



**APTI PLUS**

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## **POLITY**

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I**

# POLITY

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APTI PLUS

# ISSUES RELATED TO CONSTITUTION

## FUNDAMENTAL RIGHTS

### Right to Dissent

#### Context

- The Supreme Court on Shaheen Bagh style protests stated that the **right to dissent is fair and well** but **public spaces cannot be occupied indefinitely** for demonstrations and in such cases the administration ought to take action.
- Maintaining that “**democracy and dissent go hand in hand**” the Supreme Court ruled that roads and public spaces **can't be blocked indefinitely and demonstrations expressing dissent** have to be in designated places alone.

#### Dissent and Democracy

- The Preamble to the Constitution of India promises liberty of thought, expression, belief, faith and worship. **Clauses (a) to (c) of Article 19(1)** promise:-
  - Freedom of speech and expression;
  - Freedom to assemble peaceably and without arms;
  - And the freedom to form associations or unions;
- These three freedoms are vehicles through which dissent can be expressed.
- The **right of freedom of opinion** and the **right of freedom of conscience** by themselves include the extremely important right to disagree.
- The **right to disagree, the right to dissent and the right to take another point of view** would be here inherently in each and every citizen of the country.

#### Restrictions

- **Clause (2) of Article 19** of the Indian constitution enables the legislature to impose certain restrictions on free speech under following heads:
  - I. security of the State,
  - II. friendly relations with foreign States,
  - III. public order,
  - IV. decency and morality,
  - V. contempt of court,
  - VI. defamation,
  - VII. incitement to an offence, and
  - VIII. sovereignty and integrity of India.

### Article 32

#### Context

- A Supreme Court Bench headed by Chief Justice of India S A Bobde observed that it is trying to **discourage individuals from filing petitions** under Article 32 of the Constitution.
- The observation came during the hearing of a petition seeking the release of journalist Siddique Kappan, who was arrested with three others while on their way to Hathras, Uttar Pradesh.

#### What is Article 32?

- It is one of the fundamental rights listed in the Constitution that each citizen is entitled.
- Article 32 deals with the “**Right to Constitutional Remedies**”, or affirms the **right to move the Supreme Court by appropriate proceedings** for the enforcement of the rights conferred in Part III of the Constitution.
- It states that the Supreme Court “shall have **power to issue directions or orders or writs**, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

- The right guaranteed by this Article —shall **not be suspended except as otherwise provided** for by this Constitution.
- The Article is included in Part III of the Constitution with other fundamental rights including **Equality, Freedom of Speech and Expression, Life and Personal Liberty, and Freedom of Religion.**
- Only if any of these fundamental rights is violated can a **person can approach the Supreme Court directly under Article 32.**

### Supreme Court's recent observations on Article 32

- **Journalist Siddique Kappan Case:** The court asked why the petitioners could not go to the High Court. It has sought responses from the Centre and the UP government, and will hear the case later this week.
- **Telugu poet Varavara Rao's wife, P Hemalatha Case:** The Supreme Court directed the Bombay High Court to expedite the hearing on a bail plea filed on medical grounds. It observed that once a competent court had taken cognisance, it was under the authority of that court to decide on the matter.

### Types of Writs

- There are five types of writs Habeas corpus , Quo warranto , Mandamus , Certiorari and Prohibition:

#### 1. Habeas Corpus

- The latin term habeas corpus means **"you must have the body"** and a **writ for securing liberty** was called habeas corpus.
- By this writ the court directs the person or authority who has detained another person to **bring the body of the prisoner before the court** so as to enable the court to decide the validity , jurisdiction or justification for such detention.
- Habeas corpus cannot be granted where a person has been **committed to custody under an order from a competent court.**
- Writ of habeas corpus can be invoked **not only against the state but also against any individual** who is holding any person in unlawful custody or detention .
- In **Gopalan v. Government of India**, the Supreme court ruled that the earliest date with reference to which the legality of detention may be examined is the date on which the application for the same is made to the court.

#### 2. Quo Warranto

- The term quo warranto means **what is your authority.**
- The writ of quo warranto is used to **judicially control executive action** in the matter of making appointments to public offices under relevant statutory provisions.
- The writ is also used to **protect a citizen from the holder of a public office** to which he has no right.
- The writ calls upon the holder of a public office to show to the **court under what authority he is holding the office in question.**
- While issuing such a writ, the High court merely makes a **public declaration of the illegality of the appointment and will not consider other factors**, which may be relevant for issuance of a writ of certiorari.

#### 3. Mandamus

- Mandamus a command issued by a court to an authority directing it to perform a public duty imposed upon it by law.
- Mandamus can be issued when the Government denies to itself a jurisdiction which it undoubtedly has under the law, or where an authority vested with a power improperly refuses to exercise it.
- The function of mandamus is to keep the public authorities within the limits of their jurisdiction while exercising public functions.
- Mandamus can be issued to any kind of authority in respect of any type of function "administrative, legislative, quasi-judicial, judicial Mandamus is used to enforce the performance of public duties by public authorities.

#### 4. Certiorari and Prohibition

- These writs are designed to prevent the excess of power by public authorities.
- Formerly these writs were issued only to judicial and quasi-judicial bodies.
- Certiorari:
  - Certiorari is a latin word being a passive form of the word Certiorari meaning **inform.**
  - A writ of certiorari or a writ in the nature of certiorari can **only be issued by the Supreme court under Art. 32 and a High court under Art. 226** to direct, inferior courts, tribunals or authorities to transmit to the

court the record of proceedings disposed of or pending therein for scrutiny, and, if necessary, for quashing the same.

- o Certiorari under Art. 226 is issued for **correcting gross error of jurisdiction** i.e. when a subordinate court is found to have acted
  - without jurisdiction or by assuming jurisdiction where there exists none , or
  - in excess of its jurisdiction by overstepping or crossing the limits of jurisdiction or
  - acting in flagrant disregard of law or rules of procedure or acting in violation of principles of natural justice where there is no procedure specified and thereby occasioning failure of justice.
- Prohibition:
  - o A writ of prohibition is normally issued when inferior court or tribunal
    - proceeds to act without jurisdiction or in excess of jurisdiction
    - proceeds to act in violation of rules of natural justice or
    - proceeds to act under a law which is itself ultra vires or unconstitutional or
    - proceeds to act in contravention of fundamental rights.

## LEGISLATURE

### Office of Profit

#### Context

- The Joint Parliamentary Committee on Office of Profit deliberated on whether a Parliamentarian can continue to teach at University and if this draws the provisions of Office of Profit rules.

#### What is an office of profit?

- It is a position in the government, which cannot be held by an MLA or an MP. The post can yield **salaries, perquisites and other benefits**.
- Origin of this term: It can be found in the English Act of Settlement, 1701.
  - o Under this law, "no person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons."
  - o This was instituted so that there wouldn't be any undue influence from the royal household in administrative affairs.
- **Article 102 (1) and Article 191 (1) of the Constitution:** An MP or an MLA (or an MLC) is barred from holding any office of profit under the Central or State government.
  - o The argument is that the lawmakers who hold the government accountable **should not be susceptible to government influence** by way of holding any post where they get salary or allowances from the government.



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### What constitutes an office of profit?

- The law **does not clearly define** what constitutes an office of profit but the **definition has evolved** over the years with interpretations made in various court judgments.
- An office of profit has been interpreted to be a position that brings to the office-holder some **financial gain, or advantage, or benefit**.
- In 1964, the Supreme Court ruled that the test for determining whether a person holds an office of profit is the test of appointment. Several factors are considered in this determination including factors such as:
  - whether the government is the appointing authority,
  - whether the government has the power to terminate the appointment,
  - whether the government determines the remuneration,
  - what is the source of remuneration, and
  - the power that comes with the position.

### Exemptions

- Provisions of Articles 102 and 191 also protect a legislator occupying a government position if the office in question has been made **immune to disqualification by law**.
- In the recent past, several state legislatures have enacted laws exempting certain offices from the purview of office of profit.
- Parliament has also enacted the **Parliament (Prevention of Disqualification) Act, 1959**, which has been amended several times to expand the exempted list.

### Appointment as a parliamentary secretary

- Calcutta High Court in a judgment in 2015 which held that since the **position may confer the rank of a junior minister on the legislator**, the appointment of MLAs as parliamentary secretaries was an attempt by state governments to **bypass the constitutional ceiling** on the number of ministers.
- In 2009, the Bombay High Court also held that appointing parliamentary secretaries of the rank and status of a Cabinet Minister is in violation of **Article 164 (1A)** of the Constitution.
- The Article specifies that the number of ministers including the Chief Minister **should not exceed 15% of the total number of members** in the assembly.

## Legislature's Privilege

### Context

- The Centre told the Supreme Court that social media platforms such as Facebook and Twitter cannot be made accountable to state Assemblies and that a "national response" was required to address the "uncontrollable global problem" emerging from them.

### More on news:

- A SC bench was hearing a plea by Facebook India head Ajit Mohan challenging the summons issued to him on September 10 and September 18 by **Delhi Legislative Assembly's Peace and Harmony Committee**, which is conducting an **inquiry into the communal violence** that hit the Capital in February 2020.
- He argued that the **committee does not have the jurisdiction on the matter** and that the relevant powers were vested with Parliament.
- He referred to subjects listed under the Union list in the Constitution and said that the **field is fully occupied by the Parliament**.

### Constitutional Provisions:

- **Article 105 and Article 194** grant privileges or advantages to the members of the parliament so that they can perform their duties or can function properly without any hindrances. Such privileges are granted as they are needed for democratic functioning.
- Freedom of speech and publication under parliamentary authority:
  - It means that **no member of parliament will be liable** in any proceedings before any Court for anything said or any vote given by him in the Parliament or any committee thereof.
  - Also, **no person will be held liable for any publication of any report, paper, votes or proceedings** if the publication is made by the parliament or any authority under it.

- The same provisions are stated under Article 194, in that **members of the legislature of a state are referred instead of members of parliament.**
- Article 105 is an absolute privilege given to the members of the parliament but this privilege can be **used in the premises of the parliament and not outside the parliament.**
- **Power to make rules:** The Parliament has the power, which is given by the Constitution of India, to make its own rules but this power is subjected to the provisions of the Constitution.
- **Internal independence/autonomy:**
  - The houses can deal with their respective issues internally without any interference of the statutory authority.
  - The Indian Judiciary might not interfere with the proceedings or issues dealt in the parliament or by the members in the course of their business.
- Freedom from being arrested:
  - The Member of Parliament cannot be arrested 40 days before and 40 days after the session of the house.
  - If in any case a Member of Parliament is arrested within this period, the concerned person should be released in order to attend the session freely.
- Right to **exclude strangers** from its proceedings and hold secret sessions:
- **Right to prohibit the publication of its reporters and proceedings:**
  - The right has been granted to remove or delete any part of the proceedings that took place in the house.
- Right to punish members or outsiders for contempt:
  - The houses have the right to punish any person for any contempt made against the houses in the present or in the past.

### Breach of Privilege

- While the Constitution has accorded **special privileges and powers to parliamentarians** and legislators to maintain the **dignity and authority of the Houses**, these powers and privileges are not codified.
- Thus, there are **no clear, notified rules to decide what constitutes a breach of privilege**, and the punishment it attracts.

## Convicted Legislator

### Context

- The Central government has told the Supreme Court that it **rejected the idea of barring convicted legislators for life from contesting elections**, forming or becoming an office-bearer of a political party.
- The Union Ministry of Law and Justice said an elected representative of the people **cannot be equated with public servants who are banned for a lifetime on conviction.**

### More on news

- The Centre's stand differs from that taken by the Election Commission, which endorsed a life ban as necessary to "champion the cause of decriminalisation of politics".
- The case is based on a plea by Supreme Court advocate Ashwini Upadhyay, who argued that a life ban on conviction should uniformly apply for members of the judiciary, executive and the legislature.
- He argued that while a public servant or a government employee is debarred for life on conviction for offences under the Indian Penal Code, money laundering law, foreign exchange violation, UAPA or cheque cases, among other laws, a legislator is "only disqualified for the same offences for a specified period".
- The Ministry however countered that legislators are not bound by specific service conditions. They are bound by their oath to serve citizens and country.

### Disqualification under the Representation of the People Act of 1951

- Disqualification under the Representation of the People Act of 1951 for the period of the **prison sentence and six years thereafter** was enough for legislators.

### Disqualification of MPs and MLAs

- The **Representation of the People Act of 1951** lays down certain rules for disqualification of MPs and MLAs.
- **Section 8 (3) of the Act** states that if an MP or MLA is convicted for any other crime and is **sent to jail for 2 years or more**, he/ she will be disqualified for 6 years from the time of release.

- Even if a person is on bail after the conviction and his appeal is pending for disposal, he is disqualified from contesting an election.
- Section 8(4) allowed convicted MPs, MLAs and MLCs to continue in their posts, provided they **appealed against their conviction/sentence in higher courts within 3 months** of the date of judgment by the trial court.
- The Supreme Court in July 2013 struck down **section 8(4) of the RPA, 1951** and **declared it ultra vires and held that the disqualification** takes place from the date of conviction.

## Question hour

### Context

- Question hour session has been dropped in the Monsoon session of Parliament.

### More in news

- The Question Hour is the first hour of business every day when Parliament is in session, which the Lok Sabha website describes as a means to sense the pulse of the nation
- The move sparked anger in the opposition. According to the Lok Sabha, MPs have an “inherent and unfettered parliamentary right” to ask questions of the government.

### About Question Hour

- The **first hour of every parliamentary sitting** is slotted for this. During this time, the members ask questions and the ministers usually give answers.
- The questions are of three kinds, namely, starred, unstarred and short notice.
  - A **starred question** (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
  - An **unstarred question**, on the other hand, requires a written answer and hence, supplementary questions cannot follow.
  - A **short notice question** is one that is asked by giving a notice of fewer than ten days. It is answered orally.
- The list of starred, unstarred, short notice questions and questions to private members are printed in **green, white, light pink and yellow colour**, respectively, to distinguish them from one another.
- In addition to the ministers, the **questions can also be asked to the private members**.
- Thus, a question may be **addressed to a private member** if the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the House for which that member is responsible.

#### Zero Hour

- Unlike the question hour, the **zero hours is not mentioned in the Rules of Procedure**.
- Thus it is an **informal device available to the members** of the Parliament to raise matters **without any prior notice**.
- The zero hour **starts immediately after the question hour** and **lasts until the agenda for the day (i.e., regular business of the House)** is taken up.
- It is an Indian innovation in the field of parliamentary procedures and has been in existence since **1962**.

## Deputy Speaker

### Context

- This is the first time that the Lok Sabha has functioned for over a year without having a Deputy Speaker.
- Speaker has been requested to fill the post of Deputy Speaker of the Lok Sabha. The speaker has said that it is **not the duty of the Speaker to elect the Deputy Speaker** of the Lok Sabha.

### More on news

- According to the **Rules of Procedure and Conduct of Business** in Lok Sabha, "The election of a Deputy Speaker shall be held on such date as the Speaker may fix."



- But as per tradition Speaker Om Birla **needs the nod of the government** for announcing such an election. Once this is notified, one or more motions can be moved by members for election of a nominee as the Deputy Speaker of the Lok Sabha.
- **No member can move a motion** for his or her own election. If a properly moved motion is accepted by the simple majority of the house, the MP becomes the Deputy Speaker of the Lok Sabha.

### About Deputy Speaker

- **Article 93** of the Constitution provides for the election of both the **Speaker and the Deputy Speaker of the Lok Sabha**.
- Like the Speaker, the Deputy Speaker is **also elected by the Lok Sabha itself** from amongst its members.
- He is elected **after the election of the Speaker** has taken place. The **date** of election of the Deputy Speaker is **fixed by the Speaker**.
- Whenever the office of the Deputy Speaker falls vacant, the **Lok Sabha elects another member to fill the vacancy**.

### Role of Deputy Speaker

- The Deputy Speaker performs the **duties of the Speaker's office** when it is **vacant**.
- He also acts as the Speaker when the latter is **absent** from the sitting of the House.
- In both the cases, he assumes all the **powers of the Speaker**.
- He also **presides over the joint sitting** of both the Houses of Parliament, in case the Speaker is absent from such a sitting.
- The Deputy Speaker has **one special privilege**, that is, whenever he is appointed as a member of a parliamentary committee, he automatically becomes its chairman.

## Anti-Defection law

### Context

- In 2017, Manipur State election witnessed the hung verdict. Soon after the election, seven congress persons defected to BJP. Petitions for the eight defected MLA were left unheeded by the Speaker for more than three years. At this Manipur High Court gave the verdict.

### High Court verdict

- Directed the Speaker to dispose of the case at the earliest but after the election to the State's lone Rajya Sabha seat. The High Court placed a ban on the seven MLAs from entering the Assembly.

### Law of Anti-Defection

- The law of Anti Defection states that if a member parliament of member legislative assembly:
  - Voluntarily gives up the membership of the party;
  - Votes or abstains for voting or defies any party whip;
  - Joins any other party.
- In these cases, the member will be disqualified from the party and he will not hold the position of a nominated or an elected individual under the party. Thus he will lose his position as an MP or an MLA.
- **Exceptions:**
  - Disqualification under the purview of anti-defection shall not apply in case of **split/merger of 1/3rd or more of the members** of a party to another party.
  - It shall also **not apply in the event of a merger i.e. 1/3rd of the members** or more merge with any other party. This exception where 1/3rd members were however **revised by the way of the 91st amendment in the constitution** and after which the provision of the split was removed and now it requires 2/3rd members of a party can merge with another party.

#### Issues arising out of Defection:

- Weakening of electoral mandates as legislators are elected on the ticket of one party but switch to another for financial gains.
- Instability in the government as numbers of the functioning government declines.
- Promote Horse trading
- Acts against smaller parties as their MLA are most sought out.

#### Benefits of Anti-Defection law:

- Ensure stability to the government.
- Promotion of loyalty to the party and citizens
- Facilitates merger of Political parties without bringing down the wrath of anti – defection law.
- Reduction of corruption at political level

## Adjournment Motion

### Context

- The Congress moved an adjournment motion notice in the Lok Sabha over the “surveillance” of key Indian personalities, including the President and Prime Minister, by a firm linked to the Chinese government.

### Types of Motion

- The six most important motions in India parliament are: adjournment motion, privilege motion, censure motion, ‘no-confidence’ motion, calling attention motion and cut motion!

#### (i) Adjournment Motion:

- At the end of the question-hour in the Parliament, motion is moved by a member when it is desired to draw the attention of the Executive for the purpose of discussing a definite matter of urgent public importance.

#### (ii) Privilege Motion:

- A motion moved by a member if he feels that a Minister has committed a breach of privilege of the House or of any one or more of its members by withholding the facts of a case or by giving a distorted version of facts etc.

#### (iii) Censure Motion:

- A motion which seeks to censure the government for its “lapse”. If the motion is passed in the Popular House, the Cabinet resigns.

#### (iv) ‘No-Confidence’ Motion:

- A motion moved by a member to express lack of confidence in the government for any reason. The motion, if allowed, be debated upon. At the conclusion of such debate, a vote of confidence is sought by the government and if it fails to get the required majority of votes, it has to resign.

#### (v) Calling Attention Motion:

- A member may, with prior permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief Statement regarding the matter or ask for time to make a Statement.

#### (vi) Cut Motion:

- A motion that seeks reduction in the amount of a demand presented by the government is known as a cut motion. Such motions are admitted at the Speaker’s discretion. It is a device through which members can draw the attention of the government to a specific grievance or problem. There are three types of Cut Motion:

(a) **Disapproval of Policy Cut:** It means to express disapproval of the policy underlying.

(b) **Economy Cut:** Asks for a reduction of the amount of the demand by a specific amount.

(c) **Token Cut:** Is a device to ventilate specific grievances within the sphere of the government’s responsibility. The grievances have to be specified. Usually the motion envisages a small reduction in the demand.

## Rajya Sabha Suspension

### Context

- Eight Rajya Sabha MPs were suspended on Monday (September 21) for unruly behaviour in the House the previous day (September 20). The motion was passed by a voice vote.

### Reason for suspending an MP

- The general principle is that it is the role and duty of the Presiding Officer – Speaker of Lok Sabha and Chairman of Rajya Sabha – to **maintain order so that the House** can function smoothly.
- The suspension of the eight members comes a day after the Upper House witnessed massive **unruly scenes by protesting Opposition members** during the passage of two farm Bills.

### Rules under which the Presiding Officer acts

- Rule Number 373 of the Rules of Procedure and Conduct of Business says: “The Speaker, if is of the opinion that the **conduct of any Member is grossly disorderly**, may direct such Member to **withdraw immediately from the House**, and any Member so ordered to withdraw shall do so forthwith and shall **remain absent during the remainder of the day’s sitting.**”
- To deal with more recalcitrant Members, the Speaker may take recourse to Rules 374 and 374A.

#### Rajya Sabha:

- The Rajya Sabha or Council of States is the **upper house of the bicameral Parliament** of India.
- **Strength:**
  - It currently has a **maximum membership of 245**, of which **233 are elected by the legislatures** of the states and union territories using single transferable votes through Open Ballot while the **President can appoint 12 members** for their contributions to art, literature, science, and social services.
  - The potential **seating capacity of the Rajya Sabha is 250** (238 elected, 12 appointed), according to article 80 of the Indian Constitution.
- **Term:**
  - Members sit for staggered **terms lasting six years**, with **elections every year** but almost a third of the 233 designates up for election every two years, specifically in even-numbered years.
- The Rajya Sabha has **equal footing in legislation with the Lok Sabha**, except in the area of supply, where the latter has overriding powers.
- In the case of conflicting legislation, a **joint sitting of the two houses can be held**, where the Lok Sabha would hold greater influence because of its larger membership.
- **Qualifications: Article 84** of the Constitution lays down the qualifications for membership of Parliament. A member of the Rajya Sabha must:
  - Be a citizen of India.
  - Make and subscribe before some person authorized on that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution.
  - Be at least 30 years old. (article 84 constitution of India)
  - Be elected by the Legislative Assembly of States and Union territories by means of single transferable vote through proportional representation.
  - Not be a proclaimed criminal.
  - Not be a subject of insolvent, i.e. he/she should not be in debt that he/she is not capable of repaying in a current manner and should have the ability to meet his/her financial expenses.
  - Not hold any other office of profit under the Government of India.
  - Not be of unsound mind.
  - Possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

## Lok Sabha

### Context

- The Lok Sabha adjourned sine die in what is being termed one of the shortest sessions in India’s parliamentary history, but which was packed with 25 Bills.

### More on news

- Lok Sabha productivity clocked at 167% with 25 Bills passed; 2,300 unstarred questions answered; 68% of the sittings dealing with legislative work; and 370 Zero Hour mentions.

## Adjournment sine die

- Adjournment sine die means "without assigning a day for a further meeting or hearing".
- To adjourn an assembly sine die is to adjourn it for an indefinite period.
- A legislative body adjourns sine die when it adjourns without appointing a day on which to appear or assemble again.

### Lok Sabha

- The Lok Sabha, or House of the People, is the **lower house of India's bicameral Parliament**, with the upper house being the Rajya Sabha.
- Members of the Lok Sabha are **elected by an adult universal suffrage** and a **first-past-the-post system to represent their respective constituencies**, and they **hold their seats for five years** or until the body is dissolved by the President on the advice of the council of ministers.
- The house meets in the Lok Sabha Chambers of the **Sansad Bhavan, New Delhi**.
- The maximum membership of the House allotted by the Constitution of India is **552**.
- Currently, the house has **543 seats** which are made up by the election of up to 543 elected members and at a maximum.

### Qualifications

- **Article 84** (under Part V. – The Union) of Indian Constitution sets qualifications for being a member of Lok Sabha, which are as follows:
  - He/She should be a citizen of India, and must subscribe before the Election Commission of India, an oath or affirmation according to the form set out for the purpose in the Third Schedule of the Indian Constitution.
  - He/She should not be less than 25 years of age.
  - He/She possesses other such qualifications as may be prescribed in that behalf by or under any law made by the Parliament.
  - He/She should not be proclaimed criminal i.e. they should not be a convict, a confirmed debtor or otherwise disqualified by law; and
  - He/She should have his/her name in the electoral rolls in any part of the country.
- However, a member can be **disqualified** from being a member of Parliament:
  - If he/she holds the office of profit;
  - If he/she is of unsound mind and stands so declared by a competent court
  - If he/she is an undischarged insolvent;
  - If he/she is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
  - If he/she is violating party discipline disqualified under Representation of People Act.
- A seat in the Lok Sabha will become vacant in the following circumstances:
  - When the holder of the seat, by writing to the speaker, resigns.
  - When the holder of the seat is absent from 60 consecutive days of proceedings of the House, without prior permission of the Speaker.
  - When the holder of the seat is subject to any disqualifications mentioned in the Constitution or any law enacted by Parliament.
  - A seat may also be vacated when the holder stands disqualified under the 'Anti-Defection Law'.
- Furthermore, as per article 101 (**Part V. – The Union**) of the Indian Constitution, a person cannot be:
  - A member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.
  - A member both of Parliament and of a House of the Legislature of a State.



## JUDICIARY

### Contempt of Courts Act

#### Context

- Attorney General of India gave his consent for the initiation of criminal contempt proceedings against stand-up comedian Kunal Kamra for his tweets following the Supreme Court's decision to grant interim bail to television anchor Arnab Goswami.

#### SC's Recent Stand on Attorney General's Consent

- The prior consent of the Attorney General (AG) of India is **not required to suo motu initiate** the inherent contempt powers of the Supreme Court.
- A three-judge Bench led by Justice Arun Mishra held that the suo motu contempt powers of the top court is drawn from **Article 129 of the Constitution**, which says the **Supreme Court, as a court of record, has the power to punish for contempt of itself**.
- The **Contempt of Court Act of 1971 cannot limit this power** of the court. The statute only provides the procedure in which such contempt is to be initiated.

#### What is contempt of court?

- According to the Contempt of Courts Act, 1971, contempt of court can either be civil contempt or criminal contempt.
- Civil contempt means wilful disobedience of any judgment, decree, direction, order, writ or other process of a court, or wilful breach of an undertaking given to a court.
- Criminal contempt is attracted by the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which:
  - scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or
  - prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
  - interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.
- Punishment for contempt of court:
  - Contempt of court may be punished with simple imprisonment for a term, which may extend to six months, or with fine, which may extend to two thousand rupees, or with both, provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.



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### Need for Contempt Law

- To insulate the judiciary from **unfair attacks and prevent a sudden fall** in the judiciary's reputation in the public eye.
- It helps judges to **do their duties** of deciding cases without fear, favour, affection or ill will.

### What does not account to contempt?

- Fair and accurate reporting of judicial proceedings will not amount to contempt of court.
- Nor is any fair criticism on the merits of a judicial order after a case is heard and disposed of.

### Is truth a defence against a contempt charge?

- For many years, the truth was seldom considered a defence against a charge of contempt.
- There was an impression that the judiciary tended to hide any misconduct among its individual members in the name of protecting the image of the institution.
- The **Act was amended in 2006** to introduce truth as a valid defence if it was in the public interest and was invoked in a Bonafide.

### Necessary ingredients to constitute Contempt of Court in India

- Interference with Administration of Justice:
  - In **Brahma Prakash Sharma v State of Uttar Pradesh**, the Supreme Court had held that in order to constitute the offence of Contempt of Court, it was not necessary to specifically prove that an actual interference with administration of justice has been committed.
- Scandalizing the Court:
  - In the case of **PN Dua v Shiv Shankar and others**, the Supreme Court held that mere criticism of the Court does not amount to contempt of Court.
- Interference with due course of Justice:
  - In **Pritam Lal v. The High Court of M.P** the Supreme Court held that to preserve the proceedings of the Courts from interference and to keep the streams of justice pure, it became the duty of the Court, to punish the contemnor in order to preserve its dignity.

### Attorney General's consent

- Subsection 1 of Section 15 (Cognizance of criminal contempt in other cases) of **The Contempt of Courts Act, 1971** reads:
- In the case of a criminal contempt, other than a contempt referred to in Section 14 (Procedure where contempt is in the face of the Supreme Court or a High Court||), the Supreme Court or the High Court may take action on its own motion or on a motion made by
  - the Advocate-General, or
  - any other person, with the consent in writing of the Advocate-General.

## Transfer of judges

### Context

- The Supreme Court collegium has recommended transfer of judges of several high courts, including the transfer of Justice J.K. Maheshwari of the Andhra Pradesh High Court to Sikkim and the elevation of Punjab and Haryana HC judge, S. Muralidhar, as the Chief Justice of Orissa, a source familiar with the developments.

### More on news

- The chief justices of AP and Sikkim will swap places with Chief Justice J.K. Maheshwari moving to Gangtok and Chief Justice Arup Kumar Goswami moving south.
- Recently the Andhra Pradesh HC was dragged into a controversy as the Chief Minister Y.S. Jaganmohan Reddy had alleged that a senior judge of the Supreme Court was interfering in the functioning of the High Court.

**Article 222:** Transfer of a Judge from one High Court to another.-

1. The **President** may, after consultation with the **Chief Justice of India**, transfer a Judge from one High Court to any other High Court.
2. When a Judge has been or is so transferred, he shall, during the period he serves, after the commencement of the Constitution (Fifteenth Amendment) Act, 1963, as a Judge of the other High Court, be entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament by law and, until so determined, such compensatory allowance as the President may by order fix.

### Collegium of Supreme Court judges

- The Collegium of judges does not figure in the Constitution. It is the Supreme Court's invention. **Article 124(2)** says judges of the **Supreme Court and High Courts are appointed by the President and speaks of a process of consultation.**
- Collegium is a system under which judges are **appointed by an institution comprising judges.** Collegium also recommends the transfer of Chief Justices and other judges.

### Landmark Judgements

- **First Judges Case (1981):** It ruled that the "consultation" with the CJI in the matter of appointments must be full and effective. However, the CJI's opinion should have primacy.
- **Second Judges Case (1993):** introduced the Collegium system, holding that "consultation" really meant "concurrence". It added that it was not the CJI's individual opinion, but an institutional opinion formed in consultation with the two senior-most judges in the Supreme Court.
- **Third Judges Case (1998):** SC on President's reference expanded the Collegium to a five-member body, comprising the CJI and four of his senior-most colleagues.

### Procedure followed by the Collegium

- The **President of India appoints the CJI and the other SC judges.** For other judges of the top court, the proposal is initiated by the CJI.
- The CJI consults the rest of the Collegium members, as well as the senior-most judge of the court hailing from the High Court to which the recommended person belongs.
- The consultees must **record their opinions in writing** and it **should form part of the file.**
- The Collegium sends the **recommendation to the Law Minister**, who forwards it to the Prime Minister to advise the President.
- The Chief Justice of High Courts is appointed as per the **policy of having Chief Justices from outside the respective States.**
- The Collegium takes the **call on the elevation.**

### Appointment of CJI for High Courts

- High Court judges are recommended by a Collegium comprising the **CJI and two senior-most judges.**
- The proposal, however, is **initiated by the Chief Justice of the High Court** concerned in consultation with two senior-most colleagues.
- The recommendation is **sent to the Chief Minister**, who advises the Governor to send the proposal to the Union Law Minister.

## E-LokAdalat

### Context

- Chhattisgarh held its first ever **e-LokAdalat.**

### About LokAdalat

- NALSA along with other **Legal Services Institutions** conducts LokAdalats.
- LokAdalat is one of the **alternative dispute redressal mechanisms.**
- LokAdalats have been given **statutory status under the Legal Services Authorities Act, 1987.**
- Under the said Act, the award (decision) made by the LokAdalats is **deemed to be a decree of a civil court** and is **final and binding on all parties** and no appeal against such an award lies before any court of law.

## Singapore Convention on Mediation

### Context

- The Singapore Convention on Mediation, also known as the United Nations Convention on International Settlement Agreements Resulting from Mediation has come into force.
- This will provide a more effective way of enforcing mediated settlements of corporate disputes.

### Importance to Singapore Convention

- The Convention provides a **uniform and efficient framework for the enforcement of international settlement agreements** resulting from mediation and for allowing parties to invoke such agreements
- It is akin to the framework that the **Convention on the Recognition and Enforcement of Foreign Arbitral Awards** (New York, 1958) (the "New York Convention") provides for **arbitral awards**.
- The Convention defines two additional grounds upon which a court may, on its own motion, refuse to grant relief.
- Those grounds relate to the fact that a dispute would **not be capable of settlement by mediation or would be contrary to public policy**.



## EXECUTIVE

### Attorney General of India

#### Context

- President of India has **reappointed Senior Advocate K.K. Venugopal** as Attorney General for India for one year.

#### About Attorney General of India

- They can be said to be the advocates from the government's side.
- They are appointed by the President of India on advice of the Union Cabinet under Article 76(1) of the Constitution and hold office during the pleasure of the President.
- They must be a person qualified to be appointed as a Judge of the Supreme Court (They must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the President and must be a citizen of India).
- Functions:
  - The Attorney General is necessary for advising the Government of India on legal matters referred to them.
  - They also perform other legal duties assigned to them by the President.
  - The Attorney General has the right of audience in all Courts in India as well as the right to participate in the proceedings of the Parliament, though not to vote.
  - Unlike the Attorney General of the United States, the Attorney General for India does not have any executive authority. Those functions are performed by the Law Minister of India.

- The Attorney General can accept briefs but cannot appear against the Government. They cannot defend an accused in the criminal proceedings and accept the directorship of a company without the permission of the Government.
- The Attorney General is assisted by a Solicitor General and four additional Solicitors General.

## LOCAL SELF GOVERNMENT

### E-Gram Swaraj Portal

#### Context

- A unified tool e-Gram SWARAJ portal has been developed for effective monitoring and evaluation of works taken up in the Gram Panchayats.

#### Objective

- e-Gram SWARAJ unifies the planning, accounting and monitoring functions of Gram Panchayats.
- It's combination with the Area Profiler application, Local Government Directory (LGD) and the Public Financial Management System (PFMS) renders easier reporting and tracking of Gram Panchayat's activities.
- It provides a single-window for capturing Panchayat information with the complete Profile of the Panchayat.
- For the year 2020-21, around 2.43 lakh Gram Panchayats have finalized their GPDP on e-Gram SWARAJ.

### Village Poverty Reduction Plan

#### Context

- Self Help Groups across the country is geared up to **prepare the Village Poverty Reduction Plan for integration** with the Gram Panchayat Development Plans.

#### Background

- In 2015, the **Fourteenth Finance Commission** grants were devolved to Gram Panchayats that provided them with an enormous opportunity to plan for their development themselves.
- Since then, local bodies across the country are expected to **prepare context-specific, need-based Gram Panchayat Development Plans (GPDP)**.

#### Village Poverty Reduction Plans (VPRP):

- VPRP is a comprehensive demand plan prepared by the Self Help Group (SHG) network and their federations for projecting their demands and local area development which needs to be integrated with the Gram Panchayat Development Plan (GPDP).
- It will bring together both the citizens and their elected representatives in the decentralized planning processes.
- It facilitates an interface between the SHG federation and Panchayati Raj institutions for the development of demand plans.
- It strengthens the community-based organisations and their leadership for active participation in poverty reduction activities.
- Demands under VPRP are categorized into five major components:
  - **Social inclusion:** plan for inclusion of vulnerable people/household into SHGs under NRLM
  - **Entitlement:** demand for various schemes such as MGNREGS, SBM, NSAP, PMAY, Ujjwala, Ration card etc.
  - **Livelihoods:** specific demand for enhancing livelihood through developing agriculture, animal husbandry, production and service enterprises and skilled training for placement etc.
  - **Public Goods and Services:** demand for necessary basic infrastructure, for renovation of the existing infrastructure and for better service delivery
  - **Resource Development:** demand for protection and development of natural resources like land, water, forest and other locally available resources
  - **Social Development:** plans prepared for addressing specific social development issues of a village under the low cost no cost component of GPDP.



## Back to Village (B2V) Programme

### Context

- The Jammu and Kashmir government embarked on the third edition of the back to village (B2V) programme.

### About the programme

- The **10-day edition will focus on implementation and execution** of all that was conceived and achieved in the previous two editions.
- The first edition of the B2V programme was held in June 2019 and the second edition in November.
- The programme focused on **energising the panchayats, collecting feedback on delivery of government programmes, capturing specific economic potential** and undertaking an assessment of the needs of the villages
- The third edition aims to address the problems, grievances and demands through concrete action.

## District Development Councils

### Context

- The Centre amended the **Jammu and Kashmir Panchayati Raj Act, 1989**, to facilitate the **setting up of District Development Councils (DDC)**, the members of which will be directly elected by voters in the Union Territory.

### About DDC

- District Development Council, is a form of elected local government of the Jammu and Kashmir union territory.
- It is facilitated by the Jammu and Kashmir Panchayati Raj Act, 1989 and created under Jammu and Kashmir Panchayati Raj Rule, 1996 of the constitution of India.
- It is primarily aimed at electing the members from the rural and urban areas for the District Planning Committee and the council itself with fourteen members from each district for speedy development and economic upliftment.
- Each council is headed by an additional district development commissioner as an chief executive officer and the chairperson of the council representing the district.
- It works at district-level for the term of five years until new DDC elections are announced or held.
- DDC works jointly with the District Planning Committee (DPC) and Block Development Council from each district.
- Its chairperson and vice-chairperson are selected by its members.
- Functions:
  - To formulate, prepare, approve a **plan or capital expenditure for respective districts**
  - To **organize general meetings** after every three months designed to suggest a new plan or to process pending plans
  - To **supervise the activities** of gram panchayats, Block Development Council and panchayat samiti in its own jurisdiction at district-level
  - To utilize the **development aid or government** funds for the development of an entire district
  - To implement the schemes sponsored by the government of India
  - To **receive the district development plans** compiled and formulated by the Block Development Council and submit it to the District Planning Committee "for adherence to the government guidelines, norms and rules"

## ELECTION

### One Nation, One Election

#### Context

- The Prime Minister again raised the pitch for **"One Nation, One Election"** and a single voter list for all polls in order to prevent the impact of the **model code of conduct on development works** every few months due to frequent spread-out polls.



## Background

- Elections are held at different places every few months and it hampers the developmental work.
- Therefore, it's a must to have a deep study and deliberation on 'One Nation, One Election'.
- It will reduce wastage of time, energy and money.

## Pros of implementing simultaneous polls

- **Money and administrative expense** will be drastically cut, political parties spend a lot on elections campaigning
  - In 1951 elections, 53 political parties contested and the expense declared was 11 crores.
  - In recent 2019 elections, 610 political parties contested and the expense as per ADR is 60,000 crores.
- **Governance:** Government will have **time for some constructive work** because imposition of model code of conduct for such a long time is hampering developmental and welfare activities.
  - The ruling parties will be able to focus on legislation and governance rather than having to be in campaign mode forever.
  - The entire State and District level **administrative and security machinery** will be busy with the conduct of elections twice in a period of five years as per the current practice.
- **Reduce enormous economic costs** that are otherwise incurred in conducting elections, separately and takes a bit off the back of the exchequer.
- It provides the parties in power with a lot more bandwidth to be **focussed on good governance for the welfare of the people** rather than to be held in the loop of constant elections.
- The Law Commission also predicts a **large boost in the voter turnout** if this idea were to come about.
- **Large numbers of teachers are involved** in the electoral process which causes maximum harm to the education sector.



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## Cons of implementing simultaneous polls

- Large **national parties would reap the economies of scale** of one large election every five years, to the disadvantage of regional parties.
- **Issues at the centre** and the state level are often found to be a lot different from each other and hence calls for a unique modus operandi at both levels.
- It has been proposed that the **judgment of the voters is likely to get affected** if the state and national polls were to be held simultaneously mainly because of the fundamental difference between national and state issues.
- One of the most important tools for **good governance as enshrined in our constitution** is that of accountability.
- To have the political parties to be held in the loop of elections constantly will **incentivise them to be a lot more accountable and actively work and contribute for the welfare** of the people.

### What needs to be done to conduct simultaneous polls?

- **Amendments to the constitution:** To conduct simultaneous elections in India, many amendments to the constitution of India are to be made.
- **Article 83** of the Constitution provides for the tenure of both Houses of the Parliament (Lok Sabha and Rajya Sabha).
- **Article 83(2)** provides for a term of five years for Lok Sabha, from the date of its first sitting unless dissolved earlier.
- **Article 172 (1)** provides for a five year tenure for the State Legislative Assembly from the date of its first sitting.
- **Article 85 (2)(b)** of the Constitution of India provides the President with the power to dissolve Lok Sabha. Similar provision for dissolution of State Legislative Assemblies by the Governor of State is provided under **Article 174 (2)(b)**
- **The Representation of People Act 1951**, which covers various modalities of conducting elections in the country, also needs to be amended.

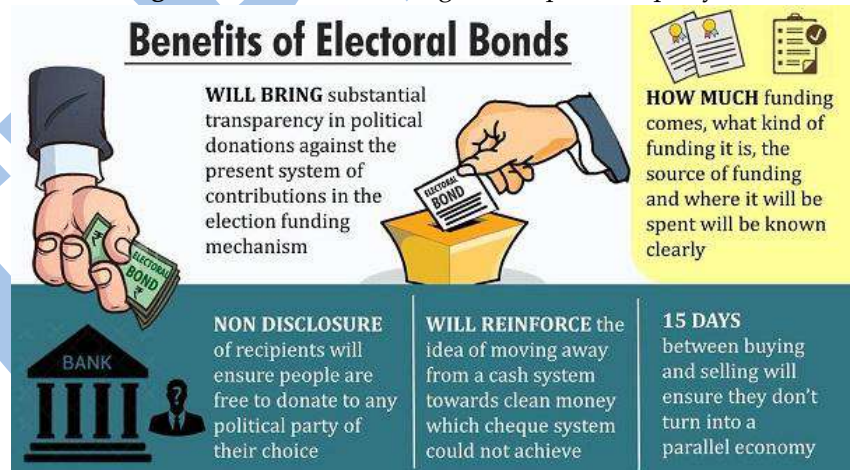
## Electoral bonds

### Context

- Electoral bonds worth Rs. 282.29 crores were sold in October ahead of the Bihar Assembly election, the State Bank of India said in response to a Right to Information (RTI) query.

### About Electoral Bonds

- Electoral Bond shall be **redeemable in the designated account** of a registered political party within the prescribed time limit from issuance of bond.
- Required amendments to the **Reserve Bank of India Act, 1934 (Section 31(3))** and the **Representation of People Act, 1951** were made through **Section 133 to 136 of Finance Bill, 2017**.
- It is an interest free banking instrument issued on a non-refundable basis and is not available for trading.
- It would be issued/purchased for any value, in **multiples of Rs.1,000, Rs.10,000, Rs.1,00,000, Rs.10,00,000 and Rs.1,00,00,000** from the Specified Branches of the State Bank of India (SBI).
- Electoral Bonds would have a **life of only 15 days** during which it can be used for making donation only to the political parties registered under **section 29A of the Representation of the Peoples Act, 1951** and which secured **not less than one per cent of the votes polled** in the last general election to the House of the People or a Legislative Assembly.
- Further, the Electoral Bonds under the Scheme shall be **available for purchase for a period of 10 days each** in the months of **January, April, July and October**, as may be specified by the Central Government.



## NOTA

### Context

- An advocate has moved the Supreme Court for a direction that fresh elections should be held in a constituency where NOTA (None of the above options) garnered the maximum number of votes.

## Background

- The “right to reject” was first proposed by the **Law Commission in 1999**. It also suggested that the candidates be **declared elected only if they have obtained 50%+1** of the valid votes cast.
- Similarly, the **Election Commission endorsed “Right to Reject”**, first in 2001, under James Lyngdoh [the then CEC], and then in 2004 under T.S. Krishnamurthy [the then CEC], in its Proposed Electoral Reforms.
- The “**Background Paper on Electoral Reforms**”, prepared by the **Ministry of Law** in 2010, had proposed that if a certain percentage of the vote was negative, then the election result should be nullified and a new election held.

## The NOTA system of India

- In 2013, India became the 14th country to institute negative voting through NOTA. However, it is not a “right to reject”.
- Even if there are 99 NOTA votes out of a total of 100, and candidate X gets just one vote, X is the winner, having obtained the only valid vote.
- The rest of the NOTA votes will be treated as invalid or “no votes”.
- NOTA enfeebles the electorate as it does not empower to “select” either.
- It provides democratic means to express resentment anonymously rather than boycotting the polls outright.

## Will NOTA bring any significant change?

- While introducing NOTA, the Supreme Court anticipated that **there will be a systemic change**.
- It also predicted that the **political parties will be forced to accept the will of the people** and field candidates who are known for their integrity.
- NOTA percentage should either **increase to enforce the political parties** to field candidates with “integrity”.
- In contrast, the **share of NOTA votes in India remained around a meagre level of 1%** on an average; 1.11% in the
- 2014 Lok Sabha, and 1.08% in 2019, if we consider constituency-wise averages. This perhaps represents a confused state of mind of the electorate.

# CENTRE-STATE RELATIONS

## Sixth Schedule

### Context

- Demand to bring Arunachal Pradesh under the ambit of the Sixth Schedule or **Article 371 (A)** of the Constitution.

### More on news

- The **Frontier State** bordering Bhutan, China and Myanmar is **under the Fifth Schedule** that does not provide special rights for the indigenous communities unlike the Sixth Schedule.
- The Sixth Schedule currently includes 10 autonomous district councils in four northeastern States — **Assam, Meghalaya, Mizoram and Tripura**.
- Nagaland**, on the other hand, is governed by **Article 371 (A)**, which says that no Act of Parliament shall apply in the State in several areas unless the Nagaland Assembly so decides by a resolution.
- These include **administration of civil and criminal justice** involving decisions according to Naga customary law and ownership and transfer of land and its resources.

<b>MEGHALAYA</b>	
● Khasi Hills Autonomous District Council	● Mara Autonomous District Council
● Jaintia Hills Autonomous District Council	<b>TRIPURA</b>
● Garo Hills Autonomous District Council	● Tripura Tribal Areas Autonomous District Council
<b>MIZORAM</b>	<b>ASSAM</b>
● Chakma Autonomous District Council	● Dima Hasao Autonomous Council
● Lai Autonomous District Council	● Karbi Anglong Autonomous Council
	● Bodoland Territorial Council

## Reason for Demand

- Arunachal Pradesh is under the **Fifth Schedule** that does not provide special rights for the indigenous communities, unlike the Sixth Schedule.



- 6th schedule area **governance remains with the state**. Autonomous district councils created under 6th schedule have **legislative and judicial powers**.

### About 6th Schedule

- The Sixth Schedule consists of provisions for the administration of tribal areas in **Assam, Meghalaya, Tripura and Mizoram**, according to **Article 244 of the Indian Constitution**.
- It seeks to safeguard the **rights of tribal population** through the formation of **Autonomous District Councils (ADC)**.
- ADCs are bodies representing a district to which the Constitution has given **varying degrees of autonomy within the state legislature**.
- The governors of these states are empowered to **reorganise boundaries of the tribal areas**.
- The roles of the central and state governments are **restricted from the territorial jurisdiction of these autonomous regions**.
- The councils are empowered to make legislative laws on matters like **land, forests, fisheries, social security, entertainment, public health, etc.**

### About Regional Council

- The Sixth Schedule also provides for **separate Regional Councils** for each area constituted as an **autonomous region**.
- Each autonomous district and regional council consists of **not more than 30 members**, of which four are nominated by the governor and the rest via elections.

### About 371 A

- Article 371A confers special status on Nagaland.
- Under this provision, no law made by Parliament in relation to Naga customary law and procedure, including civil and criminal justice matters, and ownership or transfer of land and resources will apply to Nagaland, unless the Legislative Assembly of Nagaland decides so.
- The protection of Naga laws and customs was written into the Constitution following the July 1960 agreement between the Centre and the Naga People's Convention, under which the State was later created.

## Mahajan Commission

### Context

- Maharashtra minister sparked a controversy, when he called the **incorporation of Belgaum (Belagavi), Karwar and Nipani areas of Karnataka into Maharashtra** a —dream of Shiv Sena founder Balasaheb Thackeray.
- The controversy comes weeks after the Maharashtra government asked all its ministers to **wear black bands on November 1—celebrated in Karnataka as Rajyotsava or state Formation Day—** to express support for Marathi-speaking people in the region.



### Genesis of the dispute

- The erstwhile Bombay Presidency, a multilingual province, included the present-day **Karnataka districts of Vijayapura, Belagavi, Dharwad and Uttara-Kannada**.
- In 1948, the Belgaum municipality requested that the district, having a **predominantly Marathi-speaking population**, be incorporated into the proposed Maharashtra state.
- However, the **States Reorganisation Act of 1956**, which divided states on linguistic and administrative lines, made Belgaum and 10 talukas of Bombay State a part of the then Mysore State (which was renamed Karnataka in 1973).

## The Mahajan Commission report

- While demarcating borders, the Reorganisation of States Commission sought to include talukas with a Kannada-speaking population of more than 50 per cent in Mysore.
- Opponents of the region's inclusion in Mysore argued, and continue to argue, that Marathi-speakers outnumbered Kannadigas who lived there in 1956.
- In September 1957, the Bombay government echoed their demand and lodged a protest with the Centre, leading to the formation of the Mahajan Commission under former Chief Justice Mehr Chand Mahajan in October 1966.
- The Commission, which submitted its report in August 1967, recommended that 264 villages be transferred to Maharashtra (which formed in 1960) and that Belgaum and 247 villages remain with Karnataka.
- Maharashtra rejected the report, calling it biased and illogical, and demanded another review.
- Karnataka welcomed the report, and has ever since continued to press for implementation, although this has not been formally done by the Centre.

## Inner-Line Permit

### Context

- Union Home Minister said the Inner-Line Permit (ILP) had been the Centre's biggest gift to Manipur since its statehood.
- Implemented under the **British-era Bengal Eastern Frontier Regulation**, the ILP is an official document issued to **let an Indian citizen enter a protected area for a limited period**.

### A long-standing demand

- Pressure groups in the northeast view this permit as a shield against the entry of illegal immigrants.
- ILP was a long-standing demand of the people of Manipur.
- Apart from **Manipur**, ILP is needed in **Arunachal Pradesh, Mizoram and Nagaland**.
- Several groups in **Meghalaya have been demanding** the implementation of ILP.

### About ILP

- It is a document required by **non- natives to visit or stay in a state** that is protected under the ILP system.
- At present, four Northeastern states are covered, namely, **Arunachal Pradesh, Mizoram, Manipur and Nagaland**.
- Both the duration of stay and the areas allowed to be accessed for any non native are determined by the ILP.
- The ILP is **issued by the concerned state government** and can be **availed both by applying online or in person**.
- The Inner Line Permit is an extension of the **Bengal Eastern Frontier Regulation Act 1873**.
- The Britishers framed regulations **restricting entry in certain designated areas**.
- This was done to **protect the Crown's interest** in certain states by preventing "British subjects" (Indians) from trading within these regions.



### Need for ILP

- Preservation of indigenous culture and tradition.
- Prevents illegal migrants and encroachment by outsiders.

### Relation with Citizenship Amendment Act

- The CAA, which **relaxes eligibility criteria for certain categories of migrants** from three countries seeking Indian citizenship, **exempts certain categories of areas**, including those protected by the Inner Line system.
- Amid protests against the Act, the **Adaptation of Laws (Amendment) Order, 2019**, issued by the **President**, **amended the BEFR, 1873, extending it to Manipur and parts of Nagaland** that were not earlier protected by ILP.



# IMPORTANT BODIES

## CONSTITUTIONAL BODIES

### Election Commission of India

#### Context

- Election Commission has constituted a committee to examine the issues concerning expenditure limit for a candidate in **view of increase in number of electors and rise in Cost Inflation Index** and other factors.

#### Expenditure Limit

- Considering the factor of COVID-19, the **Ministry of Law & Justice** on 19.10.2020 has notified an **amendment in Rule 90 of Conduct of Elections Rules, 1961** enhancing the existing expenditure limit by 10%.
- Expenditure **limit for a candidate** was last revised in 2014 vide notification dated 28.02.2014, while in respect of Andhra Pradesh and Telangana it was revised vide notification dated 10.10.2018.
- In the last 6 years the limit was not increased despite an increase in electorate from 834 million to 910 million in 2019 to 921 million now.
- Further, the **Cost Inflation Index** during this period has increased from 220 to 280 in 2019 to 301 now.

#### About Election Commission of India:

- The Election Commission of India is an **autonomous constitutional authority** responsible for **administering election processes** in India at national and state level.
- The body administers elections to the **Lok Sabha, Rajya Sabha, state Legislative Assemblies, state legislative Councils** and the **offices of the President and Vice President** of the country.
- The Election Commission operates under the authority of Constitution per **Article 324**, and subsequently enacted **Representation of the People Act**.
- Removal:**
  - The Chief Election Commissioner of India can be removed from their office in a manner similar to the **removal of a judge of the Supreme Court of India** which requires a resolution passed by the Parliament of India a **two-thirds majority in both the Lok Sabha and the Rajya Sabha** on the grounds of **proved misbehaviour or incapacity**.
  - Other Election Commissioners can be **removed by the President of India** on the **recommendation of the Chief Election Commissioner**.
- Functions:**
  - The Election Commission is regarded as the **guardian of elections in the country**. In every election, it issues a **Model Code of Conduct for political parties and candidates to conduct elections** in a free and fair manner.
  - It lays down guidelines for the **conduct of political parties and candidates** during an election period.
  - The election commission has the right to **allow symbols to the political parties**. It gives recognition to the **national parties, state parties and regional parties**.
  - It sets **limits on poll expenses**.
  - The commission is empowered with prohibiting dissemination or publication of voting trends that seek to **influence voters by opinion polls or exit polls**.

### State Election Commission

#### Context

- The amendments made by Andhra Pradesh Ordinance had included **restricting the State Election Commissioner post to only retired High Court judges**. Prior to amendment, retired bureaucrats were also in the zone of consideration.

- Curtailment of the **tenure has also been done to three years**. The curtailment of the tenure of the Election Commissioner to three years had compelled the then incumbent to step down. Subsequently, a new Commissioner was appointed.

### More on news

- Andhra Pradesh High Court, on May 29, had set aside the amendments as retrospective legislation. It said the State did not have the power to appoint State Election Commissioners under Articles 243K and 243 ZA.
- The power to make the appointments lies with the Governor. It had found the reduction of the tenure from five to three years arbitrary and in violation of the right to equality under Article 14.
- The Supreme Court refused to stay an Andhra Pradesh High Court order striking down an ordinance which cut short the tenure of the State Election Commissioner from five to three years.

### About State election commission

- **Article 243 K:** The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, **all elections to the Panchayats** is vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.
- It was brought by the **73rd and 74th amendment to conduct the elections for local bodies**.
- The **electoral rolls for local bodies** elections are prepared according to the rules under the provisions of related Acts, guidelines and instructions given by the State Election Commission.
- **Terms and conditions of the services** is determined by the governor as per the law made by the state legislature.
- **Article 243 k (2):** The State Election Commissioner shall **not be removed from his office except in like manner and on the like ground as a Judge of a High Court** and the **conditions of service of the State Election Commissioner shall not be varied** to his disadvantage after his appointment.

## STATUTORY BODIES

### National Human Rights Commission

#### Context

- The National Human Rights Commission (NHRC) has ordered the Assam government to pay Rs 1 lakh to a person, who was beaten up by a mob for selling cooked beef at his tea stall in the Biswanath district.

#### About NHRC

- The National Human Rights Commission (NHRC) of India is a **Statutory public body** constituted by the **Protection of Human Rights Act, 1993 (PHRA)**.
- The NHRC is responsible for the **protection and promotion of human rights**, defined by the Act as "Rights Relating To **Life, liberty, equality and dignity** of the individual guaranteed by the **Constitution or embodied in the International Covenants** and **enforceable by courts** in India."
- **Functions:**
  - Proactively or reactively inquire into violations of human rights by government of India or negligence of such violation by a public servant
  - the protection of human rights and recommend measures for their effective implementation
  - review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
  - to study treaties and other international instruments on human rights and make recommendations for their effective implementation
  - undertake and promote research in the field of human rights
  - to visit jails and study the condition of inmates
  - engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means
  - encourage the efforts of NGOs and institutions engaged to working in the field of human rights.
  - it considers the necessity for the protection of human rights.

- requisitioning any public record or copy thereof from any court or office.
- Composition:
  - A Chairperson, who has been a Chief Justice of India or a Judge of the Supreme Court
  - One member who is, or has been, a Judge of the Supreme Court of India , or, One member who is, or has been, the Chief Justice of a High Court.
  - Three Members, out of which at least one shall be a woman to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
  - In addition, the Chairpersons of National Commissions viz., National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women , National Commission for Minorities, National Commission for Backward Classes, National Commission for Protection of Child Rights; and the Chief Commissioner for Persons with Disabilities serve as ex officio members.

## Delimitation Commission

### Context

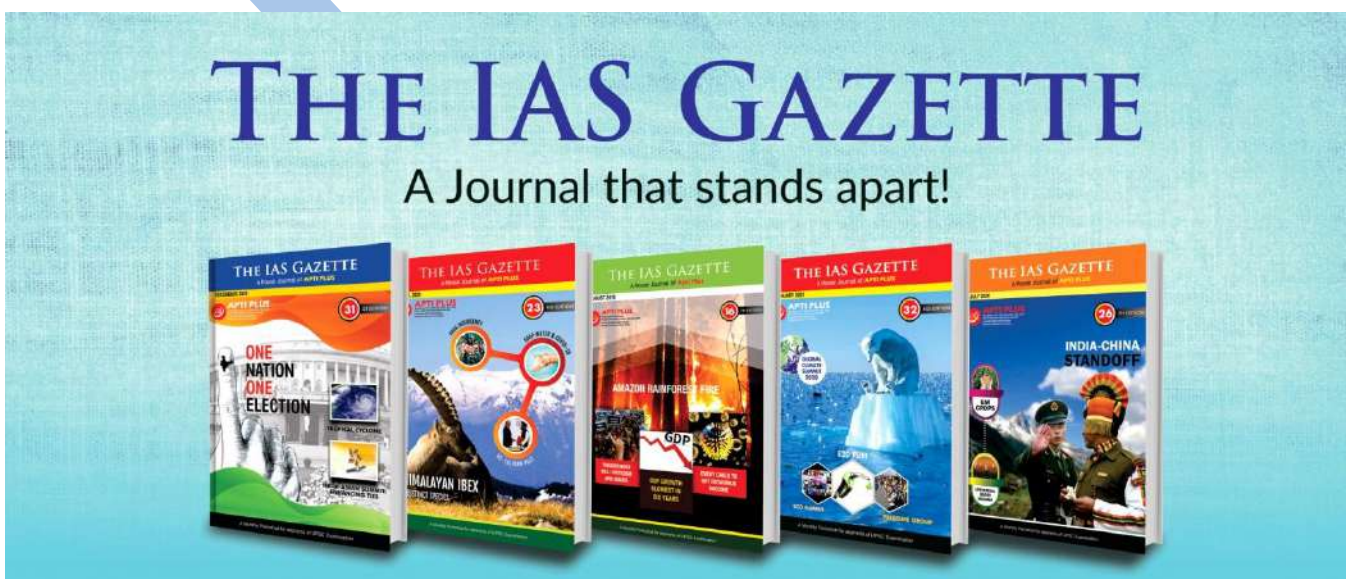
- A paper released by the Pranab Mukherjee Foundation (PMF) on the eve of the late President's birth anniversary suggested that the **next delimitation exercise should be a two-step process**:
  - First a Delimitation Commission should be **set up to redraw boundaries of constituencies on the basis of the 2031 Census** and
  - Then a **State Reorganisation Act be passed to split States into smaller ones**.

### Key findings

- The 84th Amendment to the Constitution in 2002 had put a freeze on the delimitation of Lok Sabha and State Assembly constituencies till the first Census after 2026.
- While the current boundaries were drawn on the basis of the 2001 Census, the number of Lok Sabha seats and State Assembly seats remained frozen on the basis of the 1971 Census.
- The population according to the last census preceding the freeze was 50 crore, which in 50 years has grown to 130 crore. This has caused a massive asymmetry in the political representation in the country.

### Population criteria

- It added that a Delimitation Commission be set up to draw the boundaries as per the 2031 Census and recommend the reorganisation of States based on population.
- A State Reorganisation Act should be brought to give effect to the Delimitation Commissions' recommendations "by splitting States into smaller ones".



## Delimitation

- Delimitation literally means the act or process of **fixing limits or boundaries of territorial constituencies** in a country to represent changes in population -
- **Objectives:**
  - To provide equal representation to equal segments of a population.
  - Fair division of geographical areas so that one political party doesn't have an advantage over others in an election.
  - To follow the principle of "One Vote One Value".

## How delimitation is carried out?

- Under Article 82, the Parliament enacts a Delimitation Act after every Census.
- Under Article 170, States also get divided into territorial constituencies as per Delimitation Act after every Census.
- Once the Act is in force, the Union government sets up a Delimitation Commission.
- The first delimitation exercise was carried out by the **President** (with the help of the Election Commission) in 1950-51.
- Delimitation Commissions have been **set up four times** - 1952, 1963, 1973 and 2002 under the Acts of 1952, 1962, 1972 and 2002.
- There was **no delimitation after the 1981 and 1991 Censuses**.

## Delimitation Commission

- The Delimitation Commission is appointed by the President of India and works in collaboration with the Election Commission of India.
- Composition: It is usually composed of the retired Supreme Court judge, Chief Election Commissioner and Respective State Election Commissioners.
- Functions:
  - It determines the **number and boundaries of constituencies to make the population** of all constituencies nearly equal.
  - It also identifies the **seats reserved for Scheduled Castes and Scheduled Tribes**, wherever their population is relatively large.
  - In case of **difference of opinion among members of the Commission**, the opinion of the majority prevails.
  - The Delimitation Commission in India is a **high power body whose orders have the force of law** and cannot be called in question before any court.

## Central Vigilance Commission

### Context

- The Central Vigilance Commission (CVC) has decided to **receive through email**, from November 1 onwards, **all vigilance clearance proposals for the Board level**, all-India and Central services officials for appointment, empanelment, promotion and other related issues.

### CVC on Pending Corruption Cases

- It has asked all central government departments, public sector banks, insurance companies and undertakings to **complete the probe in pending corruption cases** that originated between 2011 and 2018.
- Undue delay on one hand provides prolonged **opportunities to a corrupt public servant to indulge in inappropriate activities**. On the other hand, any unwarranted delay in conclusion of vigilance related matters is **detrimental for an honest public servant**, who may have got involved in a vigilance case, due to various reasons.
- The CVC is regularly reviewing old pending cases with the respective organisations and has appreciated their efforts in bringing most of the old cases to a logical conclusion.



## About the commission

- Central Vigilance Commission (CVC) is an apex Indian governmental body created in **1964** to address governmental corruption.
- In 2003, the Parliament enacted a law conferring **statutory status on the CVC**.
- It has the status of an **autonomous body, free of control from any executive authority, charged with monitoring all vigilance activity** under the Central Government of India.
- It was set up on the recommendations of the **Committee on Prevention of Corruption**, headed by **Shri K. Santhanam Committee**, to advise and guide Central Government agencies in the field of vigilance.
- The Commission shall consist of a **Central Vigilance Commissioner** and **not more than two Vigilance Commissioners**.
- Appointment:**
  - The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the **President** on recommendation of a Committee consisting of the **Prime Minister** (Chairperson), the **Minister of home affairs** (Member) and the **Leader of the Opposition in the House of the People** (Lok Sabha)
- Removal:** The **President** may, by order, remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be:
  - is adjudged an insolvent; or
  - has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
  - engages during his term of office in any paid employment outside the duties of his office; or
  - is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
  - has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.
- Role:**
  - The CVC is **not an investigating agency**: the only investigation carried out by the CVC is that of **examining Civil Works of the Government**.
  - Corruption investigations against government officials can **proceed only after the government permits order**.

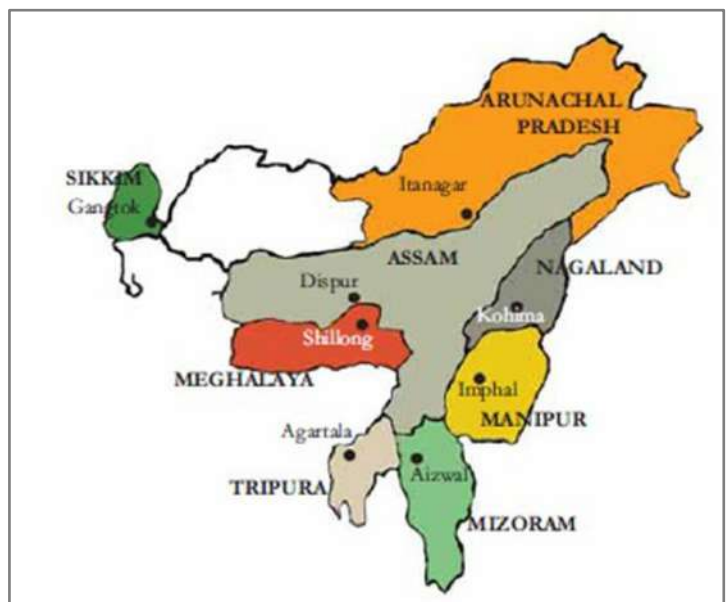
## North Eastern Council

### Context

- Union Home Minister Amit Shah chaired the 69th plenary meeting of the North Eastern Council (NEC) in Shillong, Meghalaya.

### About the council

- North Eastern Council (NEC) is a **statutory advisory body** constituted under the **NEC Act 1971** and came into being on 7 November 1972 at Shillong.
- The eight States of Northeast India viz. **Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim**, are members of the council, with their respective Chief Ministers and Governors representing them. Sikkim was added to the council in 2002.
- The headquarters of the council is situated in Shillong and functions under the **Ministry of Development of North Eastern Region (DONER)** of the Government of India.
- Function:**





- The Council was initially **set up as an advisory body** but now sanctioned as a **Regional planning body** since 2002.
- They now **discuss any matter** in which the North Eastern States have a common interest and decide the action to be taken on any such matter. This was done so as to take care of the economic and social planning of these states, as well as to provide mediation in the event of inter-State disputes.

## OTHERS BODIES

### CBI

#### Context

- The **Maharashtra government has withdrawn general consent** given to the Central Bureau of Investigation (CBI) to probe cases in the state.
- The decision means the central agency will have to get **consent from the state government for every case it registers in Maharashtra**.

#### Impact on other agencies

- The National Investigation Agency (NIA) has jurisdiction across the country and does not need special permission from state governments.
- Enforcement Directorate (ED) conducts its probe under the PMLA and FERA Act.
- The government has withdrawn general consent under the Delhi Police Special Establishment (DPSE) Act which will only impact the CBI.

#### Types of cases CBI is involved in at a state level:

The CBI is divided into three categories when it comes to investigation.

- **Anti-Corruption Division:** It investigates cases against public servants under the control of the central government and cases against public servants working under state governments, which have been entrusted to the CBI by the state, and serious departmental irregularities committed by the above mentioned.
- **Economic Offences Division:** It investigates financial crimes, bank frauds, money laundering, illegal money market operations, graft in PSUs and banks.
- **Special Crimes Division:** It handles cases of conventional nature such as offences relating to internal security, espionage, sabotage, narcotics and psychotropic substances, antiquities, murders, dacoities/robberies, and cheating among others.

#### About CBI

- The Central Bureau of Investigation (CBI) is the **premier investigating agency** of India.
- It operates under the jurisdiction of the **Ministry of Personnel, Public Grievances and Pensions**.
- Originally set up to **investigate bribery and governmental corruption**, in 1965 it received expanded jurisdiction to investigate breaches of central laws enforceable by the Government of India, multi-state organized crime, multi-agency or international cases.
- CBI is **exempted from the provisions of the Right to Information Act**.
- CBI is India's officially designated **single point of contact for liaison with the Interpol**.
- **CBI Director:** S/he is appointed, for not less than a term of 2 years, by the Appointment Committee on recommendation of Selection Committee as mentioned in DSPE Act 1946 amended through the Lokpal & Lokayukta Act 2013 and CVC Act, 2003 respectively.
- The Appointment Committee consists of:
  - **Prime Minister** – Chairperson.
  - **Leader of Opposition of Lok Sabha** or the Leader of the single largest opposition party in the Lok Sabha, if the former is not present due to lack of mandated strength in the Lok Sabha – member.
  - **Chief Justice of India or a Supreme Court Judge** recommended by the Chief Justice – member.

## National Recruitment Agency

### Context









- The Union Cabinet approved the proposal to set up the National Recruitment Agency (NRA), marking a paradigm shift in government recruitment.

### About the agency

- National Recruitment Agency will be a Society registered under the Societies Registration Act.
- It will be headed by a Chairman of the rank of the Secretary to the Government of India.
- It will have representatives of the Ministry of Railways, Ministry of Finance/Department of Financial Services, the SSC, RRB & IBPS.
- The Government has sanctioned a sum of Rs. 1517.57 crore for the National Recruitment Agency (NRA).

### Features of the Common Eligibility Test (CET)

- The NRA will conduct the Common Eligibility Test (CET) for recruitment to non-gazetted posts in government and public sector banks.
- This test aims to replace multiple examinations conducted by different recruiting agencies for selection to government jobs advertised each year, with a single online test.
- The Common Eligibility Test will be held twice a year.
- There will be different CETs for graduate level, 12th Pass level and 10th pass level to facilitate recruitment to vacancies at various levels.
- The CET will be conducted in 12 major Indian languages. This is a major change, as hitherto examinations for recruitment to Central Government jobs were held only in English and Hindi.
- To begin with CET will cover recruitments made by three agencies: viz. Staff Selection Commission, Railway Recruitment Board and the Institute of Banking Personnel Selection. This will be expanded in a phased manner.
- There will be an examination centre in every district of the country.

National Recruitment Agency (NRA) <b>COMMON ELIGIBILITY TEST (CET) GIVES MORE CHOICE TO JOB SEEKERS</b> (1/2)	National Recruitment Agency (NRA) <b>COMMON ELIGIBILITY TEST (CET) GIVES MORE CHOICE TO JOB SEEKERS</b> (2/2)
 Separate CET to be conducted for three levels - <ul style="list-style-type: none"> <li>Graduate</li> <li>Higher Secondary (12th)</li> <li>Matriculate (10th pass)</li> </ul>	 Standard Curriculum & degree of difficulty; to be conducted in multiple Indian languages
 For non technical posts, CET shall replace the Tier I exam held by SSC, Railway recruitment boards & Institute of Banking Personnel Selection	 Based on CET score, final selection to be made through separate specialised Tier 2/Tier 3 examinations conducted by respective recruitment agency
 CET to shortlist candidates for Group B and C posts in Central government	 CET score of a candidate will be valid for 3 years, best available score during 3 years will be the current score
	 No restriction on number of attempts by the candidate, subject to upper age limit prescribed
	 Relaxation in upper age limit to be given to candidates of SC/ST/OBC/PwD etc

## Broadcast Audience Research Council (BARC) India

### Context

- WhatsApp transcripts reveal BARC chief links with Arnab Goswami

### Broadcast Audience Research Council (BARC)

- It is a joint-industry body founded by stakeholder bodies that represent Broadcasters (IBF), Advertisers (ISA) and Advertising & Media Agencies (AAAI).
- It is also the world's largest television measurement science industry-body.

- Built upon a robust and future-ready technology backbone, BARC India owns and manages a transparent, accurate, and inclusive TV audience measurement system.
- Apart from the currency products to the Indian TV industry, BARC India also provides a suite of Insight products designed for broadcasters, advertisers and agencies.
- The Big Data and Insights generated by BARC India powers efficient media spends and content decisions in a highly dynamic and growing television sector.
- Currently being scaled up to 180,000 individuals, BARC India is also the largest measurement company of its kind in the world.
- It uses Audio Watermarking technology to measure viewership of TV channels, and the system also allows measurement of time-shifted viewing and simulcasts.
- Guided by the **recommendations of the TRAI** (Telecom Regulatory Authority of India) and Ministry of Information & Broadcasting notifications of January 2014, BARC India brings together the **three key stakeholders** in television audience measurement - broadcasters, advertisers, and advertising and media agencies, via their apex bodies.

### Telecom Regulatory Authority of India (TRAI)

- The Telecom Regulatory Authority of India (TRAI) is a **statutory body** set up by the Government of India under section 3 of the **Telecom Regulatory Authority of India Act, 1997**.
- It is the **regulator** of the telecommunications sector in India.
- It consists of a **Chairperson** and **not more than two full-time members** and not more than two part-time members.
- The TRAI Act was amended by an ordinance, establishing a **Telecom Disputes Settlement and Appellate Tribunal (TDSAT)** to take over the adjudicatory and disputes functions from TRAI.
- TRAI's mission is to create and nurture conditions for the growth of telecommunications in India to enable the country to have a leading role in the emerging global information society.
- One of its main objectives is to provide a **fair and transparent environment that promotes a level playing field** and facilitates fair competition in the market.
- TRAI regularly issues orders and directions on various subjects such as tariffs, interconnections, quality of service, Direct To Home (DTH) services and mobile number portability.

## Law Commission

### Context

- The Supreme Court asked the Home and Law Ministries to explain the nearly **three-year-long lapse in making appointments** to the Law Commission. The posts of Chairperson and Members have been vacant ever since the 21st Law Commission completed its tenure on August 31, 2018.

### About Law Commission

- Law Commission of India is an **executive body** established by an order of the Government of India.
- Its major function is to **work for legal reform**. Its membership primarily comprises legal experts, who are entrusted a mandate by the Government.
- The commission is established for a **fixed tenure** and works as an advisory body to the Ministry of Law and Justice.
- The **first Law Commission** was established during the British Raj era in **1834 by the Charter Act of 1833**. It was **presided by Lord Macaulay**. After that, three more Commissions were established in pre-independent India.

# IMPORTANT ACTS AND BILLS

## Karnataka Prevention of Slaughter and Preservation of Cattle Bill (2020)

### Context

- The controversial Karnataka Prevention of Slaughter and Preservation of Cattle Bill, 2020, was passed in the Assembly amid protest by the Congress. The Bill envisages a ban on all forms of cattle slaughter and stringent punishment for offenders.

### About the Bill

- The 2020 Bill is a revised version of a law passed in 2010.
- It was presented in a bid to **ban all forms of cattle slaughter by recommending stringent punishment for violators**.
- Prescribed **punishments have been intensified** and a complete ban on any kind of cattle slaughter is being stressed upon in the new Bill.
- Police officers ranked sub-inspector and above or a competent authority will have the power to search premises and seize cattle and materials used or intended to use to commit the offence.
- Such seizures, if any, will then be reported before the Sub-Divisional Magistrate without unreasonable delay.

### Definition of 'beef' and 'cattle' defined in the Bill

- While 'beef' is defined as the flesh of cattle in any form, the word 'cattle' is defined as 'cow, calf of a cow and bull, bullock, and he or she buffalo below the age of thirteen years'.
- The Bill also terms shelters established for the protection and preservation of cattle registered with the Department of Animal Husbandry and Fisheries as 'gau shalas'.

## Special Marriage Act, 1954 (SMA)

### What are the provisions of the Special Marriage Act?

- The Special Marriage Act, 1954 (SMA) was enacted to facilitate the marriage of couples professing different faiths and preferring a civil wedding.
- The law's features on prior public notice being given and objections being called from any quarter place a question mark on the safety and privacy of those intending to marry across religions.
- Many settle for marriage under the personal law of one of them, with the other opting for religious conversion.
- Even this option is now under threat, as recent remarks by the Chief Ministers of Uttar Pradesh and Haryana and a Karnataka Minister indicate. All of them want to ban conversion for the sole purpose of marriage.

### Features of the SMA

- The marriage of any two persons may be solemnised under the SMA, subject to the man having completed 21 years of age and the woman 18.
- Neither should have a spouse living; both should be capable of giving valid consent, should not suffer from any mental disorder of a kind that renders them unfit for marriage and procreation.
- They should not be within the degrees of prohibited relationships — that is, they should not be related in such a way that their religion does not permit such marriages.
- Parties to an intended marriage should give notice to the marriage officer of the district in which one of them had resided for at least 30 days.
- The marriage has to be solemnised within three months of the notice, and if it is not, a fresh notice will be needed.
- The law also provides for objections to the marriage. Any person can object to the marriage within 30 days of the publication of the notice on the ground that it contravenes one of the conditions for a valid marriage.
- The marriage officer has to inquire into the objection and give a decision within 30 days.



- If he refuses permission for the marriage, an appeal can be made to the district court. The court's decision will be final.

### What are the other options for registration of inter-faith marriages?

- Many opt for inter-faith marriages through the relevant law of the faith of one of the parties.
- This will involve one of them **converting to the religion professed by the other**.
- While conversion to **Islam and Christianity has formal means**, there is **no prescribed ceremony for conversion to Hinduism**.
- The **Hindu Marriage Act** is also applicable to any person who is a **convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion**.
- Allahabad High Court ruled that **conversion should be based on change of heart and conviction and should not be solely for the purpose of marriage**.
- The **Law Commission of India** had recommended in 2010 that **every person who has converted may be allowed to send a declaration within a month** to the officer who registers marriages in the area, and it may be confirmed in person after 21 days.
- However, this recommendation was not made applicable to States that have a Freedom of Religion Act (which are essentially anti-conversion laws).

## Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

### Context

- The Supreme Court stated that all insults or intimidations to persons belonging to Dalit or tribal communities will not be an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

### Details

- An offence is made out under the statute **only if the insults or intimidations were made on account of the victim** belonging to Scheduled Caste or Scheduled Tribe.
- The court said the **insult should be specifically intended to humiliate** the victim for his caste.
- Offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste or Scheduled Tribe.
- Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste.
- The object of the Act is to **punish the violators who inflict indignities, humiliations and harassment**.
- It is intended to **punish the acts of the upper caste** against the vulnerable section of the society for the reason that they belong to a particular community.

### SC/ST (Prevention of Atrocities) Act, 1989

- SC/ST (prevention of atrocities) Act is a standalone legal protection granted to the depressed classes against casteist slurs, abuses and violence.
- It is a comprehensive law which not only defines atrocities against SCs and STs but also makes several rules, regulations etc. for proper protection of these vulnerable sections.
- One of the provisions of the law states that a public servant neglecting his duties with respect to SCs/STs will be punished with a jail term of 6 months to 1 year.
- The Ministry of social justice and empowerment is the nodal ministry to enforce the provisions of the Act.
- For speedy trial, Section 14 of the SC/ST Act provides for a Court of Session to be a Special Court to try offences under this Act in each district.

## Narcotics Drugs and Psychotropic Substances (NDPS) Act

### Context

- The Supreme Court has ruled on a long-pending question of law on whether statements recorded under Section 67 of the Narcotics Drugs and Psychotropic Substances (NDPS) Act can be admissible as confessional statements during criminal trials.

- The majority judgment ruled that **statements recorded by officers under the NDPS Act cannot be treated as confessions.**

### Supreme Court Judgement

- The majority view by Justices Nariman and Justices Sinha held that confessional statements made before an officer under section 53 of the NDPS Act if held as the basis to convict a person would be a direct infringement of constitutional guarantees.
- Court held that confessional statements before police officers were considered admissible in other special acts including the now repealed Terrorism and Disruptive Activities (Prevention) Act and Prevention of Terrorism Act (POTA).

### About Narcotic Drugs and Psychotropic Substances (NDPS) Act

- The NDPS Act, enacted in the country in 1985, is the primary legislation for **dealing with drugs and their trafficking.**
- It was passed as India had to **fulfil obligations as a signatory of various international conventions** on narcotic drugs and psychotropic substances to prevent its use and illicit trafficking.
- It has various provisions to **punish manufacturing, sale, possession, consumption, use, transport of banned drugs.**
- The Act has provisions for the court to **grant immunity from prosecution to an addict** involved in a small quantity of drugs after they voluntarily seek to **undergo medical treatment for deaddiction under section 64A.**
- The Act also has the **maximum punishment of the death penalty** under section 31A for certain offences **involving commercial quantities of a drug** if the accused has been convicted before as well.
- The central government can **add or omit from the list of psychotropic substances.**

### Government's initiatives against drug abuse

- Article 47 of the Directive Principles of State Policy of the Constitution of India directs the state to improve public health & endeavour to bring about prohibition of the consumption of intoxicating drinks & drugs which are injurious to health.
- India is also a party to the three United Nations drug conventions - Single Convention on Narcotic Drugs (1961), Convention on Psychotropic Substances (1971), Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).
- Parliament passed the following acts:
- Narcotic Drugs and Psychotropic Substances Act of 1985 to tackle the problem of illegal drugs. It is a comprehensive legislation providing for stringent and long term prison sentences and heavy fines for offenders.
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.
- Government has established enforcement agencies like the **Narcotic Control Bureau (NCB), Narcotics Control Division, Department of Central excise & customs, revenue intelligence & paramilitary and armed forces.**

## Right to Information Act, 2005

### Context

- October 12 marks 15 years since the implementation of the Right to Information Act.

### Background

- India is considered as the **largest democracy in the world.** The basic feature of every democratic setup is **transparency, openness and accountability.**
- In India, **public authorities or administrative authorities have a wide discretionary power,** so a feeling has arisen in the mind of legislators as well public that this may lead to misuse of power which will ultimately result in maladministration and corruption. Therefore, Right To Information has emerged.
- Right to Information implies that the **public can participate in governance by accessing the information held by administrative or public authorities** regarding the function discharged by them for the public welfare.

- It is **not only a statutory right** but also a **fundamental right of a citizen** to know the information related to the public act performed by public authorities.

### Features of Right to Information Act, 2005

- Public authorities have a **duty to provide any information** which is claimed by a citizen. Public authorities are under the obligation that they need to **circulate the information to the person who demands the information**.
- However, this Act comes with certain obligations relating to the **security of the nation, personal information & other people's information**.
- There is a **time limit** on the authority to give information within 30 days.
- If the authority denies providing any kind of information then the person has the power to go to the **appellate authority**.
- There are **25 organizations which are exempted** from the right to information under the second schedule of this Act.
  - These include **Central Economic Intelligence Bureau, Intelligence Agencies**, etc., certain bodies which basically perform the research work with regard to the country's security, special service bureau, narcotics control board, but **RTI Act is not applicable to —Dadra and Nagar Haveli & Lakshadweep**.
- Section 8 is defined as exemption from disclosure of information.**
  - Disclosure of the information would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign States or lead to incitement of an offence.
  - The information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.
  - Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.
  - Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.
  - The information available to a person in his fiduciary relationship.
  - Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.
  - The information which would impede the process of investigation or apprehension or prosecution of offenders.

#### Judgments related to RTI:

- Bennett Coleman vs. Union of India:** The Apex Court stated that Right to information is our fundamental right falls within the purview of article 19(1) (a) of the Constitution of India.
- SP Gupta vs. Union of India:** The court observed that it is a right of the public to get information regarding public functions performed by the public authorities and authorize the public to access the information related to public transactions performed within the scope of the public act.

## Institute of Teaching and Research in Ayurveda Bill, 2020

### Context

- The Rajya Sabha (RS) passed the Institute of Teaching and Research in Ayurveda Bill, 2020.

### Details

- The institute will be declared an institution of national importance following the passage of the bill and will be instrumental for the promotion of quality and excellence in education, research and training in Ayurveda.
- The bill seeks to merge three institutes into one integrated centre.
- It will be called the Institute of Teaching and Research in Ayurveda, which will be based in Jamnagar, Gujarat.
- It will be the first Ayurveda institution to be given the status of institution of national importance.
- The institution has been chosen in the most careful manner because it is the oldest Ayurveda centre created by the government way back in 1956. This is the number one institution that deserves this status.

## End of Life Choice Act 2019

### Context

- As per preliminary referendum results, a majority of voters in New Zealand have voted in favor of the End of Life Choice Act 2019.

### About End of Life Choice Act 2019

- The act is meant to **give certain terminally ill people the option of requesting medical assistance** to end their lives and to **establish a lawful process for assisting eligible persons** who are able to exercise that option.
- It lacks oversight and safeguards and has pointed out issues with the eligibility criteria such as the age limit of 18 years and the “arbitrary” nature of the 6-month prognosis.
- Assisted dying means when a person’s doctor or nurse gives them medication to relieve their suffering by bringing on death or when a person takes the medication themselves.
- Therefore, the act interprets assisted dying as referring to both euthanasia and assisted suicide. While the former refers to the act of deliberately ending a person’s life to end their suffering, the latter refers to assisting a person to kill themselves.

#### Post Aruna Ramchandra Shanbaug Judgment:

- The apex court in Aruna Shahbang case undertook a request under **article 32 of constitution**.
- The court insisted that for **passive euthanasia request must be approved** by high court since there is **possibility of mischief by relatives and friends for interior motives**.
- On March 9, 2018 for recognition of “**right to die**” with **dignity** the apex court’s five judge constitutional bench in supreme court pronounced it as a judgment granting for the first time in India the legal recognition of “**Advanced Medical Directives**” or “**Living Will**”.
- The judgment goes on to argue the **streamlining of the process** of dying in cases of terminal illness or permanent vegetative state with no hope of recovery.
- The failure to recognize advanced medical directives may amount to denial of these rights.

## IMPORTANT ASPECTS OF GOVERNANCE

### Media Regulation

#### Context

- The I & B Ministry has proposed guidelines bringing digital media under the government’s control.

#### What are OTT Media?

- An over-the-top (OTT) media service is a streaming media service offered directly to viewers via the Internet.
- OTT bypasses cable, broadcast, and satellite television platforms, the companies that traditionally act as a controller or distributor of such content.
- The term is most synonymous with subscription-based video-on-demand (SVoD) services that offer access to film and television content.
- They are typically accessed via websites on personal computers, as well as via apps on mobile devices (such as smartphones and tablets), digital media players, or televisions with integrated Smart TV platforms.

#### Current regulatory architecture

- There is **no law or autonomous body** governing digital content. The recent move will give the government control over OTT platforms, which were **unregulated till now**.
- From time to time, the government had indicated the **necessity to monitor these platforms**.



- In October 2019, the government had indicated that it will issue the — **negative list of don'ts for the video streaming services** like Netflix and Hotstar.
- It also wanted the platforms to come up with a **self-regulatory body** on the lines of the News Broadcasting Standards Authority.

### Need for Government Control

- A proper framework is needed, as **there is a significant shift of viewership** from traditional media platforms to digital media. At present, there are 560 million internet users on OTT platforms.
- With the prevalence of **mobile phones and the possible threat to the young generation** by the content on the OTT platforms can create, there is a need for regulating the content.
- The government prohibited the content which includes any malicious content that intends to outrage the **religious sentiments**, content that promotes or encourages **terrorism**, and content that has been **banned for exhibition or distribution by law**.
- Anticipating the government's intervention, in January 2019, video streaming services had signed a self-regulatory code that laid down a set of guiding principles.

## Mission Karmayogi

### Context

- The Union Cabinet has given its approval for Mission Karmayogi.

### Salient Features

- Mission Karmayogi aims to **prepare the Indian Civil Servant for the future** by making him more creative, constructive, imaginative, innovative, proactive, professional, progressive, energetic, enabling, transparent and technology enabled.
- Empowered with **specific role-competencies**, the civil servant will be able to **ensure efficient service delivery of the highest quality standards**.
- The core guiding principles of the Programme will be Supporting Transition from 'Rules based' to 'Roles based' HR Management.
- Emphasize on 'on-site learning' to complement the 'off-site' learning.
- Create an ecosystem of **shared training infrastructure**.

### Six Pillars of the programme

1. Policy Framework
2. Institutional Framework
3. Competency Framework
4. Digital Learning Framework iGOT-Karmayogi
5. The Electronic Human Resource Management System
6. The Monitoring and Evaluation Framework

### Institutional framework

- Prime Minister's Public Human Resources (HR) Council
- Capacity Building Commission
- Special Purpose Vehicle for owning and operating the digital assets and technological platform for online training Coordination Unit headed by the Cabinet Secretary.

## MISCELLANEOUS

### Section 294 of the Indian Penal Code

#### Context

- Model-actor Milind Soman booked under Section 294 (obscenity) of the Indian Penal Code, 1860 (IPC) along with other relevant sections of the Information Technology Act, 2000.

### The history of obscenity under Section 294

- Section 294 of the IPC deals with obscenity, along with Section 292 and 293.
- Section 294 of the Indian Penal Code (IPC) punishes obscene acts or words in a public place.
- To be considered a crime, the obscenity must cause “annoyance to others”.
- A person convicted under this law can face up to **three months imprisonment**.
- The law on obscenity has evolved with the advent of the **Internet and social media**.
- Under **Section 67 of the Information Technology Act**, anyone who publishes or transmits obscene material in electronic form can be punished.

### What is considered “obscene”?

- The Oxford dictionary defines obscene as “offensive or disgusting by accepted standards of morality and decency”.
- For a book or object to be obscene, Section 292 of the IPC says it must be lascivious or prurient or have the effect of depriving or corrupting someone.
- The courts, for their part, have developed tests to determine whether something is “obscene”.
- In 1965, the landmark **Ranjit Udeshi** judgment of the Supreme Court adopted the Victorian-era Hicklin test.
  - The test assessed obscenity by the standard of someone who was open to immoral influences and was likely to be corrupted or depraved by the material in question. When approached from this angle, a wide range of material could be ‘obscene’.
- In the **Aveek Sarkar case of 2014**, the Supreme Court did away with the British Hicklin test and adopted the American Roth test, instead.
  - As per this test, obscenity was to be evaluated like an average person would, applying contemporary community standards.
  - The contemporary community standards test takes into account the changing values in society.

### Right to freedom of expression

- The right to freedom of speech and expression is not absolute.
- **Article 19** of the Constitution of India, which guarantees the right also provides for **reasonable restrictions on various grounds**, including that of decency and morality.
- This means that free speech has to be **balanced against the contemporary community standards** of morality when it comes to penalising obscene acts or content.
- Indian courts have often **settled the debate between morality and freedom in favour of artistic freedom**, such as in the **M F Hussain judgment of 2008** and the **Perumal Murugan judgment of 2016**.
- In the latter, the Supreme Court held that art is often **provocative and is not meant for everyone**, material cannot be labelled as obscene simply because it is unpalatable to one section of society.

### Does the Section define obscenity?

- It's **not defined in Section 294**, but in **292**, which provides for Sale, etc of obscene books, etc.
- The form in which we find the provision was the result of **amendments to the IPC in 1925**.
- British were concerned about **‘immoral’ and ‘filthy’ material** being readily available to the native youth. So, the government introduced a new **Obscene Publications Bill in 1924**, which led to the **insertion of Section 292 in the IPC**.
- The provision says a book, a pamphlet, paper, writing, drawing, painting, representation figure or other object shall be **deemed to be obscene if it is lascivious or appeals to the prurient interest**.

## PM SVANidhi scheme

### Context

- The PM SVANidhi scheme, funded by the **Ministry of Housing and Urban Affairs**, was launched with an aim to **provide credit for working capital to street vendors** who have been affected due to the Covid-19 crisis.

### About the scheme

- PM SVANidhi ensures a working capital loan up to Rs 10,000 for vendors, and rewards digital transactions.
- All street vendors who have been in the business on or before March 24, 2020, are eligible to avail the benefits.

- For this scheme launched in the wake of the novel coronavirus pandemic, the Centre has earmarked a stimulus package of Rs 5,000 crore for nearly 50 lakh vendors.

#### Street vendors in India:

- There are an estimated **50-60 lakh street vendors** in India, with the largest concentrations in the cities of **Delhi, Mumbai, Kolkata, and Ahmedabad**.
- Most of them are migrants who typically work for **10-12 hours every day on average**.
- Anyone who **doesn't have a permanent shop** is considered a street vendor.
- According to government estimates, **street-vending accounts for 14 percent** of the total (non-agricultural) urban informal employment in the country.
- Most vendors hawk their goods illegally, which makes them vulnerable to exploitation and extortion by local police and municipal authorities.
- Local bodies conduct eviction drives to clear the pavements of encroachers, and confiscate their goods. **Fines** for recovery are heavy.

### The Street Vendors Act

- The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 was enacted to **regulate street vendors in public areas and protect their rights**.
- The Act defines a street vendor as a person engaged in **vending of articles of everyday use or offering services to the general public**, in any public place or private area, from a temporary built up structure or by moving from place to place.
- The Act envisages the **formation of Town Vending Committees** in various districts to ensure that all street vendors identified by the government are accommodated in the vending zones subject to norms.
- According to NASVI, barring in a few districts in **Punjab, Madhya Pradesh, and Maharashtra**, town vending committees haven't been formed, and street vendors continue to have to fend for themselves.

#### NSSO data on Street Vendors

- There is hardly any comprehensive structured data on the socio-economic profile of street vendors and the street vending economy in India, even in government surveys like the National Sample Survey Organisation (NSSO) and the Economic Survey.
- The NSSO, has defined street vendors through a category of **enterprises without fixed premises** among Unincorporated Non-Agricultural Enterprises (excluding construction) in its 67-68th round report published in 2011-12.
- Vending is an **important source of employment for a large number of urban poor** as it requires low skills and small financial inputs and for the customers, it provides convenience and low priced goods and services.
- The NSSO data estimated that around **200,000 women and 21,500 children were engaged** in street vending.
- Around **1.18 million households were dependent on this sector** as their primary source of income, according to a paper by think-tank Observer Research Foundation.

## Enemy Properties

### Context

- The economic advisory council has suggested selling enemy properties valued at over 1 lakh crore to take care of the current expenditure.

### About Enemy Property

- Under the **Defence of India Rules** framed under **The Defence of India Act, 1962**, the Government of India took over the properties and companies of those who took **Pakistani** nationality, after the migration of people in the aftermath of 1965 and 1972 war.
- These 'enemy properties' were vested by the central government in the **Custodian of Enemy Property for India**.
- The same was done for property left behind by those who went to **China** after the 1962 Sino-Indian war.

- The **Tashkent Declaration** of January 10, 1966, included a clause that said India and Pakistan would discuss the return of the property and assets taken over by either side in connection with the conflict. However, the Government of Pakistan disposed of all such properties in their country in the year 1971 itself.

### Dealing with Enemy Properties

- The Enemy Property Act, enacted in 1968, provided for the continuous vesting of enemy property in the Custodian of Enemy Property for India.

### Amendment to Enemy Properties Act-1968

- Passed in 2017
- **Expanded the definition** of the term “**enemy subject**”, and “**enemy firm**” to include the legal heir and successor of an enemy.
- The amended law provided that **enemy property shall continue to vest in the Custodian** even if the enemy or enemy subject or enemy firm ceases to be an enemy due to death, extinction, winding up of business or change of nationality.
- The Custodian, with **prior approval of the central government**, may dispose of enemy properties vested in him as per the provisions of the Act.
- The amendments **denied legal heirs any right over the enemy property**.

## Annual National Crime Records Bureau

### Context

- Release of the report by the Annual National Crime Records Bureau report.

### About NCRB

- The National Crime Records Bureau, abbreviated to NCRB, is an Indian government agency responsible for **collecting and analysing crime data** as defined by the **Indian Penal Code (IPC) and Special and Local Laws (SLL)**.
- NCRB is headquartered in **New Delhi** and is part of the **Ministry of Home Affairs (MHA), Government of India**.
- NCRB was set-up in **1986** to function as a **repository of information on crime and criminals** to assist the investigators in linking crime to the perpetrators.
- **Objectives of NCRB:**
  - Create and maintain secure sharable National Databases on crimes and criminals for law enforcement agencies and promote their use for public service delivery.
  - Collect and process crime statistics at the national level and clearinghouse of information on crime and criminals both at National and International levels.
  - Lead and coordinate the development of IT applications and create an enabling IT environment for Police organizations.
  - National repository of fingerprints of all criminals.
  - To evaluate, modernize and promote automation in the State Crime Records Bureau and State Fingerprint Bureau.
  - Training and capacity building in Police Forces in Information Technology and FingerPrint Science.



<b>Road Accidents</b> <ul style="list-style-type: none"> <li>Accidental deaths in the country increased by 2.3%.</li> <li>The rate (per lakh population) increased from 31.1 to 31.5.</li> <li>The maximum casualties of 30.9% were reported in the 30-45 years age group.</li> </ul>	<b>Major Cause of Accidents</b> <ul style="list-style-type: none"> <li>Traffic accidents (43.9%),</li> <li>Sudden deaths (11.5%),</li> <li>Drowning (7.9%),</li> <li>poisoning (5.1%),</li> <li>Falls (5.1%)</li> <li>Accidental fire (2.6%)</li> </ul>	<b>Suicide:</b> <ul style="list-style-type: none"> <li>The number of suicide cases and accidental deaths <b>registered an increase</b> across the country last year from the 2018 figures.</li> <li>The <b>suicide rate in cities (13.9%)</b> was higher compared to the all-India average.</li> <li>The majority of suicides were reported in Maharashtra.</li> <li>The maximum cases involving govt. servants were reported in Tamil Nadu.</li> </ul>	<b>Reasons behind Suicide</b> <ul style="list-style-type: none"> <li>Family problems (other than marriage related problems) (32.4%);</li> <li>Marriage related problems (5.5%);</li> <li>Illness (17.1%)</li> <li>Method of Suicide</li> <li>hanging (53.6%),</li> <li>consuming poison' (25.8%),</li> <li>drowning' (5.2%)</li> <li>self-immolation' (3.8%)</li> </ul>
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## Data Governance Quality Index

### Context

- Department of Fertilizers under the Ministry of Chemicals and Fertilizers has been ranked **2nd amongst the 16 Economic Ministries / Departments** and **3rd out of the 65 Ministries / Departments with a score 4.11** on a scale of 5 on Data Governance Quality Index (DGQI).

### About Data Governance Quality Index

- A Survey conducted by Development Monitoring and Evaluation Office (DMEO), Niti Ayog to assess different Ministries / Departments' performance on the implementation of Central Sector Schemes (CS) and Centrally Sponsored Schemes (CSS).
- The DMEO, Niti Aayog has undertaken DGQI exercise: Self-assessment based review of data preparedness levels across Ministries/Departments to produce a DGQI score card.
- Accordingly a survey was initiated with the objective of assessing data preparedness of Ministries / Departments on a standardized framework to drive healthy competition among them and promote cooperative peer learning from best practices.
- In this survey, an online questionnaire was prepared under six major themes of DGQI: Data Generation; Data Quality; Use of Technology; Data Analysis, Use and Dissemination; Data Security and HR Capacity and Case Studies.

## Chapter Proceedings

### Context

- The Mumbai police began "chapter proceedings" against Republic Editor-in-Chief Arnab Goswami.

### About Chapter Proceedings

- Chapter proceedings are **preventive actions taken by the police** if they fear that a particular person is likely to create trouble and disrupt the peace in society.

- These proceedings are **unlike punitive action taken in case of an FIR** with an intention to punish.
- Here, the police can issue notices under sections of the Code of Criminal Procedure to **ensure that the person is aware that creating nuisance** could result in action against him, which includes paying a fine, in the absence of which, he could be put behind bars.
- Generally a notice is issued to a person under **section 111 of the CrPC** whereby he is asked to **present himself before the Executive Magistrate** – an ACP-rank officer in a commissionerate of a deputy collector in rural areas – who has issued the notice.

## National Conference on Vigilance and Anti Corruption

### Context

- The Prime Minister inaugurated the National Conference on Vigilance and Anti Corruption on the theme “Vigilant India Prosperous India today through video conferencing.

### About the conference

- The event was organized by the Central Bureau of Investigation focusing on Vigilance issues aimed at raising awareness and reaffirming India’s commitment to promotion of integrity and probity in public life through citizen participation.
- The Central Bureau of Investigation organizes this National Conference coinciding with Vigilance Awareness Week', which is observed in India every year from 27th October to 2nd November.
- Activities in this conference would be focused on Vigilance issues aimed at raising awareness and reaffirming India’s commitment to promotion of integrity and probity in public life through citizen participation.
- The Conference shall bring policy makers and practitioners on a common platform and will act as an enabler to combat corruption through systemic improvements and preventive vigilance measures, thereby ushering in good governance and accountable administration.

## Horizontal and vertical quotas

### Context

- The Supreme Court clarified the position of law on the interplay of vertical and horizontal reservations.

### What are vertical and horizontal reservations?

- Reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes is referred to as vertical reservation. It applies separately for each of the groups specified under the law.
- Horizontal reservation refers to the equal opportunity provided to other categories of beneficiaries such as women, veterans, the transgender community, and individuals with disabilities, cutting through the vertical categories.

### How are the two categories of quotas applied together?

- The horizontal quota is applied separately to each vertical category, and not across the board.
- For example, if women have 50% horizontal quota, then half of the selected candidates will have to necessarily be women in each vertical quota category – i.e., half of all selected SC candidates will have to be women, half of the unreserved or general category will have to be women, and so on.
- The interlocking of the two types of reservation throws up a host of questions on how certain groups are to be identified.
- For example, would an SC woman be put in the category of women or SC? Since quotas are fixed in percentages, what percentage of quota would be attributed to each?

## Corruption Perceptions Index (CPI) 2020

### Context


- India slipped six places to 86th position among 180 countries in Transparency International’s Corruption Perception Index (CPI) 2020.

## Details


- India's score is below the average score of the Asia-Pacific region (31 countries) and global average.
- The list was topped by New Zealand and Denmark (88 each), followed by Switzerland, Finland, Sweden and Singapore (85 each).
- South Sudan and Somalia were at the bottom of the global ranking, with scores of 12 each.
- **Corruption and COVID-19:**
  - The CPI 2020 report noted the menace of corruption is highly pervasive in countries that are least equipped to tackle COVID-19 crisis.
  - COVID-19 is not just a health and economic crisis. It is a corruption crisis. And one that we are currently failing to manage.
  - The past year has tested governments like no other in memory, and those with higher levels of corruption have been less able to meet the challenge.

## About the index


- The Corruption Perceptions Index (CPI) is an index published annually by **Berlin-based Transparency International** since **1995** which ranks countries by their perceived levels of public sector corruption, as determined by **expert assessments and opinion surveys**.
- The CPI generally defines corruption as the **misuse of public power for private benefit**.
- The 2020 CPI, published in January of 2021, currently ranks 180 countries on a scale from **100 (very clean) to 0 (highly corrupt)**.



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