC)	51
3.6. Personality Rights	24	7.4.3. Union Public Service Commission (UPSC)	51
3.7. Other Important News	25	7.4.4. State Finance Commission	52
3.7.1. Enemy Property	25	7.4.5. Central Vigilance commission	52
3.7.2. Right to be Forgotten (RTBF)	25	7.4.6. Law Commission	53
3.7.3. Inner Line Permit (ILP)	25	7.4.7. NITI Aayog	53
4. CENTRE-STATE RELATIONS	27	7.4.8. Universal Postal Union	54
4.1. Fiscal Federalism	27	8. IMPORTANT ASPECTS OF GOVERNANCE	55
4.2. Special Category Status	28	8.1. Right to Information (RTI) Act, 2005	55
4.3. Sixth Schedule	29	8.2. Aadhaar	56
4.4. Formation of New States	29		
5. JUDICIARY	31		


8.3. Centrally Sponsored Scheme (CSS) _____ 57
 8.4. Mission Karmayogi _____ 58
 8.5. Grievance Redressal Mechanism (GRM) _____ 59
 8.6. Jan Yojana Abhiyan _____ 60
 8.7. Auditing of Local Bodies _____ 60
 8.8. Cantonment Boards _____ 62


8.9. Constitutionalization of Environmental Issues _____ 62
 8.10. Diplomatic Passport _____ 63
 8.11. Other Important News _____ 64
 8.11.1. Common Service Centres (CSC) _____ 64
 8.11.2. World Press Freedom Index (WPFI) 2024 _____ 64
 8.11.3. Co-Districts Initiative _____ 65



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Note to Students

Dear Students,

PT 365 document comprehensively covers the important current affairs of the last 1 year (365 days) in a consolidated manner to aid Prelims preparation.

In our endeavour to further enhance the document in the interest of the aspirants, the following additions have been incorporated:



Focus on Key Areas: The document emphasizes key areas such as:

- » Elections
- » Important Supreme Court judgments
- » Acts passed by Parliament
- » Governance related Developments



News in short: This aims to cover relevant development in crisp manner which is helpful for prelims exam.



Simplified Language: The document uses simple and concise language to ensure clarity and easy comprehension, making it accessible to all aspirants.



Infographics: Relevant infographics have been provided in respective articles to make learning easy such as:

- » Constitutional and Legal Provisions
- » Judicial Pronouncements



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फाउंडेशन कोर्स सामान्य अध्ययन प्रारंभिक एवं मुख्य परीक्षा 2026

इनोवेटिव क्लासरूम प्रोग्राम

- प्रारंभिक परीक्षा, मुख्य परीक्षा और निबंध के लिए महत्वपूर्ण सभी टॉपिक का विस्तृत कवरेज
- मौलिक अवधारणाओं की समझ के विकास एवं विश्लेषणात्मक क्षमता निर्माण पर विशेष ध्यान
- एनीमेशन, पॉवर प्वाइंट, वीडियो जैसी तकनीकी सुविधाओं का प्रयोग
- अंतर - विषयक समझ विकसित करने का प्रयास
- योजनाबद्ध तैयारी हेतु करंट ओरिएंटेड अप्रोच
- नियमित क्लास टेस्ट एवं व्यक्तिगत मूल्यांकन
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- सीसेट टेस्ट सीरीज
- निबंध लेखन - शैली की कक्षाएं
- करंट अफेयर्स मैगजीन

नोट: ऑनलाइन छात्र हमारे पाठ्यक्रम की लाइव वीडियो कक्षाएं अपने घर पर ऑनलाइन प्लेटफॉर्म पर देख सकते हैं। छात्र लाइव चैट विकल्प के माध्यम से कक्षा के दौरान अपने संदेह और विषय संबंधी प्रश्न पूछ सकते हैं। वे अपने संदेह और प्रश्न नोट भी कर सकते हैं और दिल्ली केंद्र में हमारे कक्षा सलाहकार को बता सकते हैं और हम फोन/मेल के माध्यम से प्रश्नों का उत्तर देंगे।

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प्रवेश प्रारम्भ

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1. ELECTIONS

1.1. SIMULTANEOUS ELECTION

Why in the news?

Recently, **One Nation, One Election Bill** for simultaneous election also known as **Constitution (129th Amendment) Bill, 2024** has been introduced in Lok Sabha and will be reviewed by a Joint Parliamentary Committee.

Key provisions of Constitution (129th Amendment) Bill, 2024

- **Insertion of new article 82A:**
 - **Simultaneous Elections:** Election Commission will conduct general elections for Lok Sabha and all State Legislative Assemblies (SLA) simultaneously.
 - **Term of Legislative Assemblies:** Term of all SLA will end with full term of Lok Sabha.
- **Amendment to Article 83:** It defines **Unexpired Term, Mid-term and General Elections**.
 - It says when Lok Sabha is **dissolved before full term of 5 years as stated**, period between date of dissolution and expiry of full term shall be an unexpired term.
 - Pursuant to dissolution, **a mid-term election** shall take place and a new Lok Sabha shall be **constituted only for unexpired term**.
- **Amendment of Article 172:** It defines unexpired term and Full term for SLA.
- **Amendment of Article 327:** Power of Parliament to make provision with respect to elections to Legislatures

About Simultaneous Elections

- One Nation, One Election, popularly known as simultaneous Election **mean general elections held for constituting the House of the People and all the Legislative Assemblies together**.
 - Simultaneous Election **does not mean that voting across the country** for all elections **needs to happen on a single day**.
- In India, Simultaneous Election to Lok Sabha and Vidhan Sabhas were held in years 1951-52, 1957, 1962 and 1967.
 - This cycle was **disrupted** due to **premature dissolution** of State Assemblies in 1968-69 and of Lok Sabha in 1970.

Bodies that recommended Simultaneous Elections



170th Report of Law Commission of India, 1999



National Commission to Review the Working of the Constitution, 2002



Parliamentary Standing Committee Report, 2015



Working Paper of NITI Aayog, 2017

1.2. STATE ELECTION COMMISSION (SEC)

Why in the news?

Recently, CAG in its Karnataka report, observed that **disempowerment of SECs delays elections to local governments**.

About State Election Commission (SEC)

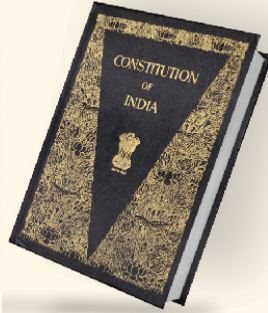
- **Autonomous constitutional authority** responsible for **administering elections to Local Self Government**, which includes Panchayati Raj Institutions (PRIs) and Urban Local Bodies.

- **73rd and 74th Amendment Act, 1992** provides for constitution of SEC.
 - It was also recommended by **Gadgil Committee**.

Constitutional Provisions related to State Election Commission

Article 243 K (1) and Article 243 ZA

Superintendence, direction and control of preparation of electoral rolls and conduct of all **elections to Panchayats and Municipalities** respectively shall be vested in SEC.



Article 243K (2)

Conditions of service and tenure of office of **State Election Commissioner** shall be determined by Governor.

» He shall not be removed from office except in manner **and on grounds prescribed for removal of a judge of state high court.**

» He can be **removed only by President.**

Functions of State Election Commission

- **Delimiting constituencies for local body elections** to ensure fair representation
- Oversees preparation and revision of **electoral rolls for local body elections**
- **Reservation of seats** for SCs, STs, and OBC in **local body elections**
- **Authority to decide disputes related to local body elections**, including matters of disqualification of candidate
- **Provide advice to Governor** on matters related to conduct of local body elections

1.3. DELIMITATION COMMISSION

Why in the news?

Supreme court in **Kishorchandra Chhanganlal Rathod case (2024)** held that **constitutional courts have the power to review orders of the Delimitation Commission** if an order is manifestly arbitrary.

About Delimitation Commission

- **Delimitation** is the process of **fixing the number of seats and boundaries of territorial constituencies** in each State for Lok Sabha and Legislative assemblies.
- Responsibility of delimitation is assigned to a **high-power body known as Delimitation Commission** (Boundary Commission).
 - **Under Article 82**, Delimitation is done by such authority and in such manner as Parliament may by law determine.
 - In India, such Delimitation Commissions have been constituted 4 times – in **1952, 1963, 1973 and 2002.**
 - It is a **Statutory Body**.
- **Delimitation Commission's decisions are considered final** and are unchallengeable in any court.
- The copies of its orders are laid before Lok Sabha and State Legislative Assembly concerned, but **no modifications are permissible therein by them.**

Composition of Delimitation Commission



Person who is or has been a Judge of Supreme Court (Chairperson)



Chief Election Commissioner or an Election Commissioner nominated by Chief Election Commissioner



State Election Commissioner of concerned State

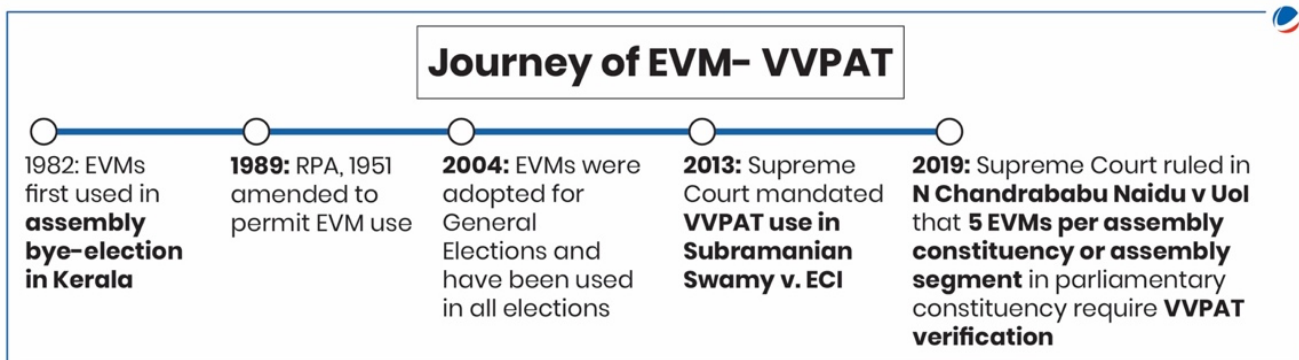
1.4. EVM-VVPAT

Why in the News?

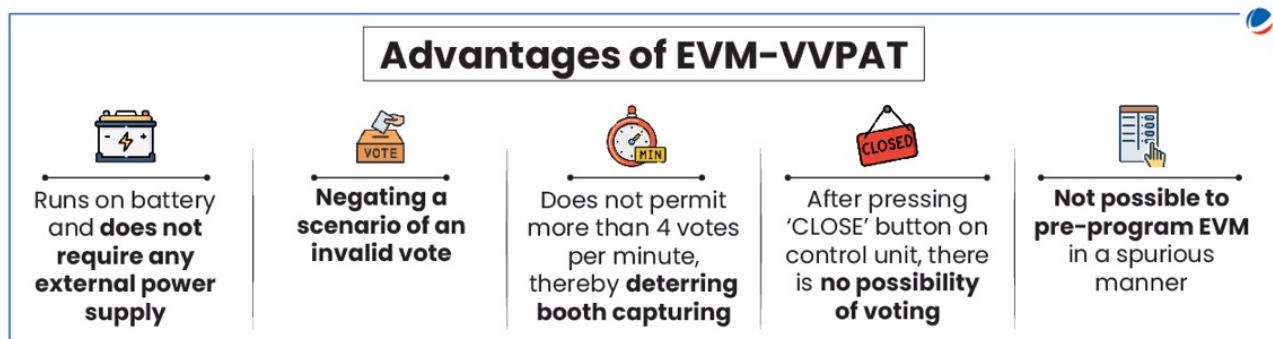
In **Association for Democratic Reforms vs ECI and Another** (2024), Supreme court dismissed requests for full cross-verification of EVMs data with Voter Verifiable Paper Audit Trail (VVPAT) records.

About EVM-VVPAT

- **EVM** is a **portable microcontroller-based instrument** designed to modernize Election process.
 - It is manufactured and supplied to ECI by **Bharat Electronics Limited** (under Ministry of Defense) and **Electronic Corporation of India Limited** (under Department of Atomic Energy).
 - **Goa was first state to use VVPATs with all EVMs** during 2017 Legislative Assembly Election.
 - **VVPATs were fully deployed in 2019** Lok Sabha General Elections.



- **Consists of 3-units**
 - **Ballot unit:** Functions like a keyboard with 16 buttons/key.
 - **Control unit:** Also called as master unit, remains with polling/presiding officer.
 - **VVPAT:** Allows voters to **verify that their votes are cast as intended**.
 - > It was introduced to have **fullest transparency in voting system** and to restore the confidence of voters by ensuring the accuracy of voting system using EVMs.



1.5. MODEL CODE OF CONDUCT (MCC)

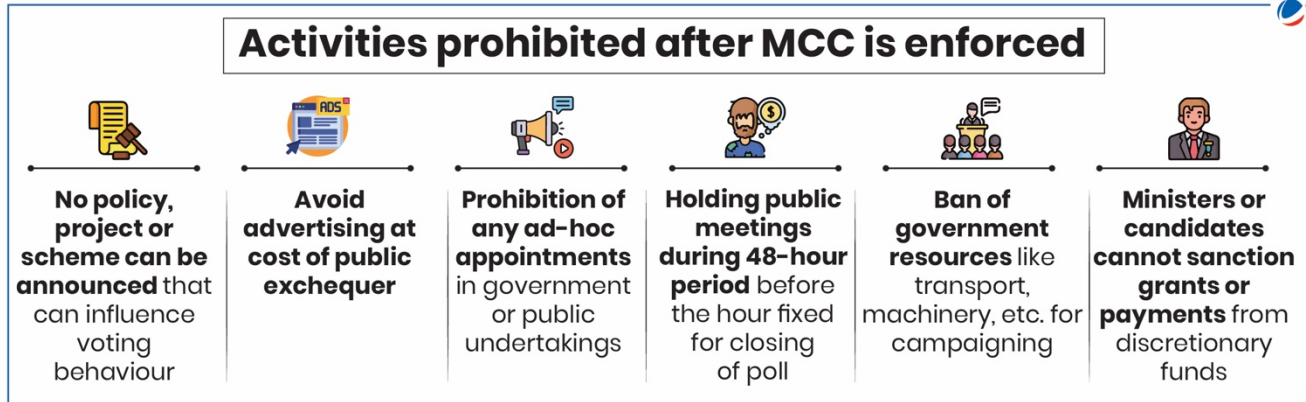
Why in the news?

In response to violations of MCC during Lok Sabha elections, ECI has recently issued directives to political parties and their representatives to utilise social media platforms ethically.

Model Code of Conduct (MCC)

- **Genesis:** In 1960, MCC was **first** introduced in **state assembly elections in Kerala**.
- **Nature:** **Set of guidelines** laid down by ECI in consensus with political parties to **govern conduct of political parties and candidates** to ensure **free and fair elections**.

- The Election Commission derives its authority from Article 324 which provides power of **superintendence, direction and control of elections to parliament, state legislatures**, President and Vice-president Office.
- Although **constitution doesn't explicitly mentioned about the MCC**.
- **Scope of applicability:** Applies to **all political parties**, their candidates and polling agents, **government** in power, and all **government employees**.



- **Duration of applicability:** MCC is operational **since election schedule is announced till results are announced** (this period has been upheld by Punjab & Haryana High Court in **Harbans Singh Jalal v. Union of India & Others** in 1997).
- **Consequences of violation:** Since MCC has **no statutory backing**, violations **cannot be prosecuted** under Code.
 - However, **certain provisions are enforceable** through corresponding provisions in statutes like BNS, RPA, 1951 etc. For instance,
 - > Publishing **false statements** about a candidate's **character, conduct, etc. is a corrupt practice under Section 123(4) of RPA 1951**.
 - > **Impersonation of voters is an electoral offence** under Section 172 of Bhartiya Nyaya Sanhita

1.6. LOK SABHA ELECTIONS

Why in the news?

Recently, 2024 Lok Sabha Elections were held.

About Lok Sabha Elections

- **System of Election: Territorial representation** for election of members to Lok Sabha. Under this, **every member of legislature represents a geographical area** known as **constituency**.
 - From each constituency, **only one representative is elected**. Hence such a constituency is known as **single-member constituency**.
 - In this system, a **candidate who secures majority of votes is declared elected**.
- **Duration of Lok Sabha:** Normal term is **five years from date of its first meeting after general elections**, after which it automatically dissolves.
 - However, **President** is authorised to **dissolve Lok Sabha** at any time even **before completion of five years** and this **cannot be challenged in a court of law**.
 - It can be **extended during national emergency period** by law of Parliament for one year at a time for any length of time. However, this extension **cannot continue beyond a period of six months after emergency** has ceased to operate.
- **Constitutional Provisions: Articles 324 to 329**, which are enshrined in **Part XV**, deal with provisions related to **elections**.

1.6.1. ARTICLE 329(B)

Recently, Election Commission of India invoked **Article 329(b)** of Constitution before Supreme Court to limit judicial intervention in the electoral process.

- **As per 329(b)**, no election to Parliament or a State Legislature shall be questioned except through an election petition filed as prescribed by law made by the appropriate Legislature.
- Supreme Court in **N. P. Ponnuswami vs Returning Officer, Namakkal Constituency & Ors. (1952)** states that once ECI officially notifies the election process, court cannot intervene or interfere.
- **Also, under RPA (1951), Section 80** states that, validity of any election cannot be challenged or questioned except by filing an **election petition**.
 - Election petitions are filed in **concerned state's High Court**, which has **original jurisdiction** over them.
 - **Appeals** lie with **Supreme Court of India**.
 - An election petition can be filed by **any candidate, or an elector** relating to the election personally.
 - > **Elector means** a person who was entitled to vote at the election to which the election petition relates.

1.6.2. NOMINATION IN ELECTION

Recently, a candidate was **elected unopposed to Lok Sabha** as the nomination papers of the opposite candidate was rejected by the returning officer.

- **Nominations in election**
 - **Section 33 of RPA, 1951** contains the **requirements for a valid nomination**.
 - For filing of nomination in a constituency
 - > **Candidate from recognised political party** should have **one proposer**
 - > **Candidates from independent and unrecognised parties** should be subscribed by **ten proposers**.
 - > The proposers should be electors from that respective constituency.
- **Section 33 of RPA, 1951** also deals with nominations for election of candidates and presentation of valid information.
 - Recently, Supreme Court held that **election candidates have right to privacy** as regards to matters which are of no concern to voters or are irrelevant to candidature of public life.
- **Section 36 of RPA 1951** provides for scrutiny of nomination and empowers returning officer to reject nominations on grounds of any **defect of 'substantial character'**.

1.6.3. RE-POLLING

ECI conducted re-polling for Lok Sabha General Elections in various polling stations of Manipur and Arunachal Pradesh.

Provisions related to Re-polling under RPA, 1951

- **Circumstances under which re-polling is needed**
 - On account of natural calamity, violence, etc.
 - Due to damage or destruction of voting machines.
 - Countermanding of election on account of Booth capturing.
 - On account of death of candidate of recognised political party (National party/State party).

1.6.4. SILENCE PERIOD

Silence Period was observed in the states where Lok Sabha elections were held.

About Silence Period

- It is a **ban on political campaigning** before voting.
- It **begins 48 hours before the voting day** and ends after polling ends.

- Some prohibitions under **RPA 1951** during this period (however Act does not use the term silence period):
 - Section 126 (1) prohibits **displaying any election matter** using **television or similar apparatus**, or propagation of election matters through any **entertainment** (like musical concert).
 - **Section 126A prohibits conducting Exit polls** and displaying their result (using print or electronic media).
 - **Section 126(1)(b) prohibits** displaying results of any **Opinion Poll** (in any electronic media).

1.6.5. ONE CANDIDATE, MULTIPLE CONSTITUENCIES (OCMC)

Constitution has empowered **Parliament to regulate the manner of conducting elections**. Therefore, ‘**contesting from multiple constituencies**’ has been dealt with in **RPA 1951**.

- Under Act, there was **no limit on number of constituencies a candidate could contest** — until 1996.

Provisions related to OCMC under RPA, 1951

- **Sub-section 33 (7) of RPA, 1951:** It allows a **candidate to contest from two seats**.
 - It was **introduced through amendment in 1996** prior to which there was no bar on number of constituencies from which a candidate could contest.
- **Section 70 of RPA, 1951:** It stipulates that a **candidate can hold only one seat at a time**, regardless of whether he/she has been elected from more than one seat.
 - Thus, if a candidate wins from two seats, a **byelection is necessary from the seat** he/she vacates.

1.6.6. HOME VOTING

ECI for the first time provided facilities of home voting in 2024 election. The step is in line with **Election Commission (EC) motto ‘No voter is left behind’**

Home Voting Facility

- Under this, **voting from home takes place** through **postal ballot** with involvement of a full contingent of polling staff and security personnel with **secrecy of voting** diligently maintained.
- **Beneficiaries:**
 - **PwDs** meeting **40% benchmark disability**.
 - Senior citizens aged **above 85 years**.
- **Other Steps by EC to make voting inclusive:**
 - Ease of voting by **abolishing Form-M** for kashmiri migrants residing at Jammu and Udhampur.
 - **SVEEP** (Systematic Voter’s Education and Electoral Participation) to engage PwDs and also sensitise their friends, families, polling officials, etc.
 - Proposed **Multi-Constituency Remote Electronic Voting Machine (RVM)**: It would enable migrant voters to exercise their vote from their current place of residence.
 - **Postal ballot:** It allows **votes being sent by post**. following Persons are entitled to vote by post:
 - > **special voters**; **service voters**; voters on **election duty** and, electors subjected to **preventive detention**.
 - **Proxy voting:** It allows registered elector to **delegate his voting rights to a representative** he nominates. Available for **service voters**.

Service Voters include



Members of **armed forces**



Member of **police force** of a State, who is serving outside that state



Person who is employed under Government of India, in a **post outside India**



Member of a **force to which Army Act, 1950** is applicable

1.6.7. FORM 17 C

Election Commission told Supreme Court the rules do not permit sharing Form 17C data with any entity apart from polling officials.

- **Form 17 C**
 - It is associated with the directions under Conduct of Election Rules, 1961.
 - Its 1st part provides information related to the number of:
 - > eligible voters assigned to the booth, electors in the register of voters,
 - > voters who decided not to exercise their franchise,
 - > voters not allowed to vote
 - Its 2nd part contains information like the name of the candidate and the total votes they received.

1.6.8. BRAILLE SIGNAGE

Election Department of Puducherry will provide Braille signage in English and Tamil in Electronic Voting Machines (EVMs) in all 967 polling stations.

- It will enable visually impaired or blind voters to participate independently and confidentially in the electoral process.
- However, if elector desires, he/she will still be allowed to bring a companion as provided in Rule 49N of Conduct of Elections Rules, 1961.



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2. FUNCTIONING OF PARLIAMENT, STATE LEGISLATURE/LOCAL GOVERNMENT

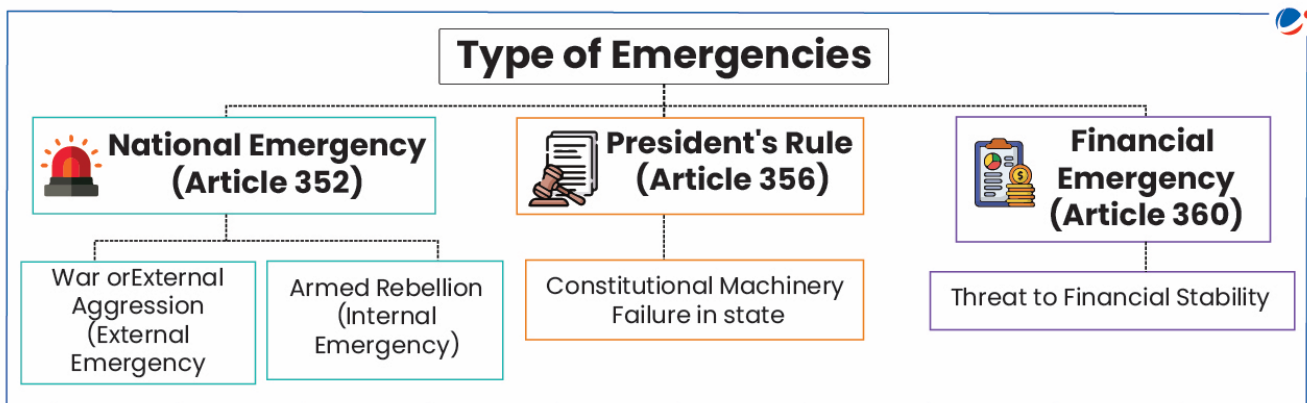
2.1. INTERNAL EMERGENCY

Why in the news?

The year 2024 marks the beginning of the 50th year since the imposition of internal Emergency on June 25, 1975.

About Emergency

- Suspension of fundamental rights during emergency was incorporated from **Weimar Constitution of Germany**.
- Emergency Provisions are outlined in **Article 352 to Article 360** under **Part XVIII of Constitution**.
- Rationale behind incorporation of these provisions: **To safeguard sovereignty, unity, integrity and security of country**, democratic political system, and Constitution.



Procedure of Proclamation of Emergency

- **Approval:**
 - Proclamation must be approved by **both Houses of Parliament** within **one month** of its issuance.
 - If approved, Emergency remains in force for **6 months** and can be extended indefinitely with **parliamentary approval every six months** (as per the **44th Amendment Act, 1978**).
 - A resolution to approve or continue Emergency must be passed by a **special majority** in each House (majority of total membership and at least two-thirds of members present and voting).
 - **Special Circumstance:** If Lok Sabha is dissolved during Emergency period without approving its continuation, proclamation survives up to **30 days** from first sitting of newly constituted Lok Sabha, provided the **Rajya Sabha** has approved its continuation in the meantime.
- **Revocation:**
 - **President** can revoke the proclamation anytime through a subsequent declaration. This does not require parliamentary approval.
 - If **Lok Sabha** passes a resolution to disapprove continuation of Emergency, it must be done by a **simple majority**.

Changes brought after Internal Emergency through 44th Amendment Act, 1978

- **Written approval:** Emergency can be proclaimed **only on basis of written advice** by Cabinet to President.
- **Fundamental Rights:** Restricted scope of Article 359 i.e. Right to protection in respect of conviction for offences (Article 20) and right to life and personal liberty (Article 21) **remain enforceable during emergency**.
- **Term of Lok Sabha:** Back to **5 years** from 6 years by amending Articles 83 and 172.

- **Removal of Article 275A:** It gave the power to Government of India to deploy any armed force of Union or any other force to deal with any grave situation of law and order in any State.
- **Judicial review:** All doubts and disputes arising out of or in connection with **election of a President or Vice-President** shall be inquired into and **decided by Supreme Court**.

2.2. ANTI-DEFECTION LAW

Why in the news?

Supreme Court dismissed a writ petition challenging constitutionality of 10th Schedule.

About Anti-defection Law (ADL)

- ADL provides for **disqualification of MLAs** who, after being elected on ticket of a political party, “voluntarily give up their party membership”.
 - It was included under **10th schedule via 52nd Amendment Act, 1985**.
 - Any question regarding disqualification arising out of defection is to be decided by **presiding officer of the House**.
- **Disqualification happens if:**
 - **A member:**
 - ✓ **voluntarily gives up his party membership**, or
 - ✓ **votes/abstain** to vote in the House **contrary to the direction issued by his political party** and such act has **not been condoned** by the party **within 15 days**.
 - **An independent member** becomes disqualified if s/he **joins any political party** after such an election.
 - **A nominated member** becomes disqualified if s/he **joins any political party after the expiry of 6 months** from the date on which he takes a seat.
- **Exception:** Law **allows a political party to merge** with or into another party provided **that 2/3rd of its legislators is in favour**.
 - If a person is elected as speaker of Lok Sabha and chairman of Rajya Sabha, then he could resign from his party and rejoin the party once he/she demits the posts.
- Presently, Law does not provide a **time limit** within which **Speaker/ Presiding officers have to decide on anti-defection case**.

Judicial Pronouncements in context of Tenth Schedule

Kihoto Hollohan vs Zachillhu, 1992: SC held that Speaker's decision under anti-defection law is **subject to Judicial review**.



Keisham Meghachandra Singh, 2020: SC ruled that disqualification petitions under Tenth Schedule should normally be decided **within a period of three months** from the date of their filing.

2.3. PROPORTIONAL REPRESENTATION

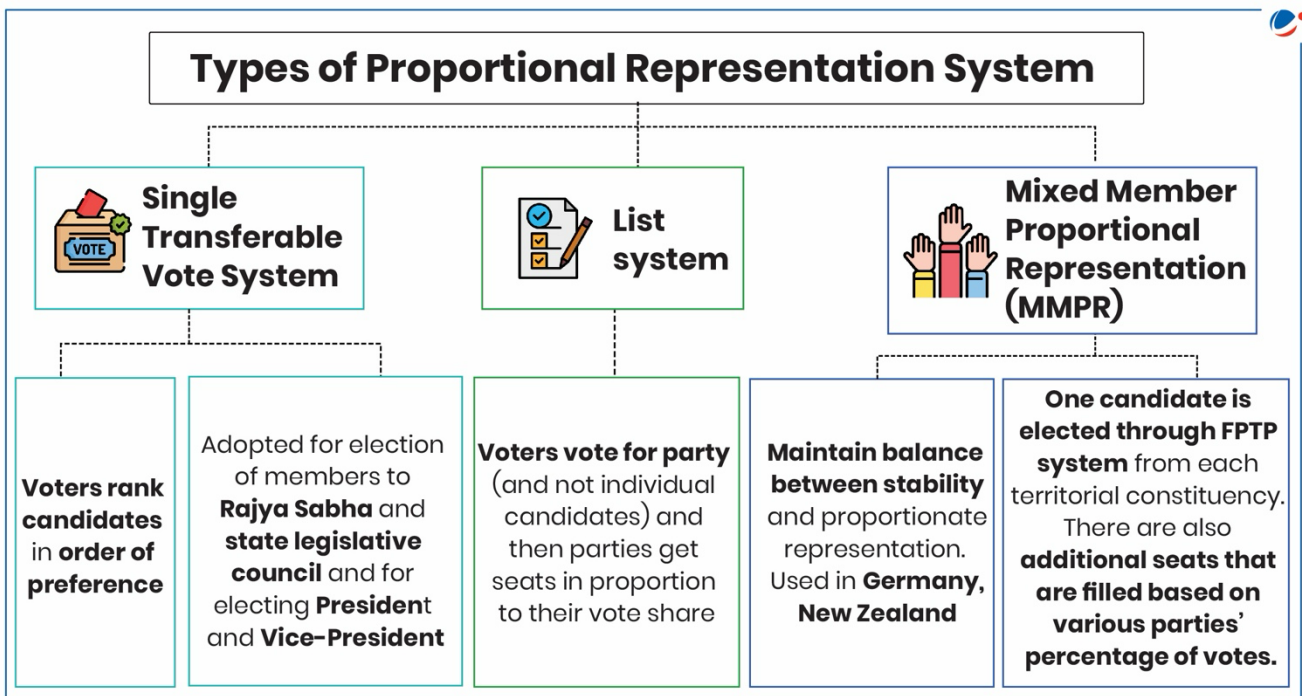
Why in the news?

Recently, experts in India have called to consider Proportional Representation (PR) for Lok Sabha and State Assembly elections instead First-Past-The-Post (FPTP) electoral system.

Difference between First Past-The-Post (FPTP) and Proportional Representation

Parameters	First-Past-The-Post (Simple majority system)	Proportional Representation
Geographical unit	<ul style="list-style-type: none"> Country is divided into small geographical units called constituencies or districts. 	<ul style="list-style-type: none"> Large geographical areas are demarcated as constituencies; entire country may be a single constituency.
Representation	<ul style="list-style-type: none"> Every constituency elects one representative. 	<ul style="list-style-type: none"> More than one representative may be elected from one constituency
Voting Process	<ul style="list-style-type: none"> Voter votes for a candidate. 	<ul style="list-style-type: none"> Voter votes for party
Seat Distribution	<ul style="list-style-type: none"> A party may get more seats than votes in legislature. Winning candidate may not secure majority (50%+1) of votes. 	<ul style="list-style-type: none"> Every party gets seats in the legislature in proportion to the percentage of votes it receives.
Examples	<ul style="list-style-type: none"> U.S., U.K., Canada, India (Lok Sabha and State Legislative Assemblies). 	<ul style="list-style-type: none"> Israel, Netherlands.
Benefits	<ul style="list-style-type: none"> Simple to understand for common voters. Facilitates formation of a stable government. Encourages voters from different social groups to come together to win an election in a locality. 	<ul style="list-style-type: none"> Ensures representation of all parties based on their vote share. Fairer treatment of minority parties and independent candidates. Fewer votes are wasted as more people's preferences are taken into account.
Concerns	<ul style="list-style-type: none"> Over or under-representation of political parties compared to their vote share. Does not ensure due representation for minorities (small groups). 	<ul style="list-style-type: none"> Can lead to fragmented legislatures with multiple small parties. May result in coalition governments which can be less stable in parliamentary democracy.

PT 365 - Polity & Governance



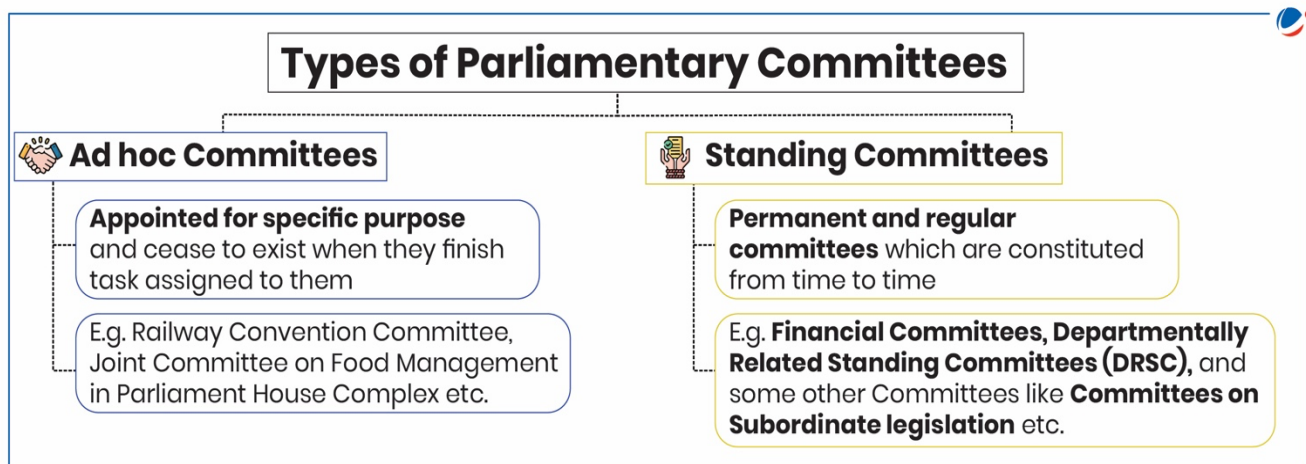
2.4. PARLIAMENTARY COMMITTEES

Why in the news?

Recently, the Lok Sabha moved motions to form the Public Accounts Committee and Estimates Committee.

About Parliamentary Committee (PCs)

- It means a committee which is **appointed or elected by the House or nominated by Speaker** and which works under the direction of Speaker.
- It **presents its report to House or Speaker and Secretariat** for which is provided by Lok Sabha Secretariat.
- PCs have their **origins in the British Parliament.**
 - They draw their **authority from Article 105** (deals with privileges of MPs), and **Article 118** (gives Parliament authority to make rules to regulate its procedure and conduct of business).



PT 365 - Polity & Governance

Details of Committees Recently in the News	
Public Accounts Committee	<ul style="list-style-type: none"> • First set up in 1921 in the wake of the Montague-Chelmsford Reforms. • Consists of not more than 22 members (15 members from Lok Sabha and 7 from Rajya Sabha). • Function: Auditing revenue and expenditure of the Government of India.
Estimate committee	<ul style="list-style-type: none"> • Constituted for first time in 1950 and consists of 30 members from Lok Sabha. • Functions: Suggest alternative policies to bring about efficiency in administration; to examine whether the money is well laid out within limits of policy implied in estimates, etc.
Parliamentary Committee on Official Languages (PCOL)	<p>Union Home and Cooperation Minister is unanimously re-elected as the Chairperson of PCOL.</p> <ul style="list-style-type: none"> • Constitution: In 1976 under Section 4 of Official Languages Act, 1963. <ul style="list-style-type: none"> ○ Act envisaged adoption of Hindi for official purposes providing for constitution of committee 10 years after commencement of Act. • Membership: 30 (20 Lok Sabha and 10 Rajya Sabha) elected according to system of proportional representation through single transferable vote. • Functions: Review progress made in use of Hindi for official purposes of Union and submits recommendations to President.
Committee of Privileges of Rajya Sabha	<p>Privileges Committee of Rajya Sabha (RS) held 12 opposition MPs, guilty of misconduct for disrupting House proceedings.</p> <p>About Committee of Privileges of RS</p> <ul style="list-style-type: none"> • Responsible for investigating and addressing breaches of parliamentary privileges. <ul style="list-style-type: none"> ○ Parliamentary privileges are special rights and immunities granted to both Houses of Parliament and their members to perform their functions efficiently. • It consists of 10 members nominated by RS Chairman.

	<ul style="list-style-type: none"> ○ In case of Lok Sabha, Privileges Committee consists of 15 members nominated by Speaker. ● Chairman of Committee shall be appointed by RS Chairman from amongst the members of Committee.
Cabinet Committees	<p>Union government constituted eight Cabinet committees.</p> <p>About Cabinet committees</p> <ul style="list-style-type: none"> ● They are extra-constitutional in nature and not mentioned in Constitution. However, Government of India (Transaction of Business) Rules, 1961 provide for their establishment. ● The cabinet makes use of committee system to facilitate decision-making in specific areas. ● Political Affairs Committee, Economic Affairs Committee, Appointments Committee are chaired by Prime Minister and Parliamentary Affairs Committee by Home Minister. ● They usually include only Cabinet Ministers. However, non-cabinet Ministers are not debarred from their membership.

2.5. SECRETARIAT OF THE PARLIAMENT

Why in the News?

As the Parliament completes 75 years, Parliament secretariat has been the custodian of procedure, precedent and legislative knowledge of the two Houses.

Constitutional Provisions

- **Article 98:** Each House of Parliament shall have a **separate secretarial staff**.
 - **Parliament may by law** regulate recruitment, and conditions of service of persons appointed, to the secretarial staff of either House.
 - ✓ However, so far, no such law has been passed.
 - It also allows creation of **posts common to both** Houses of Parliament.
- **Article 187** makes similar provisions for Secretariat of State Legislatures.
- **'Council of States Secretariat' and 'Parliament Secretariat' (for House of People) were set up when both houses** came into existence in **1952**.
 - Their names **were changed in 1954** to **Rajya Sabha Secretariat** and **Lok Sabha Secretariat** respectively.
- Secretariat of both houses has been **divided into 10 services on a functional basis like Legislative, Executive, Administrative, verbatim reporting services, etc.**
- Speaker and Chairman can create new posts in respective secretariat. However, for posts in Class I or Class II, prior consultation with the Union Ministry of Finance is mandatory.
- **Secretary-Generals of both houses hold ranks equivalent to that of the Cabinet Secretary**.
 - However, in **table of precedence**, Cabinet Secretary is placed at the 11th position, whereas Secretary, Lok Sabha/ Rajya Sabha are placed at 23rd position.

Functions of Secretariat



Secretarial assistance for effective functioning of Parliament houses



Servicing various Parliamentary Committees



Prepare research and reference material and bring out various publications



Payment of salary and other allowances



Secretary- Generals **aid and advise presiding officers**



Prepare and **publish record of day-to-day proceedings** of Houses

Structure of the Secretariats

Lok Sabha Secretariat

- **Speaker (Lok Sabha):** Vested with ultimate guidance and control over the secretariat.
- **Administrative Head:** Secretary General.
- **Recruitment and Conditions of Service:** Governed by the **Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955** promulgated by President in consultation with Speaker.

Rajya Sabha Secretariat

- **Chairman (Rajya Sabha):** Vested with administrative control over the secretariat.
- **Administrative Head:** Secretary General.
- **Recruitment and Conditions of Service:** Governed by **Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1957** promulgated by President in consultation with Chairman (similar to Lok Sabha).

2.6. OTHER IMPORTANT NEWS

2.6.1. CABINET SECRETARY

Appointments Committee of the Cabinet (ACC) approved the appointment of new Cabinet Secretary with a 2-year tenure starting from Aug 30, 2024.

About Cabinet Secretary (CS)

- Appointed by the **ACC** on **seniority-cum-merit basis**.
- Responsible for administration of **Government of India (Allocation of Business) Rules, 1961** and **Government of India (Transaction of Business) Rules, 1961**.
- **Functions:** Ensures **inter-ministerial coordination**, irons out differences among ministries and departments, etc.
- CS is also the **ex-officio Chairman of Civil Services Board (CSB)**.
- **CS has no authority over working departments**, as CS is regarded as **primus inter pares among secretaries** of Union Government.

2.6.2. PRESIDENT'S ADDRESS TO PARLIAMENT

President addressed the joint sitting of Parliament after the formation of the 18th Lok Sabha.

About President's Address

- **Article 86:** Allows President to address either House of Parliament or both Houses together.
 - **President has not so far addressed under this provision.**
- **Article 87:** Provides **two instances** when **President specially addresses both Houses of Parliament assembled together**.
 - At beginning of **first Session after each general election**.
 - At beginning of **first session of each year**.

- Originally, Article 87(1) required President to address both Houses of Parliament at commencement of every session.
 - Constitution (First Amendment) Act, 1951, amended this provision.

2.6.3. OATH OF MEMBERS OF PARLIAMENT

Newly elected Members of Parliament (MP) of the 18th Lok Sabha took oath.

Constitutional Provisions

- Article 99 deals with oaths of office of MPs, to be subscribed before President or some person appointed by him.
 - The forms of oath are provided in the Third Schedule.
- Article 104: Provides a penalty for a member if he/she sits in the House without the oath.
 - Exception to this rule: An individual can become a minister without being elected to Parliament. And he/she can take part in proceedings of house (without having power to vote).
- Oaths can be subscribed in English or any of the 22 Scheduled languages



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Performance and Progress Analysis

3. ISSUES RELATED TO CONSTITUTION

3.1. CITIZENSHIP

Why in the news?

Recently, Constitution bench of Supreme Court upheld validity of Section 6A of Citizenship Act, 1955.

About Citizenship Act 1955

- It prescribes **five ways of acquiring citizenship** i.e. birth, descent, registration, naturalisation and Incorporation of territory.
- It **does not provide for dual citizenship**.
 - Dual citizenship is provided by countries like **US, UK, Pakistan etc.**
- **Section 6A of Citizenship Act, 1955** is a **special provision added through Citizenship Amendment Act, 1985** in furtherance of a Memorandum of Settlement called '**Assam Accord**' between then central government and leaders of Assam Movement.
 - It conferred **citizenship to those who migrated from East Pakistan (now Bangladesh)** to Assam from **January 1, 1966, until 24 March 1971** upon completion of ten years from date of detection as a foreigner.
- **Citizenship Amendment Act (CAA) 2019 amends Citizenship Act, 1955.**

Related news

Foreign Tribunal

- Supreme Court overturned the decision of Assam Foreigners' Tribunal and declared a resident of State as Indian citizen.
- **Foreigners Tribunals are Quasi-judicial bodies** established under Foreigners (Tribunals) Order, 1964 by Central Government, according to Section 3 of Foreigners Act, 1946.
 - **Authority:** Only Foreigners Tribunals have power to declare a person as a foreigner. Thus, being **excluded from National Register of Citizens** in Assam **does not automatically classify** a person as a foreigner.
 - **Power:** Powers of a **civil court** under Code of Civil Procedure, **1908**.

3.1.1. CITIZENSHIP (AMENDMENT) RULES, 2024

Why in the news?

Ministry of Home Affairs has amended **Citizenship Rules, 2009** and notified Citizenship (Amendment) Rules, 2024 to enforce Citizenship Amendment Act (CAA), 2019.

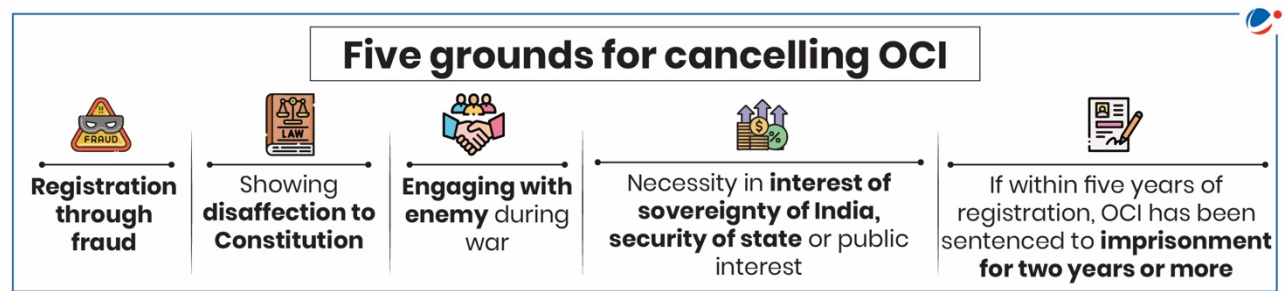
Key highlights of Citizenship (Amendment) Rules, 2024

Eligibility	<ul style="list-style-type: none"> • To apply for citizenship by registration/naturalization one must be: <ul style="list-style-type: none"> ○ Person of Indian origin ○ Married to an Indian citizen ○ A minor child of an Indian citizen ○ A person whose parents are registered as an Indian citizen ○ Person or either of his parents was a citizen of Independent India ○ Registered as an Overseas Citizen of India Cardholder
Other Qualifications for citizenship by naturalization	<ul style="list-style-type: none"> • Present an affidavit verifying correctness of statements made in application and an affidavit by an Indian citizen to testify the character of applicant. • Adequate knowledge of one of languages listed in 8th Schedule.

Proof of nationality	<ul style="list-style-type: none"> Applicants now can provide 20 different documents as proof of entry into India, including visas, residential permits, census slips, Aadhaar cards etc.
Renouncing citizenship of another country	<ul style="list-style-type: none"> Declaration saying citizenship of his country shall stand renounced irrevocably if application for Indian citizenship is approved.
Authority to which application may be made	<ul style="list-style-type: none"> Under Section 6B of Citizenship Act, 1955, application shall be submitted in electronic form to Empowered Committee through District Level Committee as notified by Central Government.

About Citizenship Amendment Act (CAA), 2019

- Four conditions:** Illegal migrants who fulfil four conditions will not be treated as illegal migrants under Act. These are:
 - they are **Hindus, Sikhs, Buddhists, Jains, Parsis or Christians**.
 - they are from **Afghanistan, Bangladesh or Pakistan** they entered India on or before **December 31, 2014**
 - they are **not in certain tribal areas** of Assam, Meghalaya, Mizoram, or Tripura included in **Sixth Schedule** to Constitution, or
 - areas under **“Inner Line” permit**, i.e., Arunachal Pradesh, Mizoram, and Nagaland.
- Central Government exempted the said migrants: From adverse penal consequences** of Passport (Entry into India) Act, 1920 and Foreigners Act, 1946 and rules or orders made thereunder.
- Naturalisation Period: Reduced from 11 years to 5 years** for above category of migrants.
- Overseas Citizen of India (OCI):** Act provides that **central government may cancel OCI registration** on five grounds.



3.1.2. OVERSEAS CITIZEN OF INDIA (OCI)

Why in the News?

Ministry of External Affairs has dispelled concerns regarding **OCI** cardholders being **reclassified as foreigners**, confirming that the existing OCI rules remain unchanged.

About OCI Cardholders

- OCI Scheme** was introduced by amending **Citizenship Act, 1955 in 2005**.
- Foreign military personnel** either in service or retired are **not entitled for grant of OCI**.
- Person of Indian Origin and OCI cardholders** have been **merged** under one category OCI in **2015**.

Eligibility for OCI Cardholders (Any foreign national (except national of Pakistan or Bangladesh))



who **was a citizen of India** at the time of, or at **any time after 26th January, 1950**



who was **eligible** to become a **citizen of India on 26th January, 1950**



who belonged to a **territory** that became **part of India after 15th August, 1947**



who is a **child** or a **grandchild** or a **great grandchild** of such citizen



who is a **minor child** of such persons mentioned above



who is a **minor child** and whose both **parents are citizens of India** or **one of the parents** is a citizen of India



Foreign-origin spouse of Indian citizen or OCI cardholder, whose marriage registered for atleast two years before presentation of application

Benefits of OCI Cardholders

- **Multiple-entry** multi-purpose life-long visa to visit India.
- **Equality with NRIs in certain financial, economic and educational matters.**
 - **Exception:** Acquisition of agricultural or plantation land and in matters pertaining to inter-country adoption of Indian children.
- **Eligible for grant of Indian citizenship** under Section 5(1)(g) of Citizenship Act, 1955 **after completion of 5 years as OCI cardholder.**
 - **Condition:** He has **resided in India for one year out of 5 years** before making application.
- **Eligible to enroll in National Pension Scheme** at par with Non-Resident Indians.

Restrictions related to OCI cardholders

- OCI **does not confer political rights to vote.**
- **Not eligible to hold Indian constitutional posts:** President (**Article 58**); Vice-President (**Article 66**); Judge of Supreme Court (**Article 124**) and High Court (**Article 217**).
- Not eligible for being a member of Lok Sabha/Rajya Sabha/ Legislative Assembly/Legislative Council.
- **With regard to equality of opportunity** in matters of public employment (**Article 16**).
 - **Not eligible for public service positions in Union or State affairs, except** for specific posts designated by the Central Government through special orders.
- **Special approval** is required for research, mountaineering, missionary activities, journalism and to visit Restricted / Protected Areas.

3.2. RESERVATION AND AFFIRMATIVE ACTIONS

Why in the news?

Recently, growing number of US States have been imposing restrictions or ban on diversity programmes on University Campuses.

Affirmative actions

- They are positive steps taken to increase representation of certain historically oppressed group(s) in the society in areas of education, employment, etc.

Comparison of Affirmative Action in India and US

Specifications	India	USA
Constitutional Origin	Constitution explicitly provides for affirmative action.	Not enshrined in the constitution but equal Protection Clause of 14th Amendment has been interpreted to permit affirmative action.
Purpose	To remedy historical discrimination against groups such as untouchables.	To fight discrimination against minority groups and women.
Targeted Groups	Socially and Educationally Backward Classes (SEBCs) and Economically Weaker Sections.	African Americans, Hispanics, Asian Americans, etc.
System	Based on the Quota System.	Based on Diversity, Equity, and Inclusion (DEI) programs
Provisions	<p>Articles 15 (4), 16 (4), etc., enables state to provide for reservation.</p> <ul style="list-style-type: none"> • Article 15 (4): Enables State to make special provisions for advancement of SEBCs of citizens or for SCs and STs. • Article 16 (4): Enables State to make any provision for reservation of appointments or posts in favour of any backward class of citizens not adequately represented in services under State. 	Began through an executive order in 1961. Later, Civil Rights Act, 1964 enacted to give it a legal backing.
Upper ceiling	Upper ceiling of 50% set by the SC in Indra Sawhney judgment.	No upper legal limit.

3.2.1. SUB-CLASSIFICATION OF SCHEDULED CASTES
Why in the News?

Recently, Supreme Court in **State of Punjab & Others v Davinder Singh & Others case**, held that **sub-classification of Scheduled Castes is permissible** to grant separate quotas for more backwards within the SC categories.

Key highlights of Judgment

- **Scheduled Castes notified under Article 341(1) are heterogeneous groups** of castes, races or tribes with **varying degrees of backwardness**.
 - **Article 341(1):** President to specify castes, races, or tribes as SCs for any state or union territory.
- **Sub-classification within SCs does not violate Article 341(2)** because castes are not per se included in or excluded from List.
 - **Article 341(2):** Parliament may by law include or exclude any caste, race, or tribe from list of SCs by passing a law.
- **Scope of sub-classification of SCs:**
 - Objective of any form of affirmative action including sub-classification is to provide **substantive equality of opportunity** for backward classes.
 - ✓ **Substantive equality** refers to principle that law must account for different backgrounds and historical injustices faced by persons or groups.
 - **State can sub-classify based on inadequate representation** of certain castes. However, State must establish that inadequacy of representation of a caste/group is because of its backwardness.

- **State must collect data on inadequacy of representation** in “services of the State”.
- State cannot act on its whims or political expediency and its **decision is amenable to judicial review**.
- Court clarified that while allowing sub-classification, **the State cannot earmark 100% reservation for a sub-class**
- Court noted that sub-classification was permitted for Socially and Educationally Backward Classes (SEBCs) under Article 342A (introduced in 2018), which empowers the President to prepare a list of SEBCs.

Judicial Pronouncements in context of Reservation

Indra Sawhney vs. Uoi, 1992 : SC emphasised that Government must **exclude 'creamy layer within OBC'** category from benefits of reservations.

E.V. Chinniah vs. State of Andhra Pradesh, 2004 : Sub-classification of SCs amounted to tinkering with Presidential List, and therefore, violative of Article 341(2) which exclusively vests power in Parliament.

Jarnail Singh vs. Lachhmi Narain Gupta 2018 : Application of 'creamy layer concept' to Articles 341 and 342 does not tinker with Presidential List.

3.3. UNIFORM CIVIL CODE (UCC)

Why in the News?

Recently, Chief Minister of Uttarakhand announced that the Uniform Civil Code (UCC) will be implemented in state from January 2025.

Background of UCC

 Pre- Independence Period	 Post-Independence Period
<ul style="list-style-type: none"> ● Lex Loci Report: Uniformity in codifying Indian law related to offences, evidence and contracts. Muslims and Hindus personal laws should not codified. ● B N Rau Committee: Codified Hindu Law which would give equal rights to women. 	<ul style="list-style-type: none"> ● Special Marriage Act 1954: Provision for civil marriage for people of India and all Indian nationals in foreign countries. ● Four major enactments of Hindu Law: Hindu Marriage Act 1955; Hindu Succession Act 1956; Hindu Minority and Guardianship Act 1956; Hindu Adoption and Maintenance Act 1956.

About Uniform Civil Code (UCC)

- It refers to a **unitary system of personal laws applicable to all** irrespective of religion.
 - Matters under scope of personal laws include **marriage, divorce, maintenance, inheritance, adoption, and succession** of property.
 - **Article 44 under Part IV** directs that State shall endeavour to secure citizen a UCC throughout territory of India.
- **Current Status**
 - Currently, Indian personal law is complex, with **each religion adhering to its specific laws**
 - ✓ For instance, **Hindu Succession Act 1956** governs Hindus, Sikhs, Jains and Buddhists; **Muslim Personal Law** governs Muslims; and **Indian Succession Act 1925** applies to Christians, Parsis, and Jews.
 - In Goa, a form of common civil code is in practice under Portuguese Civil Code of 1867.

3.4. PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991

Why in the news?

Recently, Supreme Court barred civil courts nationwide from registering new suits challenging the ownership of places of worship or ordering surveys of disputed religious sites until further notice.

About Places of Worship (Special Provisions) Act, 1991

- Act declares that **religious character of a place of worship** shall continue to **be the same as it was on August 15, 1947**.
- It says **no person shall convert** any place of worship of any religious denomination into one of a different denomination or section.
- It also imposes a **positive obligation** on State to **maintain religious character of every place of worship** as it existed at the time of Independence.
- It declares that **all suits, appeals or any other proceedings** regarding converting the character of a place of worship, which are pending before any court or authority on August 15, 1947, will abate as soon as the law comes into force.
- **Exemptions provided:**
 - Disputed site at **Ayodhya is exempted** from the Act.
 - Act also does not apply to monuments and sites covered by **Ancient Monuments and Archaeological Sites and Remains Act, 1958**.
 - any dispute that has been finally settled or disposed of.
 - any conversion of any such place effected before such commencement by acquiescence.
- **Penalty: Section 6 of Act** prescribes a punishment of a **maximum of three years imprisonment along with a fine** for contravening the provisions of the Act.

3.5. PREVENTIVE DETENTION

Why in the news?

In **Jaseela Shaji vs Union of India case (2024)**, Supreme Court highlighted the rights of detenu (detained person) to make an effective representation against preventive detention.

Preventive Detention

- It means detention of a person **without trial and conviction by a court, on a mere reasonable apprehension of him doing an activity dangerous to public order**.
- **Parliament and State Legislatures** can make laws on preventive detention under Article 22.
- Constitution gives **protection against arrest and detention under Article 22 (1) and 22 (2)**.
 - These protections are **not available to a person** arrested or detained **under preventive detention laws (Article 22(3))**.

Constitutional Provisions related to Preventive Detention

Article 22 (1)

Right to be informed of arrest grounds

Article 22(4)

Detention **beyond 3 months** requires **advisory board approval**
» These Boards are set up by states and normally **consist of retired judges and bureaucrats**.



Article 22 (2)

Presentation before magistrate within 24 hours and detention beyond requires magistrate's approval

Article 22 (5)

Early notification of grounds for detention and opportunity to contest detention order

- If there is **failure or even delay in furnishing documents** relied on for such detention, it would amount to **denial of right to make an effective representation** under **Article 22(5)**.

- **Laws that permit Preventive Detention:** National Security Act, 1980; UAPA, 1967; Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA), 1974; Prevention of Black marketing and Maintenance of Supplies of Essential Commodities Act (PBMSECA), 1980 etc.
- **Grounds for Preventive Detention:** Security of State; Foreign affairs or Security of India; Maintenance of Public Order; Maintenance of supplies and essential services and defence.

Judicial Pronouncements in context of Preventive Detention

AK Gopalan Vs State of Madras, 1950: Court gave a green flag to Preventive Detention Act, 1950 because of presence of explicit provisions of Article 22(5).



ShibbanLal v. State of Uttar Pradesh, 1954: SC stated that a courtroom isn't even competent to enquire into reality or in any case of the facts which are referenced as grounds of detainment.

3.6. PERSONALITY RIGHTS

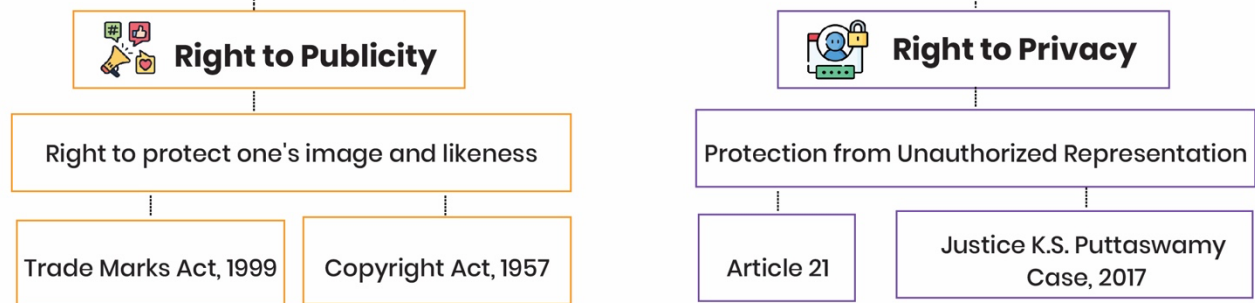
Why in the news?

Delhi High Court, in an interim order, restrained various entities – e-commerce stores, AI chatbots, etc. – from **misusing actor's name, image, voice, and likeness without his consent.**

Personality Rights

- It refers to the right of a person to protect his/her personality including **name, voice, signature, images, or any other feature easily identified as markers of personality.**
- They are **not expressly mentioned in any statute in India** but are traced to fall under **right to privacy** and **right to property.**

2 Components of Personality Rights



Posthumous Personality Rights

- **Defamation suit can be filed under Indian Penal Code** for derogatory representation of any deceased person's reputation or their family.
- **Emblems and Names (Prevention of Improper Use) Act, 1950** protects unauthorized use of few dignitaries' names and symbols listed in its schedule.

Personality rights under international convention

- There is **no explicit international convention or treaty** on protection of the publicity rights to date.
- However, certain publicity rights can be derived from the following international conventions:
 - **Rome Convention (1961):** It protects performers' rights, phonogram producers' rights and broadcasting rights.

- **TRIPS Agreement (1994):** It secures certain rights of phonogram producers, live performers and broadcast rights.
- **WIPO Performances and Phonograms Treaty (WPPT):** It protects rights of performers and phonogram producers, particularly in digital environment.

Judicial Pronouncements in context of Personality Rights

Arun Jaitley vs Network Solutions Private Limited and Ors case, 2011 (Delhi HC): Popularity or fame of an individual will be no different on the internet than in reality.



Deepa Jayakumar vs A.L. Vijay, 2019 (Madras HC): Personality, publicity, and privacy rights of an individual cannot be inherited by a person's legal heir after his/her death.

3.7. OTHER IMPORTANT NEWS

3.7.1. ENEMY PROPERTY

An enemy property in Uttar Pradesh belonging to ancestors of Pakistan's former President Pervez Musharraf is directed for sale.

About Enemy Property

- **Enemy Property Act, 1968** defined an 'enemy' as a country (and its citizens) that committed external aggression against India (i.e., **Pakistan and China**).
- 'Enemy property' is a property that belonged to or was managed on behalf of an enemy.
- **2017 amendment to the act expanded the definition of enemy** to include:
 - legal heir or successor of enemy whether or not citizen of India or the citizen of a country which is not an enemy.
 - enemy who has changed his nationality.
- 1968 Act **empowers Custodian of Enemy Property of India (under Ministry of Home affairs)** for preservation, management, control and selling of enemy properties.

3.7.2. RIGHT TO BE FORGOTTEN (RTBF)

Supreme Court will examine the issue of the 'right to be forgotten' concerning digital privacy.

About Right to be Forgotten

- It is also known as '**right to erasure**' and deals with individual rights to have **control of the use of personal data by organisations**.
- RTBF traces its origin to '**right to oblivion**' in **French jurisprudence**.
- However, **RTBF is not an absolute right**.
- In **Justice K.S. Puttaswamy case (2017)**, SC recognised RTBF as part of **right to life under Article 21**.
- **Digital Personal Data Protection Act, 2023 does not mention** the 'right to be forgotten'.
- Europe's **GDPR law covers the right to be forgotten**.

3.7.3. INNER LINE PERMIT (ILP)

State government of Nagaland has approved the implementation of ILP in **Chumoukedima, Niuland, and Dimapur districts**.

About ILP

- It's an **official travel document** issued by government that **allows Indian citizens to travel into protected areas for a limited period.**
- ILP system aims to **regulate movement near India's international borders.**
- ILP is officially used to **protect tribal cultures in north-eastern India.**
- **Genesis:** Bengal Eastern Frontier Regulations of 1873.
- **There are different types of ILPs:** One for tourists and others for long-term stays (often for employment purposes).
- **States under ILP:** Arunachal Pradesh, Mizoram, Nagaland and Manipur.
- **Not eligible for ILP:** NRIs (Indian who are staying abroad for more than 6 months), PIO Card holders, and OCI holders. They will have to **apply for a regular Protected/ Restricted Area Permit.**

Protected Area Permit (PAP)/Restricted Area Permit (RAP)

- Under Foreigners (Protected Areas) Order, 1958, all **areas falling between 'Inner line' and International Border of State have been declared as a Protected Area.**
- Currently, **Protected Areas are located in following States:**
 - Whole of Arunachal Pradesh
 - Parts of Himachal Pradesh, Jammu & Kashmir, Rajasthan, Uttarakhand
 - Whole of Sikkim (partly in Protected Area and partly in Restricted Area)
- Under **Foreigners (Restricted Areas) Order, 1963**, areas declared as **'Restricted' Areas** include **Andaman & Nicobar Islands** - Entire Union Territory; **Sikkim - Part of the State.**
- A **foreigner is not normally allowed to visit a Protected / Restricted Area unless** it is established to the satisfaction of Government that there are extraordinary reasons to justify such a visit.
- **Every foreigner, except a citizen of Bhutan**, who desires to enter and stay in a Protected or Restricted Area, is required to **obtain a special permit from a competent authority.**



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4. CENTRE-STATE RELATIONS

4.1. FISCAL FEDERALISM

Why in the news?

Recently, some states have moved the Supreme Court against the Centre for disputes over sharing of financial resources by the Central Government.

Fiscal Federalism

- It refers to how **federal, state, and local governments share funding and administrative responsibilities within India's federal system.**

Constitutional Provisions defining India's Fiscal Federalism Arrangement

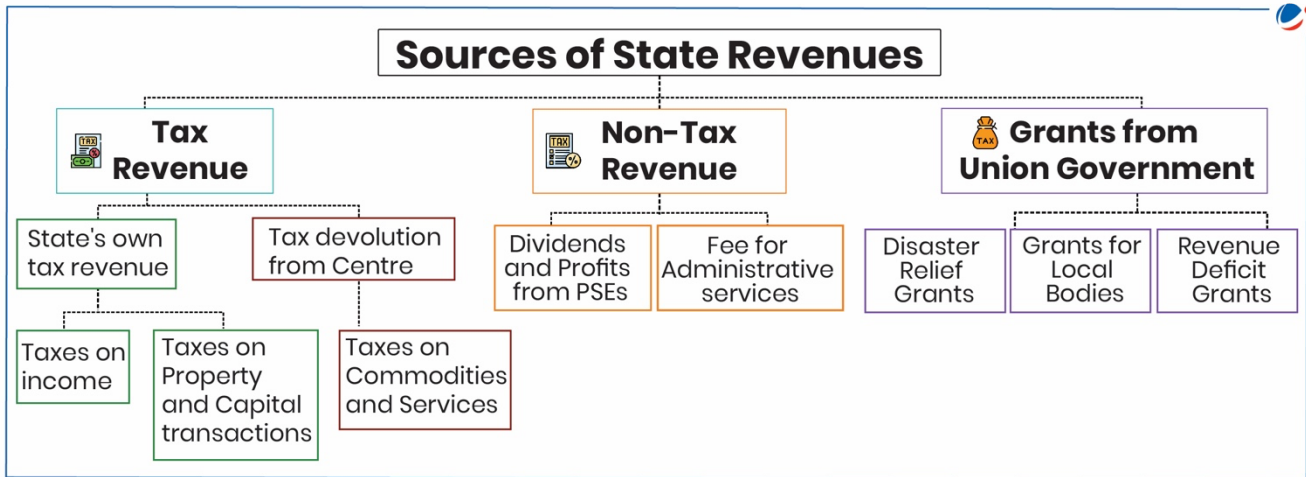
- **Seventh Schedule:** Constitution delineates tax bases between Union and States (**Article 246**).
- **Distribution of Revenue:** A classification of tax revenues between union and states is as follows:
 - **Taxes levied and collected by centre but wholly assigned to states** (Article 269).
 - Levy and Collection of GST in course of **Inter-State Trade or Commerce (Article 269-A)**, which is distributed between Centre and States on **recommendations of GST council.**
 - Taxes levied and collected by union (corporation tax, personal income tax, central GST, etc.) and distributed between union and states (**Article 270**) on **recommendation of Finance Commission.**

Basis of Devolution

- **Vertical Devolution: Share of states** from divisible pool which presently **stands at 41%** based on the recommendations of the 15th FC.
- **Horizontal Devolution:** It refers to distribution **among the states** from the share allocated to states based on various criteria.
 - As per 15th FC, the assigned criteria with their weights are: **Income Distance (45%), Area (15%), Population, 2011 (15%), Demographic performance (12.5), Forest and Ecology (10%), and Tax and fiscal efforts (2.5%).**
- **Grants-in-Aid:** Centre provides grants-in-aid to states as per **Article 275**.
- **Borrowings:** As per **Article 292**, union government has powers to borrow money either **within or outside country** while under **Article 293**, a **state government can borrow within India (and not abroad)**.
 - Also, if a state is indebted to Union, it may not resort to further borrowing without prior consent of Union Government.
- **Finance Commission (FC): Article 280** provides for a FC to **adjudicate sharing of resources** between Union and States.

Status of State Finances

- States' finance **only 58% of their revenue expenditure from their revenue sources.**
- **Debt-GDP ratio** of states **stands at 27.5 % (March 2023).**



4.2. SPECIAL CATEGORY STATUS

Why in the news?

Special Category Status (SCS) was demanded by Bihar and Andhra Pradesh.

About Special Category Status

- SCS is a **classification given by Centre** to assist in development of those **states that face geographical and socio-economic disadvantages**.
- It was **first introduced in 1969** on **recommendations of Fifth Finance Commission (FC)**.
- In 1969, **Jammu & Kashmir (J&K), Assam and Nagaland** were granted SCS.
 - Later, Sikkim, Tripura etc. were given SCS.
- SCS States used to **receive grants based on Gadgil-Mukherjee formula**.
- **Constitution does not include any provision for categorisation** of any State in India as SCS state.
 - However, a wide range of **special provisions are available** to as many states that have been listed **under Articles 371, 371-A to 371-H, and 371-J**.
- On the **recommendations of 14th FC, SCS cease to exist** and thus no SCS has been granted to any State.
 - 'Current special funding pattern to Northeastern and Himalayan States, etc. is on account of recommendations of Sub-Group of Chief Ministers and not as per their SCS'.



Special Packages
 Recently, Chief Ministers of Bihar and Andhra Pradesh had demanded special financial packages for their respective States.

- Special Packages refers to **support provided to states facing geographical and socio-economic challenges**, offering them additional financial assistance and other benefits.
- **Special packages are purely discretionary**. They may be need-based, but the need is not the proximate reason for granting a special package.

- It is an **additional grant under Article 282, which falls under ‘Miscellaneous Financial Provisions’**.
- **Article 282 (Discretionary Grants)** empowers Centre and states to make any grants for any public purpose, even if it is not within their respective legislative competence.

4.3. SIXTH SCHEDULE

Why in the news?

There is an increased demand for **inclusion of Ladakh in the Sixth Schedule** of Indian Constitution.

Sixth schedule

- Sixth Schedule, under **Article 244(2)** resulted from **Bardoloi Committee’s recommendations**.
- It empowers Governor to create **Autonomous District Councils (ADCs) & Autonomous Regional Councils (ARCs)** in sixth schedule area states.
 - **ADCs:** Consist of not more than **30 members** (4 nominated by Governor & 26 elected).
 - > At present, there are **10 such ADCs** in four states.
 - **ARCs:** Covers a specific tribe within a region of autonomous district.
- ADCs and ARCs have power to **make laws** on subjects like forest management, agriculture, inheritance, marriage, social customs etc.
 - They also have the **power to collect** land revenue, impose taxes, regulate trading, collect royalties from mineral extraction etc.

Difference between Fifth and Sixth Schedule

Parameter	Fifth schedule	Sixth Schedule
Applicability	Certain Scheduled Areas declared by President in any state of India. (Currently in 10 states)	Tribal areas in Assam, Meghalaya, Tripura, and Mizoram.
Administration Body	Tribes Advisory Councils (TAC)	ADCs & ARCs
Powers	TAC being the creation of Legislative Assembly of the States has limited powers which are mostly executive.	Extensive powers, including executive, legislative and judicial powers, all derived from the Constitution.
PESA Act 1996	Applicable	Not applicable

4.4. FORMATION OF NEW STATES

Why in the news?

Recently, June 2 marks the **ten years of formation of Telangana State**.

Procedure for Formation of New States

- **Article 3:** Provisions for **formation of new States** and **alteration of areas, boundaries or names of existing States**. As per this,
 - **Power: Parliament** may by **law** form a **new State by** separating territory from any State, uniting two or more States, uniting parts of States and uniting any territory to a part of any State.
 - **Presidential Recommendation:** Such Bill shall be introduced in **either House of Parliament** only on **President’s recommendation**.
 - **Consultation with State Legislatures:** Before recommending a Bill, which affects area, boundaries or name of any of States, **President shall refer this Bill to Legislature of that State to express its view within a specified time**.
- Parliament can create a new state through **ordinary legislation** (i.e. with simple majority).
- **Formation of Districts: State government** has power to create new districts or alter or abolish existing ones in states. Changes can be made by **passing an executive order or a law in state assembly**.

Judicial Pronouncement related to Reorganisation of State

Berubari Union case, 1960: SC held that power of Parliament to diminish the area of State (under Article 3) **does not cover cession of Indian Territory to a foreign country.**



- Indian Territory can be ceded to a foreign state only by **amending Constitution under Article 368.**
- Consequently, **9th Constitutional Amendment Act (CAA), 1960** was enacted to transfer certain territory to Pakistan.

State Reorganization Commission/Committees

- **S.K. Dhar Commission, 1948:** Recommended re-organization on basis of **administrative convenience** rather than linguistic factor.
- **JVP Committee** (named after its members Jawaharlal Nehru, Vallabhbhai Patel, and Pattabhi Sitaramayya), **1948: Rejected language** as basis for reorganization of states.
- **Fazl Ali Commission, 1953:** Identified **4 factors** for state reorganization i.e.
 - Preservation and strengthening of unity and security of country.
 - Linguistic and cultural homogeneity.
 - Financial, economic and administrative considerations.
 - Planning and promotion of welfare of people and nation as a whole.
- **Fazal Ali Commission** recommended for formation of **14 states and 6 UTs**. Parliament implemented its recommendations through **Constitution (7th Amendment) Act, 1956.**

**Start**

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Reinforced Learning Through Regular Practice and Tutorials



Development of Confidence to Tackle the Exam



5. JUDICIARY

5.1. ALTERNATIVE DISPUTE RESOLUTION

Why in the news?

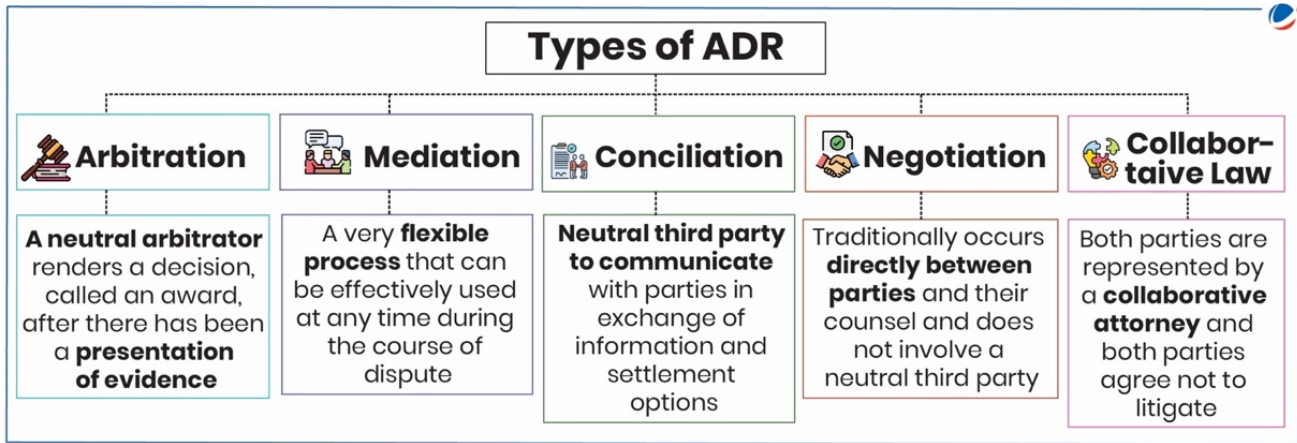
Recently, Supreme Court has launched **Online Mediation Training Web-Portal**.

More on news

- It is **developed** collaboratively by **NALSA** and **Mediation and Conciliation Project Committee (MCPC)**.
 - MCPC was **constituted by Supreme Court of India in 2005** to oversee effective implementation of Mediation and Conciliation in country.
- It provides **comprehensive training in mediation to legal professionals** across the country and **promotes alternative dispute resolution** mechanisms.

About Alternative Dispute Resolution (ADR)

- ADR is a process in which **disputes** are **addressed and settled outside of courtroom**.
- It offers to resolve all type of matters including **civil, commercial, industrial** etc. and uses **neutral third party to communicate**, and resolve dispute.



Existing Frameworks on Arbitration

Domestic	<ul style="list-style-type: none"> Arbitration and Conciliation Act, 1996 as per UNCITRAL Model Law, applicable to all kinds of arbitrations including commercial disputes. <ul style="list-style-type: none"> Act has been amended in years 2015, 2019, and 2021. Arbitration and Conciliation (Amendment) Act, 2021 allows for an unconditional stay of enforcement of arbitral awards in cases where arbitration agreement, contracts, or award itself were obtained through fraud or corruption. This amendment was effective retrospectively from October 23, 2015. New Delhi International Arbitration Centre Act, 2019, for facilitating institutional arbitration. Indian Council of Arbitration, a society registered under Societies Registration Act, 1860.
Global	<ul style="list-style-type: none"> International Court of Arbitration, established in 1923 by International Chamber of Commerce. Permanent Court of Arbitration (PCA), established by Convention for Pacific Settlement of International Disputes, in 1899 at Hague (India is a party). UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements.

PT 365 - Polity & Governance

5.1.1. MEDIATION ACT 2023

Why in the news?

President of India granted assent to passed Mediation Act 2023 seeking to promote mediation as a preferred mode of ADR in India.

Key Highlights of Mediation Act 2023

Specifications	Detail
Defines Mediation	<ul style="list-style-type: none"> It includes expression mediation, pre-litigation mediation, online mediation, and community mediation. <ul style="list-style-type: none"> Parties attempt to reach an amicable settlement of their dispute with assistance of a third person referred to as a mediator.
Voluntary Pre-litigation Mediation	<ul style="list-style-type: none"> Parties can attempt to settle civil or commercial disputes by mediation before approaching any court or certain tribunals.
Disputes not fit for mediation	<ul style="list-style-type: none"> List includes: <ul style="list-style-type: none"> relating to claims against minors or persons of unsound mind, involving criminal prosecution, affecting the rights of third parties.
Territorial Jurisdiction	<ul style="list-style-type: none"> Mediation to take place within territorial jurisdiction of court or tribunal of competent jurisdiction, unless parties agree otherwise or undertake mediation in online mode.
Timeline for conducting Mediation	<ul style="list-style-type: none"> Must be completed within 120 days, which may be extended by another 60 days with consent of parties. <ul style="list-style-type: none"> A party may withdraw from mediation after two sessions. Court-annexed mediation must be conducted as per the rules framed by Supreme Court or High Courts.
Establishment of Mediation Council of India (MCI)	<ul style="list-style-type: none"> Consists of 1 chairperson, 2 full-time members (with experience in mediation or ADR), 1 part-time member (including Law Secretary, and Expenditure Secretary) and 3 ex officio members.
Defines Mediation Service Providers	<ul style="list-style-type: none"> As a body or organization recognized by MCI for conducting mediation. <ul style="list-style-type: none"> Mediation can be done by Authority, constituted under Legal Services Authorities Act, 1987 also.
Enforceability	<ul style="list-style-type: none"> Agreements resulting from mediation will be binding and enforceable in same manner as court judgments. <ul style="list-style-type: none"> Verdict can be challenged before a competent court within 90 days. Mediated settlement can be challenged on grounds of fraud, corruption, impersonation, and disputes not fit for mediation only.

5.1.2. LOK ADALAT

Why in the news?

Supreme Court organized Special Lok Adalat on 75th year of its establishment for dispute settlement

About Lok Adalat (People’s Court)

- Lok Adalats is one of the **Alternative Dispute Redressal Mechanisms**
- Establishment:** Accorded **statutory status** under **Legal Services Authorities Act, 1987.**
 - In 2002, Act was amended to **establish permanent Lok Adalats** for public utility services, which are **guided by principles of natural justice.**
- Powers:** They are not bound by **Code of Civil Procedure (CPC), 1908** and **Bhartiya sakhya Adhiniyam 2023.**
 - It has **same powers as a civil court** under **CPC, 1908.**
 - Decision made by Lok Adalats is **final** and **binding** and **no appeal** can be made against its decision.

- **Cases referred to Lok Adalat includes**
 - Any case pending before any court,
 - **Any dispute which has not been brought before any court** and is likely to be filed before court.
- **Nature of Cases undertaken:** Includes **matrimonial disputes, property disputes, motor accident claims, land acquisition etc.**
- **First Lok Adalat:** Held in 1982 at **Junagarh, Gujarat.**

5.2. FREE LEGAL AID

Why in the news?

Supreme Court issued **directions** for **Legal Services Authorities (LSAs)** to ensure access to free legal aid for prison inmates.

About Free Legal Aid in India

- It refers to the provision of **free legal services** to individuals who are **unable to afford legal representation or access to the justice system.**
- Legal aid can include legal advice, representation in court proceedings, mediation, negotiation, and alternative dispute resolution mechanisms.

Constitutional Provisions related to legal aid



Article 21: No person shall be deprived of his life or personal liberty except according to procedure established by law.

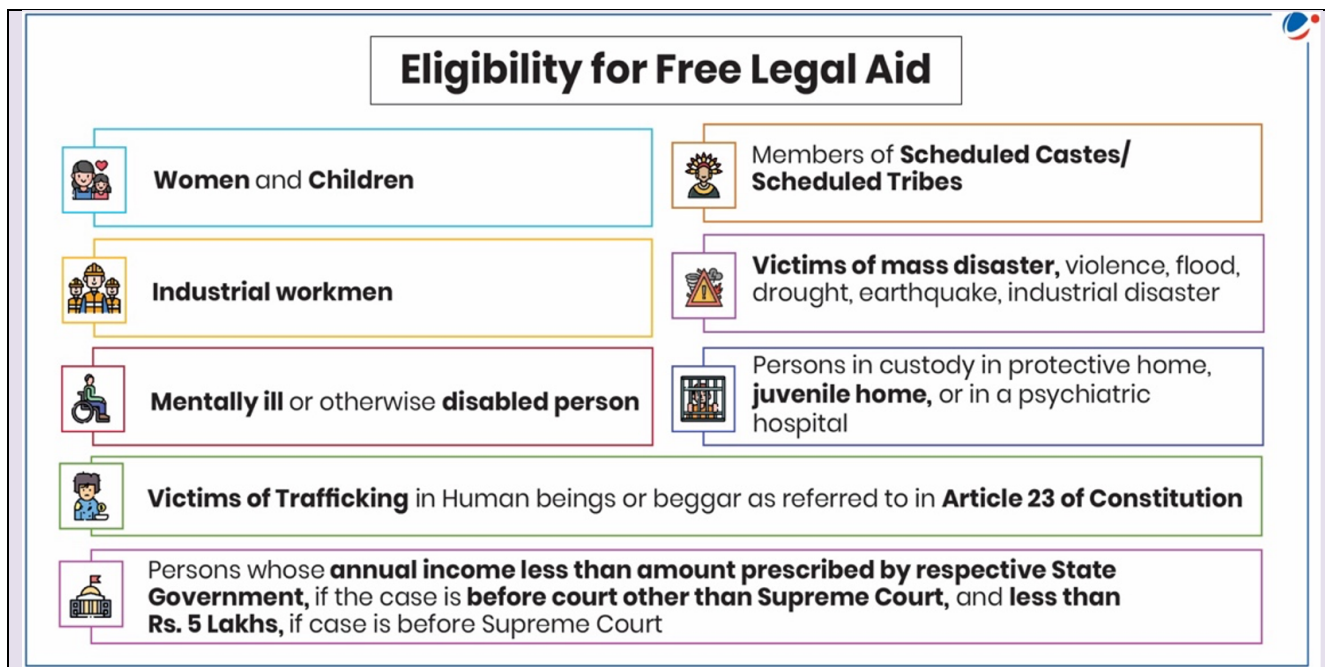


Article 39-A: Ensure justice are not denied to any citizen because of economic or other disabilities (42nd Constitutional Amendment, 1976).

- **Statutory provisions for legal aid**
 - **Legal Services Authorities Act, 1987 (came into force in 1995):** To constitute **LSAs** to provide free and competent legal services to weaker sections of society.
 - > **National Legal Services Authority (NALSA), State Legal Services Authority (SLSAs) and District Legal Services Authority (DLSAs)** were accordingly constituted.
 - **Section 341 of Bhartiya Nagarik Suraksha Sanhita, 2023:** Legal aid to accused at State expense in certain cases where accused lacks the means for legal engagement.
- **Government Steps taken for legal aid:** Designing Innovative Solutions for Holistic Access to Justice in India (DISHA) scheme; Tele-Law; Nyaya Mitra programme; Lok Adalat etc.

National Legal Services Authority (NALSA)

- It is a **statutory** body constituted under **LSA Act, 1987** to provide **free and competent legal services to weaker sections of the society.**
- **Functions:**
 - **Formulate policies, principles, guidelines** and frame effective schemes for **SLSAs** to implement Legal Services Programmes throughout country.
 - **Monitor and evaluate implementation** of legal aid programmes.
 - Organize **Lok Adalats** for amicable settlement of disputes.



5.3. TRIBUNAL SYSTEM IN INDIA

Why in the news?

Allahabad High Court held that **appeal against an order of Central Administrative Tribunal (CAT)** while exercising **contempt jurisdiction** under Administrative Tribunals (AT) Act 1985 lies before SC only, not the High Courts (HCs).

About Tribunal System in India

- **Nature: Quasi-judicial bodies.**
- **Objective:** To reduce caseload of the judiciary and bring in subject expertise for technical matters.
- **Constitutional Recognition:** Article 323A and Article 323B. **CAT** was established under **Article 323A.**
 - **CAT Jurisdiction:** Adjudication of disputes and complaints wrt recruitment and conditions of service of persons appointed to public services and posts in connection with affairs of Union or other authorities under control of Government.
 - In 2010, Supreme Court clarified that **subject matters under Article 323B are not exclusive**, and **legislatures are empowered to create tribunals on any subject matter** under their purview as specified in Seventh Schedule.
- **Jurisdiction:** Each tribunal is given **specific jurisdiction to hear and decide cases** within its designated area of expertise.
 - **Some tribunals have appellate jurisdiction**, meaning they hear appeals from decisions made by lower authorities or government bodies.
- **Appeals:** Appeals from tribunals **usually lie with concerned High Court**. However, some laws specify that appeals will be heard by **Supreme Court**.

Differences between Tribunals and Courts

Feature	Tribunals	Courts
Establishment	By acts of Parliament. <ul style="list-style-type: none"> • Inserted via 42nd CAA, 1976 by adding 323A (Administrative Tribunal both at centre and state level) and 323B (For other matters like taxation, land reforms, etc.). • Recommended by Swaran singh committee 	By Constitution of India only.

Purpose	To resolve disputes and complaints on specific matters.	To interpret and maintain law and order in their jurisdiction and give decisions on civil and criminal cases.
Procedural Compliance	Not bound by specific procedures but governed by Principles of Natural Justice.	Bound by procedural codes.
Members	A mix of judicial and experts with special knowledge.	Judicial only
Powers	Limited to laws under which they are set.	Power to use all enacted laws before making a decision.

5.4. BAIL

Why in the news?

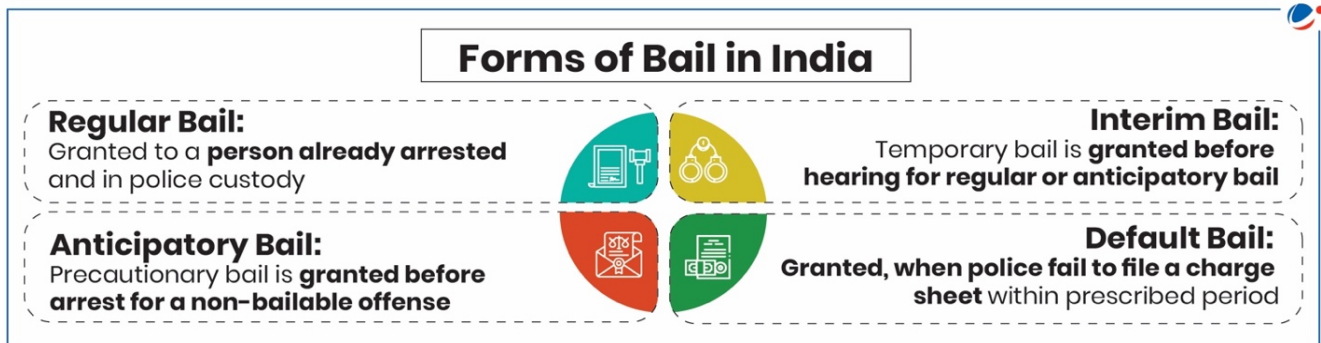
Recently, a 2-Judge bench of the Supreme Court of India in **Jalaluddin Khan v. Union of India** case ruled that 'bail is the rule, jail is the exception' **even in special statutes like UAPA 1967.**

More on news

- Court observed that denying bail in deserving cases is violation of rights under **Article 21.**

Legal Provisions of Bail

- **Bail in Bailable Offences (Section 479 of Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023)**
 - **Maximum period** for which an **undertrial prisoner** can be detained is **one-half of maximum period of imprisonment.**
 - **First-time offenders** will be given bail, if detained for over one-third of the maximum period of imprisonment.
- **Special laws** such as POCSO Act (2012), Protection of Women from Domestic Violence Act (2005), etc. also contain provisions related to grant of bail.



Measures taken for Bail

- **Plea Bargaining:** Enables pre-trial negotiation between defendant and prosecution.
 - In section 290 of BNSS, **plea bargaining** has been made **time bound and application can be made within 30 days** from date of framing of charge.
 - Applies only to offenses punishable by up to seven years of imprisonment, with further restrictions **excluding cases involving crimes against women, children, or socio-economic offenses.**
- **E-prisons Software:** Facilitates state authorities to access data of inmates in efficient manner.

Related news

2-Judge bench of SC held that **bar on anticipatory bail** under **Section 18 of SC and ST (Prevention of Atrocities) Act, 1989 is not applicable unless a prima facie case** under Act is made out against accused.

- **Section 18** states that **Section 438 of CrPC, which provides for anticipatory bail, shall not apply** in relation to cases involving offence under Act.

- **Section 482 BNSS (2023)** contains relevant provisions for anticipatory bail.

SC and ST (Prevention of Atrocities) Act, 1989

- **Objective:** To **prevent commission of offences** against members of SCs/STs, **Special Courts** for trial of such offences, and provision for **relief and rehabilitation** of victims.
- **Salient Features**
 - **Accused must not be a member of SC/ST.**
 - **Offenses** include employing members of SC/ ST for Manual Scavenging, dedicating SC/ ST women to deity, temple, etc., as devadasi, among others.
 - It also provides for punishment for **neglect of duties under Act by public servants** not being a member of SC/ ST.

5.5. OTHER IMPORTANT NEWS

5.5.1. GRAM NYAYALAYAS

Supreme Court raised concern regarding the feasibility of setting up **Gram Nyayalayas (village courts)**, as mandated by **Gram Nyayalayas Act, 2008**.

Key Features of Gram Nyayalayas

- **Purpose:** Ensures that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities.
- **Statutory backing:** Under **Gram Nyayalayas Act, 2008**.
 - Act exempts States of Nagaland, Arunachal Pradesh, Sikkim and tribal areas specified in the Act.
- **Seat of gram nyayalayas:** Located at the headquarters of the intermediate Panchayat
- **Status:** Gram Nyayalayas are deemed to be a Court of Judicial Magistrate of First Class.
 - State government appoints '**Nyayadhikari**' for each Gram Nyayalaya in consultation with the high court.
- **Jurisdiction:** Shall be a **mobile court and both civil and criminal jurisdiction** to settle petty disputes at the village level.
- **Dispute Process:** Disputes are to be settled with the help of **conciliation** between the parties.
 - These are not bound by rules of evidence provided in **Indian Evidence Act, 1872** but by **Principles of Natural Justice**.
 - > **Indian Evidence Act, 1872** has been recently replaced by **Bharatiya Sakshya Adhiniyam**.
- **Appeals:** Appeal in criminal cases lie to the Court of Session and in civil cases lie to the district court, shall be disposed within 6 months from the date of filing an appeal.

5.5.2. CONTEMPT OF COURT

Jharkhand government has filed a **Contempt** petition against the Centre alleging **delay in appointment of the Chief Justice of the High Court**.

About Contempt of Court

- Defined under **Contempt of Courts Act, 1971**.
- **Article 129 and Article 215** give power to the **SC and HCs** to **punish contempt**.

Two types of contempt

- **Civil contempt:** **Wilful disobedience** to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;
- **Criminal Contempt:** **Publication** of any matter which
 - **Scandalises or lowers the authority of, any court;** or
 - **Prejudices, or interferes** with, the due course of any **judicial proceeding;** or
 - **Interferes** with, or **obstructs** the **administration of justice**.

5.5.3. MERCY PETITION

President has **rejected the mercy petition** of a Lashkar-e-Taiba terrorist **sentenced to death** for the **December 2000 Red Fort attack**.

Constitutional provisions related President's power on mercy petition

- **Article 72 empowers the President of India** to grant **pardons, reprieves, respites, suspend, remit, or commute** the sentence of a person convicted of any offense where sentence is
 - by a **court Martial**;
 - for an offence **against any law relating to a matter to which executive power of Union extends**;
 - a **sentence of death**.

5.5.4. CURATIVE PETITION

Supreme Court (SC) quashes arbitral award against Delhi Metro Rail Corporation.

About Curative Petition

- It is **last constitutional remedy available** to a person whose review petition (Article 137) has been dismissed by SC.
- Given shape in **Rupa Ashok Hurra v. Ashok Hurra & Anr.**
 - Curative power of the Court flows from **Article 142 (power to do complete justice)**.
- Curative petition is entitled, if petitioner establishes-
 - Violation of principles of natural justice;
 - Judge failed to disclose his connection with the subject-matter.
 - There is an apprehension of bias and judgement adversely affects petitioner.

5.5.5. FAST-TRACK SPECIAL COURTS (FTSCS)

FTSCs are much more efficient in handling rape cases and those related to **Protection of Children from Sexual Offences (POCSO) Act** according to a report released by **India Child Protection**.

About FTSCs

- **Type:** Centrally sponsored scheme, launched in 2019 (extended up to 2026).
- **Funding:** Centre bears its expenditure from Nirbhaya Fund.
- **Implementation:** By Department of Justice, Ministry of Law and Justice.
- **Objective:** Ensures swift disposal of rape cases and those coming under the POCSO Act.
 - **755 FTSCs (out of decided 1023) including 410 exclusive POCSO (ePOCSO) Courts** are functional in **30 States / UTs**.
- FTSCs are **linked to National Judicial Data Grid**.

5.5.6. ZERO FIR

Zero FIR case against a former minister for allegedly making objectionable comments against the Telangana Chief Minister.

About Zero FIR

- It refers to an FIR that is registered **irrespective of the area where the offense is committed**.
- Once registered, it is transferred to the **appropriate police station for investigation**.
- **No regular FIR number is provided initially**, the relevant police station registers a new FIR for investigation.
- The provision for Zero FIR is under **Section 531 (1) of the Bharatiya Nagrik Suraksha Sanhita, 2023**, based on the **Justice Verma Committee's recommendation established after the 2012 Nirbhaya case**.

5.5.7. DOCTRINE OF COVERTURE

Supreme Court (SC) is to hear petitions challenging **Marital Rape Exception (MRE)** under **Section 375** and **Section 63** of Indian Penal Code and Bharatiya Nyaya Sanhita (BNS), 2023 respectively.

- SC in **Joseph Shine Vs Union of India (2018)** held that MRE stems from the **doctrine of coverture**.

Doctrine of Coverture

- **Legal doctrine** under English common law, that places a married woman under the cover of her husband treating them as a **single entity**.
- It suspends the very being or legal existence of a woman after marriage.
- In theory, it seeks to pass on her property to the husband, **restricting her ability to hold property, enter into contract, etc.**

5.5.8. DOCTRINE OF HARMONIOUS CONSTRUCTION

While refusing to condone the delay, **Supreme Court laid down principles to provide harmonious construction** to Sections 3 and 5 of Limitation Act, 1963.

- Notion of Condonation of delay encompasses **discretionary power of a court to extend prescribed time limit for filing an appeal/application**.

About Doctrine of Harmonious Construction

- It means that in case of conflict between two laws, their interpretation should be in a way in which spirit and essence of both laws are maintained, which is done by 'harmonising' laws.
- Its **origin is traced back to first amendment** made in judgment of **Shankari Prasad v. Union of India**.

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6. IMPORTANT LEGISLATURES/BILLS

6.1. CRIMINAL LAW REFORM ACTS

Why in the news?

The three new criminal laws that were passed by Parliament in 2023 have come into effect on 1st July 2024.

6.1.1. BHARATIYA NYAYA SANHITA 2023

- It replaces the **Indian Penal Code (IPC), 1860**, the principal law on criminal offences in India.

Background	Key-provisions
<ul style="list-style-type: none"> Prior to IPC 1860: Parliamentary Charters and Acts, East India Company Regulations, Hindu law, Muslim law, customary law etc. Draft of Penal Code (1837) under Thomas Babington. Effect of 1857 Rebellion: IPC was finally enacted in 1860. Post enactment of IPC 1860: <ul style="list-style-type: none"> Several Law Commission reports have recommended amendments to the IPC on subjects including offences against women, food adulteration, death penalty etc. 	<ul style="list-style-type: none"> For the first time, community service as one of the punishments for petty offences. Increased threshold for gang rape victim to be classified as a major, from 16 to 18 years of age. <ul style="list-style-type: none"> Also criminalizes sexual intercourse with a woman by deceitful means or making false promises. It removes the offence of sedition, and instead penalizes the following: <ul style="list-style-type: none"> Exciting or attempting to excite secession, armed rebellion, or subversive activities. Encouraging feelings of separatist activities, or Endangering the sovereignty or unity and integrity of India. It defines organized crime as any continuing unlawful activity including kidnapping, extortion, contract killing, land grabbing, cybercrime etc. Murder or grievous hurt by a group: on grounds of race, caste or community, sex, place of birth, language, or personal belief each member of such group shall be punished with, <ul style="list-style-type: none"> Death or life imprisonment, and a fine, in case of murder. Imprisonment for a term of up to seven years, and a fine, in case of grievous hurt.

6.1.2. BHARATIYA NAGARIK SURAKSHA SANHITA 2023

- It replaces the **Criminal Procedure Code, 1973 (CrPC)**, which provided for the procedure for arrest, prosecution, and bail under various Acts.

Background	Key Provisions
<ul style="list-style-type: none"> It was first enacted in 1861 under British rule and later substituted by fresh Codes successively enacted in 1872 and 1882. <ul style="list-style-type: none"> It had undergone several amendments, most importantly in 1898, 1923 and 1955. CrPC 1973: Law Commission of India, in 	<ul style="list-style-type: none"> Detention of undertrials: First-time offender who have completed one-third of maximum period of imprisonment shall be released on bond. <ul style="list-style-type: none"> If an accused has spent half of maximum period of imprisonment specified for an offence, he shall be released by Court on bail. <ul style="list-style-type: none"> ✓ This does not apply to offences punishable by death, life imprisonment, and persons against whom proceedings are pending in more than one offence. Medical examination: Any police officer can request medical examination of the accused in certain cases, including rape cases. Forensic investigation: Mandatory for offences punishable with at least seven years of imprisonment.

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<p>its 41st report, recommended a significant revision of the code, which led to creation of CrPC 1973.</p>	<ul style="list-style-type: none"> • Specimen: It empowers a Magistrate to order any person, to provide specimen signatures, handwriting, finger impressions and voice samples. • Timelines for procedures: For instance, submission of medical reports to investigating officer, giving judgment, informing victim of progress of investigation and framing of charges.
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6.1.3. BHARATIYA SAKSHYA ADHINIYAM 2023

- It replaces **Indian Evidence Act, 1872 (IEA)**, which governed the admissibility of evidence in Indian Courts in all civil and criminal proceedings.

Background	Key Provisions
<p>Evidence Act was enacted in 1872 to consolidate laws relating to evidence on which court could conclude and pronounce the judgment.</p>	<ul style="list-style-type: none"> • Admissibility of electronic or digital records as evidence will have same legal effect as paper records. • Allowed Oral evidence to be given electronically. It includes statements made before Courts by witnesses in relation to a fact under inquiry. • Joint trials: trial of multiple persons, where an accused has absconded or has not responded to an arrest warrant, will be treated as a joint trial. <ul style="list-style-type: none"> ○ A joint trial refers to the trial of more than one person for the same offence.

6.2. DIGITAL PERSONAL DATA PROTECTION ACT 2023

Why in the news?

The President of India recently granted assent to the Digital Personal Data Protection Bill (DPDP), 2023.

About Digital Personal Data Protection (DPDP) Act 2023

- It aims to **regulate the processing of digital personal data** while **ensuring individuals' right to protect their data**.
- It **protects digital personal data by providing:**
 - **Obligations of Data Fiduciaries** (persons, companies and government entities who process data) for data processing (that is, collection, storage or any other operation on personal data);
 - **The rights and duties of Data Principals** (that is, the person to whom the data relates);
 - **Financial penalties for breach** of rights, duties, and obligations.

Key Provisions of the Act

Specifications	Details
<p>Applicability</p>	<ul style="list-style-type: none"> • Processing of digital personal data within India: in digital form or in non-digital form and digitised subsequently. • Processing of personal data outside India if it is for offering goods or services in India. • Does not apply to: <ul style="list-style-type: none"> ○ personal data processed for any personal purpose. ○ personal data that is made or caused to be made publicly available by- <ul style="list-style-type: none"> ✓ Data Principal to whom such personal data relates; or ✓ any other person who is under legal obligation to make such personal data publicly available.
<p>Consent</p>	<ul style="list-style-type: none"> • Personal data may be processed only for a lawful purpose after obtaining the consent of Data Principal (who shall have right to withdraw consent at any time). ○ Consent will not be required for 'legitimate uses' including the provision of benefits or services by the government, medical emergency etc. • For a child or a person with a disability, consent will be provided by the parent or legal guardian.



<p>Data Protection Board of India (DPBI)</p>	<ul style="list-style-type: none"> • Provides for the establishment of DPBI by the Central government. • Key functions of the Board: <ul style="list-style-type: none"> ○ Monitoring compliance and imposing penalties. ○ Directing data fiduciaries to take necessary measures in event of a data breach. ○ Hearing grievances made by affected persons. • Board members will be appointed for two years and will be eligible for re-appointment. • Appeals against its decisions will lie with Telecom Disputes Settlement and Appellate Tribunal (TDSAT).
<p>Rights and Duties of Data Principal</p>	<ul style="list-style-type: none"> • Data principal will have the right to- <ul style="list-style-type: none"> ○ Obtain information about processing. ○ Seek correction and erasure of personal data. ○ Grievance redressal. ○ Right to nominate a person to exercise rights in case of death or incapacity. • Data principals must not register a false or frivolous complaint and furnish any false particulars. • Violation of duties will be punishable with a penalty of up to Rs 10,000.
<p>Obligations of Data Fiduciaries</p>	<ul style="list-style-type: none"> • Data Fiduciary (Entity determining the purpose and means of processing) must- <ul style="list-style-type: none"> ○ Ensure the accuracy and completeness of data. ○ Build reasonable security safeguards to prevent a data breach. ○ Inform DPBI and affected persons in the event of a breach. ○ Erase personal data as soon as the purpose has been met and retention is not necessary for legal purposes.
<p>Significant Data Fiduciaries (SDF)</p>	<ul style="list-style-type: none"> • Central Government may notify any Data Fiduciary as SDF, based on factors such as: <ul style="list-style-type: none"> ○ Volume and sensitivity of personal data processed. ○ Risk to the rights of data principal ○ Potential impact on the sovereignty and integrity of India ○ Security of the State ○ Risk to electoral democracy ○ Public order • SDF will have certain additional obligations including appointing a data protection officer and an independent data auditor and undertaking impact assessment.
<p>Exemptions</p>	<ul style="list-style-type: none"> • Rights of data principal and obligations of data fiduciaries (except data security) will not apply in specified cases, including: <ul style="list-style-type: none"> ○ For notified agencies, in the interest of security, sovereignty, public order, etc. ○ For research, archiving or statistical purposes; ○ For start-ups or other notified categories of Data Fiduciaries; ○ To enforce legal rights and claims; ○ Prevention and investigation of offences; ○ To perform judicial or regulatory functions; ○ To process in India personal data of non-residents under foreign contract. • Central government may exempt certain activities in interest of security and public order.
<p>Processing of personal data of children</p>	<ul style="list-style-type: none"> • While processing the personal data of a child, data fiduciary must not undertake: <ul style="list-style-type: none"> ○ processing that is likely to cause any detrimental effect on well-being of child, and ○ tracking, behavioural monitoring, or targeted advertising.

Cross-border transfer	<ul style="list-style-type: none"> Allows transfer of personal data outside India, except to countries restricted by the government.
Penalties	<ul style="list-style-type: none"> Act specifies penalties for various offences such as up to Rs 200 crore for non-fulfilment of obligations for children, and Rs 250 crore for failure to take security measures to prevent data breaches.

6.3. PUBLIC EXAMINATION (PREVENTION OF UNFAIR MEANS) RULES, 2024

Why in the news?

Union Ministry of Personnel, Public Grievances and Pensions have notified the rules under the **Public Examinations (Prevention of Unfair Means) Act, 2024** which came into force from June 2024.

Key Highlights of the Rules

- **Provides for venue-in-charge to take appropriate action, including filing of FIR**, if prima-facie case of unfair means or offense in conduct of public examination is reported.
- **Provides for a committee to be constituted** by public examination authority **if there is involvement of Management or Board of Directors of service provider.**
 - **Service provider** is any agency, organization, body, association of persons, business entity, etc., which is engaged by the public examination authority for conduct of public examination.
- **Periodic reporting of all incidents of unfair means** or offence in conduct of public examination to public examination authority by Regional officer **along with details of action taken.**

Public Examination (Prevention of Unfair Means) Act, 2024

- **"Unfair means"** includes unauthorized access or leakage of question paper or answer key, assisting a candidate during a public examination, tampering with computer network or resources, conducting fake examination, etc.
- **Punishments**
 - **For person(s) resorting to unfair means:** Imprisonment for a term not less than three years but which may extend to five years and with fine up to ten lakh rupees.
 - **For service provider or any person/ group committing organized crime:** Imposition of a fine up to ₹1 crore and **proportionate cost of examination shall also be recovered** from it
 - All offenses shall be **cognizable** (Police can arrest without a warrant), **non-bailable**, and **non-compoundable** (Compromise between the victim and accused is not allowed).
- **"Public examination"** means any examination conducted by the public examination authority, as specified in the Schedule, or conducted by such other authority as may be notified by the Central Government

6.4. TELECOMMUNICATIONS ACT, 2023

Why in the news?

Multiple sections of Telecommunications Act, 2023 came into effect.

About Telecommunications Act, 2023

- It aims to amend law relating to development, expansion and operation of telecommunication services and telecommunication networks and is guided by **principles of Inclusion, Security, Growth, and Responsiveness.**
- It repeals **Indian Telegraph Act 1885** and **Indian Wireless Telegraphy Act 1933** owing to huge technical advancements in telecom sector and technologies.

Key Provisions of Act

Parameters	Detail
Assignment of Spectrum	<ul style="list-style-type: none"> Spectrum allocation will be through auction and for specified uses on an administrative basis.

	<ul style="list-style-type: none"> ○ Specified purposes include National Security and defense; Disaster Management; Weather Forecasting; Transport; Satellite Services. ● For the first time, administrative allocation will be done of spectrum for satellite broadband services, in line with global norms.
RoW (Right of Way) framework	<ul style="list-style-type: none"> ● It shall be granted on a non-discriminatory and non-exclusive basis. ● Entities building infrastructure can seek RoW (facilitating use of property) over public or private property.
Protection of users	<ul style="list-style-type: none"> ● Central government may provide for measures to protect users. E.g. prior consent to receive specified messages, creation of Do Not Disturb registers, and allowing users to report malware or specified messages.
Expands scope of Universal Service Obligation Fund	<ul style="list-style-type: none"> ● It will now become Digital Bharat Nidhi (under control of central government). ● This fund can be used to support research and development of telecommunication services, technologies, products and pilot projects.
Powers of interception and search	<ul style="list-style-type: none"> ● Messages can be intercepted, monitored, or blocked on certain grounds including Security of the state, public order and prevention of incitement of offences.
Authorization for telecom-related activities	<ul style="list-style-type: none"> ● Prior authorization of central government needed to provide, operate, maintain or expand new telecommunication services and to possess radio equipment.
Regulation of OTTs	<ul style="list-style-type: none"> ● OTT platform will not be regulated under Telecommunications Act 2023.

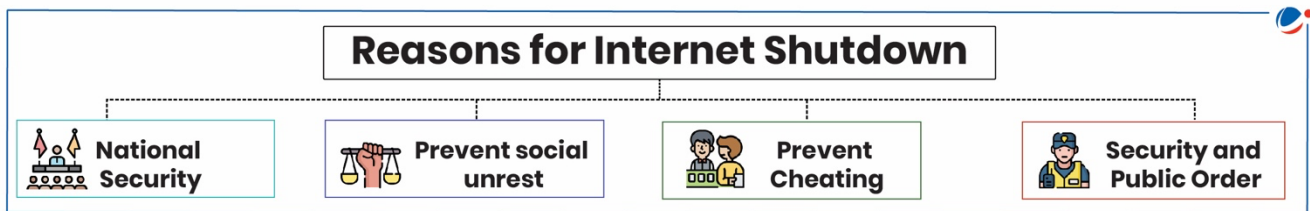
6.4.1. INTERNET SHUTDOWNS

Why in the news?

According to data from the Software Freedom Law Centre, India recorded 60 internet shutdowns in 2024, the lowest in 8 years

Internet shutdown

- **Intentional disruption of internet communications for specific population or within a location** for any duration of time, often to exert control over the flow of information.



Provisions for Internet Shutdown

- Currently, suspension of telecom services (including internet shutdowns) is governed by **Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017**, notified under **Indian Telegraph Act, 1885**.
 - It provide for **temporary shutdown of telecom services** in a region on **grounds of public emergency** (up to 15 days at once).
 - 1885 Act empowers central government to regulate various types of telecom services including internet services and grant licenses for them.
- Orders of temporary suspension of telecom services are to be issued by Union/State home secretary only.
 - Under 2017 Rules, **three-member Review Committee headed by Cabinet Secretary** at central level and **Chief Secretary at state level**, reviews telecom/internet shutdown orders by central government and state government, respectively.

Supreme Court Judgement in Anuradha Bhasin vs. Union of India and Ors. 2020

- SC held that **freedom of speech and expression** through medium of internet is an **integral part of Article 19(1)(a)** and accordingly, any restriction on the same must be in accordance with Article 19(2).
- **In relation to internet shutdown, Court had passed following directions**
 - An order suspending internet services indefinitely is impermissible under 2017 Rules. Suspension can be **utilised for temporary duration only**.
 - Any order suspending internet issued under Suspension Rules, must adhere to principle of proportionality and must not extend beyond necessary duration.
 - Any order suspending internet under the Suspension Rules is **subject to judicial review**.

6.5. CONSUMER PROTECTION ACT (CPA) 2019

Why in the news?

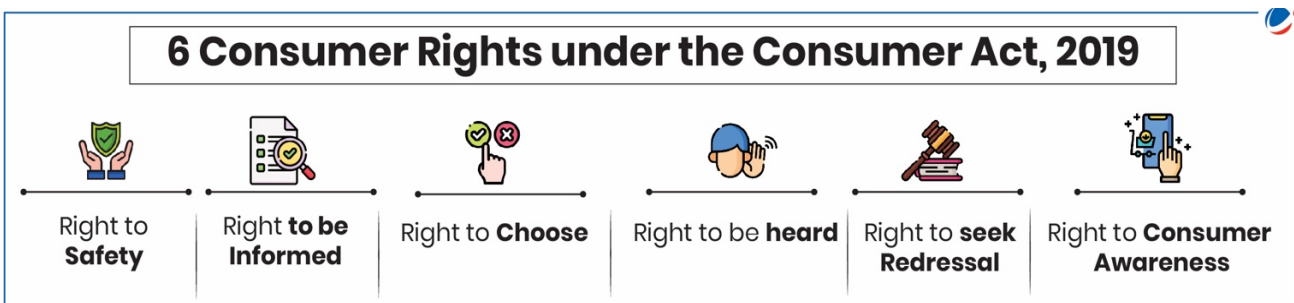
Supreme Court **overruled National Consumer Disputes Redressal Commission (2007) judgment** which ruled services rendered by lawyers are covered under CPA 1986 (re-enacted in 2019).

About CPA

- CPA 1986 was enacted **to provide for better protection of the interests of consumers and establishment of consumer protection councils** for the settlement of consumer disputes, etc.
- **CPA 2019 replaced CPA 1986** and strengthened the provisions for consumer protection.

Key Features of CPA 2019

- **Broadened definition of ‘consumer’:** Included persons who buy/avail of goods/services **online/through electronic means**.
 - It does not include a person who obtains such goods for resale or for any commercial purpose.
- **Established Central Consumer Protection Council as an advisory council:** To render advice on promotion and protection of the consumers' rights.
 - Its **chairperson shall be Minister-in-charge** of Department of Consumer Affairs in Central Government.
- **Established Central Consumer Protection Authority (CCPA):** A central authority to promote, protect, and enforce consumer rights (refer to infographic).
 - CCPA shall consist of a **Chief Commissioner** and **such number of other Commissioners** as may be prescribed, to be **appointed by Central Government**.
 - CCPA shall have an **Investigation Wing headed by a Director General** for conducting inquiry or investigation.
- **Streamlined Dispute Redressal Mechanism:** Enables **mediation and alternative dispute resolution mechanisms** & e-filing of complaints.
- **Consumer mediation cell:** Established by Central and State Government.
 - It is attached to **National Commission each of the regional Benches**, as well as **District and State Commissions of that State**.
- **Product Liability Action:** against manufacturers, service providers, etc.
- **Penalties for misleading advertisement:** Impose by CCPA on manufacturer or an endorser of up to **Rs 10 lakh and imprisonment for up to two years**.
 - In case of a subsequent offence, fine may **extend to Rs 50 lakh and imprisonment of up to five years**.



Related News

CCPA issued Advisory on Advertisement of Illegal Activities

- Advisory emphasizes on **prohibition of advertising, promotion, and endorsement of unlawful activities** prohibited under various laws.
- **Reasons for advisory:** Increasing instances of direct as well as surrogate advertisement and endorsements of activities considered illegal such as betting or gambling.
- **Status of Betting and Gambling in India**
 - It is a **State subject** under **Seventh Schedule** of the Constitution.
 - > Listed as **Entry 34 and Entry 62 (for the purpose of taxation) of the State List.**
 - Based on **erstwhile Public Gambling Act, 1867**, most State Governments have enacted their own laws to deal with betting and gambling within their jurisdictions.
 - In 2023, **Ministry of Information & Broadcasting issued advisory** on advertisements including surrogate **advertisements of Online Betting Platforms.**

6.6. FOREIGN CONTRIBUTION (REGULATION) ACT

Why in the news?

Recently, Ministry of Home Affairs (MHA) has listed **diversion of foreign funds for carrying out anti-development activities or inciting malicious protests and religious conversions** to deny or cancel FCRA registration of NGO.

About Foreign Contribution (Regulation) Act (FCRA)

- Foreign contribution means **donation, delivery or transfer made by any foreign source of any article, currency, or security.**
 - FCRA is **implemented by MHA, supported by Intelligence Bureau** in approvals and rejections through investigation on antecedents.

Major Provisions of FCRA Post 2020 amendment

Specifications	Detail
Foreign funds	<ul style="list-style-type: none"> • Prior Permission to receive foreign funds though registration with mandatory Aadhaar submission of every office-bearer of NGOs. • Prohibits receipt of foreign funds (refer image). <div style="text-align: center;"> <p>Who can not receive Foreign Contributions?</p> <ul style="list-style-type: none"> <li style="text-align: center;"> <p>Candidates for Elections</p> <li style="text-align: center;"> <p>Judges and Government servants</p> <li style="text-align: center;"> <p>Journalists or newspaper and media broadcast companies</p> <li style="text-align: center;"> <p>Member of Legislature and political parties or their office bearers</p> <li style="text-align: center;"> <p>Organisations of a political nature</p> </div>
FCRA Account	<ul style="list-style-type: none"> • Designated FCRA Account in such branches of State Bank of India, New Delhi to receive funds. <ul style="list-style-type: none"> ○ No funds other than foreign contribution can be received or deposited in it and it can't be transferred to any other person or NGO.
Validity of FCRA registration	<ul style="list-style-type: none"> • Validity is five years and NGOs are expected to apply for renewal within six months of date of expiry of registration.
Reduction in use of foreign contribution	<ul style="list-style-type: none"> • Use of funds is limited to purpose for which it was received with a maximum limit of 20% (earlier 50%) to meet administrative expenses.
Submission of annual reports	<ul style="list-style-type: none"> • Compulsory filing of annual returns and in case of contraventions, government can restrict usage of unutilized foreign contribution after an inquiry.

6.7. POST OFFICE ACT 2023

Why in the News?

Post Office Act 2023 came into effect which repeals India Post Office Act, 1998.

Provisions of Post Office Act, 2023

- **Director General of Postal Services (DGPS)** will be appointed to head India Post.
 - DGPS will have powers to make regulations on matters such as **charges for services, supply and sale of postage stamps.**
- **Powers to intercept postal articles:**
 - Government can intercept an article transmitted through India Post on specified grounds
 - Grounds include **security of the State, friendly relations with foreign states, public order, emergency, or public safety.**
- **Exemptions from liability:** Post office will not incur any liability with regard to its services, except such liability as may be prescribed with regard to a service provided by the Post Office.
- There are **no penal provisions prescribed** in the Act.

Postal System During British Era

- East India company opened its **first post office in 1727.**
- **Lord Dalhousie** recognized Indian Post Offices as a **separate organization of national importance.**
- Present site of **General Post Office of Kolkata** was the site of **first Fort William.**

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7. IMPORTANT CONSTITUTIONAL/STATUTORY/EXECUTIVE BODIES IN NEWS

7.1. NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

Why in the news?

Recently, United Nations-linked Global Alliance of National Human Rights Institutions (GANHRI) **deferred accreditation of NHRCI (National Human Rights Commission of India) for the second year** in a row.

Accreditation of NHRCI

- NHRCI got '**A**' status of accreditation first time in 1999. In 2016, NHRCI's accreditation was deferred by a year after which it received an '**A**' rating in 2017 by SCA of GANHRI.
- In 2023, accreditation of NHRCI was deferred. The current accreditation by GANHRI is deferred due to a **lack of diversity in staff and leadership** and **insufficient action to protect marginalised groups.**

GANHRI
Global Alliance of National Human Rights Institutions

Global Alliance of National Human Rights Institutions (GANHRI)

HQ
Geneva, Switzerland

About: Established in 1993 as International Coordinating Committee (ICC) of National Institutions for the **promotion and protection of human rights**. Since 2016, it has been known as GANHRI.

Membership: 120 including India (as of December 2023).

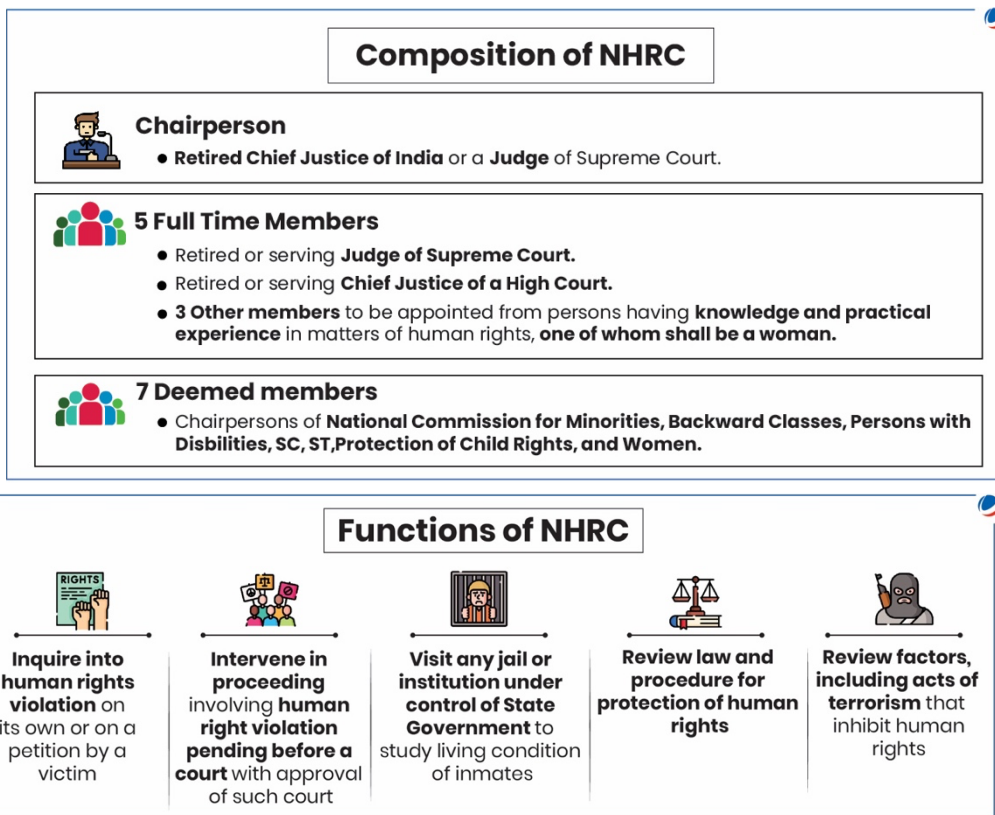
Sub-Committee on Accreditation (SCA): GANHRI through SCA is **responsible for reviewing and accrediting NHRIs** in compliance with Paris Principles.

- SCA comprises **one 'A' status institution** from **each of the four GANHRI regional groupings:** Africa, Americas, Asia and Pacific, and Europe.
- Office of the High Commissioner for Human Rights (OHCHR)** is a **permanent observer on SCA** and serves as the **secretariat to the GANHRI and its SCA.**

About NHRC

- Headquarters:** New Delhi
- Genesis:** Statutory body, established **under Protection of Human Rights Act (PHRA), 1993** as amended in 2006 and in 2019.
 - PHRA defines Human Rights** as rights relating to life, liberty, equality and dignity of the individual. These rights are **guaranteed by the Constitution** or embodied in International Covenants and are **enforceable by courts in India.**
- Appointment:** Chairperson and Members of Commission are **appointed by President of India**, on recommendations of a **committee, headed by Prime Minister**, consisting of:
 - Speaker of Lok Sabha
 - Minister-in-Charge of Ministry of Home Affairs
 - Leader of Opposition in Lok Sabha and Rajya Sabha
 - Deputy Chairman of Rajya Sabha
- Tenure:** Chairperson and members of NHRC will hold office for **three years or till the age of seventy years**, whichever is earlier.
 - Chairperson and members both are **eligible for reappointment.**
- Removal:** Both Chairperson and members can be removed from office **by President order on ground of proved misbehaviour or incapacity** after consultation with **Supreme Court.**
- Powers of NHRC:** It has all the **powers of a civil court trying a suit under Code of Civil Procedure, 1908** and in particular in respect of the following matters, namely:

- **Summoning and enforcing the attendance of witnesses** and examining them on oath;
- **Discovery** and production of any document;
- **Receiving evidence** on affidavits;
- **Requisitioning any public record** or copy thereof from any court or office;
- Issuing commissions for the examination of witnesses or documents.



7.2. CENTRAL BUREAU OF INVESTIGATION (CBI)

Why in the news?

Recently, Supreme Court in **State of West Bengal v. Union of India case (2024)** upheld maintainability of West Bengal government’s suit against Union over registration and investigation of cases by CBI despite revocation of its general consent in 2018.

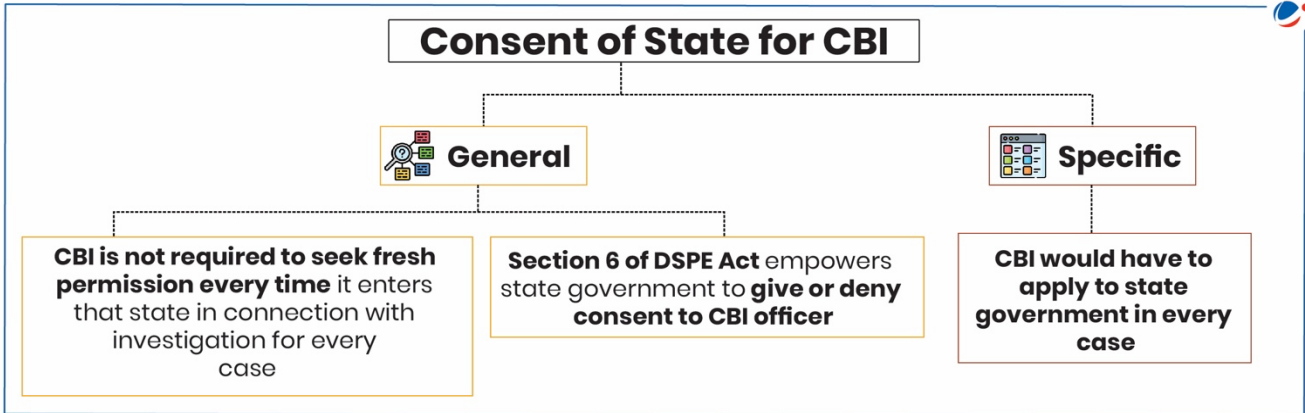
More on news

- In suit (filed under **Article 131**), State **accused Union of constitutional overreach** and **violation of federalism by unilaterally employing CBI without State’s prior consent.**
 - Article 131 deals with **Supreme Court's original jurisdiction** in a **dispute between Centre and one or more states.**

Central Bureau of Investigation (CBI)

- **Genesis:** Established in 1963 on recommendation of **Santhanam Committee on Prevention of Corruption (1962-64).**
- **Ministry:** Ministry of Personnel, Pension & Public Grievances.
- **Status:** **Non-statutory** and **non-constitutional body.** It is governed by **Delhi Special Police Establishment (DSPE) Act, 1946.**
- **About:** **Premier investigating police agency** in India, which coordinates investigation on behalf of Interpol Member countries.
- **Motto:** Industry, Impartiality and Integrity.
- **Vision:** **Combating corruption** in public life, curbing economic and violent crimes through meticulous investigation and prosecution; **fight cyber and high technology crime** etc.
- **Composition:** Headed by **Director** (assisted by special director or an additional director), joint directors, deputy inspector generals, superintendents of police and all other usual ranks of police personnel.

- The panel that selects the CBI chief consists of the **Prime Minister, the Leader of Opposition and Chief Justice of India.**
- In 2021, **President promulgated two ordinances** to extend the **tenures of Directors of CBI and Enforcement Directorate (ED) for up to five years**, from fixed tenure of two years.
- **Types of cases investigated by CBI:** Anti-corruption, Economic offences, Special crimes and Suo-moto.



7.3. LOKPAL

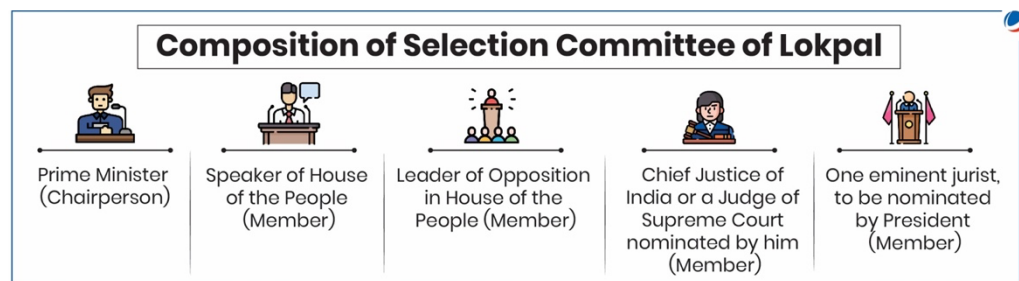
Why in the news?

Recently, Lokpal of India has established an **inquiry wing under Section 11 of Lokpal and Lokayukta Act 2013** to probe graft cases against public servants.

About Lokpal

- **Genesis and Aim: Anti-corruption ombudsman at Centre level** established by **Lokpal & Lokayuktas Act, 2013** to investigate & prosecute corruption cases involving public servants.
 - Both **1st and 2nd Administrative Reforms Commission (ARC)** recommended **establishment of Lokpal institution.**
 - Lokayukta is at **State-level.** Its structure is not uniform across all states.
 - > **Lokayukta Appointment:** By **Governor** (generally in **consultation** with **Chief Justice of State HC, and Leader of Opposition** in State Legislative Assembly).
- **Composition of Lokpal:** Consists of **chairperson** (person who is or has been a CJI or is or has been a Judge of SC) and **8 members** with 50% being judicial members, **appointed by President.**
 - **Justice Pinaki Chandra Ghosh (2019)** was first Lokpal. **Justice AM Khanwilkar is current Lokpal.**
 - Chairperson and Members shall be appointed after obtaining **recommendations of Selection Committee.**
 - Their term of office is **five years** from date on which he enters upon his office or until he attains **age of seventy years**, whichever is earlier.
 - On ceasing to hold office, Chairperson and every Member shall be **ineligible for reappointment** as Chairperson or Member of Lokpal.

However, a Member shall be eligible to be appointed as **Chairperson** of Lokpal if his **total tenure does not exceed five years.**



Two wings of Lokpal

Wings	Detail
Inquiry wing	<ul style="list-style-type: none"> • Conducts a preliminary inquiry into any offense alleged to have been committed by a public servant punishable under Prevention of Corruption Act (PCA), 1988. • Submits inquiry report to Lokpal within 60 days. • Headed by Director of Inquiry under Lokpal chairperson. Director will be assisted by 3 Superintendents of Police (SPs) - SP (general), SP (economic and banking) and SP (cyber). <ul style="list-style-type: none"> ○ Each SP will be further assisted by inquiry officers and other staff. • Have all powers of civil court, under Code of Civil Procedure, 1908
Prosecution wing	<ul style="list-style-type: none"> • Headed by Director of Prosecution for prosecution of public servants in relation to any complaint by Lokpal. • Director of Prosecution shall file a case based on investigation report before Special Court and prosecute public servants in relation to any offence punishable under PCA, 1988.

Powers of Lokpal:

- **Superintendence & direction over any central investigation agency** including CBI for cases referred to them by Lokpal.
- **Issue appropriate directions to public servant** entrusted with preparation/custody of any document/ record to protect/prevent such document etc.
- **Powers under Civil Procedure Code** for conducting preliminary inquiry & investigation for eradication of corruption.
- **Serves as final appellate authority** for redressal of public grievances by any public authority in cases where decision contains corruption findings under PCA, 1988.

Jurisdictions of Lokpal to inquire into allegations of corruption



7.4. OTHER IMPORTANT ORGANISATION IN NEWS

7.4.1. NATIONAL COMMISSION FOR BACKWARD CLASSES (NCBC)

NCBC is reviewing state list of OBCs.

About NCBC



Constitutional Body: Under **Article 338B** (inserted through 102nd Constitutional Amendment Act, 2018).

➤ Article 338 B mandates Union and every State Government to consult the NCBC **on all major policy matters affecting the rights of OBCs.**



Composition: Chairperson, Vice-Chairperson, and three other members **appointed by President.** Their **service conditions are also determined by President.**



Power: Commission has all the **powers of a civil court.**



Duties of NCBC

- Investigate and monitor safeguards for backward classes
- Inquire into specific complaints regarding deprivation of rights of the backward classes
- Advise on socioeconomic development of the OBC and also evaluate their progress
- Such other functions in relation to advancement of the OBCs as the President may by rule specify
- Annually present reports to the President on safeguard implementation and make recommendations

7.4.2. NATIONAL COMMISSION FOR SCHEDULED CASTES (NCSC)

Recently, Delhi High Court said that **National Commission for Scheduled Castes (NCSC) is not empowered to investigate or issue any directions in the nature of a civil or criminal court.**



About NCSC



Constitutional body under Article 338 of the Constitution.



Composition: Chairperson, a Vice-Chairperson, and three other members, **appointed by the President of India.**



Tenure: Hold office **for a term of 3 years** and shall **not be eligible for appointment** for more than 2 terms.



Functions

- **Investigate and monitor all matters** relating to constitutional and other legal safeguards for SCs.
- Inquire into specific complaints with respect to **deprivation of rights and safeguards of SCs.**

7.4.3. UNION PUBLIC SERVICE COMMISSION (UPSC)

Recently, UPSC Chairperson resigned 5 years before expiration of his term.



About UPSC

Article 315 states that there shall be a **Public Service Commission for the Union and a Public Service Commission for each State.**

About UPSC Chairman (Article 316)



Appointment: By the President



Term: 6 years/ 65 years of age, whichever is earlier.



Eligibility: Held office for at least ten years either under the Government of India or under the Government of a State.



He/she is **ineligible for further employment** either under the Government of India or under the Government of a State



Removal: By President, if he/she is

- an adjudged insolvent;
- engages during his term of office in any paid employment outside the duties of his office;
- unfit to continue in office by reason of infirmity of mind or body.

7.4.4 STATE FINANCE COMMISSION

Kerala Cabinet clears proposal to constitute seventh State Finance Commission.

About State Finance Commission (SFC)



Article 243I of the Constitution empowers the Governor of a state to constitute a Finance Commission every five years.

➤ Article 243I introduced by **73rd Constitutional Amendment Act 1992**.



It **reviews financial position of Panchayats** and recommends principles for governing:

➤ **Distribution** between state and panchayats of net **proceeds of state taxes**.

Determination of **taxes, duties, tolls and fees** which may be assigned to **Panchayats**.

➤ **Grants-in-aid** to Panchayats from State Consolidated Fund.



Article 243Y provides that SFC shall make similar recommendations for **municipalities**.

7.4.5. CENTRAL VIGILANCE COMMISSION

Recently, CVC in its **Annual Report 2023** highlighted Ministry/ Department/ Sector-wise corruption complaints received and disposed against public officials



About Central Vigilance Commission (CVC)



Genesis: It is a **statutory body** under **CVC Act, 2003**.

➤ **Established in 1964** through a **Resolution of Government of India** on recommendations of **K. Santhanam Committee on Prevention of Corruption**.

➤ **In 1998**, it was **conferred statutory status through an ordinance** promulgated by Union Government.



Members: **3-member body**, with Central Vigilance Commissioner and 2 Vigilance Commissioners.



Appointment: **By President** on recommendations of a High-Powered Committee consisting of **PM, Union Minister of Home Affairs, and Leader of the Opposition in Lok Sabha**.



Role and functions

➤ **Supervises vigilance administrations** across Central Ministries, Departments, and Organizations.

➤ **Conducts preliminary inquiries into complaints referred by Lokpal** for officials across various grades.

➤ **Oversees functioning of Delhi Special Police Establishment (CBI)** in investigating corruption-related offences, etc.

7.4.6. LAW COMMISSION

President approves the constitution of 23rd Law Commission for a **three-year term**, that is, from **1st September 2024 to 31st August 2027**.

23rd Law Commission

- **Mandate:** To review and recommend legal reforms to enhance the Indian legal system.
- **Composition:** It will include a full-time chairperson, four members, and additional ex-officio and part-time members



सत्यमेव जयते

Law Commission of India

Law Commission of India



History: First constituted in **1834 by Governor-General** under **Charter Act of 1833**, chaired by Lord Macaulay.

- **The first Law Commission** of independent India was established in the **year 1955** and it was chaired by **Sri. M. C. Setalvad**.



Type: **Non-statutory body** constituted by a notification of **Ministry of Law and Justice**



Aim: Reform laws to maximize justice and promote good governance under the rule of law



Function: Conducts research and provides recommendations based on defined ToRs.

7.4.7. NITI AAYOG

NITI Aayog has celebrated 10 years of its foundation.



NITI Aayog

About NITI Aayog



Genesis: **Government think-tank** formed in **2015** via a **resolution of Union Cabinet**, replacing the **erstwhile Planning Commission**.



Composition:

- **Chairperson:** Prime Minister of India
- **Governing Council:** Prime Minister; CMs of all States and UTs with legislature; Lt. Governors of other UTs, Ex-Officio Members; Vice Chairperson, NITI Aayog; Full-Time Members, NITI Aayog; and Special Invitees.
 - **Ex-officio Members** include maximum 4 members of Union Council of Ministers nominated by PM.
 - **Special Invitees** include experts, specialists and practitioners with relevant domain knowledge nominated by PM.
- **Regional Councils:** To address specific issues and contingencies impacting more than one state or a region.
- **CEO:** Appointed by PM for a fixed tenure, in rank of Secretary to GoI.



Twin mandate:

- To oversee **adoption and monitoring of the SDGs** in country.
- Promote **competitive and cooperative federalism** among States and UTs.



Reports Release by NITI Aayog: SDG India Index; National Multidimensional Poverty Index; Systemic Transformation of School Education- SATH-E Report; Export Preparedness Index etc.

7.4.8. UNIVERSAL POSTAL UNION

150th anniversary of Universal Postal Union observed.



Universal Postal Union (UPU)



Genesis: Established as General Postal Union on **October 9, 1874**, through **Treaty of Bern**.
➤ **Second oldest international organization** after International Telecommunication Union (ITU), formed in 1865.
➤ **World Post Day** is celebrated on anniversary of establishment of UPU.



HQ: Bern, Switzerland.



Members: 192 countries. India is one of its oldest and most active members



UPU is a **United Nations specialized agency**.



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8. IMPORTANT ASPECTS OF GOVERNANCE

8.1. RIGHT TO INFORMATION (RTI) ACT, 2005

Why in the News?

As the Right to Information (RTI) Act, 2005 approaches its 20th anniversary in 2025, it is crucial to reflect on its impact and the challenges it faces.

About RTI Act, 2005

- **Genesis:** Enacted in **June 2005** and came into **force in October 2005**.
- **Purpose:** Provides **citizens the right to secure access to information** under control of **Public Authorities (PAs)**.
- **Coordinating agency:** Department of Personnel and Training under Ministry of Personnel, Public Grievances and Pensions (MoPPG&P).
- **Background:**
 - RTI finds articulation as a human right in **Universal Declaration of Human Rights, International Covenant on Civil and Political Rights** and **International Covenant on Economic, Social and Cultural Rights**.
 - India enacted **“Freedom of Information Act, 2002”** to promote, transparency and accountability in administration.
 - Later, **RTI Act 2005** replaced **Freedom of Information Act, 2002**.
 - **‘Raj Narayan v/s Uttar Pradesh Government’ case:** Supreme Court established RTI as a **fundamental right** under **Article 19**.

Key Provisions of RTI Act

Specifications	Detail
Institutional framework	<ul style="list-style-type: none"> • Central and State Information Commissions: To oversee its implementation and address appeals regarding non-disclosure of information. <ul style="list-style-type: none"> ○ Central Information Commissions Members: One Chief Information Commissioner (CICs) and Information Commissioner (IC) (Not exceeding 10) ○ CICs and ICs Appointment: By President on recommendation of a committee consisting of <ul style="list-style-type: none"> > PM (Chairperson of committee); Leader of Opposition in Lok Sabha; Union Cabinet Minister nominated by PM. ○ CICs and ICs Tenure: Period of three years. • Central Public Information Officers (PIO) or State PIO: In every public authority to provide information to persons requesting for information under this Act.
Rights Provided	<ul style="list-style-type: none"> • Every citizen has right to request information from a Public Authority (PA). • Obligations of PAs (Section 4): To maintain records and proactively disclose certain categories of information to minimize need for formal requests.
Applicability	<ul style="list-style-type: none"> • PAs, including all authorities/bodies/institutions of Government established under Constitution, any other law made by Parliament/State Legislature/ notification issued/ order made by appropriate Government. <ul style="list-style-type: none"> ○ It also includes government bodies, state-controlled entities, and NGOs substantially financed directly or indirectly by central or state governments. • Recently, Madras High Court ruled that cooperative societies registered under Tamil Nadu Cooperative Societies Act, 1983 aren't PAs under section 2(h) of RTI Act, 2005. • In 2019, Supreme Court held that Office of Chief Justice of India is a PA.
Exemptions from Disclosure	<ul style="list-style-type: none"> • Section 8: Certain information is exempt from disclosure (see infographic).

	<ul style="list-style-type: none"> • Certain intelligence and security organisations specified in Second Schedule: Includes 27 organizations like CERT-In, IB, Research and Analysis Wing, ED, National Technical Research Organisation etc. <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Examples of cases in which Information is exempt from disclosure (Section 8)</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; border: 1px solid gray; padding: 5px;">Affects sovereignty and integrity, security, strategic, scientific or economic interests of India.</td> <td style="width: 50%; border: 1px solid gray; padding: 5px;">Commercial confidence, trade secrets or intellectual property.</td> </tr> <tr> <td style="border: 1px solid gray; padding: 5px;">Affects relations with foreign State.</td> <td style="border: 1px solid gray; padding: 5px;">Information received in confidence from foreign Government.</td> </tr> <tr> <td style="border: 1px solid gray; padding: 5px;">Leads to incitement of an offence.</td> <td style="border: 1px solid gray; padding: 5px;">Endangers life or physical safety of any person.</td> </tr> <tr> <td style="border: 1px solid gray; padding: 5px;">Causes Breach of privilege of Parliament/ State Legislature.</td> <td style="border: 1px solid gray; padding: 5px;">Cabinet papers.</td> </tr> <tr> <td style="border: 1px solid gray; padding: 5px;">Expressly forbidden to be published by any court of law/tribunal.</td> <td style="border: 1px solid gray; padding: 5px;">Impedes investigation process or apprehension/ prosecution of offenders etc.</td> </tr> <tr> <td style="border: 1px solid gray; padding: 5px;">May constitute contempt of court.</td> <td style="border: 1px solid gray; padding: 5px;">Relates to personal information.</td> </tr> </table> </div>	Affects sovereignty and integrity, security , strategic, scientific or economic interests of India.	Commercial confidence, trade secrets or intellectual property.	Affects relations with foreign State .	Information received in confidence from foreign Government.	Leads to incitement of an offence .	Endangers life or physical safety of any person.	Causes Breach of privilege of Parliament/ State Legislature .	Cabinet papers .	Expressly forbidden to be published by any court of law/tribunal .	Impedes investigation process or apprehension/ prosecution of offenders etc.	May constitute contempt of court .	Relates to personal information .
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Expressly forbidden to be published by any court of law/tribunal .	Impedes investigation process or apprehension/ prosecution of offenders etc.												
May constitute contempt of court .	Relates to personal information .												
<p>Jurisdictions</p>	<ul style="list-style-type: none"> • Lower courts are barred from entertaining suits or applications. • However, writ jurisdiction of Supreme Court and High Courts under Articles 32 and 225 of remains unaffected. 												
<p>Other Key Provisions</p>	<ul style="list-style-type: none"> • Penalties: In case of failure to provide information on time, incorrect, incomplete etc. • Time Frame for Providing Information: Within 30 days of request; for matters concerning life or liberty, it must be provided within 48 hours. • Appeals: Citizens can appeal against decisions of PIOs if their requests are denied or inadequately addressed. 												
<p>Amendments</p>	<ul style="list-style-type: none"> • RTI (Amendment) Act, 2019 modified terms and conditions of employment for ICs at Central and State Levels. <ul style="list-style-type: none"> ○ It empowered Central Government to prescribe Terms, Salaries, Allowances and Other terms of service of CICs and ICs (at central and state level). • Digital Personal Data Protection (DPDP) Act, 2023: Amended section 8(1)(j) of RTI law to exempt all personal information from disclosure. 												

8.2. AADHAAR

Why in the news?

Recently, **Supreme Court (SC)** observed that while **Aadhaar card** can be used to **establish identity**, it is **not an authoritative proof for date of birth**.

Features of Aadhaar


- **Uniqueness:** **12-digit unique identification number** and no resident can have a duplicate number since it is linked to their individual biometrics
 - It is issued by **Unique Identification Authority of India (UIDAI)** and can also be **deactivated or omitted by UIDAI**.
- **Random Number:** It does not capture details like caste, religion, income, health, geography, etc.
- **Proof of address and Identity** for residents of India. **Aadhaar is not a proof of citizenship or domicile**.
- **Scalable technology Architecture:** Resident's data is stored centrally, and authentication can be done online from anywhere in country.

- **Electronics Benefit Transfers:** UID-enabled-Bank-Account network will offer a secure and low-cost platform to directly remit benefits to residents.
- **Targeted Delivery:** Central/State Governments to require Aadhaar for availing benefits/subsidies under schemes that are funded out of Consolidated Fund of India or Consolidated Fund of State (Aadhaar Act, 2016).


Constitutionality of Aadhaar Act (Justice K.S. Puttaswamy v Uoi)

- In its 2018 judgment, top court affirmed **constitutionality of Aadhaar Act, 2016.**
- **Key Observations:**
 - Aadhaar **metadata** cannot be stored for **more than six months.**
 - Act **does not violate fundamental rights** guaranteed under Articles 14, 15, 19 and 21.
 - Aadhaar would be **mandatory for accessing social welfare schemes**, but it cannot be forced on people for **opening bank accounts or for mobile and internet connection.**
 - State **cannot enter into contracts with private corporations for sharing of Aadhaar data**, as it infringes on right to privacy.

Unique Identification Authority of India (UIDAI)

**Genesis:**

Statutory body established in 2016 under **provisions of Aadhaar Act 2016** by Government of India under **Ministry of Electronics and Information Technology.**

**Functions:**

- To **issue Unique, Identification Numbers (UID).**
- Responsible for **Aadhaar enrolment** and **authentication** including operation and management of all stages of Aadhaar life cycle.
- **Ensure security and confidentiality** of identity information and authentication records of Aadhaar number holders.
- Developing policy, procedure and system for issuing Aadhaar numbers to individuals.

8.3. CENTRALLY SPONSORED SCHEME (CSS)

Why in the News?

As part of the expenditure reforms, the NITI Aayog has initiated a process for revamping of Centrally Sponsored Schemes (CSSs).

About Centrally Sponsored Schemes

- **Definition:** CSSs are Schemes that are **funded jointly by centre and state** and **implemented** through **State** in sectors falling in **State and Concurrent Lists of Constitution.**
- **Features:** Current framework of CSSs is based on report by **Sub-Group of Chief Ministers on Rationalisation of CSSs (2015).**
 - **Focus of CSSs:** On **Schemes that comprise National Development Agenda** for realizing Vision 2022, where Centre and States need to work together.
 - **Current Status:** **75 CSSs in 3 categories** and they constitute around 10.4% of Centre's budget expenditure.
 - **Funding:** All transfers to States for CSSs are being routed through **Consolidated Fund of the State.**
 - > Following the recommendations of 14th Finance Commission (FC) and abolition of Plan-Non Plan distinction from 2017, **CSSs and Central Sector schemes** have become **primary mode of specific purpose transfers** made by Union to the States.
 - **Funding pattern for Core Schemes:**
 - > **8 North Eastern States and 3 Himalayan States:** Centre: State is 90:10

- > **Other States:** Centre: State is 60:40
- > **Union Territories:** without Legislature, Centre 100%.
- **Monitoring:** NITI to have concurrent jurisdiction in the **monitoring of CSSs and also oversee Third-Party Evaluation.**

Types of CSS

Core Schemes:

- Comprise **National Development Agenda (NDA).**
- Eg: Green Revolution, Pradhan Mantri Krishi Sinchai Yojana, Swachh Bharat Mission etc.

Core of the Core Schemes:

- 6 Schemes for **social protection and social inclusion.** They are first charge on **available funds for NDA.**
- Eg: MGNREGA, National Social Assistance Programme, 3 Umbrella Scheme for Development (of SCs, STs and Backward Classes, Differently Aabled and other Vulnerable Groups), Umbrella Programme for Development of Minorities

Optional Schemes:

- **States are free to choose** the ones they wish to implement. **Funds** for these are **allocated by Ministry of Finance.**
- Eg: Border Area Development Programme, Shyama Prasad Mukherjee Rurban Mission.

8.4. MISSION KARMAYOGI

Why in the news?

Recently, Capacity Building Commission (CBC), launched in 2021, as part of National Programme for Civil Services Capacity Building (NPCSCB) - Mission Karmayogi has completed three years.

About NPCSCB - Mission Karmayogi

- NPCSCB aims to create a **professional, well-trained and future-looking civil service** that is imbued with a shared understanding of India's developmental aspirations, national programs and priorities.
- **NPCSCB cover all civil servants** (including contractual employees) across different ministries, department organisations and agencies of the Union Government.

Institutional Framework of NPCSCB

Prime Minister's HR Council (Apex Body)

Cabinet Secretariat Coordination Unit (Monitoring and Oversight)

Capacity Building Commission (Training standards, share resources & supervise central training institutions)

Special Purpose Vehicle (100% Government owned online learning platform - iGOT Karmayogi)

- **Guiding Principles of Mission Karmayogi**
 - **Shift from rule to role based** training and capacity building.
 - Moving to a **competency driven approach** for capacity development.
 - **70-20-10 Mandate:** 70% of learning comes from on the job experiences and reflections, 20% is derived from working with others; and 10% comes from planned training.

- **Move beyond silos in Government.**
- **Integrated Government Online Training (iGOT) Karmayogi Platform:** Act as a launchpad for Mission Karmayogi.
 - It is a comprehensive **online portal to guide government officials** in their capacity building journey.
 - Performance of all users of iGOT-Karmayogi platform is **monitored and evaluated on key performance indicators** including individual learner, supervisor, content provider and creator etc.

Capacity Building Commission (CBC)

Genesis: Constituted through Gazette of India in 2021, issued by Department of Personnel and Training.

About: Established as an **independent body with complete executive and financial autonomy.**

Composition: **Three Members and is supported by an internal Secretariat.** Secretariat is headed by an officer in grade of Joint Secretary to GoI (designated as Secretary to CBC).

- ◆ **Members have been appointed from diverse backgrounds** to ensure adequate representation of multiple perspectives like those of state governments, public sector, private sector, academia etc.

Purpose: To build credibility and shape a uniform approach to capacity building on a collaborative and co-sharing basis.

Functions of CBC

- ◆ **Facilitate preparation of Annual Capacity Building Plans** of departments, ministries and agencies.
- ◆ Preparing an **Annual State of Civil Services Report.**
- ◆ **Approving Knowledge Partners** for Mission.
- ◆ Evolving a **harmonious, de-siloed approach** to capacity building initiatives

8.5. GRIEVANCE REDRESSAL MECHANISM (GRM)

Why in the news?

Recently, Ministry of Personnel, Public Grievances & Pensions (MoPPG&P) has issued comprehensive Guidelines for Handling Public Grievances for making grievance redressal time-bound, accessible and meaningful.

More on news

- **Key highlights of Comprehensive Guidelines for Handling Public Grievances**
 - **Appointment of Nodal Officers for Public Grievances** in all Ministries/ Departments who will address grievances promptly, fairly and efficiently.
 - **Dedicated Grievance Cells** shall be set-up in every Ministry/ Department with sufficient resources having knowledge of schemes and activities.
 - **Timelines** for effective grievance redressal have been **reduced to 21 days** from existing 30 days.
 - **Grievance redressal assessment index (GRAI)** for ranking Ministries/ Departments shall be issued on monthly basis.
 - ✓ GRAI conceptualised and **designed by DARPG** to present organisation-wise comparative picture and provide valuable insights about strengths and areas of improvement regarding GRM.

About Grievance Redressal Mechanism (GRM)

- GRM of an organisation is an **important instrument to measure its effectiveness** as it provides feedback on the working of the organisation.
- **Two designated nodal agencies in Union Government handling grievances are:**
 - Department of Administrative Reforms and Public Grievances, DARPG (under MoPPG&P).
 - Directorate of Public Grievances, Cabinet Secretariat.
- CPGRAMS is an **online platform available to citizens 24x7** to lodge their grievances to public authorities on any subject related to service delivery.
 - It is a **single portal connected to all Ministries/Departments** of Government of India and States through **role-based access** to the officers in portal.

- **Grievance Redressal Machinery in States:** At district level, **District Magistrate** is normally designated as **District Public Grievance Officer**. In some States, **Zila Panchayats** have also **constituted their own public grievance mechanisms**.

Other Initiatives taken for Grievance Redressal

- **Constitutional and statutory institutions:** Like **CVC, Lokayuktas, NHRC, SHRC** etc. to look into **complaints** of corruption, negligence in conduct of public servant regarding human rights violation etc.
- **Pro-Active Governance and Timely Implementation (PRAGATI):** Multi-purpose and multi-modal platform to address common man's grievances.
- **E-Nivaran:** Launched by CBDT to fast-track taxpayer grievances
- **Sevottam model:** Developed with to improve quality of public service delivery. It **comprises of 3 modules** namely, Citizen's Charter, **Grievance Redressal Mechanism** and Capability Building for Service Delivery.

8.6. JAN YOJANA ABHIYAN

Why in the news?

Ministry of Panchayati Raj launched the **People's Plan Campaign (Jan Yojana Abhiyan)** for the preparation of **Panchayat Development Plans (PDPs) for 2025–26**.

About Jan Yojana Abhiyan or People's Plan Campaign (PPC)

- **Aim:** To accelerate **people's participation** in process of preparation of Panchayat Development Plan.
- **Launched:** Rolled out as '**Sabki Yojana Sabka Vikas**' by **Ministry of Panchayati Raj** in **2018**.
- **Implementation:** At all three tiers of Panchayats with active involvement of **Elected Representatives, Government Frontline workers, Community-Based Organizations (CBOs)** like Self Help Groups (SHGs) and other stakeholders.
- **Components of campaign:**
 - **Structured Ward Sabha/ Mahila Sabha/ Gram Sabha/ Block Sabha / District Sabha:** To be held for preparation of Gram Panchayat Development Plan (GPDP), Block Panchayat Development Plan and District Panchayat Development Plan for FY 2025-26.
 - **Preparation of Gram Sabha wise calendar** and identification of **Thematic developmental gaps** based on **Panchayat Development Index (PDI)**, to be presented in Gram Sabha.
 - > Thematic approach is based on **localization of SDGs** by adopting a '**Whole of Government and Whole of Society approach.**'
 - > PDI is a **multi-domain and multi-sectoral index** that is intended to be used to assess the overall holistic development, performance & progress of panchayats.
 - **Inclusive participation:** Engage youth and elderly (more than 75 years) for handholding in preparation of GPDPs.
 - Approved GPDP to be published on **e-Gram Swaraj portal**.

8.7. AUDITING OF LOCAL BODIES

Why in the news?

Recently, International Centre for Audit of Local Governance (iCAL) was inaugurated in Rajkot, Gujarat.

More on news

- It is the first in country and aims to **set global standards for auditing local governance bodies**.
- **About iCAL**
 - It is a collaborative platform for **policymakers and auditors** and would **serve as a centre of excellence** for capacity building of auditors.
 - It enhances **independence of local government auditors** to ensure improved financial performance assessment, and service delivery.
 - It acts as a **knowledge centre and think-tank for addressing governance issues** at grassroot levels.

About Local Self Governance and its Audit

- **73rd and 74th Constitutional Amendment Act, 1992** contains provisions on local self-governance.
 - In 2020, **Ministry of Panchayati Raj developed AuditOnline application** to conduct online audit of panchayat accounts, ensure accountability in utilisation of funds at ground level.
 - > It has been **awarded World Summit on Information Society Prizes 2023** at International Telecommunication Union (ITU), Geneva.
- **Current Auditing Mechanism of Local Bodies**
 - CAG's mandate for audit of Local Bodies flows from **CAG's (Duties, Powers and Conditions of Service) Act, 1971**.
 - > CAG exercises **control and supervision** over proper **maintenance of accounts and auditing** for all three levels of Panchayati Raj Institution (PRIs)/Urban Local Bodies (ULBs).
 - It is done through **Examiner of Local Fund Accounts (ELFA) or Director of Local Fund Accounts (DLFA)** in most states. It **audits utilization of funds** granted by state government to local bodies.
 - > ELFA/DLFA work under technical guidance and supervision of CAG.

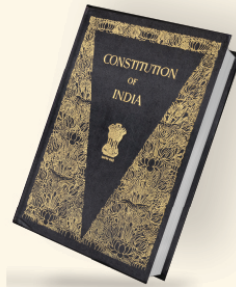
Constitutional Provisions related to Auditing of Local Bodies

Article 243 G

Enshrines the basic principle for **devolution of power to Local Bodies**.

Article 243J

Legislature of a State may, by law, make provisions with respect to **maintenance of accounts by Panchayats** and auditing of such accounts.



Article 243 Z

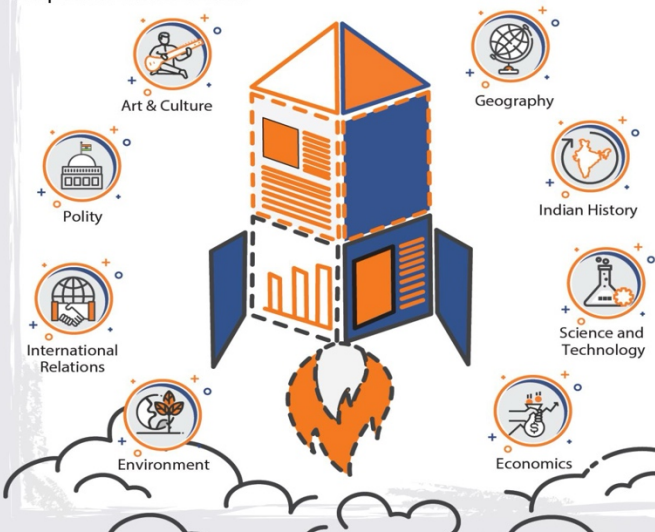
Legislature of a State may, by law, make provisions with respect to **maintenance of accounts by Municipalities** and the auditing of such accounts.

FAST TRACK COURSE 2025 GENERAL STUDIES PRELIMS



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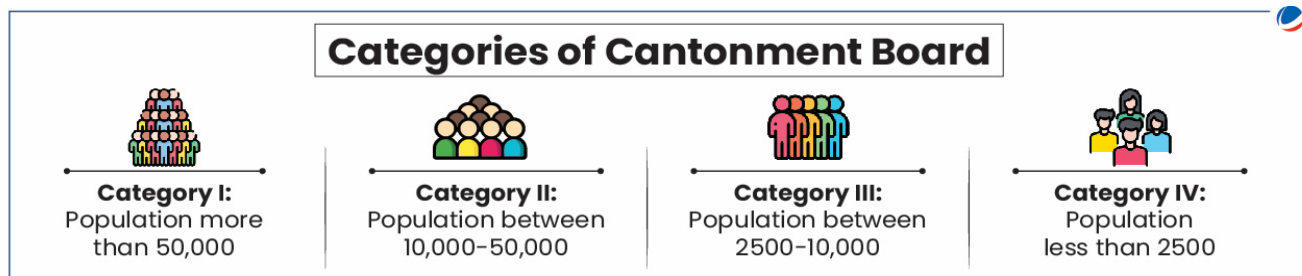
8.8. CANTONMENT BOARDS

Why in the news?

Recently, the land portions from 10 cantonment boards to be merged with concerned state local bodies.

About Cantonments

- Cantonment is essentially an area where **military troops are garrisoned** and **primarily dedicated to housing soldiers**.
 - It comprises **military and civilian populations**, while a military station is exclusively for use and accommodation of military personnel and is established through an executive order.
- **Genesis:** Established by East India Company after **Battle of Plassey in 1757**.
 - **Barrackpore (Calcutta)** was **first Cantonment** established in 1765.
 - Currently, there are **61 cantonments in India** (6 established after independence).
- **Administration:** Local self-government of cantonments is the subject matter of **Union Government** (Entry 3 of Union List).
 - Cantonments are administered under **Cantonments Act, 2006** in accordance with **74th Constitutional Amendment Act**.
 - **Cantonments are administered by Cantonment Boards**, which perform civic duties such as providing public health, water supply, primary education, etc.
 - Under administrative control of **Ministry of Defence**.
- **Cantonment's Station Commander:** Board's ex-officio President.



8.9. CONSTITUTIONALIZATION OF ENVIRONMENTAL ISSUES

Why in the news?

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

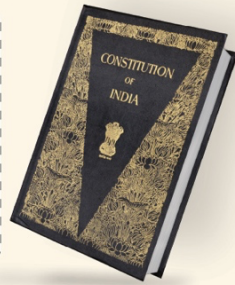
More about the news

- The judgment was made under the writ Petition '**M.K. Ranjitsinh and Others v. Union of India and Others**' regarding the protection of Great Indian Bustard and its habitat.
 - **Articles 14 and 21 of the Constitution of India** guarantee the fundamental rights to equality and life respectively.
- It is an example where the **SC has used its power to widen the scope of fundamental rights**, particularly **Articles 21** (right to Life), **14** (right to equality) and **19** (right to freedom of speech, etc.).

Judicial pronouncements in context of constitutionalization of environmental issues

M.C. Mehta vs. Union of India (1987):

Right to live in pollution free environment under Article 21.



Vellore Citizens Welfare Forum vs. Union of India (1996):

Observed that “the Precautionary Principle” and “the Polluter Pays Principle” are essential features of “Sustainable Development.”

- » **Precautionary Principle:** Allows decision makers to take precautions when scientific evidence of environmental or health hazards is inconclusive.
- » **Polluter Pays Principle:** Those who produce pollution bear the cost of managing it.

8.10. DIPLOMATIC PASSPORT

Why in the news?

Recently, one of the incumbent Members of Parliament fled to Germany on a diplomatic passport after allegations of sexual abuse.

Diplomatic passports

- **Eligibility:** Issued to **designated members** authorised by the Government of India. These persons could be
 - Those living or having been granted a **diplomatic status; or**
 - **Government officials** proceeding abroad on **diplomatic assignments or for official purposes.**
- **Validity period:** 5 years or less.
- **Advantage:**
 - **Immunity:** Holders of such passports are entitled to **certain privileges and immunities** as per international law, including immunity from **arrest, detention, and certain legal proceedings in host country.**
 - **Exemption from Visa requirement in some countries:** Typically, MEA also issues visa notes to Indian Government officials going abroad for an official assignment or visit.
 - > However, India has **Visa Waiver Agreements** for holders of diplomatic passports with **Germany along with 33 other countries.**
 - > This agreement allows **Indian diplomatic passport holders** to visit these countries **without a visa for up to 90 days.**

About Indian passport

- Passports and Visas are mentioned under **Union list of 7th Schedule of Constitution.**
- Issuance of passports in India is **governed by Passports Act, of 1967** according to which:
 - **All persons who depart or intend to depart from India** are required to have a valid passport or travel document.
 - > However, **Central government may exempt some people** from the need for possession of a passport.
 - Additionally, **Central Government may issue a passport to a person who is not a citizen of India** if that Government believes that it is necessary so to do **in the public interest.**
- There are **three classes of passports** issued in India: **Ordinary (blue colour), Diplomatic (white colour) and Official (maroon colour).**

8.11. OTHER IMPORTANT NEWS

8.11.1. COMMON SERVICE CENTRES (CSC)

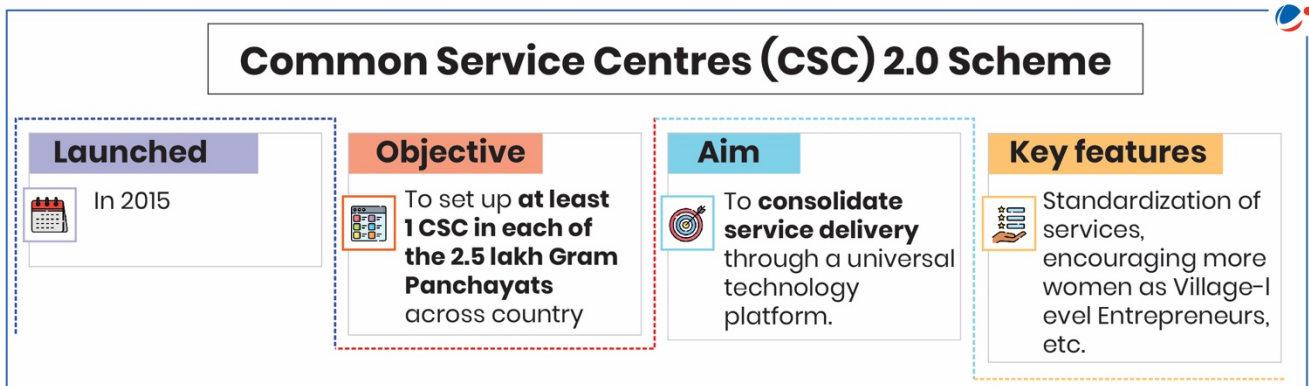
CSC Special Purpose Vehicle (SPV), which oversees implementation of CSC scheme, celebrated 15 years of its establishment.

About CSC SPV

- Set up by **Ministry of Electronics & IT** under **Companies Act, 1956**.
- Provides a **centralized collaborative framework** for delivery of services to citizens through CSCs.
- **Vision:** To develop CSCs as a reliable and ubiquitous IT-enabled network of citizen service points.

About Common Service Centres (CSCs)

- It is **one of the three pillars** of **National e-Governance Plan (NeGP)** approved in 2006.
 - Other two pillars of NeGP include **Connectivity** and **National Data Bank/ State Data Centres**.
- CSCs are **front-end delivery points** for **Government, private and social sector services** to rural citizens of India, in an **integrated manner**.
- It is a **pan-India network** catering to regional, geographic, linguistic, and cultural diversity of the country.
- **Services offered by CSCs:** **G2C** (Aadhar Seervices, ITR filing, etc.), **B2C** (Bharat Bill Pay System, Mobile and DTH recharge, etc.), **Financial services** (banking, insurance, pension, etc.), among others.



8.11.2. WORLD PRESS FREEDOM INDEX (WPFI) 2024

India ranked **159 among 180 countries** in annual WPFI 2024.

About WPFI 2024

- It is released by **Paris based Reporters Without Borders (RSF)**, one of the world's leading NGOs in defense and promotion of freedom of information.
- It is **published on World Press Freedom Day (3 May)**.
- Theme: "A Press for the Planet: Journalism in the face of the Environmental Crisis".
- Top 3 rankers are **Norway, Denmark and Sweden**.
- Based on 5 indicators- **Political, Economic, Legislative, Social and Security**.

8.11.3. CO-DISTRICTS INITIATIVE

Assam has launched a **first of its kind unique** concept of **co-district** within a district administration in place of the existing system of civil sub-divisions.

About Co-Districts Initiative

- **Smaller administrative units** below **districts** headed by an officer of rank of **Assistant District Commissioner**, having powers and responsibilities similar to those of district commissioners.
- **Significance:** Decentralizing administration; enhancing governance; providing citizen-centric services, providing services closer to people, etc.

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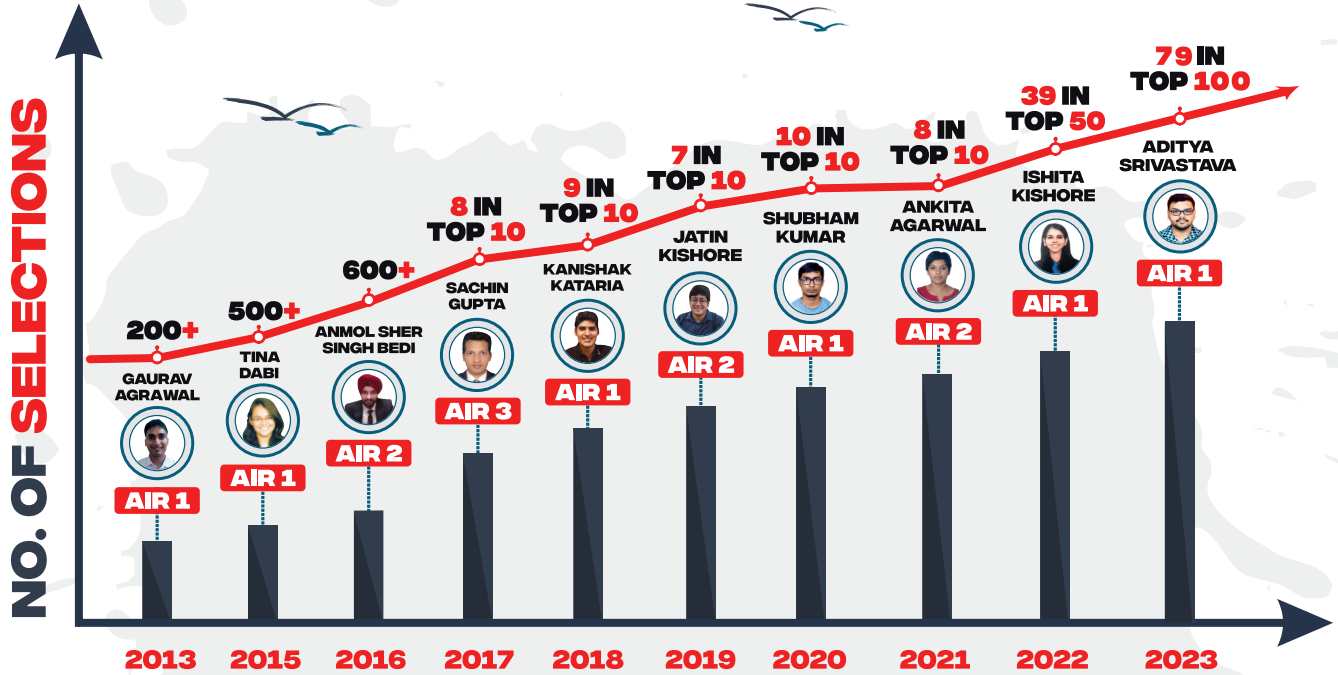
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