



An Institute for Civil Services

INTERVIEW GUIDANCE SERIES

IAS
2023

CURRENT AFFAIRS & MAJOR DEBATES

of

POLITY



An Institute for Civil Services

INTERVIEW GUIDANCE PROGRAMME 2023

Give **Mock Interview** with the **India's Most Eminent Panel**
of **Acclaimed Civil Servants & Academicians**



Dr. J. N. Singh
Retd. IAS,
Former Chief
Secretary Gujarat



U Venkateswarlu
Ex. Chief
Secretary,
Tripura



R.P. Sinha
Retd. IAS,
Former Secretary,
Govt. of India



Akhil Shukla
Ex DGP,
Tripura



Sumeet Jerath
IAS (Retd),
Former Secretary,
Govt. of India



Dakshita Das
Former Additional
Secretary,
Govt. of India



B.K. Pandey
IES,
Former Adviser -
Niti Aayog



S.B. Singh
Well known
IAS Interview
Mentor



S.D. Muni
Member
Exe. Council,
IDSA



Sudhir Tiwari
Ex. Additional
Secretary, Gol



Dr. N.K. Sahu
IES,
Former Joint Secy.
HRD Ministry



Manoj K. Jha
Director,
GS SCORE



Anurag Mishra
Ex IIS
Chief Editor
Yojna



Devi Prasad
IES, Celebrated
Budget & Economic
Survey Expert



K.D. Singh
IFoS, Ex Principal
Conservator of
Forests



Prof. C. Mahapatra
Ex. Prof,
International
Relations

To get Customized
Questionnaire on your DAF &
Contemporary issue notes

Mail Your **DAF** at
daf@iasscore.in
or

REGISTER AT



For any query call at



9899448458

Contents

1.	RIGHT TO VOTE FOR UNDER TRIALS AND CIVIL PRISONERS	5
2.	THE ELECTORAL BONDS SCHEME AND THE CHALLENGES	6
3.	ONLINE CHILD SEXUAL ABUSE IN INDIA	6
4.	AGE OF CONSENT IN INDIA.....	7
5.	INDIA'S LABOUR REFORMS AND PERSISTENT GAPS.....	8
6.	GOVERNOR'S ROLE AND RECURRING CONTROVERSY	10
7.	CONSTITUTIONALITY OF FIRST CONSTITUTION AMENDMENT ACT.....	11
8.	THE IDEA OF ONE NATION, ONE POLICE UNIFORM.....	12
9.	PFI	12
10.	INTERNAL DEMOCRACY IN POLITICAL PARTIES.....	13
11.	HOW HATE SPEECH ON SOCIAL-MEDIA IS A CONCERN FOR INDIA?.....	14
12.	HOW THE CLIMATE CHANGE AND COOPERATIVE FEDERALISM IS RELATED TO EACH OTHER?	15
13.	SC ON RIGHT TO BE FORGOTTEN	16
14.	HOW WELFARE STATE V/S FREEBIES IS A DILEMMA FOR POLITICAL PARTIES?	17
15.	AGNIPATH SCHEME.....	18
16.	ROLE OF 'INDIGENOUS LANGUAGE' IN EDUCATION.....	19
17.	ERA OF COMBATIVE FEDERALISM	20
18.	ONE NATION, ONE ELECTION	20
19.	UNIFORM CIVIL CODE	21
20.	RELIGION AND CONVERSIONS	22
21.	CUSTODIAL TORTURE	23
22.	JUDICIAL APPOINTMENT & ISSUES	23
23.	IS THE RTI ACT FULFILLING ITS PURPOSE?	24
24.	MARRIAGE EQUALITY (SAME-SEX MARRIAGE)	25
25.	NO BAR ON CONTESTING FROM TWO SEATS IN THE SAME ELECTION: SC	25

26.	MANUAL SCAVENGING	26
27.	INDIA'S JUDICIAL SYSTEM.....	26
28.	HATE SPEECH AND SUPREME COURT RULING.....	26
29.	INTER-SERVICE ORGANISATIONS BILL, 2023	27
30.	E-POSTAL BALLOTS FOR OVERSEAS INDIAN VOTERS	27
31.	TRANSPARENCY IN OTT REGULATION	28
32.	SEXUAL HARASSMENT AT WORKPLACE.....	28
33.	INTER-STATE WATER DISPUTE.....	29
34.	ARTICLE 370 AND INDIAN CONSTITUTION	30
35.	MEDICAL TERMINATION OF PREGNANCY AND SUPREME COURT	30
36.	CONSTITUTIONAL MORALITY:	31
37.	DECRIMINALISATION OF POLITICS:	31
38.	WOMEN'S RESERVATION BILL	32
39.	BASIC STRUCTURE DOCTRINE.....	32

POLITY & GOVERNANCE

1. RIGHT TO VOTE FOR UNDER TRIALS AND CIVIL PRISONERS

Restriction on the rights of prisoners is problematic as it violates their fundamental rights, goes against the reformation theory, and erodes the basic fabric of democracy

Right to Vote and Right of Prisoners

- ◆ The right to vote is a constitutional right under Article 326 of the Constitution.
- ◆ Under **Section 62(5) of the Representation of the People Act, 1951**, individuals in the lawful custody of the police and those serving a sentence of imprisonment after conviction cannot vote. Under-trial prisoners are also excluded from participating in elections even if their names are on the electoral rolls.
- ◆ Only those under preventive detention can cast their vote through postal ballots.

Criticism of present voting ban

- ◆ **Violation of rights:** It violates the **rights to equality (Article 14), and votes (Article 326) and is arbitrary.** It is not a reasonable restriction.
- ◆ **No distinction:** It makes no distinction between convicted prisoners, under-trials, and those in lawful police custody.
- ◆ **No consideration of innocent person:** Besides, a person is innocent until proven guilty by the law. Despite this, it denies an under-trial the right to vote but allows a detainee the same.

The numbers

- ◆ The latest National Crime Reports Bureau (NCRB) report of 2021 shows that a total of 5, 54,034 prisoners were confined as on December 31, 2021, in various jails across the country.
- ◆ A hike of 9%. Uttar Pradesh has the maximum number of under trials (21.2%, 90,606 under trials) in the country followed by Bihar (13.9%, 59,577 under trials) and Maharashtra (7.4%, 31,752 under trials) at the end of the year 2021.

Why under-trials should be given voting rights?

- ◆ **Rehabilitation:** It would consolidate the process of rehabilitation and also show that the State has hopes of their reintegration and redemption.
- ◆ **Re-integration:** When prisoners see themselves as law-abiding citizens, they tend to avoid recidivism and have less trouble reintegrating in society.
- ◆ **Democracy:** Granting prisoners' the right to vote will go a long way in actualisation of universal

adult franchise, an essential feature of democracy, which, in turn, is integral to the edifice of the Constitution.

When discussing the definition of democracy, Abraham Lincoln's words come to mind. He defined democracy as "Government of the people, by the people, for the people".

2. THE ELECTORAL BONDS SCHEME AND THE CHALLENGES

What was the need to introduce Electoral Bonds?

- ◆ **Corruption:** Political finance has long served as the wellspring of corruption in India.
- ◆ **Regulating donations:** The Political parties continue to receive most of their funds through anonymous donations which are shown in cash. Hence electoral bonds came into the picture.
- ◆ **Transparency:** The central idea behind the electoral bonds scheme was to bring about transparency in electoral funding in India.

Advantages an of Electoral Bond Scheme

- ◆ **Simplification of process:** The widespread use of electoral bonds can help to hold back political parties who operate with the goal of simply collecting funds from the public.
- ◆ **Safe and digitized elections:** Electoral bonds work with the government goal to make election funding entirely safe and digitized.
- ◆ **Tracked transaction:** All transactions of electoral bonds are carried out via cheques or digitally.

Why do they attract Criticism?

- ◆ **Possibility of Extortion:** The fact that such bonds are sold via a government-owned bank (SBI) leaves the door open for the government to know exactly who is funding its opponents.
- ◆ **A Blow to Democracy:** Political parties are exempted from disclosing donations received through electoral bonds.
- ◆ **Against Free & Fair Elections:** Electoral bonds provide no details to the citizens.

3. ONLINE CHILD SEXUAL ABUSE IN INDIA

Online child sexual abuse

- ◆ Making and circulating child sexual abuse material, and live-streaming abuse.
- ◆ Online grooming, Cyber-bullying, cyber-harassment, cyber-stalking, and exposure to harmful content.
- ◆ Circulation of explicit photos in public without consent.

What factors are responsible for (spike) online sexual abuse?

- ◆ Covid-19 pandemic (mass migration to online class)
- ◆ Easy access to abusive content, rise in child 'self-generated' sexual material
- ◆ Proliferation of cybercrime and inadequate safeguards

Legislations against Online child sexual abuse in India:

- ◆ **The IT Act 2000:** Section 67B of the Information Technology (IT) Act, 2000 provides stringent punishment for publishing, transmitting, or viewing child sexual abuse material online.
- ◆ **The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** empower the users of Intermediaries and make the social media platforms accountable for their safety.
- ◆ **POCSO Act:** Section 14 of the Protection of Children from Sexual Offence (POCSO) Act provides Punishment for using children for pornographic purposes.

What Indian Government is doing for child protection?

- ◆ **Aarambh India:** India's first online reporting portal to report images and videos of child abuse.
- ◆ **Operation Megh Chakra:** CBI conducted searches across different states, as part of a pan-India drive against the circulation and sharing of Child Sexual Abuse Material (CSAM).
- ◆ **OCSAE:** CBI's Online Child Sexual Abuse and Exploitation (OCSAE) Prevention/Investigation Unit
 - ◆ The government periodically blocks the websites containing outer CSAM based on INTERPOL's "worst of the list" received through the CBI.

What measures can be further adopted?

- ◆ A strong law enforcement and judicial response
- ◆ A truly sustainable strategy must include active prevention of abuse
- ◆ A need to ensure the creation of safe online environments where children can thrive.

4. AGE OF CONSENT IN INDIA

What is need for law reform to revise the age of consent?

- ◆ **Rape:** Since the consent of a "child" is **immaterial**, consensual sexual intercourse with or among adolescents is treated on par with rape.
- ◆ **Threatened with punishment:** With the enactment of POCSO, a number of young couples in consensual and non-exploitative relationships have found themselves embroiled in the criminal justice system.
- ◆ **Burden on judiciary:** It also impacts the delivery of justice as these cases constitute a large burden on our courts, and divert attention from investigation and prosecution of actual cases of child sexual abuse and exploitation.

What is the purpose of the Minimum age of sexual consent?

- ◆ **Protection:** The objective is to protect adolescents from sexual abuse and the consequences of early sexual activity on their rights and development. There is a possibility that young adolescents may be lured into sexual activity by older adults making those from disadvantaged settings.
- ◆ **Health issues:** Underage sexual activity presents a number of risks, including unwanted or early pregnancy and exposure to sexually transmitted diseases.
- ◆ **Toll on education:** Early pregnancy and motherhood in many cases are, in turn, primary determinants of school dropout for adolescent girls.

What is the global scenario?

- ◆ Many countries have 16 years or below that as the age of consent.
- ◆ Most of the American states, Europe, Japan, Canada, Australia, China, and Russia fall into this category.
- ◆ Therefore, the rights of the child (up to 18 years of age) might be protected in accordance with the UN Convention on the Rights of the Child, but the age of consent can safely be reduced from 18 to 16.

Required measures

- ◆ **Definition:** There is a need to define consensual sex as a separate category of crime under a more liberal provision.
- ◆ **Saving time and energy:** Taking out such cases from the purview of the penal law will also help the police divert its attention toward more serious and complex cases.
- ◆ **Reform:** There is a compelling need for law reform to revise the age of consent and prevent the criminalization of older adolescents engaging in factually consensual and non-exploitative acts.

5. INDIA'S LABOUR REFORMS AND PERSISTENT GAPS

India's Labour Codes (Legislative framework)

There are consolidated set of 4 labour codes which are yet to be implemented:

- ◆ Code of Wages, 2019
- ◆ Industrial Relations Code, 2020
- ◆ Social Security Code, 2020
- ◆ Occupational Safety, Health and Working Conditions Code, 2020

Pros & Cons of Labour Codes

Pros	Cons
<ul style="list-style-type: none"> ◆ Simplification of Complex laws, easier Dispute Resolution ◆ Ease of Doing Business ◆ Gender Parity 	<ul style="list-style-type: none"> ◆ Lack of reducing social inequality ◆ Exclusion of small sector labours ◆ No provisions for Gender-based incentives

Issues faced by Labours

- ◆ Lack of employment opportunities, lack of skills and Unfair wages
- ◆ Ignored Unorganised Workers, Gig Workers, Invisible Labour, Migrant Workers, Platform Workers
- ◆ Gender Inequality and discrimination

India's Unorganized/Informal sector

- ◆ Around 80% of India's labour force is employed in the informal sector and the remaining 20% is in the formal sector.

- ◆ Of the 80% informal sector workforce, half work in agriculture and the remaining in non-agricultural sectors.

Status of women unemployment

- ◆ In urban areas unemployment among educated women was twice their male counterparts. The rate went up to 19.8% in 2017-18 from 10.3% in 2011-12.
- ◆ For rural educated women, unemployment stood at 17.3% in 2017-18 increasing sharply from 9.7 per cent in 2011-12.
- ◆ **'Gender Inclusion in Hiring in India' Report:** 8.7% of working-age urban, educated women in the country are unemployed but only 4% of comparable men find themselves without a job.

Reasons to Low Female Labour Force Participation (FLFP)

- ◆ There is growing feminisation of agriculture due to socio-cultural restrictions, lack of alternate skills, and movement of men to cities away from agriculture.
- ◆ High Unpaid care and domestic work hours of Women in India (women do almost 10 times as much unpaid work as men).
- ◆ There are also social barriers such as restriction on women's mobility outside the house, flexibility in timings, proximity to their households, early age at marriage and child-birth etc.

Initiatives Taken by Government (other than labour reforms):

- ◆ **E-Shram Portal:** It is the first-ever national database of unorganised workers including migrant workers, construction workers, gig and platform workers, etc.
- ◆ **Udyam Portal:** It is the Government Portal to facilitate the registration of MSMEs.
- ◆ **Pradhan Mantri Shram Yogi Maan-dhan:** It is a Central Sector Scheme administered by the Ministry of Labour and Employment and implemented through the Life Insurance Corporation of India and Community Service Centres.
- ◆ **PM SVANidhi:** For providing affordable loans to street vendors.

Required measures

- ◆ Expanding the social security coverage for unorganised workers
- ◆ Pursuing states to make rules for labour codes
- ◆ Vocational Training and Social Security, Employment Information Service through e-governance

6. ADDING DIGITAL LAYERS FOR DEMOCRATIC GOVERNANCE

What is E-Governance?

- ◆ E-Governance is the application of ICT (Information and Communications Technology) to government functioning in **order to create 'Simple, Moral, Accountable, Responsive and transparent' (SMART) governance.**

Interactions in e-Governance

There are **4 kinds** of interactions in e-governance, namely:

- ◆ G2C (Government to Citizens)
- ◆ G2B (Government to Business)

- ◆ G2G (Government to Government)
- ◆ G2E (Government to Employees)

Challenges Associated with E-Governance in India?

- ◆ Challenges in Interoperability and Linguistic Barriers
- ◆ Digital Illiteracy, Lack of Digital Infrastructure and Effective Grievance Redressal Mechanism
- ◆ Authentication and Privacy Issues

What should be done to overcome these challenges?

- ◆ Generating widespread awareness among the public at large.
- ◆ Integration of Ministries and Departments to align the work and reduce time for better policy implementation.
- ◆ Deployment of Intermediaries and Citizen-centric approach: Involvement of citizens in decision-making will make the policies better and it will address the real challenges.

Government Interventions

- ◆ National E-governance Plan
- ◆ Mission of e-Kranti
- ◆ Digital India program

7. GOVERNOR'S ROLE AND RECURRING CONTROVERSY

Role of Governor

- ◆ Preserving, protecting and defending the Constitution, and the law (similar to the oath prescribed for the President of India in **Article 60**).
- ◆ Under the parliamentary and cabinet systems of governance adopted by India, the Governor was envisaged to be the Constitutional Head of a State.
- ◆ The Governor is essentially a link between the Centre and the States.

Comparison

- ◆ Governor's role in Article 159 is indicative of a "**proactive expectation**".
- ◆ In contrast, the oaths of office prescribed for other constitutional functionaries, including PM and the CM, focus on "bearing true faith and owing allegiance to the Constitution".
- ◆ They are comparatively seen to be representing somewhat of a passive situation amounting to going along or remaining in conformity with the provisions.

Reason for constant controversies

- ◆ **Grey areas:** In the Constitution, the role of the Governor is well-defined; nevertheless, situations continue to arise with a **lot of scope for ambiguity** in interpretation.
- ◆ **Discretionary powers:** Governor's multiple discretionary powers (especially related to forming the government. After the 42nd Constitutional Amendment Act, ministerial advice was made binding on the president)

- ◆ **Less say in actual affairs:** The Governor has no powers to interfere with the administration in day-to-day affairs (e.g.-refusing assent to Bills passed by the Assembly)

Impact on State functioning

Consequences	Leads to
<ul style="list-style-type: none"> • Non-demarcation of powers and effects state machinery. • Make appointments of Governor more political • Other officials also impacted leading to single party domination in the State functioning. 	<ul style="list-style-type: none"> • Conflict between Governor and the Chief Minister. • Non-cooperating Council of Ministers. • More political appointments rather than based on calibre.

How has the Supreme Court interpreted the role of the Governor?

- ◆ In the case of **Shamsher Singh vs State of Punjab**, SC held that the Governor is bound to act only in accordance with the aid and advice of the Council of Ministers headed by the CM.
- ◆ Also, Article 154(1) makes it clear that the executive power of the state is vested in the Governor, but shall be exercised by him in accordance with the Constitution.
- ◆ In the case of Nabam Rebia of Arunachal Pradesh, where the Governor went against the advice of the state Cabinet to prepone the session of the Legislative Assembly, SC not only passed adverse comments against him, but also declared the **President's Rule** imposed in 2015 to be unconstitutional. In the process, the Governor had no option, but to resign.

8. CONSTITUTIONALITY OF FIRST CONSTITUTION AMENDMENT ACT

The First Constitution Amendment Act

The Supreme Court of India agreed to examine a PIL challenging changes made to the right to freedom of speech and expression by the first amendment act 1951. This has sparked a nationwide debate.

- ◆ In 1951, the Prime Minister Jawaharlal Nehru introduced a Bill to amend the Constitution. The amendment officially came into effect on June 18, 1951.
- ◆ **Objective:** To make several consequential changes:
 - ◆ To restrict the right to freedom of speech and expression (Main)
 - ◆ To introduce special provisions for backward classes
 - ◆ Land reforms

Right to Free Speech

- ◆ Article 19(1)(a) guarantees the fundamental right to freedom of speech and expression.
- ◆ But this freedom is not absolute or unfettered.
- ◆ It is followed by Article 19(2), which lists exceptions or "reasonable restrictions" on that right.

Key changes made through the Act

- ◆ **Expansion of scope:** It expanded on the scope of the restrictions on the right to free speech.
- ◆ **Reasonable:** It introduced the qualification "reasonable" to the restrictions that Article 19(2) imposed.
- ◆ **New terms:** It introduced specific terms "public order" and "incitement to an offence".

9. THE IDEA OF ONE NATION, ONE POLICE UNIFORM

The idea

- ◆ One nation, one police uniform is an idea that police uniforms should be identifiable uniformly across the country.
- ◆ Currently, the British-era khaki uniform is worn by the majority of police personnel across the country.
- ◆ However, their shades, fabric and patterns change with states and Union Territories (UT).

Other attempts to introduce a uniform set of policies

- ◆ One Nation One Fertiliser scheme
- ◆ One Nation One Ration Card scheme.
- ◆ One Nation, One Election
- ◆ One nation, one mobility card
- ◆ One nation, one grid

Previous Attempts for reforms:

- ◆ In 2018, in a bid to prevent color variation in the uniform of its personnel, the Maharashtra police decided to provide dope-dyed khaki fabric for its staff.
- ◆ In 2018, the Karnataka Police announced that women personnel would no longer wear khaki saris, but rather khaki shirts and trousers while on duty.
- ◆ In 2022, the Maharashtra DGP issued a circular discontinuing the practice of wearing a "tunic uniform" for officers from the rank of Police Sub-Inspectors (PSI) to Deputy Superintendent (DySP).

Significance of One Nation, One police uniform:

- ◆ Reduction in the cost of Uniform production.
- ◆ A sense of collectivism among police forces of different states.
- ◆ A common identity to law enforcement

10. PFI

Why was the PFI banned?

- ◆ Instances of international linkages of PFI with Global Terrorist Groups like the Islamic State of Iraq and Syria (ISIS).
- ◆ They have been pursuing a secret agenda to radicalize a particular section of society working towards undermining the concept of democracy.
- ◆ Involvement in "subversive activities," including disturbing public order, undermining India's constitutional order and encouraging and enforcing a terror-based regressive regime.

How the government banned PFI?

- ◆ In exercise of the powers conferred by sections of the Unlawful Activities (Prevention) Act, the central government declared the Popular Front of India (PFI).
- ◆ Originally enacted in 1967, the UAPA was amended to be modelled as an anti-terror law in 2004 and 2008.
- ◆ In order to deal with terrorism crimes, it deviates from ordinary legal procedures and creates an exceptional regime where constitutional safeguards of the accused are curtailed.

Consequences of being declared unlawful

- ◆ Criminalization of its membership
- ◆ Forfeiture of the properties of the organization
- ◆ Cripple its funding, recruitment, and other activities

Significance of the move

- ◆ Strong message to all "anti-national groups"
- ◆ A right move for the country's unity and integrity
- ◆ Maintaining peace and order.

Is ban enough?

- ◆ Banning such organisations cannot be the only solution.
- ◆ The government needs to focus taking firm administrative action against their criminal activities.
- ◆ Previous bans were not successful (e.g.-SIMI, CPI (Maoist), RSS's ban after Mahatma Gandhi's assassination)

11. INTERNAL DEMOCRACY IN POLITICAL PARTIES

Internal democracy in political parties:

- ◆ Also known as intra-party democracy, it refers to the level and methods of including party members in the decision-making and deliberation within the party structure.
- ◆ Intra-party democracy is usually known to nurture citizens' political competencies and/or produce more capable representatives.
- ◆ As a result, it ensure that the party produces better policies and political programmes.

What are the factors that hinder inner-party democracy?

- ◆ **Nepotism in Politics:** The lack of intra-party democracy has also contributed to the growing nepotism in political parties. With senior party leaders fielding their kins in elections, the succession plans for "family" constituencies are being put in place.
- ◆ **Absence of a credible regulatory framework:** Only Section 29A of the Representation of the Peoples' Act, 1951 which provides for the registration of political parties with the ECI. ECI does not have any statutory power to enforce internal democracy in parties or to mandate elections.

- ◆ **Others:** Easy to Subvert Internal Elections, Centralized Structure of Political Parties, Institutional weakness, an asymmetric political landscape, Criminalization of Politics

Need for Internal Party Democracy:

- ◆ **Political parties, closed autocratic structures:** This adversely impacts the constitutional rights of all citizens to an equal political opportunity to participate in politics and contest elections.
- ◆ **Decentralizing Power:** Every political party has State and local body units, an election at each level will allow the creation of power centers at different levels. This will allow decentralization of power and the decision-making will take place at the ground level.
- ◆ **Bringing transparency & accountability**

What is the Global scenario?

- ◆ In the U.K., the Conservative Party has the National Conservative Convention as its top body.
 - ◆ It has a Central Council and an Executive Committee. The Central Council elects its President, a chairman, and Vice Chairmen at its annual meeting. It also elects an Executive Committee which meets once a month.
- ◆ In the U.S., both the Democratic and the Republican Party have the National Committee as their top decision-making body.
 - ◆ The National Committee plays an important role in the presidential election and agenda setting.

12. HOW HATE SPEECH ON SOCIAL-MEDIA IS A CONCERN FOR INDIA?

Roots of Hate Speech

- ◆ Hate speech tends to be a manifestation of underlying discrimination and eventual political marginalisation of a community.
- ◆ Global increase in violence toward minorities, including mass shootings, lynchings, and ethnic cleansing.
- ◆ Social media also catalyzes hate crimes

Impact

- ◆ Democratic process defect
- ◆ Direct (in the form of lynchings, or 'hate crimes'), and also structural (beginning to consider an entire community as undesirable).
- ◆ Menace to social stability and peace.

Legal Provisions of Hate Speech in India

- ◆ India does not have a formal legal framework for dealing with hate speech.
- ◆ A set of provisions of the Indian Penal Code (IPC), loosely defining hate speech.
- ◆ Sections **153A, 153B, 295A, 298 and 505** are the ones that can be understood to constitute elements of hate speech.

Need for redefining and adopting Hate Speech to Indian Legal regime

- ◆ **Obsolete:** Existing penal provisions are legacies from a colonial past.
- ◆ **Harm to public order:** The provisions have constructed hate speech within the contours of acts that are 'detrimental to harmony'.
- ◆ **Violation of free speech:** These laws are intended for the state to step in and restore "public order" rather than protect free speech.

- ◆ Responsible speech is the essence of the liberty granted under **Article 21** of the Constitution.
- ◆ **Article 19(2)** of the Constitution guarantees freedom of speech and expression to all citizens of India.

Required measures

- ◆ Measures to tackle hate speech should go hand in hand with measures to tackle discrimination and its root causes.
- ◆ India needs a definition on hate speech that takes into account recent jurisprudence.
- ◆ It should move away from the colonial construct in Indian penal laws

13. HOW THE CLIMATE CHANGE AND COOPERATIVE FEDERALISM IS RELATED TO EACH OTHER?

Issue: Status of State-owned Buses

- ◆ **Sputtering engines:** Currently around 1, 40,000 registered public buses on India's roads, most of them having inefficient engines emitting planet-warming fumes into the atmosphere.
- ◆ **Old Vehicles:** At least 40,000 of these buses are at the end of their lifespan and must be taken off the roads immediately.
- ◆ **States in poor financial health, Higher cost for buying buses, Limitations on nationwide action**

How Cooperative Federalism can help in dealing with climate change?

- ◆ **Unified Tender:** Grand Challenge 1 is a great example of cooperative federalism. Under Grand Challenge 1, a **unified tender for 5,450 buses** across five major Indian cities was issued. This is for the 1st time that a unified tender to address the challenging issue of climate change has been issued.
- ◆ **Coordination among states:** The respective expertise, strengths, and needs of Union Ministries and States informed the process and the successful outcomes which need to be appreciated.
- ◆ **Coordination with the center:** Convergence Energy Services Limited (CESL), a nodal agency of the Union government, acted as the programme manager in this effort at centralized procurement in concert, with State-led demand and customization.

14. SC ON RIGHT TO BE FORGOTTEN

- ◆ SC recognised the “right to be forgotten” as a facet of right to privacy.
- ◆ The apex court ordered masking of personal details of parties to a case of sexual offence should be kept private as it can cause embarrassment and social stigma for women.
- ◆ As per the Supreme Court, Right to privacy includes the right to be forgotten and the right to be left alone.

Right to be Forgotten (RTBF)

The Right

- ◆ It is the right to have publicly available personal information removed from the internet, search, databases, websites or any other public platforms, once the personal information in question is no longer necessary, or relevant.
- ◆ In the Indian context, the Supreme Court in Puttaswamy v. Union of India, 2017 noted that the RTBF was a part of the broader right of privacy.
- ◆ The RTBF emerges from the right to privacy under Article 21 and partly from the right to dignity under Article 14.

Issues involved with SC's judgement

- ◆ **Privacy vs. Information:** It brings the person's right to be left alone, derived from Article 21, directly in conflict with the rights of the media to report on issues, flowing from Article 19.
- ◆ **Enforceability against Private Individuals:** This raises the question of whether fundamental rights can be enforced against the private individual, which is generally enforceable against the state.
- ◆ **Misleading Judgements:** Courts in India have repeatedly either accepted or rejected the application of RTBF while completely ignoring the wider constitutional questions associated with it.

Advantage	Disadvantage
<ul style="list-style-type: none"> ◆ Provide major reassurance of safety ◆ Improving organisation and independence ◆ Most internet personal data is irrelevant to public interest considerations and has unquestionably more inherent value to the individual than culture in general 	<ul style="list-style-type: none"> ◆ Demand for privileges ◆ Negative influence on the right to freedom of speech. ◆ Uncertain requirement imposed on web sites might “blue pencil” the internet.

EU's General Data Protection Regulation

- ◆ The right to be forgotten has been given under Section 17 of this framework.
- ◆ The right only applies to data held at the time the request is received. It does not apply to data that may be created in the future.
- ◆ The right is not absolute and only applies in certain circumstance

15. HOW WELFARE STATE V/S FREEBIES IS A DILEMMA FOR POLITICAL PARTIES?

What are freebies?

- ◆ Freebies can be defined as something without charge or cost.
- ◆ It is a very well-known and widespread practice during election.
- ◆ Freebies that are usually distributed include goods like **bicycles, smart phones, TVs, Laptops and waivers on bills (water, electricity, etc.)**

What is the difference between merit goods and public goods?

- ◆ Public goods are provided to the entire society.
- ◆ Merit goods are provided to targeted individuals.
- ◆ Hence in the case of merit goods, there is exclusion. On the other goods, there is no exclusion under public goods.

Are freebies and subsidies needed for developing nations like India?

- ◆ **Food security:** To ensure proper Food Security and the Right to Food as a fundamental right under Article 21 of the constitution it becomes mandatory for the government to implement schemes for subsidized food.
- ◆ **SDG goals:** Sustainable Development Goals have objectives to eradicate hunger (SDG-2) and good health and wellbeing (SDG-3), Gender Equality (SDG-5) which can be achieved by the subsidized food schemes in developing nations.
- ◆ **Farmers Welfare, Social Welfare and security, Reducing social inequality:**

Impacts

Positive	Negative
<ul style="list-style-type: none"> ◆ The role of free education, health and electricity is helping the economy grow rapidly. ◆ Freebies assist in mitigating the income gap ◆ Helpful for poor and marginalised 	<ul style="list-style-type: none"> ◆ Waste of taxpayers' money, Increasing burden on the state ◆ False promises for political benefits ◆ Not 'actually' free: Freebies are not free i.e. be it today or tomorrow ultimately tax payers have to bear the brunt.

Is government obliged to provide freebies? (Obligation of state)

- ◆ Government in general is not obliged.
- ◆ However; it creates a ground of involvement with the local population and the government.
- ◆ In India, every citizen has a divine right to produce children and Government has the unlimited duty and responsibility to feed, educate, and provide education, health, and employment to each of the children.

How do they impact State's fiscal health?

- ◆ They have direct implication of State's fiscal health.
- ◆ Any state expenditure has implications for its fiscal health.
- ◆ These are expenditures that do not positively affect production in the long run.

16. AGNIPATH SCHEME

What is Agneepath Scheme?

- ◆ **Youthful profile of the Armed Forces** - The scheme has been designed to enable a youthful profile of the Armed Forces.
- ◆ **Opportunity to the youth**- It will provide an opportunity to the youth who may be keen to don the uniform by attracting young talent from the society who are more in tune with contemporary technological trends and plough back skilled, disciplined and motivated manpower into the society.
- ◆ **Reduce the defence pension bill** - This will, in turn, considerably reduce the defence pension bill, which has been a major concern for governments for many years.

What is the eligibility criteria?

- ◆ **Personnel below officer ranks** -The new system is only for personnel below officer ranks (those who do not join the forces as commissioned officers).
- ◆ **Age Criteria**- Under the Agnipath scheme, aspirants between the ages of 17.5 years and 21 years will be eligible to apply.
- ◆ **Recruitment twice a year**- The recruitment standards will remain the same, and recruitment will be done twice a year through rallies.

What are the challenges associated with the Agnipath Scheme?

- ◆ **Exclusion of many students**: With the age limits, the recruitment may not include those who have been waiting for the hiring freeze since 2020 to end.
- ◆ **Post-retirement concerns**: The ex- agniveers may have to face hardships in getting employment after 4 years of service.
- ◆ **Militarisation of society**: Further, 'trained-to-kill' soldiers being demobilized every year could prove dangerous if they **remain jobless and frustrated**.

Recent reform initiatives promulgated in defence sector

- ◆ Appointment of the Chief of Defence Staff (CDS)
- ◆ Establishment of the Department of Military Affairs (DMA)
- ◆ announcement of several domestic industries—friendly procurement measures, particularly the
 - ◆ positive indigenisation list
 - ◆ the corporatisation of the Ordnance Factories (OFs) into seven DPSUs

17. ROLE OF 'INDIGENOUS LANGUAGE' IN EDUCATION

Need to promote indigenous language

- ◆ India, undoubtedly is a treasure trove of linguistic diversity, with nearly 450 living languages — 22 of them granted the status of a 'Scheduled language' under the Constitution.
- ◆ Nevertheless, the country also faces the perennial threat of indigenous languages dying. India has already lost over 200 indigenous languages in the last 50 years.
- ◆ It is claimed that another 150 languages could vanish in the coming decades.

Provisions for education in mother tongue

- ◆ **Article 350 A** of the Indian Constitution states that "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups".
- ◆ **Article 351** of the Constitution provides that it shall be the duty of the Union to promote the spread of the Hindi language
- ◆ **National Education Policy (NEP)** says that wherever possible the medium of instruction in schools until Grade V and preferably until Grade VIII -- should be the mother tongue or the local or regional language.

Benefits of providing primary education in mother tongue:

- ◆ Ensure faster learning and retention; higher synaptic activity in the brain of a child
- ◆ Higher rate of parental participation in a child's learning; boosts the self-confidence of children
- ◆ Preserving cultural roots and deepen understanding of heritage.

Arguments in favour of technical education in mother tongue:

- ◆ Enable students to understand the subject in a more comprehensive manner.
- ◆ Aspire students from underprivileged backgrounds to get education in technical courses without spending their valuable resources (time and money) on learning English.
- ◆ Students from vernacular medium of education won't have to suffer from inferiority complex

Difficulties in providing technical courses in mother tongue:

- ◆ Infrastructural issues stare on the face of implementing the policy of providing technical courses in mother tongue.
- ◆ The existing faculties themselves have been trained in their respective technical courses in English and NOT any other language.
- ◆ Translating and producing nationally and internationally renowned materials in mother tongue would be a Himalayan task leading to logistical nightmare.

18. ERA OF COMBATIVE FEDERALISM

The issue

- ◆ The relationship between the Union and state governments has not always been smooth.
- ◆ In recent years though, Centre's relationship with the states has seen more downs than usual.
- ◆ Centre's attempt to gain more say in deciding on Central deputation of civil servant by the proposed amendments of **Administrative Cadre Rules, 1954** has become the latest in the list of irritants that has caused friction between the Centre and state governments.

Relations between Centre and State Government as per the Constitution:

- ◆ The Constitution of India establishes a **federal polity** in India (**presence of Union Government** at the center **and state governments** at regional level)
- ◆ For effective and efficient administrative functioning of the country, the **Constitution has allotted** both the Centre and the state with **specific domains**. The federal structure of India though is **not full-proof is tilted towards the Union Government**.
- ◆ It also needs to be understood that the framers of Indian Constitution did not possess a divine pen and **presence of ambiguities**, between the areas of operation of Centre and state in the legal framework is only natural.

Recent controversies related to disputes between Center and states in India:

- ◆ **Passing of farm laws** (now withdrawn) were, according to states, drafted without taking into consideration the views of the latter.
- ◆ The **issue of GST compensation** has caused a wedge to be developed between the central and the provisional governments.
- ◆ **Action taken by central agencies** like CBI and ED against the leaders of state government, perceived to be done at the behest of the Central government, has led to bittering of relationship between the two sets of government in the country.

What are the current rules on Central Deputation?

- ◆ The current rule says that the Central and state government concerned, with concurrence, can depute an officer for services under the Central Government or any other state government.
- ◆ In case of difference between the Central and concerned state government, a decision shall be taken on the above matter by both sets of governments together.

19. ONE NATION, ONE ELECTION

What is the current system?

- ◆ Currently, elections to the state assemblies and the Lok Sabha are held separately — that is whenever the incumbent government's five-year term ends or whenever it is dissolved due to various reasons.

- ◆ This applies to both the state legislatures and the Lok Sabha.
- ◆ The terms of Legislative Assemblies and the Lok Sabha may not synchronise with one another.

What are simultaneous polls?

- ◆ The idea of "One Nation, One Election" envisages a system where elections to all states and the Lok Sabha will have to be held simultaneously.
- ◆ This will involve the restructuring of the Indian election cycle in a manner that elections to the states and the centre synchronise.
- ◆ This would mean that the voters will cast their vote for electing members of the LS and the state assemblies on a single day, at the same time (or in a phased manner as the case may be).

What are the pros & cons of the idea?

Arguments in favour	Arguments against
<ul style="list-style-type: none"> ◆ Cost reduction ◆ Time saving event ◆ Benefit of the people and the country 	<ul style="list-style-type: none"> ◆ Complex process ◆ Logistics issue ◆ Weaken democracy, and annihilate regional parties

20. UNIFORM CIVIL CODE

Need for such legislation:

- ◆ Uniform Civil Code generally refers to that part of the law that deals with the family affairs of an individual and denotes uniform law for all citizens, irrespective of his/her religion, caste or tribe.
- ◆ The need for a uniform civil code is inscribed in **Article 44** (Article 35 in the draft constitution). This article is included in **Part IV of the Constitution** dealing with the directive principles of state policy.
- ◆ The legal nature of the Directive Principles is such that they cannot be enforced by any court and therefore these are non-judicial rights.

Advantages surrounding UCC

- ◆ **Prevention of discrimination**- Prevention of discrimination based on religion, race, caste, gender, etc. UCC will also cease discrimination in subject matters of succession, inheritance, marriage, divorce, adoption, and guardianship, etc.
- ◆ **Help in better understanding of personal laws**- Prevention of complexity in implementing and understanding of various personal laws of different religion.
- ◆ **Prevention of violence against women**- Prevention of violence against women and preserving the rights of women in India, since numerous personal laws like marriage, divorce, and succession of a certain religion are violative of fundamental rights of women.

Issues surrounding UCC

- ◆ **Difficulty in execution-** Different religions having different religious faiths which are based on the basic practices of the religion causes difficulty in implementing a basic platform of practices for every religion.
- ◆ **Fear among minorities-** The misconception of minorities that UCC will destroy their religious practices and they will be compelled to follow the religious practice of majorities, i.e. Muslims, Sikhs, Christians, Buddhists, Jain, and Zoroastrians.
- ◆ **Unawareness among people-** The most significant issue is the unawareness of people regarding the objects of UCC, and the reason for such unawareness is the lack of education, fake news, irrational religious beliefs

Way Ahead

- ◆ **Work in cooperation-** The government of India and people who believe that UCC will infringe their right to religion; both must work in cooperation with each other to upgrade the laws and society.
- ◆ **High level committee-** Constituting a high-level committee can be an ideal approach to tackle the problem of implementation of the UCC Bill.
- ◆ **Boost awareness-** The government must boost effective awareness about the benefits of UCC among the concerned society.

21. RELIGION AND CONVERSIONS

What is the Status of Anti-Conversion Laws in India?

- ◆ **Constitutional Provision:** The Indian Constitution under **Article 25 guarantees** the freedom to profess, propagate, and practice religion, and allows all religious sections to manage their own affairs in matters of religion, subject to public order, morality, and health.
- ◆ However, no person shall force their religious beliefs and consequently, no person should be forced to practice any religion against their wishes.
- ◆ There has been '**no central legislation**' restricting or regulating **religious conversions**.

Supreme Court's observation on religious conversion

- ◆ The top court recently expressed grave concern over alleged religious conversions by use of **force, allurement, and deception**.
- ◆ It said that religious conversions by means of force may "ultimately affect the security of the nation and freedom of religion and conscience of citizens".
- ◆ The court has also made remarks:
 - ◆ No fundamental right to convert another person to one's own religion.
 - ◆ Freedom of religion is not guaranteed in respect of one religion only but covers all religions alike.

Need to tackle Anti-Conversion

- ◆ Increasing instances of fraudulent marriages

- ◆ Threats of forceful religious conversion.
- ◆ Increasing Inducement or allurements to convert.

What are the causes of Religious Conversions in India?

- ◆ Conversion based on Marriage
- ◆ Conversion for jobs, monetary benefits and to uplift social status
- ◆ Conversion to promote illegal activities like Terrorism

22. CUSTODIAL TORTURE

What is custodial torture?

- ◆ **Custodial torture** is a form of torture that generally happens when a person alleged of any crime is under the custody of law enforcement officials.
- ◆ Law commission in 2017 has proposed **anti-torture law** still the government has not taken any action in this regard.
- ◆ The Supreme Court has held that Custodial torture is a naked violation of human dignity and degradation which destroys, to a very large extent human personality.

Steps to curb the custodial violence in India

- ◆ Strict implementation of existing laws and guidelines
- ◆ Reforms in Police administration
- ◆ Enhancing the role of media
- ◆ Open Prison for women

What are the benefits of open prison?

- ◆ Reduce overcrowding and operational costs of prison administration.
- ◆ Reduces the psychological pressure and lack of confidence among prisoners when they assimilate into society.
- ◆ Develop a humane attitude and reformatory approach towards the offenders in society.

Major Issues related to Prisons in India

- ◆ Overcrowding, Unsatisfactory living conditions, Discrimination, Torture and Sexual abuse
- ◆ Under-trials, Corruption and extortion, Custodial deaths, Lack of legal aid
- ◆ Shortage of staff, Inadequate security measures and management

23. JUDICIAL APPOINTMENT & ISSUES

Need to reconsider the Collegium system:

- ◆ **Issues of Transparency:** The system is non-transparent since it does not involve any official mechanism or secretariat.

- ◆ **No definite Eligibility:** it is seen as a closed-door affair with any prescribed norms regarding eligibility criteria, or even the selection procedure.
- ◆ **Lack of Consensus and Consultation:** There is no public knowledge of how and when a collegium meets, and how it takes its decisions. There are no official minutes of collegium proceedings.

Can the Collegium system be replaced?

- ◆ Replacing the Collegium system calls for a Constitutional Amendment Bill.
- ◆ It requires a majority of not less than two-thirds of MPs (Members of Parliament) present and voting in Lok Sabha as well as Rajya Sabha.
- ◆ It also needs the ratification of legislatures of not less than one-half of the states.

What are the arguments in support of NJAC?

- ◆ NJAC Act ends the opaque mechanism and ensures transparency and accountability within the collegium system.
- ◆ NJAC Act brings integrity between the judiciary and executive and makes it all-inclusive.
- ◆ Involvement of the Government and people from other backgrounds can make the appointment more diverse and with a real perspective.

24. IS THE RTI ACT FULFILLING ITS PURPOSE?

What is the Right to Information?

- ◆ RTI is an act of the parliament that sets out the rules and procedures regarding citizens' right to information.
- ◆ It replaced the former **Freedom of Information Act, of 2002**.
- ◆ Under the Act, any Indian citizen may request information from a "public authority" (a body of Government or "instrumentality of State").

Benefits of RTI	Major Issues
<ul style="list-style-type: none"> ◆ Greater accessibility to information ◆ Efficient governance, Government obligation ◆ Citizen's participation, Maintenance of public record 	<ul style="list-style-type: none"> ◆ Lack of awareness ◆ Lack of accountability ◆ Large numbers of denials

Why is RTI empowering legislation for people?

- ◆ **Obligation on the government** to respond to them in a time-bound manner
- ◆ **To get the information** to hold the government accountable.
- ◆ **Balance of power** in favour of those governed.

What are the challenges faced by the RTI Act?

- ◆ **Resistance by bureaucracy:** The public information officers these days use excuses like this division does not have the information.

- ◆ **Resistance to sharing of information:** Within the government, asking for information is not encouraged.
- ◆ **Vacancies:** Huge vacancies in information commissions means that appeals and complaints keep pending.

25. MARRIAGE EQUALITY (SAME-SEX MARRIAGE)

What is the issue?

- ◆ The Supreme Court has held that criminalisation of private consensual sexual conduct between adults of the same sex under Section 377 of the Indian Penal Code was
- ◆ Hence, decriminalized same-sex relationships in India in 2018.
- ◆ However, decriminalizing homosexuality does not ensure equality and the rights must extend to all spheres of life, including the home, the workplace, and public places, etc.

How legalising of same sex marriage can help?

- ◆ equality in all spheres of life
- ◆ for dignified living to overcome prejudice
- ◆ Removing stigma faced by same-sex couples

Concerns associated:

- ◆ **Health issues:** LGBT individuals experience a range of significant health disparities and a disproportionate rate of negative health outcomes.
- ◆ **Likely to attempt more suicides:** Adolescents with same-sex attraction are more than twice as likely as their peers to attempt suicide.
- ◆ **Lack of social security for the future:** Elderly LGBT people are more likely to experience social isolation and face barriers to accessing needed care.

26. NO BAR ON CONTESTING FROM TWO SEATS IN THE SAME ELECTION: SC

- ◆ **Decision of SC:** The Supreme Court has refused to set aside Section 33(7) of Representatives of People's Act which allows candidates to contest polls from two constituencies simultaneously.
- ◆ **Reason for Decision:** The SC has mentioned that it is a matter of political democracy and it is the authority of Parliament to take a call on the matter.
- ◆ **Concerns associated:** When a person contests an election from two constituencies and wins from both, then he/she vacates the seat in one of the two constituencies and re-election has to be conducted on the same.
- ◆ **Suggestion provided:** For the purpose of discouraging candidate contesting from two seats, election commission has suggested overing the expense of subsequent election in the seat that has been relinquished from the candidate fighting election from two seats.

27. MANUAL SCAVENGING

- ◆ **What is it?** Manual evacuation refers to the process of removing human and animal waste from dry toilets and transporting it for disposal.
- ◆ **What the law says?** The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 prohibits the construction or maintenance of unhygienic toilets, and the hiring of any person by hand cleaning or hazardous cleaning of sewer pipes and swimming pools.
- ◆ Manual Scavenging is considered to be violative of Article 21 of the Constitution as it compromises with Right to clean health and environment.

Way Forward:

- ◆ Initiatives taken by the government such as Swachh Bharat Abhiyaan, Safaimitra Suraksha Challenge aims to build hygienic toilets that would not require utility of Manual Scavenging.
- ◆ Providing alternative to employment and/or skill development of those involvement in manual scavenging.
- ◆ Use of mechanical cleaning that does not require utility of manual scavenging.

28. INDIA'S JUDICIAL SYSTEM

- ◆ **Context:** The India Justice Report (IJR) 2022 highlights the issues in the Indian Judicial system with pendency of cases, lack of staff and Judges and overburdening of cases in courts day by day.

Key problems:

- ◆ Lack of Judges at all levels of judiciary
- ◆ Consistent rise in pendency of cases
- ◆ Low Case Clearance Ratio (CCR)

Way Forward:

- ◆ Appointment of judges at all levels of judiciary at the earliest.
- ◆ Use of Alternative Dispute Resolution modes such as arbitration, conciliation and mediation.
- ◆ Make plea bargaining available.
- ◆ Increase and improve infrastructure related to courts in India.

29. HATE SPEECH AND SUPREME COURT RULING

- ◆ **What is hate speech?** It is any form of communication, whether spoken, written, or physical, that criticizes or discriminates against a person or a group based on their religion, ethnicity, nationality, race, colour, descent, gender, or other identity factors.
- ◆ **Observation of Supreme Court:** SC has stated that hate speech affects the secular fabric of India, the apex court has directed all states to suo-moto register cases of such offences even if there is no formal complaint.
- ◆ **Constitutional Provisions:** Article 19 of the Constitution guarantees Freedom of Speech and Expression though the same is not absolute but qualified.

- ◆ The above-mentioned freedom does not allow unity and integrity of the country to be harmed by disturbing secular foundations of the country.

30. INTER-SERVICE ORGANISATIONS BILL, 2023

The **Inter-Services Organisation (Command, Control & Discipline) Bill 2023** has been passed by the **Lok Sabha** with the aim of enhancing efficiency, discipline, and jointness among the **Armed Forces**.

Following are its key features:

- ◆ **Background:**
 - ◆ For the purpose of doing away with the operational challenges of diversities in the operations of the Armed Forces through 3 diverse **Service Acts**: the **Army Act 1950**, **Navy Act 1957**, and **Air Force Act 1950**.
- ◆ The bill though does not propose any alteration to the existing Service Acts, Rules, or Regulations that have stood the test of time and judicial scrutiny over several decades

Salient Features:

- ◆ **Applicability:**
 - ◆ The bill applies to all regular **Army**, **Navy**, and **Air Force** personnel.
 - ◆ Any other force in India can also be placed under the Act by Government of India.
- ◆ **Inter-Services Organisation:**
 - ◆ Existing Inter-services Organisations (ISOs) will be deemed to have been constituted under the Bill.
 - ◆ The central government may also constitute an Inter-services Organisation that has personnel from at least two of the three services: the army, the navy, and the air force.
 - ◆ The central government may also constitute an Inter-services Organisation that has personnel from at least two of the three services: the army, the navy, and the air force.

Expanded Command and Control Authority:

- ◆ A central tenet of the bill is the extension of **command-and-control authority** to the **Commander-in-Chief** or **Officer-in-Command** of an Inter-services Organisation.
- ◆ Unlike the existing structure, where these officers lack disciplinary and administrative powers over personnel from other services, the bill empowers them to exercise full command and control.

31. E-POSTAL BALLOTS FOR OVERSEAS INDIAN VOTERS

What is ETPBS?

- ◆ The **Electronically Transmitted Postal Ballot System (ETPBS)** allows **registered service voters** receive their **postal ballots electronically**, which they can download and mark their votes.
- ◆ After marking their votes, they send the ballot to the **returning officer** of their constituency via ordinary mail, along with an **attested declaration form** signed in the presence of an appointed senior officer.

- ◆ The postal ballot must reach the returning officer by **8 a.m. on the day of the counting of results.**

Current Scenario for Overseas Voters:

- ◆ Currently, **NRI (Non-Resident Indians)** or overseas Indian voters can register as **overseas electors** with the **Election Commission of India (ECI)** if they haven't acquired citizenship in another country.
- ◆ To vote, an NRI must reside in a constituency and provide their **passport** as proof of identity at a polling station.
- ◆ The move toward e-postal ballots aims to enhance participation and ensure that overseas citizens can exercise their democratic rights effectively.

32. TRANSPARENCY IN OTT REGULATION

Issues related to transparency in OTT regulation:

- ◆ **Disregard to law:** Low compliance to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules that mandate OTT platforms display contact details for grievance redressal mechanisms and grievance officers.
- ◆ **Ambiguity around Content Regulation:** Clear guidelines are absent with regards to ambiguity in content regulation.
- ◆ **Jurisdictional Challenges:** Finding effective solutions to address jurisdictional issues, as many OTT platforms operate from outside India, is crucial.
- ◆ **Freedom of Expression Concerns:** It is important to strike right balance between regulation and creative freedom is essential.

Conclusion:

- ◆ Enhancing transparency, addressing jurisdictional challenges, and promoting responsible content are vital steps toward effective OTT regulation in India.

33. SEXUAL HARASSMENT AT WORKPLACE

Statutory Remedies:

- ◆ Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 aims to prevent and redress sexual harassment of women at workplaces in India.
- ◆ It was enacted in 2013, following the Vishakha Guidelines issued by the Supreme Court in 1997.
- ◆ The PoSH Act mandates the formation of Internal Complaints Committees (ICCs) by employers and Local Committees (LCs) by the government to deal with complaints of sexual harassment.
- ◆ However, the Supreme Court has recently expressed concern over the poor implementation of the PoSH Act and issued directions to ensure its effective enforcement

Directions of Supreme Court for better implementation of POSH Act:

- ◆ The Union and the States/UTs must ensure that all the authorities under their control have constituted ICCs as per the PoSH Act and the Rules.

- ◆ The Union and the States/UTs must collect data on the number of ICCs/LCs constituted, the number of complaints received and disposed of, and the nature of action taken against the offenders.
- ◆ The Union and the States/UTs must conduct regular awareness programs and training sessions for the members of the ICCs/LCs and the employees.
- ◆ The Union and the States/UTs must monitor the functioning of the ICCs/LCs and ensure that they comply with the provisions of the PoSH Act and the Rules.
- ◆ The Union and the States/UTs must file compliance reports before the Supreme Court within eight weeks.

Way Forward:

- ◆ Safe and secure work environment for women at workplace is necessary to implement gender justice.
- ◆ Proactive steps are to be taken from all stakeholders i.e. government and as well as private enterprises for PoSH Act to implemented in true letter and spirit.

34. INTER-STATE WATER DISPUTE

Inter-state river water disputes are one of the most contentious issues in India's federalism. They arise when two or more states have conflicting claims over the use, distribution, or control of the waters of a shared river or river basin.

Some of the recent cases of inter-state river water disputes in India are:

- ◆ **Pennaiyar river dispute** between Karnataka and Tamil Nadu.
- ◆ **Mahadayi river dispute** between Karnataka and Goa.
- ◆ **Krishna river dispute** between Maharashtra, Karnataka, and Telangana.
- ◆ **Cauvery river dispute** between Karnataka and Tamil Nadu.
- ◆ **Satluj Yamuna Link Canal dispute** between Punjab and Haryana.

Constitutional Provision:

- ◆ **Under Article 262 of the Constitution, the** Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.

Solutions to inter-state water dispute in India are:

- ◆ **Strengthening the existing tribunals:** The tribunals set up under the Inter-State Water Disputes Act, 1956, shall resolve the dispute in a fixed timeline of two years with a transparent data collection and verification system.
- ◆ **Promoting cooperative federalism:** The Centre and the states should adopt a more cooperative and consultative approach to inter-state water issues, rather than a confrontational and litigious one.
- ◆ **Encouraging integrated water management:** The states should adopt a holistic and integrated approach to water management, taking into account the ecological, social, and economic aspects of water use.

35. ARTICLE 370 AND INDIAN CONSTITUTION

The **Supreme Court of India** delivered a significant verdict regarding **Article 370**. Here are the key points:

◆ **Abrogation of Article 370:**

- ◆ The Supreme Court unanimously upheld the **abrogation of Article 370** by the Indian government in **2019**.

- ◆ This decision effectively means that the erstwhile state of **Jammu and Kashmir** no longer holds any special status within the Indian Union.

◆ **Validity of Presidential Order:**

- ◆ The court held that **Article 370** was a **temporary provision** and that **Jammu and Kashmir** did not retain its sovereignty upon its accession to the Union of India.

- ◆ The **Presidential Order** scrapping the special status granted to **Jammu and Kashmir** was deemed valid.

- ◆ This ruling has significant implications for the constitutional framework and political landscape of the region. It reflects the evolving legal landscape and the delicate balance between autonomy and integration within the Indian Union.

36. MEDICAL TERMINATION OF PREGNANCY AND SUPREME COURT

Decision of Apex Court wrt right of terminating pregnancy:

◆ **26-Week Medical Termination of Pregnancy Case:**

- ◆ In a case involving a married couple, the woman sought the court's intervention for abortion. Her pregnancy had crossed the legally permissible limit of **24 weeks** for abortions under the **Medical Termination of Pregnancy (MTP) Act, 1971**.
- ◆ The SC delivered a **split verdict**:
 - Justice Hima Kohli **refused** to permit the woman to terminate her pregnancy.
 - Justice BV Nagarathna **dismissed** the Government's application seeking recall of the order allowing termination.

The matter has been referred to the Chief Justice of India (CJI) to constitute a bench of three judges for further consideration.

◆ **Expanding Scope for Unmarried Women:**

- ◆ In another significant order, the SC expanded the scope of the MTP Act to include **"unmarried women."**

- ◆ The ruling allows an unmarried woman to **abort her 24-week pregnancy** arising out of a consensual relationship.

◆ **Overall Impact:**

- ◆ These rulings uphold the rights of women and ensure access to safe and legal abortion services.

- ◆ The SC's decisions contribute to ending preventable maternal mortality and promote reproductive autonomy.

37. CONSTITUTIONAL MORALITY:

- ◆ **Definition:**
 - ◆ **Constitutional Morality** refers to adherence to or commitment to fundamental constitutional values.
- ◆ It entails submitting to the norms of the Constitution and refraining from acting in a way that would violate the rule of law or reflect arbitrary action.
- ◆ **Key Elements:**
 - ◆ **Values and Principles:** Constitutional morality encompasses the values and principles enshrined in the Constitution. These include:
 - **Protection of Individual Rights:** Upholding the rights of individuals.
 - **Rule of Law:** Ensuring adherence to legal norms.
 - **Democracy:** Respecting democratic processes.
 - **Equality:** Treating all citizens equally.
 - **Social Justice:** Promoting fairness and equity.
- ◆ **Expectation of Behavior:** It emphasizes the importance of respecting the Constitution, its institutions, and the decisions made by them.
- ◆ **Significance:**
 - ◆ **Rule of Law:** Constitutional morality ensures the establishment of the rule of law while integrating the changing aspirations and ideals of society.
 - ◆ **Preserving Trust:** As a governing ideal, it highlights the need to preserve the trust of the people in democratic institutions.
- ◆ **Cooperation and Coordination:** Constitutional morality allows people to cooperate and coordinate to pursue constitutional aspirations that cannot be achieved single-handedly.

To Conclude:

- ◆ Constitutional morality serves as a guiding principle for upholding constitutional values, fostering accountability, and maintaining the integrity of democratic institutions.

38. DECRIMINALISATION OF POLITICS:

- ◆ **What is "Criminalization of Politics"?**
 - ◆ The **Criminalization of politics** refers to the involvement of individuals with a criminal record in the political arena.
 - ◆ It includes criminals running for and being elected to positions in Parliament and State Legislatures.
 - ◆ This phenomenon often arises due to the close relationship between politicians and criminal elements.
- ◆ **Reasons for Criminalization of Politics in India:**
 - ◆ **Muscle Power:** Political parties sometimes hire or nominate criminals as candidates due to their influence and winnability.
 - ◆ **Money Power:** Parties and candidates use money generated from criminal activities to influence voters and secure support.

- ◆ **Loopholes in Election Machinery:** Voters are often unaware of a candidate's criminal history and pending cases.
- ◆ **Ineffective Judicial System:** Delayed justice and pending cases contribute to the problem.
- ◆ **Lack of Enforcement:** Existing laws and court judgments lack effective enforcement.
- ◆ **Vested Interests:** Voters often prioritize narrow interests like caste or religion when voting¹.
- ◆ **Ways to Decriminalize Indian Politics:**
 - ◆ **Strict Legal Provisions:** Consider lifetime bans for politicians convicted of criminal offenses.
 - ◆ **Proactive Judiciary:** Encourage the judiciary to take decisive action against criminalization.
 - ◆ **Active Election Commission:** The Election Commission should enforce directives against parties fielding candidates with criminal backgrounds.
- ◆ In Conclusion, addressing criminalization of politics requires legal reforms, judicial vigilance, and active efforts by electoral bodies to ensure cleaner politics in India.

39. WOMEN'S RESERVATION BILL

- ◆ The **Women's Reservation Bill** aims to enhance women's political representation and participation in decision-making processes at the highest levels of government. Here are the key details about the bill:
- ◆ **Objective:** The bill seeks to reserve **one-third of all seats** in both the **Lok Sabha (House of the People)** and the **state legislative assemblies** for women.
- ◆ **Existing Reservations:** The 73rd and 74th Amendments to the Constitution, passed in 1993, already reserve one-third of seats for women in **panchayats** (local self-government bodies) and **municipalities**. However, there is no similar provision for women in the Lok Sabha and state legislative assemblies.
- ◆ **Historical Attempts:** Bills amending the Constitution to reserve seats for women in Parliament and state legislative assemblies were introduced in 1996, 1998, 1999, and 2008. While some of these bills lapsed, the 2008 Bill was passed by the Rajya Sabha (Upper House) but also lapsed with the dissolution of the 15th Lok Sabha.
- ◆ **The 2023 Bill:** The **Constitution (One Hundred Twenty-Eighth Amendment) Bill, 2023** was introduced in the Lok Sabha on September 19, 2023. It seeks to reserve one-third of the total seats in the Lok Sabha, state legislative assemblies, and the Legislative Assembly of the National Capital Territory of Delhi for women. The bill also applies to Scheduled Castes (SCs) and Scheduled Tribes (STs) and will be effective after the census, with rotation after each delimitation.
- ◆ **Awaiting Assent:** The bill has been passed by both Houses of Parliament and is currently awaiting the President's assent.
- ◆ The Women's Reservation Bill is a landmark legislation aimed at promoting gender equality and empowering women in India's political landscape.

40. BASIC STRUCTURE DOCTRINE

- ◆ The **basic structure doctrine** is a crucial legal concept in India, established by the **Supreme Court** in the landmark **Kesavananda Bharati v. State of Kerala** case in **1973**.
- ◆ Vice-President Jagdeep Dhankhar criticised the Doctrine of Basic Structure recently and hence it is important to look into the same:
- ◆ **What is the Basic Structure Doctrine?:**

- ◆ The basic structure doctrine asserts that the **Constitution** has certain **immutable and fundamental features** that cannot be altered or destroyed by amendments passed by Parliament.
- ◆ These features form the **core essence** of the Constitution and protect its democratic, secular, and republican character.

◆ **Evolution and Context:**

- ◆ The Kesavananda Bharati case emerged from a conflict between the judiciary and the then-Indira Gandhi-led government.
- ◆ In **1967**, the Supreme Court held in the **Golak Nath v. State of Punjab** case that Parliament could not curtail fundamental rights guaranteed under the Constitution.
- ◆ The term “**basic structure**” was first used in this context by lawyer **M.K. Nambyar**.
- ◆ The court ruled that Article 368 does not enable Parliament to amend the basic framework of the Constitution.

◆ **Key Features of Basic Structure:**

- ◆ While the exact features are not explicitly defined, some commonly accepted elements include:
 - **Supremacy of the Constitution**
 - **Secularism**
 - **Democracy**
 - **Judicial Review**
 - **Federalism**
 - **Separation of Powers**

◆ **Recent Remarks by Vice-President Dhankhar:**

- ◆ Vice-President **Jagdeep Dhankhar** criticized the basic structure doctrine, questioning whether the judiciary can restrict Parliament's powers to amend the Constitution.
- ◆ He expressed disagreement with the idea that the judiciary can strike down amendments based on their impact on the Constitution's basic structure.

◆ **Debate and Significance:**

- ◆ The basic structure doctrine acts as a **safeguard** against arbitrary changes to the Constitution.
- ◆ It ensures that the core principles remain intact even as amendments are made.
- ◆ However, debates continue on its scope, interpretation, and potential limitations.
- ◆ The basic structure doctrine is a critical aspect of India's constitutional jurisprudence, balancing the need for flexibility with the preservation of essential constitutional values.
