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LEGISLATURE & EXECUTIVE

No Question Hour, Curtailed Zero Hour in Parliament's Monsoon Session

Context: In view of the pandemic and a truncated Monsoon Session, Parliament said no to Question Hour and curtailed Zero Hour.

About:

What is Question Hour?

- Members of Parliament ask questions to ministers and hold them accountable for the functioning of their ministries.
- **Types of Questions:** There are four categories of questions that can be asked in this period —
 - **Starred questions:** Starred questions require an oral answer from the minister-in-charge and must be submitted 15 days in advance.
 - **They require a written response and generally address concerns related to data and information, but do not allow supplementary questions. These too must be submitted 15 days in advance.**
 - **Short notice questions:** They address urgent matters that have public importance and can be submitted within less than 10 days.
 - **Questions to private members:** They are usually related to “some Bill, Resolution or other matter connected with the business of the House for which that Member is responsible”.

What is Zero Hour?

- While Question Hour is strictly regulated, Zero Hour is an Indian parliamentary innovation.
- The phrase does not find mention in the rules of procedure.

When Question Hour was dropped amid extraordinary circumstances?

In the past, the Question Hour had been suspended during wars and the Emergency.

- **India-China war of 1962:** During the India-China war of 1962, Parliament's winter session had skipped the Question Hour.
- **1971 War:** During the 1971 war, too, the daily schedule was changed. From December 6 to 23 (due to Pakistani aggression), the Question Hour and Calling Attention matters were suspended,
- **The Emergency (June 25, 1975 – March 21, 1977):** During the Emergency, Parliament continued to function but without Question Hour in at least two sessions.

- ▶ The monsoon session of 1975 — the first after the declaration of the Emergency — didn't have a Question Hour
- ▶ The winter session of 1976, too, didn't have a Question Hour.
 - Several constitutional amendments were cleared hurriedly during this period.
 - One of the most significant ones was the 42nd Amendment that added the words "Socialist" and "Secular" to the Preamble to the Indian constitution.

2 President's address to the joint sitting of Parliament

Context: The first Parliament session of 2021 began with President Ram Nath Kovind addressing members of both Houses of Parliament.

President's Address

- Article 86 of the Constitution gives the President the power to address either House or a joint sitting of the two Houses of Parliament.
- The Constitution states that the President shall "inform Parliament of the cause of the summons".
- Article 87 of the Constitution of India provides two special occasions on which the President addresses a joint sitting:
 - ▶ To address the opening session of a new house after a general election.
 - ▶ To address the first sitting of Parliament each year.
- A session of a new or continuing legislature cannot begin without fulfilling this requirement.

Joint Sitting of Parliament during deadlock over bills

- Such joint sitting of the Parliament is called by the President under Article 108.
- As per Article 108 of the Constitution, a Joint session of Parliament can be summoned in the following situations.
- If after a Bill has been passed by one House and submitted to the other House—
 - ▶ The Bill is rejected by the other House
 - ▶ the Houses have finally disagreed as to the amendments to be made in the Bill
 - ▶ more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it
- If the above conditions are satisfied, the President may summon the joint sitting of both the houses of parliament.

Exceptions to such joint sitting

These two bills cannot be referred to a joint sitting:

- Money Bill
- Constitution Amendment Bill

Who presides the joint sitting?

- It is presided over by the Speaker or, in their absence, by the Deputy Speaker of the Lok Sabha or in their absence, the Deputy-Chairperson of the Rajya Sabha.
- The Chairperson of Rajya Sabha doesn't preside over the joint session.

3 Suspension of MP from Lok Sabha

Context: Seven members were suspended for unruly behavior in the Lok Sabha. The motion was passed by a voice vote.

The role of Speaker

- It is the role and duty of the Speaker of Lok Sabha to maintain order so that the House can function smoothly.
- Speaker is empowered to force a Member to withdraw from the House (for the remaining part of the day), or to place him/her under suspension.

What are the rules under which the Speaker acts?

- **Rule 373:** 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."
- **Rule 374:** To deal with more recalcitrant Members, the Speaker may take recourse to Rules 374
 - ▶ The Speaker may, if deems it necessary, name a Member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof.
 - ▶ If a Member is so named by the Speaker, the Speaker shall, on a motion being made forthwith put the question that the Member (naming such Member) be suspended from the service of the House for a period not exceeding the remainder of the session: Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated.
 - ▶ A member suspended under this rule shall forthwith withdraw from the precincts of the House."

What is the procedure for revocation of a Member's suspension?

- While the Speaker is empowered to place a Member under suspension, the authority for revocation of this order is not vested in her.
- It is for the House, if it so desires, to resolve on a motion to revoke the suspension.

The case of Rajya Sabha:

- Like the Speaker in Lok Sabha, the Chairman of the Rajya Sabha is empowered under Rule Number 255 of its Rule Book to "direct any Member whose conduct is in his opinion grossly disorderly to withdraw immediately" from the House.
- Any Member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting."
- The Chairman may "name a Member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing" business.
- In such a situation, the House may adopt a motion suspending the Member from the service of the House for a period not exceeding the remainder of the session.
- The House may, however, by another motion, terminate the suspension.
- Unlike the Speaker, however, the Rajya Sabha Chairman does not have the power to suspend a Member.

4 MLA disqualified under Anti-defection law

Context: Manipur Speaker disqualified a member of the Assembly for defection.

What is Anti-defection Law?

- The anti-defection law is implemented according to the 10th Schedule of the Constitution. It was enacted by Parliament in 1985
- The anti-defection law sought to prevent such political defections which may be due to the reward of office or other similar considerations.
- **Applicability:** The law applies to both Parliament and state assemblies.

The amendment to the law in 2003:

- Initially, if there occurs a split in the original political party and as a result of which one-third of the legislators of the party form a separate group, they shall not be disqualified.
- Now if there is a merger between two political parties and two-thirds of the members of a legislature party agree to the merger, they will not be disqualified.

Grounds of disqualification

- Voluntarily giving up of membership: If the member voluntarily gives up the membership of the party, he shall be disqualified.
 - Voluntarily giving up the membership is not the same as resigning from a party.
 - Even without resigning, a legislator can be disqualified if by his conduct the Speaker/Chairman of the concerned House draws a reasonable inference that the member has voluntarily given up the membership of his party.
- **Disqualification based on legislature's actions:** If a legislator votes/ abstains from voting in the House against the direction of his party (whip) and his action is not condoned by his party, he can be disqualified.

5 Constitution Day

Context: The 71st anniversary of the adoption of the Constitution of India was celebrated on 26 November.

Key points

- Constitution Day, also known as 'Samvidhan Divas', is celebrated in our country on 26th November to commemorate the adoption of the Constitution of India.
- On 26th November 1949, the Constituent Assembly of India adopted the Constitution of India, which came into effect from 26th January 1950.

What is the significance of commemoration?

- The Ministry of Social Justice and Empowerment on 19th November 2015 notified the decision of the Government of India to celebrate the 26th day of November every year as 'Constitution Day' to promote Constitution values among citizens.
- The Constitution Day is also celebrated as a mark of tribute to India's first Law Minister BR Ambedkar, who played a pivotal role in drafting the Indian Constitution.

Constituent Assembly

- The first formal demand for the Constituent Assembly was made at the Swaraj Party Conference on 3rd May 1934 which rejected the White Paper proposals (which was incorporated in the Government of India Act, 1935).

- The plan formulated by the Cabinet Mission, 1946 created the Constituent Assembly of India.
- The Assembly was recognized by Section 8 of the Indian Independence Act, 1947.
- Under the Plan, the members of the 1946 Provincial Legislative Assemblies, who were elected by the limited franchise, would select the members of the Constituent Assembly through a single transferrable vote.
- Additionally, a Negotiating Committee worked to involve the Princely States in the Constituent Assembly.
- On 9th December 1946, the Constituent Assembly of India met for the first time in the Constitution Hall now popularly referred to as Central Hall of Parliament House.
- **207 members were present who signed the register and submitted their credentials. As of December 1947, the Assembly had 299 members:** 229 members elected from 12 Indian Provinces and 70 members nominated from 29 Princely States.
- The Constituent Assembly met for 166 days for two years, 11 months, and 18 days before the Constitution was finally adopted.
- **The Drafting Committee had seven members:** AlladiKrishnaswamiAyyar, N. Gopalaswami; B.R. Ambedkar, K.M Munshi, Mohammad Saadulla, B.L. Mitter, and D.P. Khaitan. At its first meeting on 30th August 1947, the Drafting Committee elected B.R Ambedkar as its Chairman.

Indian Constitution

- The Constituent Assembly of India was established in 1946. It met for 166 days spread over 2 years, 11 months and 18 days.
- Dr. Rajendra Prasad, the first President of India, was elected as the President of the Constituent Assembly and Dr. B. R. Ambedkar was the head of the drafting committee.
- The original constitution document was signed by 283 members of the parliament.
- The original hand-written copies of the Constitution are preserved in helium-filled cases in the Library of Parliament House.
- The original Constitution of India was handwritten by Prem Behari Narain Raizada
- Each page was uniquely decorated by artists from Shantiniketan including Beohar Rammanohar Sinha and Nandalal Bose.
- It has been amended 104 times.

6

Assam Cabinet nod to make Bodo, the associate official language of the State

Context: The Assam cabinet has decided to make Bodo the associate official language of the state.

About:

- Bodo Territorial Area District (BTAD), is home to several ethnic groups. Now BTAD is renamed to Bodoland Territorial Region
- According to historians, they belong to the Tibeto-Burman family of the Mongoloid race.

- Their population is concentrated mostly on the North bank of the Brahmaputra river, in western and parts of Central Assam, the northern part of West Bengal and some parts of Bhutan and Nepal, Arunachal Pradesh and Nagaland.
- The traditional religion of the Bodos is Bathouism — they traditionally worship Bathou-Borai, often identified as the Hindu God Shiva.

About Bodo Language

- Bodo is one of the 22 scheduled languages of the country.
- Bodo, a language of the Tibeto-Burman branch of Sino-Tibetan languages having several dialects. Bodo is spoken in the northeastern Indian states of Assam and Meghalaya and in Bangladesh.
- It is related to Dimas, Tripura, and Lalung languages, and it is written in Latin, Devanagari, and Bengali scripts.

7

New Rules notified for OCI card holder by Ministry of Home

Context: In exercise of the powers conferred by Section 7B (1) of the Citizenship Act, 1955, Ministry of Home Affairs notified new rules for OCI Cardholders.

Who are Overseas Citizen of India Cardholders?

- Overseas Citizenship of India (OCI) is given to Persons of Indian Origin (PIO) who immigrated from India and subsequently acquired citizenship of a foreign country.
- The following person(s) are eligible for OCI:
 - who was a citizen of India at the time of, or at any time after 26th January, 1950; or
 - who was eligible to become a citizen of India on 26th January, 1950; or
 - who belonged to a territory that became part of India after 15th August, 1947; or
 - who is a child or a grandchild or a great grandchild of such a citizen; or
 - who is a minor child of such persons mentioned above; or
 - who is a minor child and whose both parents are citizens of India or one of the parents is a citizen of India - is eligible for registration as OCI cardholder.
 - However person who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh cannot become OCI cardholder

Key-highlights of the new Rules

- OCIs are required to secure a special permit to undertake “any research”, “missionary” or “Tablighi” or “journalistic activities” or to visit any area in India notified as “protected”, “restricted” or “prohibited”.
- It equates OCIs to “foreign nationals” in respect of “all other economic, financial and educational fields” for the purposes of the Foreign Exchange Management Act, 2003
 - This reverses the position that has held for the last 16 years wherein OCIs were equated to Non-Resident Indians
- OCIs can however continue to purchase land (other than agricultural land), pursue the profession of medicine, law, architecture and accountancy and seek parity with Indian citizens with regard to airfares and entry fee to monuments and parks.

- OCIs can also continue to seek enrolment in Indian educational institutions on par with NRIs but not for seats reserved exclusively for Indian citizens.
- OCIs are granted exemption from registration with the Foreigners Regional Registration Officer or Foreigners Registration Officer for any length of stay in India

Protected Areas

- All areas falling between the 'Inner line' and the International Border of the State. Protected Areas are located in the following States:-
 - ▶ Whole of Arunachal Pradesh
 - ▶ Parts of Himachal Pradesh
 - ▶ Parts of Jammu & Kashmir
 - ▶ Whole of Manipur
 - ▶ Whole of Mizoram
 - ▶ Whole of Nagaland
 - ▶ Parts of Rajasthan
 - ▶ Whole of Sikkim (partly in Protected Area and partly in Restricted Area)
 - ▶ Parts of Uttarakhand

Restricted Areas

- Andaman & Nicobar Islands - Entire Union Territory
- Sikkim - Part of the State

Prohibited Areas

- These areas are defined under Officials Secrets Act, 1923.

8 Law and Order situation grim in Nagaland

Context: Nagaland Governor has expressed his concern over the deteriorating law and order situation in the state.

Special powers of Nagaland's Governor

- In respect of Nagaland, Governor has special responsibility under Article 371 A of the Constitution.
- Article 371A (1) (b), which applies exclusively to Nagaland, bestows upon the governor "special responsibility with respect to law and order for so long as in his opinion internal disturbances occurring in Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof".
- According to the provision, the Governor, for all practical purposes, has the final say on all matters related to the state's law and order and on what constitutes law and order.
- In discharge of his functions, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken.

Powers of the Governor of State

- The Governor is the chief executive of a State in India.
- Article 166(3) also gives powers to the Governor to allocate business of government among the ministers.

- **Financial Power**

- The Governor causes the Annual Financial Statement (Budget) to be laid before the State Legislature. No Money Bill can be introduced in the State Legislature without the recommendation of the Governor.
- The Governor constitutes the State Finance Commission after every five years to make recommendations on the distribution of revenues between the state and the local government (PRI and Municipalities)

- **Judicial Powers:**

- To grant pardons, commute, remit, respite and reprieve any sentence given to a person for an offense against a law that comes under the executive power of the state, except power to pardon death sentences and sentences spelled out by martial courts.
- Governor will not have the power to seek advice from the High Court

- **Discretionary Powers:**

- To recommend the president about the failure of the constitutional machinery in the state.
- To reserve a bill passed by the state legislature for president's assent.
- Appointment of CM in case of hung assembly

9**ILP system**

Context: Union Home Minister during his visit to the northeast heralded the recently granted Inner-Line Permit (ILP) system as the best gift for the people of Manipur.

What is the ILP system?

- ILP is issued to grant inward travel permission to an Indian citizen into a restricted area for a limited period.
- No Indian citizen can visit any of these states unless they belong to that state, nor can they overstay beyond the period specified in the ILP.
- Different types of permits under the ILP include permit for tourists, for tenants and for ones visiting for employment purposes.
- Issuer: An ILP is issued by the state government concerned. Dates of travel and areas that the ILP holder can travel to are mentioned in the document.
- The objective behind this is to prevent settlement of other Indian nationals in ILP states to protect the indigenous population and their access to land, jobs, and other facilities.

ILP and Manipur

- The ILP system was formally introduced in Manipur on January 1, 2020.
- Manipur is the fourth state in the northeast where this system is applicable. Other states under the ILP regime are:
 - Arunachal Pradesh
 - Nagaland
 - Mizoram

Origin of the concept

- Under the Bengal Eastern Frontier Regulation Act, 1873, the British framed regulations restricting the entry and regulating the stay of outsiders in designated areas and was done to protect their own trading interests in these areas.

- Later, in 1950, the Indian government made it applicable for Indian citizens, replacing “British subjects.”
- This was done as a measure for specific north-eastern states to protect the interests of indigenous tribal communities.

Citizenship Amendment Act 2019 does not applies to areas under Inner Line Permit

10 Medical devices to be treated as drugs

Context: The central government notified all medical devices sold in the country are to be treated as drugs under the Drugs and Cosmetics Act with effect from April 1, 2020. This means, all medical devices are now to be regulated by the government as drugs for quality control and price monitoring.

About:

- ‘Medical device’ means any instrument, apparatus, implement, machine, appliance, implant, reagent for in vitro use, software, material or other similar or related article, intended by the manufacturer to be used, alone or in combination, for human beings, for one or more of the specific medical purpose(s) of:
 - diagnosis, prevention, monitoring, treatment or alleviation of disease
 - diagnosis, monitoring, treatment, alleviation of or compensation for an injury
 - investigation, replacement, modification, or support of the anatomy or of a physiological process
 - supporting or sustaining life
 - control of conception
 - disinfection of medical devices
 - providing information by means of in vitro examination of specimens derived from the human body
- The government is regulating 24 classes of medical devices which have been notified/regulated as drugs under Drugs & Cosmetics Act 1940 and Drugs & Cosmetics Rules 1945.
- Currently, 24 medical devices are regulated under the Drugs and Cosmetics Act(DCA).
- Following this order, all medical devices used to treat a patient - be it syringes, needles, cardiac stents, knee implant, digital thermometers, CT scan, MRIs, dialysis machines - will be regulated under the DCA.

What is the need for regulation?

- The National Pharmaceutical Pricing Authority (NPPA) is monitoring Maximum Retail Prices (MRPs) of remaining non-scheduled medical devices, which have been regulated as drugs.
- The objective is to ensure that no manufacturer or importer increases the price of a drug more than ten per cent of MRP during preceding twelve months.
- Further, with the Essential Commodities Act, 1955, the manufacturer/importer will also be liable to deposit the overcharged amount along with interest thereon from the date of increase in price in addition to penalty.

The government will now have oversight on the medical devices industry and its activities in the country.

11 New domicile order and rules

Context: Centre has passed new domicile order and rules, evoking sharp reaction from stakeholders like unemployed youth, traders and all mainstream political parties.

Who can be 'domiciled' or 'employed' in J&K?

- The new order lists certain conditions one should fulfil to qualify as a domicile applicant — applicants should have resided in J&K for 15 years, or studied in the state for seven years and appeared in either the Class 10 or the Class 12 examination there.
- Children of central government officers (Army, paramilitary forces, IAS, IPS), and employees of public sector undertakings and banks, central universities etc who have served in Jammu & Kashmir for 10 years will also be eligible to apply for gazetted and non-gazetted government jobs. These included those who work outside the state.
- Migrants registered by the Relief and Rehabilitation Commissioner need not fulfill the aforementioned requirements and will automatically be eligible for a domicile certificate.
- The new rule only reserves non-gazetted class four jobs for Jammu & Kashmir natives.

12 Mizoram Bru refugees demand immediate implementation of settlement pact

Context: Leaders of the Mizoram Bru refugees have demanded commencement of their permanent rehabilitation in Tripura in the light of the quadripartite agreement.

What is in the 'Bru agreement'?

- Brus currently living in temporary relief camps in Tripura will be settled in the state, if they want to stay in Tripura.
- The Bru who returned to Mizoram in the eight phases of repatriation since 2009, cannot, however, come back to Tripura.
- Under the agreement, the Bru refugees will be settled in Tripura. They will get all the rights that the residents of the state enjoy, including social welfare schemes of both Centre and state governments.
- Each of the displaced families will also be given 40×30 sq.ft. residential plots, in addition to the aid under a 2014 repatriation agreement of a fixed deposit of Rs 4 lakh, Rs 5,000 cash aid per month for 2 years, free ration for two years and Rs 1.5 lakh to build their house.
- The Tripura government will provide the land as per this agreement.

Who are Brus?

- Bru or Reang is a community indigenous to Northeast India, living mostly in Tripura, Mizoram and Assam.
- In Tripura, they are recognized as a Particularly Vulnerable Tribal Group.
- In Mizoram, they have been targeted by groups that do not consider them indigenous to the state.

How the crisis originated?

- In 1995 when Mizo organizations — the Young Mizo Association and the Mizo Students' Association — demanded that Brus be left out of the state's electoral rolls as they were not an indigenous tribe.

- The Brus retaliated by forming an armed organization, Bru National Liberation Front, and a political body, Bru National Union.
- The two demanded more political autonomy for Mizoram's Brus and a Bru Autonomous District Council under the Sixth Schedule of the Constitution.
- In 1997, following ethnic tension over an incident in Mizoram, around 5,000 families comprising over 30,000 Bru tribals were forced to flee the state and seek shelter in Tripura, where they were housed in temporary camps at Kanchanpur.

13 War over three language formula

Context: After the release of the New Education Policy 2020, the Dravidian parties in Tamil Nadu protested against the policy accusing it of imposing Hindi and Sanskrit.

What is the 'three language formula'?

The National Education Policy 2020 has 'emphasized' on the use of mother tongue or local language as the medium of instruction till Class 5 while, recommending its continuance till Class 8 and beyond.

- The formula means that students in Hindi-speaking states should learn a modern Indian language, apart from Hindi and English and, in non-Hindi-speaking states, Hindi along with the regional language and English.
 - ▶ First language: The First Language that students should study is the 'Mother tongue' or the regional language
 - ▶ Second language: In Hindi-speaking states, the second-language would be English or some other language belonging to Modern India. In Non-Hindi states, the second language will be English or Hindi. s
 - ▶ Third language: In Hindi-speaking states, the third language would be English or some other language belonging to Modern India, but the one that is not chosen as the second language. In Non-Hindi states, the third language will be English or some other language belonging to Modern India, but the one which is not chosen as the second language.

Constitutional provisions

- Currently, the 8th Schedule of the Indian Constitution contains 22 official languages-Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri.
- Article 346 of the Indian Constitution recognizes 'Hindi' in 'Devanagari' script as the official language of Union government India.
- However, the Constitution did not declare Hindi as the National language, it rather accorded Hindi the status of 'official language' along with English.

Article 350A:

- Article 350A of the Constitution deals with the facilities for instruction in mother-tongue at the primary stage.
- It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in themother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

Article 351:

- Article 351 provides a directive for the development of the Hindi language.
- It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

14 National Education Policy 2020

Context: Union Cabinet approved the National Education Policy 2020, paving way for transformational reforms in the school and higher education sector in the country.

Objectives of NEP 2020:

- Equitable and Inclusive Education:**

- Special emphasis will be given on Socially and Economically Disadvantaged Groups (SEDGs) which include gender, socio-cultural, and geographical identities, and disabilities.
- This includes setting up of Gender Inclusion Fund and also Special Education Zones for disadvantaged regions and groups. Children with disabilities will be enabled to fully participate in the regular schooling process
- Every state/district will be encouraged to establish "BalBhavans" as a special daytime boarding school, to participate in art-related, career-related, and play-related activities. Free school infrastructure can be used as Samajik Chetna Kendras

Robust Teacher Recruitment and Career Path:

- Promotions will be merit-based, with a mechanism for multi-source periodic performance appraisals
- A common National Professional Standards for Teachers (NPST) will be developed by the National Council for Teacher Education by 2022

Standard-setting and Accreditation for School Education:

- separate systems for policymaking, regulation, operations, and academic matters. States/UTs will set up an independent State School Standards Authority (SSSA).
- for public oversight and accountability, the SCERT will develop a School Quality Assessment and Accreditation Framework (SQAAF) through consultations with all stakeholders.

Increase GER to 50 % by 2035:

- NEP 2020 aims to increase the Gross Enrolment Ratio in higher education including vocational education from 26.3% (2018) to 50% by 2035

Holistic Multidisciplinary Education:

- The policy envisages broad-based, multi-disciplinary, holistic Under Graduate education with flexible curricula, creative combinations of subjects, integration of vocational education, and multiple entries and exit points with appropriate certification.
- UG education can be of 3 or 4 years with multiple exit options and appropriate certification within this period.

15 Pradhan Mantri Bhartiya Janaushadhi Pariyojana

Context: PM recently inaugurated 7500th Janaushadhi Kendra under Pradhan Mantri Bhartiya Janaushadhi Pariyojana (PMBJP).

What is PMBJP?

- PMBJP is a campaign launched by the Department of Pharmaceuticals, Government of India, to provide quality medicines at affordable prices to the masses through special kendras known as Pradhan Mantri Bharatiya Janaushadhi Pariyojana Kendra.
- Pradhan Mantri Bhartiya Janaushadhi Kendra are dedicated outlets for the sale of janaushadhi (generic drug)
- Bureau of Pharma PSUs of India: BPPI is the implementing agency and society registered under Societies Registration act, 1860.
 - BPPI is under administrative control of Dept. of Pharmaceuticals, Ministry of Chemicals and Fertilizers.
 - It coordinates procurement, supply and marketing of generic drugs through Janaushadhi Kendra, with support of all Pharma PSUs.

What is generic drug?

- A generic drug is a medication created to be the same as an already marketed brand-name drug in dosage form, safety, strength, route of administration, quality, performance characteristics, and intended use
- These similarities help to demonstrate bioequivalence, which means that a generic medicine works in the same way and provides the same clinical benefit as the brand name medicine.

16 Vijayanagara became Karnataka's 31st district

Context: The government of Karnataka notified the formation of a new district called Vijayanagara, bifurcating the district of Ballari. With Vijayanagara, the state now has 31 districts.

The Vijayanagara district

- Named after the capital of the Vijayanagar Empire, the new district was carved out from Ballari under the Karnataka Land Revenue Act, 1964.
- It is famous for its UNESCO World Heritage sites – Hampi and Virupaksha Temple.
- Vijayanagara has six taluks – Hosapete, Kudligi, Hagaribommanahalli, Kotturu, Hoovina Hadagali, and Harapanahalli.
- Hosapete is its headquarters.

Formation of a new district

- The Centre's permission is not required by the state government whereas the formation of a new state (Article 3 of Constitution) is under the purview of Parliament.

17 Concern regarding certification of bills as money bill

Context: In a pre-emptive move, the opposition has requested Speaker of the Lok Sabha to not bypass the Rajya Sabha by declaring seven key Bills, as "money bills".

What is money bill?

- Article 110 of Indian constitution says a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters like,
 - the imposition, abolition, remission, alteration, or regulation of any tax,
 - the regulation of the borrowing of money or the giving of any guarantee by the Government of India,
 - the custody of the Consolidated Fund or the Contingency Fund of India etc

Why opposition has shown its concern?

- Money Bills has a special feature, after its certification from the Speaker (Article 110(3): Speaker's decision is final w.r.t, to certification), and it can only be presented in Lok Sabha and Rajya Sabha has no power to amend it.
- Hence this move is perceived as bypassing the bicameral legislative system of Parliament.
- Moreover, due to parliamentary privileges and the concept of separation of power, there are fewer safeguards against wrongful certification of a bill as a money bill.

Past controversies about money bill

- Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016: Supreme Court held that passing Aadhaar Act as a money bill is justified.
- Finance Act 2017 had amended various Acts to provide for new rules and appointments to various tribunals, including the industrial tribunal, Railway Claims Tribunal, National Green Tribunal, Armed Forces Tribunal, appellate tribunals for sectors such as telecom, aviation, highways, taxation, company law, and others.
 - Section 184 of the same Act gave the Central government the powers to frame rules regarding the tribunals. Later this act was held unconstitutional.

Is the role of Speaker outside the purview of judicial review?

- In Kihoto Hollohan vs Zachillhu (AIR 1993 SC 412), the "final" decision of the speaker regarding disqualification of members of the House under the Tenth Schedule of the Indian Constitution, has been held to be a judicial decision subject to judicial review.
- In the past SC has checked the certification of bills as money bill by virtue of its powers under Article 142 eg. the Adhar case.

Other controversies surrounding Speaker

- Anti Defection Law
- Certification of Money Bill
- Voice vote
- Works under the pressure of majority government

17 Plea on 'Office of Profit' dismissed by President

Context: President Ram Nath Kovind has dismissed a plea to disqualify YSRCP Rajya Sabha Member V Vijayasai Reddy, accusing him of holding an office of profit.

Background:

- A petition filed under Article 102 (1) (a) of the Constitution of India, claiming that Reddy held office of profit as he had been appointed a Special Representative of the Andhra Pradesh Government at Andhra Bhavan in New Delhi.
- President Kovind referred the petition to the Election Commission (EC), seeking its opinion.

- The EC opined that in view of the provisions contained in the Parliament (Prevention of Disqualification) Act, 1959, Reddy did not incur disqualification for being a Member of Parliament.
- Based on the opinion given by EC, the President dismissed the plea for Reddy's disqualification.

What constitutes an 'office of profit'?

- An office of profit has been interpreted to be a position that brings to the office-holder some financial gain, or advantage, or benefit. The amount of such profit is immaterial.
- 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
 - ▶ the power that comes with the position
- An office of profit 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. The origin of this term can be found in the English Act of Settlement, 1701.
 - ▶ 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."
- This was instituted so that there wouldn't be any undue influence from the royal household in administrative affairs.
- The Parliament (Prevention of Disqualification) Act, 1959
 - ▶ An Act to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament.

Why should an MLA or an MP not hold an office of profit?

- A MP or MLA is barred from holding an office of profit as it can put them in a position to gain a financial benefit.
- A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament-
 - ▶ if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder.
- Under the Representation of People Act too, holding an office of profit is grounds for disqualification.

18 Associated members nominated for Delimitation Commission

Context: The Lok Sabha Speaker has nominated 15 MPs from Jammu and Kashmir, Assam, Manipur, Nagaland and Arunachal Pradesh as "associate members" of the Delimitation Commission to assist the panel in redrawing parliamentary and assembly constituencies of the northeastern states and the union territory.

About Delimitation Commission:

- The Delimitation Commission is a commission established by the Government of India under the provisions of the Delimitation Commission Act 2002 to redraw the boundaries of the various assembly and Lok Sabha constituencies based on recent census.

- Under Article 82 of the Constitution of India, 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.
- The Central Government constitute the Delimitation Commission which consists of three members as follows:
 - one member, who shall be a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government who shall be the Chairperson of the Commission
 - the Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner, ex officio:
 - the State Election Commissioner of concerned State, ex officio.
- In India, such Delimitation Commissions have been constituted four times—
 - in 1952 under the Delimitation Commission Act, 1952
 - in 1963 under Delimitation Commission Act, 1962
 - in 1973 under Delimitation Act, 1972
 - in 2002 under Delimitation Act, 2002
- The commission will delimit the constituencies of Jammu and Kashmir in accordance with the provisions of the Jammu and Kashmir Reorganisation Act, and of Assam, Arunachal Pradesh, Manipur and Nagaland in accordance with the provisions of the Delimitation Act, 2002.

Associate members:

- Members of Parliament and Legislative Assemblies of states, for which the Delimitation Commission is set up, are drawn in as associate members to help the panel in its task.

Delimitation in Jammu & Kashmir:

- Delimitation in Jammu and Kashmir will be carried out per the provisions of J&K Reorganisation Act that split the state into two union territories of Jammu and Kashmir with an assembly and Ladakh without an assembly.
- Jammu and Kashmir at present has no Legislative Assembly. It is a Union Territory with a provision of a legislature.
- The delimitation in J&K will be based on the Census of 2011 due to an amendment in the J&K Reorganisation Act.

19 Government sets up Ministry of Cooperation

Context: In exercise of the powers conferred by clause (3) of article 77 of the Constitution, the President amended the **Government of India (Allocation of Business) Rules, 1961** and introduced new entry to First Schedule as: **8A. Ministry of Cooperation (Sahkarita Mantralaya)**

About the ministry

- 'Ministry of Co-operation' has been created by the government for realizing the vision of '**Sahkar se Samriddhi**'.
- This ministry will provide a separate administrative, legal and policy framework for strengthening the cooperative movement in the country.

What is Cooperative Society?

- It is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspiration through jointly owned and democratically controlled enterprises.
- Co-operative societies are service enterprises aiming at rendering service to its members. In one sentence the philosophy of cooperation can be summed up as “each for all and all for each”.

Historical Developments for Cooperatives

- **Cooperative Credit Societies Act, 1904:** As its name suggests, the Cooperative Credit Societies Act was restricted to credit cooperatives. By 1911, there were 5,300 societies in existence with a membership of over 3 lakhs
- **Cooperative Societies Act, 1912:** The Act also provided for Federations of cooperatives.
- **MacLagen Committee on Cooperation (1914):** It recommended building up a strong three-tier structure in every province to provide short-term and medium-term finance.
- **Government of India Act, 1919:** Cooperation as a subject was transferred to the provinces. Societies were organized, but most faced difficulties in operation as a result of opposition by private marketing agencies
- **Multi-Unit Cooperative Societies Act, 1942:** delegated the power of the Central Registrar of Cooperatives to the State Registrars for all practical purposes.
- **Model Cooperatives Act, 1990:** The Eighth Five Year Plan (1992-1997) laid emphasis on building up the cooperative movement as a self-managed, self-regulated and self-reliant institutional set-up, by giving it more autonomy and democratizing the movement.
- **Multi-State Cooperative Societies Act, 2002:** The Multi-State Cooperative Societies (MSCS) Act, enacted in 1984, was modified in 2002, in keeping with the spirit of the Model Cooperatives Act, 1990
- **National Cooperative Policy, 2002:** The objective of the Policy is to facilitate an all round development of cooperatives in the country.

20 National Maritime Security Coordinator appointment

Context: The Indian government is planning to create and appoint a **National Maritime Security Coordinator (NMSC)**, two decades after the **Kargil Group of Ministers’ recommendation**.

About the National Maritime Security Coordinator (NMSC)

- The maritime security coordinator will work under the **Indian National Security Advisor**, and be the principal adviser to the government on the maritime security domain.
- NMSC will act as an interface between the civilian and military maritime domain to enhance security architecture and energy security in India.
- It will break the silos and cut across the turf of **Navy, Coast Guard, State Maritime Boards** to enhance maritime domain awareness and ensure a better response.
- **Agenda:** The Chinese forays into the Indian Ocean via Pakistan and Myanmar will be on top of the NMSC agenda.
- **Enhancing maritime capability:** The creation of NMSC is part of enhancing maritime capability through the following initiatives to make **India’s 12 major ports into the world-class standard**.

- **Act East Policy**
- **SAGAR (Security and Growth of All in the Region)**
- **Deep Ocean Mission**
- **the Sagarmala project**

SAGAR (Security and Growth of All in the Region)

- It is India's policy or doctrine of maritime cooperation in the Indian Ocean region.
- India unveiled its strategic vision for the Indian Ocean i.e. Security and Growth for All in the Region (SAGAR), in 2015.

Deep Ocean Mission

- Deep Ocean mission is an Indian initiative to undertake deep ocean exploration focused on India's exclusive economic zones and continental shelf.

Sagarmala project

- The Sagarmala Programme is an initiative by the government of India to enhance the performance of the country's logistics sector.
- The programme envisages unlocking the potential of waterways and the coastline to minimize infrastructural investments required to meet these targets.
- The project was launched in 2015.

The need

- **Vulnerable trade route:** 70 per cent of Indian trade including vital crude oil is transported through sea and the protection of sea shipping lanes is vital to India's security.
- **Maritime and energy security:** China is moving towards a sea-based security doctrine and penetrating the Indian Ocean through Pakistan and Myanmar. China is also planning to reach the eastern seaboard of Africa through the Indian maritime domain. Thus, the post of NMSC will be vital for maritime and energy security.

21 Centre issued new rules for digital media regulation

Context: Several lawsuits have challenged the constitutional validity of the government's **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, better known as the **Digital Media Ethics Rules 2021**.

About the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

- The rules were notified on February 25, 2021.
- These rules seek to regulate social media intermediaries such as Google, Facebook, WhatsApp, and Twitter, as also digital media, including OTT and digital news platforms.
- The Ministry of Electronics and Information Technology (MeITY) will execute the guidelines for social media intermediaries, and the information and broadcasting ministry will oversee the code of ethics for digital media.
- These rules are intended to create a level playing field for print, television, and digital media.

- They also create a regulatory framework for digital media.
- Per the rules, all intermediaries and digital media platforms must set up a three-tier grievance redress mechanism and submit monthly compliance reports.
- Complaints must be acknowledged in 24 hours and disposed of in 15 days.
- The I&B secretary is authorized to block or take down content in the interim.

Objections to the rules

- Facebook-owned WhatsApp opposes the rule to identify the “first originator” of an “offensive” message, as it would mean breach end-to-end encryption of messages, which cannot be done for India alone.
- Twitter objected to criminal liabilities. Under the rules, compliance officers can face criminal action for content posted on their platforms.
- Digital news media opposes the regulations on grounds of not being consulted.
- OTT platforms have complied, they argue that the industry should have the freedom to decide on the composition and working of the self-regulatory mechanism.

Regulation of Media, Digital media and Social media in India

- In 1966, began to establish a self-regulatory organisation called the Press Council. In India, a statutory body, **the Press Council of India (PCI)**, governs the conduct of the print media.
- The body that regulates and governs **the media and entertainment sector in India** is enshrined in the **Cable Networks Act, 1995 and the PrasarBharti Act, 1990**. These are regulated by the Ministry of Information and Broadcasting and PrasarBharti.
- Films being released on screens are already subject to the certification from **Central Board of Film Certification (CBFC)**, a statutory body formed under the act of the Parliament, the Cinematograph Act, 1952.
- **Several OTT platforms** and operators like Hostar, Netflix are not governed till now, however they are increasingly adopting **self-regulation codes**.

The ‘Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021’:

- The Rules have been framed under the Information Technology Act, 2000, by the Ministry of Electronics and Information Technology (MeiTY), which administers the Act.
- These rules seek to regulate content in social media platforms (intermediaries) like Twitter and Facebook, a consequence of the government feeling that unbridled content on these platforms is sometimes inimical to the country's interests.

2

JUDICIARY

1

SC questions over delay in clearing collegium recommendations

Context: The Supreme Court questioned the government about the delay in clearing collegium recommendations for judicial appointments to various High Courts.

What is Collegium system?

- It is the system of appointment and transfer of judges that has evolved through judgments of the Supreme Court, and not by an Act of Parliament or by a provision of the Constitution.
- Under the system, the collegium decides the following:
 - ▶ appointments and elevations of judges and lawyers to the Supreme Court and the High Courts
 - ▶ transfer of judges to High Courts and the Apex court

Composition of Collegium

- The Supreme Court collegium is headed by the Chief Justice of India and comprises four other senior most judges of the court.

The procedure

- **CJI and SC Judges:** The President of India appoints the CJI and the other SC judges.
- **CJI:** the outgoing CJI recommends his successor.
- **SC Judges:** For other judges of the apex court, the proposal is initiated by the CJI and recommended by collegium of CJI and 4 senior most judges.
- **Chief Justice of HC:** 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.
- Chief Justice of India in consultation with 2 senior most judges recommend its appointment

HC Judge:

- The proposal, however, is initiated by the Chief Justice of the High Court.
- The recommendation is sent to the Chief Minister, who advises the Governor to send the proposal to the Union Law Minister.
- The complete material would then be forwarded to the Chief Justice of India for his advice.
- The Chief Justice of India would, in consultation with the two senior most Judges of the Supreme Court, form his opinion in regard to a person to be recommended for appointment to the High Court.

2 EWS quota problem referred to Constitution Bench

Context: The Supreme Court referred to a five-judge Bench whether or not grant of 10% reservation to economically weaker sections of the society is 'unconstitutional' and violates the 50% ceiling cap on quota declared by the courtroom itself.

The EWS Quota

- ▶ It provides for 10% reservation in government jobs and educational institutions for EWS, by amending Articles 15 and 16 that deal with the fundamental right to equality.
- ▶ While Article 15 prohibits discrimination by state on grounds of religion, race, caste, sex or place of birth, Article 16 guarantees equal opportunity in matters of public employment.
- ▶ An additional clause was added to both provisions, giving Parliament the power to make special laws for EWS like it does for Scheduled Castes, Scheduled Tribes and Other Backward Castes.
- ▶ The states are to notify who constitute EWS to be eligible for reservation.

What's the need to refer to a larger bench?

- As per Article 145(3) of the Constitution, "the minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution" shall be five.
- The Supreme Court rules of 2013 also say that writ petitions that allege a violation of fundamental rights will generally be heard by a bench of two judges unless it raises substantial questions of law. In that case, a five-judge bench would hear the case.

3 Contempt of Court

Context: The initiation of proceedings for criminal contempt of court against lawyer-activist Prashant Bhushan has once again brought under focus the necessity for retaining the law of contempt as it stands today.

Provisions in India regarding Contempt of Court

- The expression 'contempt of court' has not been defined by the Constitution.
- As per the Contempt of Courts Act 1971, contempt refers to the offense of showing disrespect to the dignity or authority of a court. The act divides contempt into:
 - ▶ **Civil contempt:** It is 'wilful disobedience to any judgment, decree, direction, order, writ or other processes of a Court or willful breach of an undertaking given to the court'.
 - ▶ **Criminal contempt:** It is 'the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which:
 - Scandalises or tends to scandalize, or lowers or tends to lower the authority of, any court.
 - Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding.
 - Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.'
- Bar Association vs. Union of India case, the Supreme Court dwelled into the constitutional powers vested in it under Article 129 read with Article 142(2) of the Constitution of India and the power of the High Court under Article 215 of the Constitution to punish for contempt.

- **Article 129:** Grants Supreme Court the power to punish for contempt of itself.
- **Article 142(2):** Enables the Supreme Court to investigate and punish any person for its contempt.
- **Article 215:** Grants every High Court the power to punish for contempt of itself.

4**Plea in SC challenging imposing of 'Hindi' as official court language**

Context: The Haryana Government's decision to enforce use of 'Hindi' in all courts and tribunals across the state has been challenged in the Supreme Court.

Background:

- Haryana notified that 'Hindi' should be used in all Courts and Tribunals of the state.
- The state of Haryana amended Section 3 of The Haryana Official Language Act, 1969.

Which language is actually used in the court?

- Under the Constitution of India, English is the language of the High Courts and the Supreme Court.
- However, through Article 348 (2) of the Constitution, the governor of a state, with the consent of the President, can allow the use of the local language in the High Court.
- Section 7 of the Official Languages Act, 1963, provides that the use of Hindi or official language of a State in addition to the English language may be authorized, with the consent of the President of India, by the Governor of the State for purpose of judgments etc. made by the High Court for that State.
- So far, Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar have taken this route to do use Hindi in their High Court proceedings.

5**Roshni Act**

Context: The Supreme Court asked the Jammu & Kashmir High Court to hear the review pleas of more than 20 people who claimed to be genuine land-owners hit by a recent HC decision to strike down the Roshni Act.

What is Roshni Act?

- The Jammu and Kashmir State Land (Vesting of Ownership to the Occupants) Act, 2001 is also known as Roshni Act.
- It was to give ownership to people in possession of state land, with a cut-off of 1990, and against a payment as determined by the government.
- As the aim was to generate resources for hydroelectric power projects, it was called Roshni (Light) Act.
- The government gave free ownership rights on agricultural land to farmers occupying it, who only needed to pay Rs 100 per kanal of land as documentation fee.

1 Kanal = 505.857 Square meter

Why it became controversial?

- Illegal allocation and transfer of land to private parties
- Biasedness towards one community

- Changed the demographic profile
- Corruption

What did the High Court say?

- In October 2020, the High Court declared the Roshni Act “illegal, unconstitutional, and unsustainable” and held allotments under the Act as void ab initio.
- It ordered a CBI probe into transfer of ownership, sought action against bureaucrats involved.
- It asked the government to make public the names of prominent people allotted land.

Article 142(1): The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or orders so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe

6 The Question of Judicial Overreach

Context: During the hearing of the case relating to the three farm laws, the Supreme Court reportedly observed that it may stay implementation of the laws. This raises the question of judicial overreach.

What is the provision under constitution?

- Under the Constitution, the Legislature, Executive, and Judiciary all have their broad spheres of operation.
- It follows that when a law is made by Parliament, it is only Parliament that can repeal or suspend its operation by making another law.
- The Court can declare a law *ultra vires* if it finds it unconstitutional, but it has no power to temporarily stay its enforcement even without recording a finding that it is *prima facie* unconstitutional.
- When a law is made by Parliament, it comes into effect immediately on receiving the assent of the President of India (unless it is a case of conditional legislation, which the three laws in question are not).

What is the concern over judicial intervention?

- For a Court to stay its operation, would amount to thwarting the will of another organ of the State, which is sovereign within its domain, and would amount to judicial legislation.
- This would be violating the principle of separation of powers.
- It sets another precedent of Judicial Overreach.

7 Lok Adalat

Context: A total 8,152 benches were constituted by 31 State legal services authorities to hold the national Lok Adalat through virtual and physical mode across the country.

What is National Lok Adalat?

- National lok adalats are conducted quarterly.

- They settle the cases (both pre-litigation and post-litigation) in all the courts from the Supreme Court to the taluk courts on a single day.

Lok Adalat

- Lok Adalat is conducted by National Legal Services Authority (NALSA).
- It is an alternative method of dispute resolution.
- It is a forum where disputes pending in courts or at pre-litigation stage are settled or compromised amicably.
- Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987.
- Under the Act, the decision made by Lok Adalats is deemed to be a decree of a civil court.
- The decision is final and binding on all parties and no appeal lies against such an award before any court.

8

Involuntary narco test, an intrusion into a person's mental privacy: SC

Context: Involuntary administration of narco or lie detector tests is an "intrusion" into a person's "mental privacy," a Supreme Court judgment of 2010 has held. The judgment is significant amid reports that the Uttar Pradesh government wanted to subject the Hathras rape and murder victim's family members to these tests.

About:

- **What are polygraph and narco-analysis tests?**
 - ▶ A polygraph test is based on the assumption that physiological responses that are triggered when a person is lying are different from what they would be otherwise.
 - Instruments like cardio-cuffs or sensitive electrodes are attached to the person, and variables such as blood pressure, pulse, respiration, change in sweat gland activity, blood flow, etc., are measured as questions are put to them.
 - A numerical value is assigned to each response to conclude whether the person is telling the truth, is deceiving, or is uncertain.
 - ▶ Narco-analysis, by contrast, involves the injection of a drug, sodium pentothal, which induces a hypnotic or sedated state in which the subject's imagination is neutralized, and they are expected to divulge information that is true.
 - The drug, referred to as "truth serum" in this context, was used in larger doses as anesthesia during surgery, and is said to have been used during World War II for intelligence operations.

Are they scientifically successful?

- However, neither method has been proven scientifically to have a 100% success rate, and remain contentious in the medical field as well.

9

SC refuses to review '2018 judgment' which decriminalized adultery

Context: The Supreme Court refused to review its 2018 judgment which decriminalized adultery.

What is 'Review Petition'?

- Under Article 137, the Supreme Court has the power to review any of its judgments or orders.

- So, when a review takes place, the law is that it is allowed not to take fresh stock of the case but to correct grave errors that have resulted in the miscarriage of justice.
- The court has the power to review its rulings to correct a “patent error” and not “minor mistakes of inconsequential importance”.
- In a 1975 ruling, Justice Krishna Iyer said a review can be accepted “only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility”.

Grounds for seeking review of an SC verdict

- In a 2013 ruling, the Supreme Court itself laid down three grounds for seeking a review of a verdict it has delivered —
 - ▶ the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him
 - ▶ mistake or error apparent on the face of the record
 - ▶ or any other sufficient reason
- In subsequent rulings, the court specified that “any sufficient reason” means a reason that is analogous to the other two grounds.

What if a review petition fails?

- As the court of last resort, the Supreme Court’s verdict cannot result in a miscarriage of justice.
- In *Roopa Hurra v Ashok Hurra* (2002), the concept of a curative petition was evolved
- Curative petition can be heard after a review is dismissed to prevent abuse of its process.
- A curative petition is also entertained on very narrow grounds like a review petition, and is generally not granted an oral hearing.

10 The Kesavananda Bharti Case

Context: India celebrated 47 years of the decision in *Kesavananda Bharti v. State of Kerala*, wherein the Supreme Court of India laid down the ‘Basic Structure Doctrine’.

Issues of the case:

- Whether constitutional amendment as per Article 368 applicable to fundamental rights also?
- Whether 24th Amendment Act 1971 is valid?
- Whether Section 2(a), 2(b) and 3 of 25th amendment is valid?
- Whether 29th Amendment Act 1971 is valid?

The Doctrine of Basic Structure:

- Parliament has unlimited power to amend the Constitution subject to the sole condition that such amendments must not change the basic structure of the Constitution.
- The Parliament should not in any manner interfere with the basic features of the Constitution without which the Constitution will be left spiritless and lose its very essence.
- The basic structure of the Constitution was not mentioned by the bench and was left to the interpretation of the court.
- The Courts need to see and interpret if a particular amendment violates the basic structure of our Indian Constitution or not.

According to the various cases of Supreme Court, following list has been prepared under the Basic Structure:

- Supremacy of the Constitution

- Sovereign, democratic and republican nature of the Indian polity
- Secular character of the Constitution
- Separation of powers between the legislature, the executive and the judiciary
- Federal character of the Constitution
- Unity and integrity of the nation
- Welfare state (socio-economic justice)
- Judicial review
- Freedom and dignity of the individual
- Parliamentary system
- Rule of law
- Harmony and balance between Fundamental Rights and Directive Principles
- Principle of equality
- Free and fair elections
- Independence of Judiciary
- Limited power of Parliament to amend the Constitution
- Effective access to justice
- Principles (or essence) underlying Fundamental Rights.
- Powers of the Supreme Court under Articles 32, 136, 141 and 142.
- Powers of the High Courts under Articles 226 and 227.

11

National Legal Services Authority (NALSA)

Context: As per the National Legal Services Authority (NALSA), as many as 11,077 undertrials have been released from prisons nationwide as part of the mission to decongest jails following the COVID-19 pandemic.

About:

- The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society.
- Public awareness, equal opportunity and deliverable justice are the cornerstones on which the edifice of NALSA is based.
- The principal objective of NALSA is:
 - to provide free and competent legal services to the weaker sections of the society
 - to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities
 - to organize Lok Adalats for amicable settlement of disputes
- Apart from the abovementioned, functions of NALSA include spreading legal literacy and awareness, undertaking social justice litigations etc.

Lok Adalat

- Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes/ cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably.
- Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987

- The award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law.
- If the parties are not satisfied with the award of the Lok Adalat though there is no provision for an appeal against such an award, but they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure, in exercise of their right to litigate.
- Mobile Lok Adalats are also organized in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.

12 What is National Lok Adalat?

- National lok adalats are conducted quarterly.
- They settle the cases (both pre-litigation and post-litigation) in all the courts from the Supreme Court to the taluk courts on a single day.

India's first E-Lok Adalat

- Chhattisgarh State Legal Service Authority and the high Court organized India's first e-Lok Adalat.
- It was organized to ensure the administration of justice and to solve the financial crisis of the parties and lawyers amid COVID-19 pandemic.
- The high court Chief Justice P R Ramchandra Menon inaugurated the e-Lok Adalat through video conferencing.

13 Article 32 and its ever changing interpretation

Context: In a latest development, a Supreme Court Bench observed that it is "trying to discourage" individuals from filing petitions under Article 32 of the Constitution.

What is Article 32?

- 'Right to Constitutional Remedies', or affirms the right to move the Supreme Court by appropriate proceedings for the enforcement of the rights.
- 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".

Writs

Someone can seek justice through the five types of writs as provided by Article 32 of the Constitution. These are:

- Habeas corpus: Considered to be among the most important writs for personal liberty, habeas corpus literally means to 'produce the body'. It is invoked to seek relief in cases where a person has been unlawfully detained. Individuals can file habeas corpus petitions if they believe they have been wrongfully imprisoned.
- Mandamus: The writ of mandamus is issued by a higher court to a lower court or a government official or body, directing them to perform duties that they have refused to do.
- Certiorari: A superior court issues a certiorari writ for re-examination of an action or decision by a lower court. It is invoked when a judgment has been delivered in violation of principles of natural justice or in opposition to the procedure established by law.

- Prohibition: The writ of prohibition is to stop a lower court from going ahead with certain proceedings to ensure that it does not exceed its jurisdiction.
- Quo warranto: This writ is issued to prevent people from assuming positions in public office when she or he is not entitled to it.

Where to approach for violation of FRs? SC or HC?

- When it comes to violation of fundamental rights, an individual can approach the High Court under Article 226 or the Supreme Court directly under Article 32.
- Article 226, however, is not a fundamental right like Article 32.

How Article 32 is different from Article 226?

- Article 226 gives discretionary power to the High Courts to issue direction, order, writs including the writs in nature of habeas corpus, mandamus, prohibition, quo warranto, and certiorari
- The scope of Article 226 is much wide than Article 32.
- It not only gives the power to issue direction, order or writs not enforce fundamental rights but also for the enforcement of other rights too.

Article 32	Article 226
It is for enforcement of Fundamental Rights only	It is for enforcement of Fundamental Rights as well as other legal Rights
Power of Supreme court to issue writs	Power of High courts to issue writs
Mandatory power to issue the writ is Mandatory	Discretionary power to issue writs
Scope is narrow	Scope is Wide
It is fundamental Right	It is not a Fundamental Right
Article 32 is suspended during the period of Emergency	It cannot be suspended during emergency
Territorial Jurisdiction is wide	Territorial Jurisdiction is narrower than the Supreme Court.

14 No teeth', Supreme Court wants stricter OTT Rules

Context: The Supreme Court has said that the central government's recently notified OTT Rules "do not have teeth" and asked them to consider a legislation that could also provide for "prosecution".

What are the new rules?

- These rules, known as Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, pertain to
 - OTT platforms like Netflix and Amazon
 - social media platforms like Facebook, Twitter and WhatsApp
 - digital news media organizations like TheHindu, ThePrint

- The new rules mandated a three-tier regulation mechanism for OTT platforms, who were asked to self-classify their content into various categories based on age suitability.
- Centre had proposed an oversight and grievance redressal mechanism, while indicating that a body headed by a retired judge may be also be a way ahead.

Key-highlights of the rules:

- Guidelines Related to Social Media

Administered by: Ministry of Electronics and IT

- Due diligence must be followed by intermediaries, including social media intermediaries. In case, due diligence is not followed, safe harbor provisions will not apply to them.
- Empower the users by mandating the intermediaries, including social media intermediaries, to establish a grievance redressal mechanism for receiving resolving complaints from the users or victims.
- Intermediaries shall remove or disable access within 24 hours of receipt of complaints of contents that exposes the private areas of individuals, or is in the nature of impersonation including morphed images etc
- The Rules make a distinction between social media intermediaries and significant social media intermediaries. This distinction is based on the number of users on the social media platform. Government is empowered to notify the threshold of user base.

Digital Media Ethics Code Relating to Digital Media and OTT Platforms

Administered by: Ministry of Information and Broadcasting

- The OTT platforms would self-classify the content into five age based categories- U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult)
- Platforms would be required to implement parental locks for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as "A"
- Publishers of news on digital media would be required to observe Norms of Journalistic Conduct of the Press Council of India and the Programme Code under the Cable Television Networks Regulation Act thereby providing a level playing field between the offline (Print, TV) and digital media.
- A three-level grievance redressal mechanism has been established under the rules with different levels of self-regulation.
 - ▶ **Level-I:** Self-regulation by the publishers;
 - ▶ **Level-II:** Self-regulation by the self-regulating bodies of the publishers;
 - ▶ **Level-III:** Oversight mechanism by Ministry of Information and Broadcasting

Points made by SC

- IT intermediary rules and other guidelines to regulate social media and OTT platforms lack "teeth" as they don't allow pre-screening of content or have a provision to prosecute violators.
- The uncontrolled viewing of content on OTT platforms was an issue.

15 CJI delivers a lecture on 'Rule of Law'

Context: Judiciary cannot be controlled, directly or indirectly, by the legislature or the executive, or else the 'rule of law' would become illusory, **Chief Justice of India N V Ramana** asserted. At the same time cautioned judges against being swayed by social media.

Rule of law in India

- The concept of Rule of law is of old origin and is an ancient ideal.
- It was discussed by ancient Greek philosophers such as Plato and Aristotle around **350 BC**.
- The phrase 'Rule of Law' is derived from the **French phrase 'la principe de legalite' (the principle of legality)** which refers to a government based on principles of law and not of men.
- In India, the concept of Rule of law can be traced back to the Upanishads. Even today, the scheme of the Indian Constitution is based upon the concept of rule of law.
- The **doctrine of Rule of Law** as enunciated by **Dicey** has been adopted and very succinctly incorporated in the Indian Constitution.
- The ideals of the Constitution are enshrined in the Preamble itself (which is part of the Constitution)-
 - Justice
 - liberty
 - equality
- The Constitution of India has been made the **supreme law of the country** and other laws are required to be in conformity with it.
- Any law which is found in violation of any provision of the Constitution, particularly, the fundamental rights, is declared void.
- Rule of law in a plain language can be defined as a situation in which the law of the land is superior than the government ruling the land.

16 Uniform Civil Code and debate surrounding it

Context: Recent observations by the Supreme Court have put the spotlight back on the debate over a **Uniform Civil Code**.

What is Uniform Civil Code?

- A Uniform Civil Code means that all sections of the society irrespective of their religion shall be treated equally according to a national civil code, which shall apply to all uniformly.
- **Coverage area:** It covers areas like - Inheritance, Marriage, adoption, divorce, maintenance, etc. It is based on the presumption that no connection exists between religion and law in modern civilization.
- **Constitutional provision:** Article 44 present in the Directive Principles of State Policy (Part IV) of the Indian Constitution states, "The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India".

The two crucial debates

- **DPSP vs Fundamental Rights**
 - Fundamental Rights are justiciable while DPSP is not, this makes Fundamental Rights inherently more important than DPSP.
 - The **42nd Amendment Act**, inserted **Article 31C** which stated that, if a law is made to implement any directive principle, it cannot be challenged on the ground of being violative of the fundamental rights under **Articles 14 and 19**.

Minerva Mills Judgement (1980)

- In the Minerva Mills Judgement (1980), Supreme Court held, "Indian Constitution is founded on the bedrock of the balance between Parts III (Fundamental Rights) and IV (Directive Principles). To give absolute primacy to one over the other is to disturb the harmony of the Constitution".

- Thus, Supreme Court held that a balance between Fundamental Rights and DPSP is needed in policy-making.

◦ **Uniform Civil Code vs Fundamental Right to Religion**

Some important Article relating to Fundamental Right to Religion in the current debate are:

- ▶ **Article 25** - lays down the individual right to religion
- ▶ **Article 26** - Right of each religious denomination to or any section to manage its affairs in matters of religion
- ▶ **Article 29** - includes the right to conserve distinctive culture (is a part of Cultural and Educational Rights)
- ▶ An individual's freedom of religion under Article 25 is subject to "public order, health, morality" and other provisions relating to fundamental rights.
- ▶ The Constituent Assembly was divided on the matter of whether UCC and the Right to religion should be in the same Part.
- ▶ But eventually, the assembly voted by 5:4 ratio of keeping UCC in Part IV, thus giving it lesser importance than the Fundamental Right to religion.

17 SC on Electoral Bonds

Context: The Supreme Court recently refused to stay the sale of electoral bonds before Assembly elections in crucial States like West Bengal and Tamil Nadu.

What is a Bond?

- A bond is a debt security which borrowers issue to raise money from investors, who are willing to lend them a sum for a certain amount of time.
- **Electoral bonds** are bearer instrument in the **nature of a Promissory Note** that is payable to the bearer on demand.

Electoral Bonds in Indian election

- The Government of India notified the **Electoral Bond Scheme** in **January 2018**.
- Bond can be purchased by an Indian citizen or a company incorporated or established in India.
- Only political parties registered under **Section 29A of the Representation of the Peoples Act, 1951**, which have secured **no less than 1% votes** in the last Lok Sabha elections, are eligible to receive electoral bonds.
- These bonds can be bought from selected branches of **State Bank of India only**.
- Political parties are allotted a **verified account by the Election Commission** and all the electoral bond transactions are done through this account only.
- The donors can buy these electoral bonds and transfer them into the accounts of the political parties as a donation.
- The electoral bonds are available in denominations from **Rs 1,000 to Rs 1 crore**.
- Electoral bonds will be **valid for 15 days** from the date of purchase.
- **No interest** will be given by the banks on these bonds.
- Donations will be **tax deductible**, and the benefitting political party will get a **tax exemption** for the amount received.

- They can be bought by a donor with a **KYC-compliant Names of the donors** are kept **confidential**.
- Bonds can be purchased in **January, April, July and October months of each year**.

Previous System of funding

- Before the budget of 2017, if a political party got a donation of **less than Rs. 20,000** from a donor, then it **was not mandatory to reveal the source of fund**.
- This rule was misused and near about all the political parties said that they received 90% of their political fund in the denomination of less than Rs. 20000.
- So a huge amount of black money was generated and used in the election campaigning.
- On the basis of the recommendation of the Election Commission, in Budget 2017 the government **reduced the limit of anonymous donation to Rs. 2000** only.
- The concept of Electoral bonds was introduced in the **Finance Bill 2017**, and was facilitated through multiple amendments in the Finance Act 2017.

18 Recusal in Judiciary

Context: Two Supreme Court judges hailing from Kolkata withdrawn themselves from two politically sensitive cases involving the state government.

Doctrine of Recusal: The Concept

- Recusal is removal of oneself as a judge or policy maker in a particular matter, especially because of a conflict of interest.
- It is a basic precept that no one should be a judge in his or her own case.
- Courts must keep the promise of dispensing fair and impartial justice, and must decide controversies without bias.

What can bring the decision to recuse?

- The decision to recuse generally comes from the judge herself.
- However, in some circumstances, lawyers or even parties involved in the case bring it up before the judge.
- In case, if a judge recuses, the case is listed before the **Chief Justice** for allotment to a fresh Bench.
 - It is to be noted that there are **no formal rules governing recusals**.

Recusal in India

- **Absence of statute:**
 - In India there is no statute laying down the minimum procedure which judges must follow in order to ensure the impartiality.
 - However, courts have always insisted that judges and other adjudicatory authorities must ensure that they have to ensure principles of impartiality.
- **Inspired from Natural Justice**
 - The principles of Natural Justice have developed with the growth of civilization and the content thereof is often considered as a proper measure of the level of civilization and Rule of Law prevailing in the community.
 - It implies fairness, reasonableness, equity and equality.

◦ **Constitutional ethos:**

- Though the Indian constitution does not use the expression of recusal, the concept divested of all its metaphysical and theological trappings pervades the whole scheme of the Constitution.
- Duty to act fairly and impartially is ingrained in **Articles 14 and 21 of the constitution.**
- Indian courts have nourished these values with reference to administrative decision making and emphasized on the test of 'real likelihood of bias.

3

RIGHTS ISSUES

1

Hate speech repudiates right to equality: SC

Background

- The Supreme Court refused to quash multiple FIRs in the case against a journalist for his alleged defamatory remarks against Sufi saint Khwaja Moinuddin Chisti.

Who was Sufi saint Khwaja Moinuddin Chisti?

- According to History, Khwaja Moinuddin Chishti was a 13th-century Sufi mystic saint and philosopher who travelled across South Asia, before eventually settling in Ajmer, where he died.
- Khwaja Moinuddin Chishti passed away in 1236 AD. He was almost 114 years old and his sacred mortal remains are what constitute his tomb in Ajmer Sharif Dargah.
- Among the Sufi shrines, the shrine of Sufi saint Moinuddin Chishti in Ajmer is one of the most popular.

What is Hate Speech?

- Hate speech constitutes a criminal charge under Section 153A of IPC, which is the offense of promoting communal disharmony or feelings of hatred between different religious, racial, language or regional groups or castes or communities.
- 153B of the Indian Penal Code categorizes the offense of promoting religious, racist, linguistic, community or caste hatred or incites any religious, caste or any other disharmony or enmity within India, through any speech either in written form or spoken.

How is it regulated in India?

- Section 298 of the IPC, similarly, classifies the offense of uttering words with the deliberate intent to wound the religious feelings of any person.
- Likewise, Section 505 of the IPC, criminalizes the act of delivering speeches that incite violence.
- Sections 295A and 509A also have similar provisions.
- The 123(3A) of the Representation of the People Act, 1951, also criminalises hate speech by election candidates.
- In 2014, while addressing a Public interest Litigation seeking guidelines for regulating Hate Speech, the Supreme Court made certain observations.

2 No rhyme or reason for 100% reservation: SC

Context: The Supreme Court has quashed a January 2000 order of the erstwhile state of Andhra Pradesh that provided 100 percent reservation to Scheduled Tribe (ST) candidates for the post of teachers in schools in the scheduled areas.

What are Scheduled Areas?

- The Fifth Schedule under Article 244(1) of the Constitution of India contains provisions regarding administration of Scheduled Areas other than Assam, Meghalaya, Tripura and Mizoram.
- The 'Scheduled Areas' are defined as 'such areas as the President may by order declare to be Scheduled Areas' – as per paragraph 6(1) of the Fifth Schedule of the Constitution of India.
- The President may increase the area of any Scheduled Area in a State after consultation with the Governor of that State; and make fresh orders redefining the areas which are to be Scheduled Areas in relation to any State.
- The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any Orders relating to "Scheduled Areas".
- At present, Scheduled Areas have been declared in the States of Andhra Pradesh (including Telangana), Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.

What are the criteria for declaring Scheduled Area?

- The criteria for declaring any area as a "Scheduled Area" under the Fifth Schedule are:
 - ▶ Preponderance of tribal population
 - ▶ Compactness and reasonable size of the area
 - ▶ A viable administrative entity such as a district, block or taluk
 - ▶ Economic backwardness of the area as compared to the neighboring areas
- These criteria are not spelled out in the Constitution but have become well established.

The judgment:

- Asserting that the state government's "action defies logic" and that "merit cannot be denied in toto by providing reservations", the court concluded that reservation in the case violated Articles 14 (equality before law), 15(1) (discrimination against citizens) and 16 (equal opportunity) of the Constitution.
- There was no rhyme or reason with the State Government to resort to 100% reservation.

3 Jharkhand government passes resolution to recognize Sarna religion

Context: The Jharkhand government passed a resolution to send the Centre a letter to recognize Sarna religion and include it as a separate code in the Census of 2021.

What is the Sarna religion?

- The followers of Sarna faith believe pray to nature.
- The holy grail of the faith is "Jal, Jungle, Zameen" and its followers pray to the trees and hills while believing in protecting the forest areas. Jharkhand has 32 tribal groups of which eight are from Particularly Vulnerable Tribal Groups.
- While many follow Hindu religion, some have converted to Christianity — this has become one of the planks of demanding a separate code "to save religious identity"— as various tribal organizations put it.

- It is believed that 50 lakhs tribal in the entire country put their religion as 'Sarna' in the 2011 census, although it was not a code.

What is the need of separate code?

- The protection of their language and history is an important aspect with tribals.
- Between 1871 and 1951, the tribals had a different code. However, it was changed around 1961-62.
- Today, when the entire world is focusing on reducing pollution and protecting the environment, it is prudent that Sarna becomes a religious code as the soul of this religion is to protect nature and the environment.

4 Muslim Women Rights Day

Context: National Commission for Minorities organized a virtual conference on the occasion of Muslim Women Rights Day.

About:

- It is celebrated every year on August 1, the day which made Muslim women free from social evil of Triple Talaq.
- The law which makes social evil of Triple Talaq a criminal offense has strengthened "self-reliance, self-respect and self-confidence" of the Muslim women of the country.
- The day will help Muslim Women in realizing the goals of Political Empowerment and not Political Exploitation and push governments to undertake bold and big reforms for emancipation of Muslim Women.
- Triple talaq is a practice mainly prevalent among India's Muslim community following the Hanafi Islamic school of law.
- Triple talaq divorce is banned by many Islamic countries, including Pakistan, Bangladesh and Indonesia.

5 Maharashtra modified Forest Rights Act, 2006

Context: In order to bring a major relief to forest-dwelling families, Maharashtra Government has modified the Forest Rights Act, 2006 that will enable forest dwelling Scheduled Tribes and other traditional forest dwelling families to build houses in the neighborhood forest areas.

Scheduled Areas in India

- As per the Constitutional provision under Article 244 (1) of the Constitution of India, the 'Scheduled Areas' are defined as 'such areas as the President may by order declare to be Scheduled Areas' – as per paragraph 6(1) of the Fifth Schedule of the Constitution of India.
- At present, Scheduled Areas have been declared in the States of Andhra Pradesh (including Telangana), Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.
- Criteria for declaring Scheduled Area under Schedule V
 - Preponderance of tribal population,
 - Compactness and reasonable size of the area,
- A viable administrative entity such as a district, block or taluk, and
- Economic backwardness of the area as compared to the neighbouring areas.

Schedule 5th of the Constitution

- The Fifth Schedule of the Constitution deals with the administration and control of Scheduled Areas as well as of Scheduled Tribes residing in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.
- The Governor of each State having Scheduled Areas (SA) shall annually, or whenever so required by the President, make a report to the President regarding the administration of Scheduled Areas in that State.

Significance of the step

- The notification was issued by the Governor using his powers under the Schedule V of the Constitution
 - ▶ Governor may direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or apply with some modifications.
- The amendment will importantly prevent the migration of forest dwelling families outside the native villages and provide them with housing areas by extending the village site into forest land in their neighbourhood.

6 NEET does not violate right of minorities: SC

Context: In an important judgment, the Supreme Court held that the National Eligibility-cum-Entrance Test, a single entrance exam for admission to medical and dental courses, would not violate the rights of minorities to run their own institutions.

About:

- The National Eligibility Entrance Test (NEET), formerly the All India Pre-Medical Test (AIPMT), is the qualifying test for MBBS and BDS programmes in Indian medical and dental colleges.
- It is conducted by the National Testing Agency (NTA).

What are minority educational institutions?

- National Commission for Minority Educational Institution Act, 2004 has defined:
 - ▶ 'minority' as a community which is defined as according to the central government
 - ▶ 'Minority institution' as an educational institution which is administered and set up by the minority.

Constitutional rights accorded to minorities:

- Article 30 of the constitution of India gives minorities the right to establish and administer educational institutions of their choice.
- Under Art 30(1)(a), minority educational institutions enjoy right to education as a Fundamental Right. In case the property is taken over by state, due compensation to be provided to establish institutions elsewhere.
- **Article 30 (1)(b):** The right to administer educational institutions of their choice.
- **Article 30 (2):** No educational institution has a right to get government aid. But under Article 30(2), the state, in granting aid, cannot discriminate against minority institutions.

Highlight of the judgment:

- In its ruling, the bench said,
 - ▶ We hold that there is no violation of the rights of the unaided/ aided minority to administer institutions under Articles 19(1) (g) (right to practice profession) and 30 (right minorities to establish and administer institution) read with Articles 25 (freedom to practice religion), 26 (freedom to manage religious affairs) and 29(1) (right to conserve distinct language and culture)

7 Chakmas and Hajong

Context: The Rights and Risks Analysis Group (RRAG) urged Prime Minister Narendra Modi to intervene with the Government of Arunachal Pradesh against massive hunger and starvation among 65,875 Chakmas and Hajongs, because of their exclusion from the “economic package for vulnerable sections in these difficult times of Covid-19 pandemic.

About:

- The Chakmas and Hajongs are citizens of India. The Chakmas and Hajongs are ethnic people who lived in the Chittagong Hill Tracts, most of which are located in Bangladesh.
- The Chakmas and Hajongs, originally residents of the Chittagong Hill Tracts of the former East Pakistan, had to flee when their land was submerged by the Kaptai dam project in the 1960s.
- Buddhists by faith, the Chakmas faced religious persecution in East Pakistan along with the Hajongs, who are Hindus.
- Out of those who reached India, most of them were Chakmas and only 2,000 were Hajong.
- The groups entered India through what was then the Lushai Hills district of Assam (today's Mizoram).
- While some stayed back with Chakmas already living in the Lushai Hills, the Indian government moved a majority of the refugees to present-day Arunachal Pradesh.

Rights and Risks Analysis Group

- The Rights & Risks Analysis Group (RRAG) is an independent think-tank based in New Delhi.
- It conducts risks analysis to prevent violations of human rights and fundamental freedoms with specific focus on the threats to the rule of law and democracy.
- It provides early warnings on impending conflicts, and analysis of policies and programmes of the State and non-State actors contributing to proliferation or perpetuation of conflicts.
- Its special focus remains to change the current narrative on counter-terrorism.

8 Kuruba community demanding ST status

Context: The Kuruba community has been demanding the Schedule Tribe tag and held a massive rally in the outskirts of Bengaluru, Karnataka.

The Kurubas Community

- The Kurubas of Karnataka are a traditional sheep rearing community.
- They are known by different names in other states, such as Kuruma in Andhra Pradesh, Golla in southern Karnataka, Dhanger in Maharashtra, Pal in Rajasthan, and Maldhari/Gadariya in Gujarat.
- Presently, the Kurubas constitute 9.3% of the state's population and come under the backward classes category sharing 15% reservation with 104 other castes.
- They subscribe to the teachings of Kanakadasa who was a renowned composer of Carnatic music, poet, philosopher, and saint.
- From pre-Independence till 1977, the community enjoyed the ST status.

- In 1977, Justice LG Havanur, who headed the backward class commission, removed the ST tag, moving the Kurubas to the 'most backward classes' category.

What is meant by Scheduled Tribes?

- The Constitution of India in Article 366 (25) prescribes that the Scheduled Tribes means such tribes or tribal communities as are deemed under Article 342 of the Constitution to be Scheduled Tribes.
- The National Commission for Scheduled Tribes explains:
 - Primitiveness, geographical isolation, shyness, and social, educational & economic backwardness due to these reasons are the traits that distinguish Scheduled Tribe communities of our country from other communities.

How Scheduled Tribes are protected?

- **Article 342** gives the President the power to notify those communities in specific regions that fall under the classification of Scheduled Tribes.
- **Articles 15, 16**, and others which assure non-discrimination based on caste, gender, race, religion, or place of birth, the other provisions protecting the fundamental rights of Scheduled Tribes are as follows.
- **Article 46** directs the state to work for the welfare and promotion of the interests of Scheduled Tribes and to take steps to safeguard their interests.
- **Articles 243 D, 243 T, 330, and 332** promise proportionate reservation of seats for both Scheduled Castes and Scheduled Tribes in Panchayats, Municipalities, State Legislative Assemblies, and the Lok Sabha.
- **Article 338A** directs the state to create a National Commission for Scheduled Tribes, to oversee the implementation of the provisions and safeguards of the rights of Scheduled Tribes in India.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 also extends protection to Scheduled Tribes.
- **Article 164** also provides for the appointment of a minister in charge of tribal welfare in the states of Chhattisgarh, Jharkhand, Madhya Pradesh, and Orissa,
- **The Fifth Schedule of the Constitution** outlines the provisions for the administration of Scheduled areas. It assures the establishment of Tribes Advisory Councils, with three-fourths representation from the tribes in the area, in states with Scheduled Tribes but without Scheduled Areas.
- **The Sixth Schedule of the Constitution** also contains provisions for the administration of Tribal Areas, but in the states of Assam, Meghalaya, Tripura, and Mizoram.

9 Educating Tribals of India

Context: Tribal communities in India have been historically deprived of access to resources and opportunities, including the 'opportunity to get educated'.

What is the literacy trend of Indian tribes?

- Overall literacy: The percentage of literacy of tribes was only 8.54 percent in 1961 which has increased to 63.1 percent in 2011.
- Male vs Female: But female literacy of tribes is only 54.4 percent compared to male literacy of 71.7 percent.
- Drop-out: Nearly 50% of the children from this social group drop out while transitioning from primary to secondary grades (based on the educational status recorded in the same census).
 - Nearly 80% of them stop education when they are in grade X in other words, only 20% appear for the high-school examination.

Medium of instruction

- Article 350A of the Constitution of India states that every state must have adequate facilities to teach children in their mother tongue.

Concerned Ministries and Organization

• Ministry of Tribal Affairs

- ▶ The Ministry was set up in 1999 after the bifurcation of Ministry of Social Justice and Empowerment with the objective of providing more focused approach on the integrated socio-economic development of the Scheduled Tribes (STs).
- ▶ The Ministry of Tribal Affairs is the nodal Ministry for overall policy, planning and coordination of programs for development of ST's.
- ▶ It covers all tribal people and all areas with tribal population across the country.
 - Social security and social insurance to the Scheduled Tribes
 - Tribal Welfare: Planning, project formulation, research, evaluation, statistics and training
 - Promotion and development of voluntary efforts on tribal welfare;
 - Development of Scheduled Tribes
 - Scheduled Areas
 - Monitoring of Tribal Sub-Plan, based on the framework and mechanism designed by NITI Ayog
 - National Commission for Scheduled Tribes

10 The People vs the Indian State

Context: The recent proliferation of protests and grassroots movements points to increased public discourse on politics and human rights. The on-going farmers protest is one example of an energized population eager to invoke change in the country.

Are Protests legal?

- All protests are legal only if they are non-violent and carried out with appropriate permissions.
- Fundamental duties (Article 51A) that are enshrined in the constitution require that the rule of law is followed and that public property is not destroyed.
- The right to protest peacefully is derived from the Indian Constitution under Article 19.

Article 19 (1) Reasonable restriction

- Article 19(1)(a) guarantees the freedom of speech and expression
 - sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence
- Article 19(1)(b) assures citizens the right to assemble peaceably and without arms.
 - sovereignty and integrity of India or public order
- Article 19(1)(c) assures citizens the right to form associations or unions
 - sovereignty and integrity of India or public order or morality

SC's decision on Right to Protest

- In the case of RamlilaMaidan Incident v. Home Secretary, Union Of India &Ors., the Supreme Court had stated, "Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action."

• Right to protest in Public Places

- In ShaheenBagh's verdict, the top court has held that the right to protest in public places is not absolute in law. Public places cannot be occupied indefinitely.

EIU Democracy Index

- India dropped 10 places in the latest Democracy Index released by the Economist Intelligence Unit, in January 2020 and retained its status as a "flawed democracy".
- The country was ranked 51 on the index for 2019 – its lowest since the rankings began in 2006.
- The country was ranked 42 in 2017 and 41 in 2018.

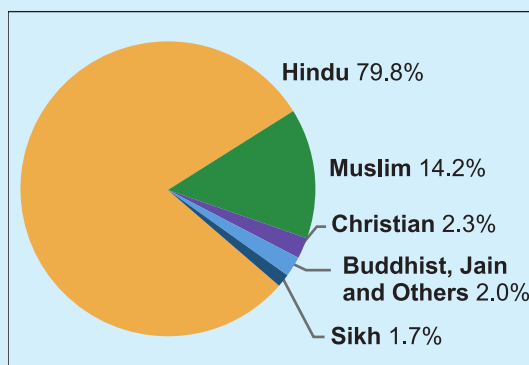
11 Religion and morality

Context: India historically touts itself as a secular state, one where all religions are recognized and can peacefully co-exist. Unfortunately, the reality is much different.

- Recent issues such as the exodus of Kashmiri Hindus, cow slaughtering, love jihad paints a gloomy picture of India.

Important facts

- Distribution of religion in India:
 - 79.8% of the population is Hindu.
 - 14.2% Islam (The Muslim population is spread throughout the country)
 - 2.3% Christianity (in Kerala, Goa, Tamil Nadu, and Meghalaya)
 - 1.7% Sikhism, (Punjab region)
 - 0.7% Buddhist (in the Maharashtra area)
 - 0.4% Jainism (in the regions of Maharashtra, Rajasthan, Gujarat, and major cities)
 - 0.7% Other (Judaism, Zoroastrianism, Bahá'í, tribal religions)
- In 1976, the constitution was amended, inserting the word secular in Preamble. At the same time, a directive principle was added in the constitution that prohibits the slaughter of cows.



Religious Freedom Protections and Concerns

- Articles 25 to 28 in the Constitution of India provide the right to freedom of religion.

Article 25	Article 26	Article 27	Article 28
It imparts freedom of conscience and free profession, practice, and propagation of religion.	It gives freedom to manage religious affairs.	It sets freedom as to payment of taxes for promotion of any particular religion.	It gives freedom as to attendance at religious instruction or religious worship in certain educational institutions.
It is available to persons.	It is available to religious denominations.	It is available to a person against religious denomination(s).	It applies to educational institutions. A person can invoke it.

- Article 25 of the Indian Constitution states that “all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion” in a manner that does not adversely affect public order, health, or morality.
- India’s federal law provides “minority community” status for six religious groups—Buddhists, Christians, Jains, Muslims, Parsis (Zoroastrians), and Sikhs—that together comprise about one-fifth of India’s population.
- Further, Article 26 says that all denominations can manage their affairs in matters of religion. Religious organizations can be banned for sedition or disturbing communal harmony.

12 Retired at Eighteen: Political Economy of Child Labour in India

Context: Child laborers continue to be employed in large numbers in the country.

What is the current situation of child labor in India?

- India, home to one-fifth of the world’s children, has the highest rates of child labor.
- The continuing practice of child labor has the potential to jeopardize India’s push for incentivizing foreign investments into the sector and integrating them into global supply chains.
- While the number of child labor has declined over the years, child labor in India remains on a massive scale and represents the insidious side of not only domestic but global supply chains.
- Current definitions of child labor do not include children between the age of 14-18.
- They are considered too young to be adults but old enough to be out of school and in low-paying, low-productivity jobs.
- International treaties**
 - Most recently, in 2017, India signed two ILO conventions concerning the ‘Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour’ and the ‘Minimum Age for Admission to Employment’.
 - With India’s ratification, almost all of the world’s children are covered by both these conventions, enhancing global efforts on abolishing child labour.
- India’s current legislative architecture**
 - Article 24:** No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment
 - Child Labour (Prohibition and Regulation) Act, 1986.
 - The law, albeit controversial, contained a particular set of occupations and processes where children under the age of 15 were prohibited from being employed.

- The 2016 amendment to the Act expanded the ambit of the legislation to adolescents (15-18).
 - ▶ The amendment prohibits all forms of labour for children under the age of 15 except in the case of family businesses and home-based enterprises.
 - ▶ It further prohibits hazardous adolescent labour in only three sectors – mining, explosives, and those occupations mentioned in the Factory Act.

13 Right of the people to the Sentinel island is non-negotiable: AnSI

Context: In a policy document, which comes almost two years after American national was allegedly killed by the Sentinelese on the Island, the Anthropological Survey of India (AnSI) says the “right of the people to the island is non-negotiable”.

Who are Sentinelese?

- The Sentinelese people are from an endangered Indian tribe living in North Sentinel Island, located near the Andaman Islands in the Bay of Bengal, India.
- With a population of around 100, they are among the most isolated of 75 PVTGs across the country.
- They are a primitive hunter-gatherer tribe that entirely relies on the sea and the island forests for food and other resources.
- Also, they are among the five in the Andaman and Nicobar Islands which include Great Andamanese, Onge, Jarawa, and Shompens.
- They are particularly vulnerable tribal group (PVTG).

Particularly vulnerable tribal group (PVTG)

- The particularly vulnerable tribal group (PVTG) is a Government of India classification created with the purpose of enabling improvement in the conditions of certain communities with, particularly low development indices.
- Currently, 75 tribal groups have been categorized by the Ministry of Home Affairs (based on Census) as Particularly Vulnerable Tribal Group (PVTG).
- Government of India follows the following criteria for identification of PVTGs.
 - Pre-agricultural level of technology
 - Low level of literacy
 - Economic backwardness
 - A declining or stagnant population.

Anthropological Survey of India (AnSI)

- AnSI is the only research organisation to pursue anthropological research under Ministry of Culture, Government of India
- The Anthropological Survey of India’s genesis was from the Zoological and Anthropological.

14 30 years since Mandal Commission recommendations

Context: 30 years ago, the government accepted the Mandal Commission’s recommendations and announced that it would implement the reservation scheme – under which 27 percent jobs would be given to members of Other Backward Classes.

Quick history of 'Reservation' in India

- The history of reservation for the backward castes goes back to 1902 when Shahu Maharaj, the ruler of the princely state of Kolhapur, reserved 50% jobs for backward castes (all communities except forward groups such as Brahmins, Prabhus, Shenvis and Parsis).
- Today, reservation is provided in central government posts and services to-
 - ▶ Scheduled Castes- 15%
 - ▶ Scheduled Tribes- 7.5%
 - ▶ Other Backward Classes- 27%
 - ▶ Economically Weaker Sections- 10%
 - The Government recently introduced EWS Reservation. 10% quota is provided for the Economically Weaker Sections (EWS) among General Category candidates in government jobs and educational institutions.
 - This is done by adding clauses for the same in the Indian Constitution (103rd Constitution Amendment Act, 2019).

Major recommendations of the Mandal Commission

- Using 11 indicators – social, educational and economic – the commission identified 3,743 different castes and communities as members of Other Backward Classes.
- The OBC Category, it estimated, comprised 52 percent of the total population.
- Among its key recommendations were a 27 percent reservation in government jobs, schools and colleges – a quota also applicable to promotions at all levels.
- Meanwhile, the reserved quota that remained vacant was to be carried forward for a period of three years and de-reserved thereafter.
- Many of the OBCs mentioned in the list were the 'occupation' castes – Dhobi, Lohar, Teli, etc. The OBC status also varied from region to region.
- While the Banias were on the OBC list in Bihar, they were left off the list in other states; Similarly, Jats were marked OBC only in Rajasthan.

Criticism of the Report

- Outdated base year: it was based on a 1931 census – which was carried out when India was still under British rule.

Mandal's Recommendations Challenged in Supreme Court

- The Court, in its judgment in the case of Indira Sawhney vs Union of India, delivered in 1992, upheld the 27 percent reservation for OBCs subject to the exclusion of socially-advanced persons/sections (creamy layer) from amongst the OBCs and directed the government to evolve a criteria for the identification of this creamy layer.

15

'Child Labour: Global estimates 2020, trends and the road forward': ILO

Context: ILO released the report 'Child Labour: Global estimates 2020, trends and the road forward', ahead of World Day Against Child Labour.

Key-highlights of the Report

- The report points to a significant rise in the number of children aged 5 to 11 years in child labour, who now account for just over half of the total global figure.

Who is a child?

- **UNCRC:** a child means every human being below the age of 18 years.
- The **Child Labour (Prohibition and Regulation) Act, 1986:** a child is a person who has not completed fourteen years of age.
- **The Factories Act, 1948 and Plantation Labour Act 1951** states that a child is one that has not completed fifteen years of age.
- **The Juvenile Justice (Care and Protection of Children) Act, 2000** has changed the definition of child to any person who has not completed 18 years of age.
- **POCSO Act 2012:** a child is any person below eighteen years of age.

- The number of children aged 5 to 17 years in hazardous work – defined as work that is likely to harm their health, safety or morals – has risen by 6.5 million to 79 million since 2016.
- Nearly 28 per cent of children aged 5 to 11 years and 35 per cent of children aged 12 to 14 years in child labour are out of school.
- Even in regions where there has been some headway since 2016, such as Asia and the Pacific, and Latin America and the Caribbean, COVID-19 is endangering that progress.
- Globally, nine million additional children are at risk of being pushed into child labour by the end of 2022 as a result of the pandemic.

World Day Against Child Labour (12th June)

- The World Day Against Child Labour is an International Labour Organization-sanctioned holiday first.
- **Launched in:** 2002
- **Aim:** To raise awareness and activism to prevent child labour.

Major sector employing child labours

- 70 per cent in agriculture sector (112 million)
- 20 per cent in services (31.4 million)
- 10 per cent in industry (16.5 million)

Gender issue

- Child labour is more prevalent among boys than girls at every age.
- When household chores performed for 21 hours or more each week are taken into account, the gender gap in child labour narrows.

Rural vs Urban

- The prevalence of child labour in rural areas (14 per cent) is close to three times higher than in urban areas (5 per cent).

Constitutional provisions:

- **Article 24:** No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

- **Article 21 (A):** The State shall provide free and compulsory education to all children of the age six to 14 years.
- **Article 39-e:** The State shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength.
- **Article 39-f:** Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment.
- **Article 45:** The State shall endeavor to provide within a period of 10 years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years.

India has also ratified two Core Conventions of International Labour Organization (ILO) i.e.

- Conventions 138 regarding admission of age to employment
- Convention 182 regarding worst forms of Child Labour

4

LOCAL GOVERNMENT

1 Goa becomes 6th state to successfully undertake ULB reforms

Context: Goa has become the 6th State in the country to successfully undertake Urban Local Bodies (ULB) reforms stipulated by the Department of Expenditure, Ministry of Finance.

About:

What are ULB Reforms?

- Reforms in the Urban Local Bodies and the urban utilities reforms are aimed at financial strengthening of ULBs in the States and to enable them to provide better public health and sanitation services.
- Economically rejuvenated ULBs will also be able to create good civic infrastructure.
- The reforms stipulated by the Department of Expenditure to achieve these objectives are:

The State will notify

- floor rates of property tax in ULBs which are in consonance with the prevailing circle rates (i.e. guideline rates for property transactions)
- floor rates of user charges in respect of the provision of water-supply, drainage and sewerage which reflect current costs/ past inflation.

The State will put in place a system of periodic increases in floor rates of property tax/ user charges in line with price increases.

Citizen centric areas of reforms

- The States get permission to raise additional funds equivalent to 0.25 percent of GSDP on completion of reforms in each sector.
- The four citizen centric areas identified for reforms were
 - Implementation of One Nation One Ration Card System
 - Ease of doing business reform
 - Urban Local body/ utility reforms
 - Power Sector reforms

Progress of these Citizen Centric Areas so far:

- 10 States have implemented the One Nation One Ration Card System

- 7 States have done ease of doing business reforms
- 4 States have done local body reforms

Total additional borrowing permission issued so far to the States who have done the reforms stands at Rs.54,265 crore.

Benefit of ULB Reforms

- Goa has joined five other States namely, Andhra Pradesh, Madhya Pradesh, Manipur, Rajasthan and Telangana, who have completed ULB reforms.
 - ▶ Goa has become eligible to mobilise additional financial resources of 75 crore rupees through Open Market Borrowings. Each state can mobilize different amount.

2 Pandemic & Panchayat

Context: Prime Minister Narendra Modi addressed elected representatives in local governments on April 24, 2020 to mark the National Panchayati Raj Day.

What is Panchayati Raj System?

- It was in 1992 that it was officially established by the Indian Constitution as the third level of India's federal democracy through the 73rd Amendment Act.
- The Panchayat Raj System was first adopted by the state of Rajasthan in Nagaur district on 2nd October 1959. The second state was Andhra Pradesh.
- The Panchayati Raj Institution (PRI) consists of three levels:
 - ▶ Gram Panchayat at the village level
 - ▶ Block Panchayat or Panchayat Samiti at the intermediate level
 - ▶ Zilla Panchayat at the district level
- The Panchayati Raj system is also recognised as a form of direct democracy (i.e they exercise all powers of a government at a village level), as opposed to the popular notion that it is a type of representative democracy.
- In modern India, Mahatma Gandhi was one of the leading advocates of Gram Swaraj, i.e. village self-governance where the village would be responsible for its own affairs.

National Panchayati Raj Day:

- The first National Panchayati Raj Day was celebrated in 2010. Since then, the National Panchayati Raj Day is celebrated on April 24 every year in India.
- Every year on this National Panchayati Raj Day Union Ministry of Panchayati Raj organises National Conference and awards best performing Gram Panchayats with 'The Panchayat Shashaktikaran Puraskar/Rashtriya Gaurav Gram Sabha Puraskar'.

Salient features of Panchayat:

- The Gram Sabha is a body consisting of all the people registered in the electoral rolls who belong to a village comprised within the area of the Panchayat at the village level.
- **Permanent:** Gram Sabha is the smallest and the only permanent unit in the Panchayati Raj system. The powers and functions of Gram Sabha are fixed by state legislature according to the law on the subject.

- **Reservation:** Seats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels are reserved for SCs and STs in proportion to their population.
 - **Women:** One-third of the total number of seats are to be reserved for women. One-third of the seats reserved for SCs and STs, are also reserved for women. This policy extends to the office of the chairperson at all levels as well (Article 243D). The reserved seats may be allotted by rotation to different constituencies in the Panchayat.
- There is a uniform policy with each term being five years. Fresh elections must be conducted before the expiry of the term. In the event of dissolution, elections compulsorily within six months (Article 243E).

Major committees on Panchayat:

- Balwanth Rai Mehta Committee
- Sadik Ali Committee
- G. L. Vyas Committee
- Ashok Mehta Committee
- L. N. Singhvi Committee

E-panchayat:

- E-panchayat is one of the Mission Mode Projects (MMPs) under National e-Governance Programme (NeGP).
- It is aimed at making Panchayats more efficient, transparent and symbols of modernity by leveraging ICT to become modern institutions of self governance by ensuring greater openness through transparency, disclosure of information, social audit, efficient delivery of services, improving internal management of Panchayats, procurement etc.

3 Model Panchayat Citizens Charter framework

Context: A Model Panchayat Citizens Charter/ framework for delivery of the services across the 29 sectors, aligning actions with localised Sustainable Development Goals (SDGs) as prepared by Ministry of Panchayati Raj (MoPR) in collaboration with National Institute of Rural Development & Panchayati Raj (NIRDPR) has been released.

Model Panchayat Citizen's Charter 2021

- The Panchayats will utilise this model, and with the due approval of Gram Sabha, would draw up a Citizens Charter which will contain the list of different categories of services provided by the Panchayat, and their condition and the time frame.

The model framework states:

- "A Citizens' Charter is a tool to achieve good governance. Successful implementation of Citizens' Charter improves service delivery, brings responsiveness on the part of Panchayat functionaries and enhances Citizens' satisfaction."
- It is expected to empower citizens and bring professionalism in the Panchayat functioning.
- According to the document released, the following information need to be provided under service standards:
 - Name of the service

- Details of the service, including beneficiaries and eligible persons, fees, etc.
- Time frame to deliver the service
- Name and contact details of the person in the Panchayat responsible for providing the service
- **Grievance redressal:** The Sarpanch and the Panchayat Secretary must be accessible to the Citizens to listen to the grievances the contact details of the authority to whom citizen need to contact for any such complaint
- ◉ The framework also states that while preparing the charter, the Panchayat should seek the views of the Panchayat Secretary and other officers of the concerned line departments.

1 Federalism and Interstate River Water Governance in India

Context: Interstate (River) Water Disputes (ISWDs) are a continuing challenge to federal water governance in the country.

Water in the Constitution

- Water is a State subject as per entry 17 of State List and thus states are empowered to enact legislation on water.
 - ▶ Entry 17 of State List deals with water i.e. water supply, irrigation, canal, drainage, embankments, water storage and water power.
- Entry 56 of Union List gives power to the Union Government for the regulation and development of inter-state rivers and river valleys to the extent declared by Parliament to be expedient in the public interest.
- Article 262 in the constitution which empowers the Parliament to establish a mechanism to resolve Inter-State river Dispute
 - ▶ Under this provision an Inter-State Water Dispute Act, 1956 and River Boards Act, 1956 was created.
- India has 25 major river basins, with most rivers flowing across states.

Water Disputes Tribunals

Tribunal	States Concerned
Godavari Water Disputes Tribunal	Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Orissa
Krishna Water Disputes Tribunal – I	Maharashtra, Andhra Pradesh, Karnataka,
Narmada Water Disputes Tribunal	Rajasthan, Madhya Pradesh, Gujarat, Maharashtra
Ravi & Beas Water Tribunal	Punjab, Haryana, Rajasthan
Cauvery Water Disputes Tribunal	Kerala, Karnataka, Tamil Nadu, Puducherry
Krishna Water Disputes Tribunal -II	Karnataka, Andhra Pradesh, Maharashtra, Telangana

Vansadhara Water Disputes	Tribunal Andhra Pradesh, Odisha
Mahadayi Water Disputes Tribunal	Goa, Karnataka, Maharashtra
Mahanadi Water Disputes Tribunal	Chhattisgarh, Odisha

Principles of water sharing

- The tribunals have been using a number of principles while deciding about water sharing between contending states:
 - The Helsinki rules were issued in 1966
 - United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses were finalized in 1997
 - the World Commission on Dams report came in November 2000
 - the Berlin Rules were issued in 2004

Can Supreme Court interfere?

- Article 262 (1) bars the jurisdiction of the Supreme Court.
- But matters are still being taken there on legal, jurisdictional, environmental and constitutional issues.

The Inter-State River Water Disputes (Amendment) Bill, 2019

- When a state puts in a request regarding any water dispute, the central government will set up a Disputes Resolution Committee (DRC), to resolve the dispute amicably
- The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of water disputes. This Tribunal can have multiple benches.
- Under the Bill, the proposed Tribunal must give its decision on the dispute within two years, which may be extended by another year.
- The central government maintains a data bank and information system at the national level for each river basin. The Bill provides that the central government will appoint or authorise an agency to maintain such data bank.

2 Centre allows additional borrowing by five states

Context: The Centre permitted five states to go for additional borrowing of ₹9,913 crores through Open Market Borrowings (OMBs) to meet their expenditure requirements amid falling revenues due to the COVID-19 crisis.

Key-highlights

- These five states are Andhra Pradesh, Telangana, Goa, Karnataka and Tripura.
- The permission has been accorded after these states successfully met the reform condition of implementation of 'One Nation One Ration Card' system.

The recent raise (graded, reform and outcome oriented)

- In May this year, the government raised the net borrowing limit for state governments from 3% of G-SDP to 5% to make available an additional Rs 4.28 lakh crore to all the states combined i.e. raising limit by 2%

- Out of 2%, 0.5 percentage point of the extra borrowing window will be available to all states unconditionally, 1% will be made available in four equal tranches with each to clearly “specified, measurable and feasible reform actions”.
- The balance 0.5% can be accessed if milestones are ‘completely achieved’ in at least three out of four reform areas.
- The reform linkage will be in four areas –
 - ▶ universalisation of ‘One Nation One Ration Card’
 - ▶ ease of doing business
 - ▶ power distribution
 - ▶ augmentation of urban local body revenues

The constitutional framework

- A state government can borrow within India (not abroad) upon the security of the Consolidated Fund of the State.
- Article 293(3) of the Constitution requires states to obtain the Centre’s consent in order to borrow in case the state is indebted to the Centre over a previous loan.

3

After Punjab, now Rajasthan introduces bills to negate impact of Centre’s farm laws

Context: The Rajasthan Assembly passed three Bills to counter the applicability of the Centre’s agriculture laws in the State. The move comes after the Punjab Assembly adopted a resolution against the farm laws and unanimously passed four bills to counter the Centre’s contentious legislations.

Effect on Federalism

- Agriculture being a state subject under the Constitution, any central legislation seeking to remove barriers to trade and creating a unified national market for farm produce could weaken federalism.
- The main subjects of the three acts are ‘agriculture’ and ‘market’ that are essentially state subjects as per the Seventh Schedule of the Constitution.
 - ▶ The Seventh Schedule (Article 246) places “agriculture” in entry 14 and “market and fairs” in entry 28 of the State List.

Can the states refuse to implement the central laws?

- State assemblies can pass resolutions on any subject, to express the collective opinion of their members.
- Disputes between Centre-State falls under original jurisdiction of Supreme Court under Article 131, where SC checks whether state’s legal rights are not breached.
- However, if its upheld by the court that implementation of centre’s legislations is constitutional then states have no other option other that will tantamount to failure of constitutional machinery under Article 356 or Article 365 in the state and President’s Rule will be imposed dismissing the current dispensation in the state

4

Border row between Maharashtra and Karnataka

Context: A book published by the state government of Maharashtra, titled ‘Maharashtra-Karnataka Seemavad: Sangharsh Aani Sankalp’ (Maharashtra-Karnataka Boundary Dispute: Struggle and Pledge) is a collection of articles, news, and other material on the demand that Marathi-speaking areas in Karnataka should be integrated into Maharashtra.

Background:

- The dispute began when the erstwhile Bombay Presidency had present-day Karnataka districts of Vijayapura, Belagavi, Dharwad, and Uttara-Kannada.
- In 1948, the Belgaum municipality requested that the district be incorporated into the proposed Maharashtra state.
- But with the States Reorganisation Act of 1956, Belgaum and 10 talukas of Bombay State became a part of the then Mysore State.
- This happened because states were divided based on linguistic and administrative lines.

What is the present situation?

- In 2004, the Maharashtra government moved the Supreme Court seeking resolution of the border dispute under Article 131(b) of the Constitution.
 - ▶ This case is sub judice.
- The Karnataka government has made moves emphasizing its territory over Belgaum by holding its winter session in Belgaum annually, after constructing Suvarna Vidhana Soudha.
- It also formally changed the name of Belgaum to Belagavi in 2014.

Article 131

- Article 131 of the Constitution of India vests the Supreme Court with original jurisdiction over any dispute arising between the states or between the center and state.
 - SC has original jurisdiction in any dispute:
 - ▶ between the Government of India and one or more States
 - ▶ between the Government of India and any State or States on one side and one or more other States on the other; or
 - ▶ Between two or more States
- if the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends

Major inter-state boundary disputes in India

- **Assam – Nagaland**
 - Boundary: 434 kilometer
 - Area of dispute: Assam districts of Sivasagar, Jorhat, and Golaghat.
 - Commissions: Sundaram Commission in 1971 and Shastri Commission in 1985
- **Gujarat – Rajasthan**
 - Area of dispute: Mangadh Hill, located on the border of the two states. Gujarat claims half of the hill, while Rajasthan claims the entire hill is theirs.
- **Karnataka- Kerala**
 - Area of dispute: district of Kasaragod
 - Committee: headed by Supreme Court, Justice M. Mahajan (1967)
- **Orissa – West Bengal**
 - Area of dispute: 82 villages under Jaleswar and Bhograi blocks in Balasore district

- **Assam – Meghalaya**

- Area of dispute: few blocks of Mikir Hills

- **Others**

- Bihar and UP: The inter-state boundary between Bihar and Uttar Pradesh continued to fluctuate due to the frequent change in the course of rivers.
- Haryana and UP: Likewise, Haryana and Uttar Pradesh's fluctuating boundary was sought to be solved in the 1970s. But issues are still not resolved.
- Haryana and Punjab: Punjab and Haryana are locked over the transfer of Chandigarh to Punjab, and part of the Fazilka sub-district of Punjab to Haryana.
- Orissa and Andhra Pradesh: Between Orissa and Andhra Pradesh, the boundary dispute relates to 63 villages falling presently in Orissa. But neither government has asked for Central intervention.
- Orissa and Jharkhand: Similarly, Orissa and Jharkhand have a boundary dispute relating to seven villages of the Mayurbhanj and Keonjhar districts. Orissa has claimed territories in the former princely states of Seraikela and Kharsuan, now in Jharkhand.
- Orissa and Chhattisgarh: Orissa has locked with Chhattisgarh over three villages of Naupada district. Orissa and West Bengal are also stalemated over five villages of Balasore and Mayurbhanj districts of Orissa.
- Himachal Pradesh and Uttarakhand: Himachal Pradesh is contesting Uttarakhand over six places of Dehradun district, adjoining its Shimla district.
- Arunachal Pradesh and Assam: Arunachal Pradesh claims territory in Assam based on history.
- Meghalaya and Assam: Assam and Meghalaya don't have a major boundary dispute.

5

Failure of Constitutional Machinery in a State

Context: The order of the Andhra Pradesh High Court in December 2020, directing the Andhra Pradesh government to come prepared to argue on the 'breakdown of constitutional machinery in the state' has been found 'disturbing' by the Supreme Court.

What is Article 356?

- The power to decide whether there is constitutional breakdown in any State that calls for imposition of President's rule rests entirely in the 'Executive' under Article 356 of the Constitution.
- Article 356 of the constitution – dealing with provisions in case of failure of constitutional machinery in a state – begins under sub-clause (1) as follows:

"If the President, on receipt of report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by proclamation, assume to himself..."

- ▶ assume to himself all or any of the functions of the Government of the State
- ▶ declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament"
- The determination of the breakdown of constitutional machinery may be done by the President at any time, either upon receipt of a report from the Governor, or suo motu.
- If approved by both the houses, the President's Rule, as it is most-commonly called, can continue for 6 months.
- It can be extended for a maximum of 3 years with the approval of the Parliament.
- Comparison of 3 types of Emergencies

	National Emergency	President's Rule	Financial Emergency
Constitutional Provision	Article 352	Article 356 and 365	Article 360
Grounds of Declaration	External aggression and armed rebellion	Failure of constitutional machinery	Threat to financial stability or Credit of India
Parliamentary approval within	1 month	2 months	2 months
Majority	Special (50%+2/3)	Simple	Simple
Duration of enforcement after parliamentary approval	6 months	6 months	indefinite
Maximum period of extension	Indefinite period by taking approval every 6 months	3 years after taking approval every 6 months	Does not require repeated approval
Revocation	By President or Lok Sabha passing resolution by simple majority	By President	By President

6 Water wars of Andhra Pradesh and Telangana

Context: An ongoing jalajagadam (fight over water resources), once again drew the police forces of Andhra Pradesh and Telangana into a tense standoff at the common reservoirs of the two states.

About Krishna Water Dispute:

- A dispute over the sharing of Krishna waters has been ongoing for many decades, beginning with the erstwhile Hyderabad and Mysore states, and later continuing between successors Maharashtra, Karnataka and Andhra Pradesh.
- In 1969, the **Krishna Water Disputes Tribunal (KWDT)** was set up under the Inter-State River Water Dispute Act, 1956, and presented its report in 1973.
- The Tribunal divided the 2060 TMC (thousand million cubic feet) of Krishna water at 75 per cent dependability into three parts: 560 TMC for Maharashtra, 700 TMC for Karnataka and 800 TMC for Andhra (facts not important)
- The second KWDT was instituted in **2004**.

Concerns of two States

- There are disagreements over the sharing of the Krishna river water between the two states.
 - **Andhra Pradesh concern:** Andhra Pradesh alleges that Telangana has been drawing Krishna water from four projects — Jurala, Srisailem, Nagarjuna Sagar, and Pulichintala — for hydropower generation without approvals from the **Krishna River Management Board (KRMB)**.

- **KRMB** is an autonomous body that was set up after the bifurcation of the state, to manage and regulate the waters in the **Krishna basin**.
- It is also accused that the water is used for power generation is being wasted by releasing it into the **Bay of Bengal**.
- **Telangana's concern:** It has opposed the irrigation projects of the Andhra Pradesh government, especially the **Rayalaseema Lift Irrigation Project (RLIP)**, which it claims is illegal.

How the river water disputes are resolved?

- The **Interstate River Water Disputes Act, 1956 (IRWD Act)** is an act under **Article 262** of the Constitution.
- Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication.
- **Tribunal:** The Tribunal will consist of a Chairperson, Vice-Chairperson, three judicial members, and three expert members.
 - They will be appointed by the central government on the recommendation of a Selection Committee.
 - The Tribunal must give its decision within three years, which may be extended by two years.
- Under the Act, if the matter is again referred to the Tribunal by a state for further consideration, the Tribunal must submit its report to the central government within one year.
- This decision has the same force as that of an order of the Supreme Court.

CONSTITUTIONAL, REGULATORY, QUASI-JUDICIAL & OTHER BODIES

1 Union Public Service Commission gets a new Chairman

Context: Professor Pradeep Kumar Joshi is appointed as the chairman of the Union Public Service Commission (UPSC) that conducts the civil services examination to select India's bureaucrats and diplomats among others.

Constitutional Provisions

- The Constitution visualises the UPSC to be the 'watch-dog of merit system' in India.
- Article 315 to 323 of Part XIV of the Indian Constitution deals with provisions relating to the Union Public Service Commission as well as the State Public Service Commission.

Constitutional Provisions

Article-315	Public Service Commissions for the Union and for the States.
Article-316	Appointment and term of office of members
Article-317	Removal and suspension of a member of a Public Service Commission.
Article-318	Power to make regulations as to conditions of service of members and staff of the Commission
Article-319	Prohibition as to the holding of offices by members of Commission on ceasing to be such members
Article-320	Functions of Public Service Commissions
Article-321	Power to extend functions of Public Service Commissions
Article-322	Expenses of Public Service Commissions
Article-323	Reports of Public Service Commissions

Functions of the Commissions

- Under Article 320 of the Constitution of India, the Commission is, inter-alia, required to be consulted on all matters relating to recruitment to civil services and posts. The functions of the Commission under Article 320 of the Constitution are:

- Conduct examinations for appointment to the services of the Union.
- Direct recruitment by selection through interviews.
- Appointment of officers on promotion / deputation / absorption.
- Framing and amendment of Recruitment Rules for various services and posts under the Government.
- Disciplinary cases relating to different Civil Services.
- Advising the Government on any matter referred to the Commission by the President of India.

Composition of UPSC

- The Commission consists of a chairman and other members appointed by the President of India.
- Usually, the Commission consists of 9 to 11 members including the chairman.
- Every member holds office for a term of six years or until he attains the age of sixty-five years, whichever is earlier.

2 Extention of the OBC Commission

Context: The Union Cabinet decided to extend the tenure of the OBC Commission by six months as its functioning was affected due to the coronavirus lockdown.

Background

- Constituted in October 2017, the Commission is headed by Justice G Rohini (retd).
- The Commission is likely to make recommendations for benefit of such marginalised communities in the Central List of OBCs.

Who are Other Backward Classes?

- Communities that have been historically marginalised in India and continue to face oppression, and social, economic and educational isolation, but do not fall into the Scheduled Caste and Scheduled Tribes list, fall into the Other Backward Class category.
- Article 340 of the Constitution of India gives the President of India the power to constitute a committee to investigate the conditions of backward class in India and recommend measures for their welfare, upliftment and development.
- The Mandal Commission was constituted under this Article.
- Article 15 and 16 of the Constitution of India which are applicable to the member of the Scheduled Caste communities, apply to the members of the OBC communities as well.

3 Rationalization of autonomous bodies

Context: In a report on the rationalization of 109 autonomous bodies under Central government ministries, the finance ministry's department of expenditure recommended that the environment ministry to rationalize few bodies

What are Autonomous Bodies?

- An Autonomous Body (ABs) is set up by the government for a specific purpose.
- It is independent in day-to-day functioning, but the government has some control over ABs.

- Autonomous Bodies are set up for some of the functions which need to be discharged outside the governmental set up.

Functions

- These bodies are involved in activities such as formulating frameworks for policies, conducting research and cultural aspects.

Legal Status

- They are mostly registered as societies under the Societies Registration Act and in certain cases they have been set up as statutory institutions under the provisions contained in various Acts.

Finance of Autonomous bodies

- The government funds ABs in some ways such as revenue expenditure, capital expenditure, or both.

Objectives behind their formulation

- The objective is to give them flexibility and independence in the functioning.
- Some of the autonomous Institutes impart technical, medical and higher education also.

Governance of these bodies

- The governing council or governing body, which is chaired by the minister or the secretary of the respective ministry, governs the functioning and existence of these bodies.

Accounting and Auditing procedure

- These Autonomous Bodies are audited by the Comptroller and Auditor General (CAG), and the annual report is presented in the Parliament every year.

4

IOA forms annual grant and affiliation committee

Context: The Indian Olympic Association constituted an 11-member committee led by Athletics Federation of India president Adille Sumariwala to monitor annual grant and affiliation fee of its members

What is Indian Olympic Association?

- The Indian Olympic Association is the governing body for the Olympic Movement and the Commonwealth Games in India.
- As an affiliated member of the International Olympic Committee (IOC), Commonwealth Games Federation (CGF), Olympic Council of Asia (OCA) and Association of National Olympic Committees (ANOC), the IOA administers various aspects of sports governance and athletes' welfare in the country.
- In this regard, the IOA oversees the representation of athletes or teams participating in the Olympic Games, Commonwealth Games, Asian Games and other international multi-sport competitions of IOC, CGF, OCA and ANOC.
- The Indian Olympic Association is recognised by the Ministry of Youth Affairs and Sports.
- It is registered as a Non-Profit Organisation under the Societies Registration Act of 1860.
- As member of the IOC and OCA, it is the Indian Olympic Association's primary mission to develop, promote and protect the Olympic Movement in the country.

7

ELECTION

1 First-past-the-post Electoral System

Context: Recently various state political parties suggested that the existing FPTP system should be replaced with proportional representation system (PR).

What is the FPTP system?

- The FPTP is a simple electoral system where the winning candidate from a constituency need not secure more than 50% of the total votes polled.
- This means, for instance, that a candidate emerges as a winner with 23% votes as long as their opponents secure less than them individually, and it does not matter if the aggregate votes polled against the amount to 77%.

Proportional Representation

- The proportional representation (PR) electoral system is more representative in nature, lending voice to various communities and their aspirations.
- Political parties are rewarded with seats proportional to their vote shares in the PR system.
- Depending on their needs, multicultural societies like Germany, Australia, South Africa among others have adopted variants of PR.

Mixed-member proportional representation

- In this system, voters get two votes: one to decide the representative for their single-seat constituency, and one for a political party.
- Seats in the legislature are filled firstly by the successful constituency candidates, and secondly, by party candidates based on the percentage of nationwide or region-wide votes that each party received.
- The constituency representatives are elected using first-past-the-post voting (FPTP)
- The nationwide or region-wide party representatives are, in most jurisdictions, drawn from published party lists, similar to party-list proportional representation.

2 Secrecy of ballot is the cornerstone of free and fair elections: SC

Context: Secrecy of ballot is the cornerstone of free and fair elections. The choice of a voter should be free and the secret ballot system in a democracy ensures it, the Supreme Court has held in a judgment.

About:

- All election except election to Rajya sabha and State Legislative council are held in secret ballot
- As per the secret ballot system, the voter has no obligation to reveal his vote for any candidate or NOTA
- The Court referred to Section 94 of the Representation of People Act, which upholds the privilege of the voter to maintain confidentiality about her choice of vote.
- However, a voter can also voluntarily waive the privilege of non-disclosure.
- The privilege ends when the voter decides to waive the privilege and instead volunteers to disclose as to whom she had voted.

Right to Vote in India

- In India, the right to vote is provided by Article 326 and Constitution and the Representation of People's Act, 1951, subject to certain disqualifications.
- Article 326 of the Constitution guarantees the right to vote to every citizen above the age of 18.
- Further, Section 62 of the Representation of Peoples Act (RoPA), 1951 states that every person who is in the electoral roll of that constituency will be entitled to vote.

3**ECI Not in favour of State Funding of Elections**

Context: The Minister of State for Finance has informed Lok Sabha that the Election Commission of India (ECI) is not in favour of state funding of elections.

Current Scenario of Political Funding

- Political Funding implies the methods that political parties use to raise funds to finance their campaign and routine activities.
- Methods of Political Funding in India:
 - **Individual Persons:** Section 29B of RPA allows political parties to receive donations from individual persons.
 - **Indirect State Funding:** It includes methods except direct funding, like free access to media, free access to public places for rallies, free or subsidized transport facilities. It is allowed in India in a regulated manner.
 - **Corporate Funding:** In India, donations by corporate bodies are governed by the Companies Act, 2013.
 - **Electoral Trusts:** A non-profit company created in India for orderly receipt of voluntary contributions from any person like an individual or a domestic company.

Issues with Political Funding

- One of the biggest disadvantages of corporate funding is the use of fake companies to route black money.
- Influence of people and companies over political parties to which they provide funds.
- There are various gaps in Indian rules, the benefit of which political parties take to avoid any kind of reporting.
- Hidden sources of funding lead to more spending of funds in election campaigns, thus impacting the economy of the country.

4 Can Non Resident Indians (NRIs) cast their vote in India?

Context: The Government is planning to move to introduce Electronically Transmitted Postal Ballot System for NRIs.

What is the plan?

- The Election Commission of India has proposed to give postal voting rights not proxy voting to NRIs.
- This means the government only needs to amend the Conduct of Election Rules 1961.
- It doesn't require Parliament's approval.

The current strength of NRI

- As per the MEA, Indian NRI population is around 13.5 million

What are the existing norms?

- As per the existing norms, overseas voters would have to be physically present for casting vote.
 - ▶ He/she can only vote in person and will have to produce his/her passport in original at the polling station for establishing identity.
 - ▶ Voting rights for NRIs were introduced only in 2011, through an amendment to the Representation of the People Act 1950.
- Only service voters are allowed to cast their vote through Electronically Transmitted Postal Ballot System.
- Service Voters are members
 - ▶ in the Armed Forces of India
 - ▶ from Assam Rifles, CRPF, BSF, ITBF; GREF in Border Road Organisation; Central Industrial Security Force
 - ▶ employed under the Government of India, in a post outside India
 - ▶ member of an Armed Police Force of a State, and serving outside that state

5 Rajya Sabha Elections

Context: Elections for more than 70 Rajya Sabha seats will be held this year with 69 members set to retire.

About

- Rajya Sabha is a permanent body and is not subject to dissolution
- The Vice President of India is the ex-officio Chairman of Rajya Sabha.
- **Composition:**
 - ▶ Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and the two Union Territories.
 - ▶ The Rajya Sabha currently has 245 members including:

- 233 elected members and 12 nominated
- Nominated members of the Rajya Sabha are picked by the President of India. These MPs are luminaries from the world of economics, sports, literature, art, social service etc.
- The Vice-President is the chairperson of the Rajya Sabha

- **Tenure:**

- Every Rajya Sabha MP has tenure of six years and elections to one-third seats are held every two years.
- According to Section 154 of the Representation of the People Act 1951, a member has chosen to fill a casual vacancy will serve for the remainder of his predecessor's term of office.

Allocation of Seats

- The Fourth Schedule to the Constitution provides for the allocation of seats to the States and Union Territories in Rajya Sabha, depending on its population.

Qualifications

- Article 84 of the Constitution lays down the qualifications for membership of Parliament. A person to be qualified for the membership of the Rajya Sabha should possess the following qualifications:
- He must be a citizen of India and make and subscribe before some person authorized in 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;
- He must be not less than 30 years of age;
- He must possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

6 New Rules for Postal Ballot

Context: In order to make the procedure to opt for postal ballot more convenient for those above 80 years of age and people with disabilities, the Election Commission (EC) has come out with a set of new instructions.

- **What are the new instructions?**

- The form required to opt for the postal ballot would be delivered by the booth level officer under his polling station, at the residence of-
 - all those above 80 years of age
 - people with disabilities
- It would be up to these two category of voters to opt for postal ballot
- If he/she opts for postal ballot, then the booth level officer will collect the filled-in form 12-D from the house of the elector within five days of the notification and deposit it with the returning officer forthwith.

What is postal voting?

- A restricted set of voters can exercise postal voting.
- Through this facility, a voter can cast her vote remotely by recording her preference on the ballot paper and sending it back to the election officer before counting.

Who can avail this facility?

- Members of the armed forces like the Army, Navy and Air Force, members of the armed police force of a state (serving outside the state), government employees posted outside India and their spouses are entitled to vote only by post.

- In other words, they can't vote in person.
- Special voters such as the President of India, Vice President, Governors, Union Cabinet ministers, Speaker of the House and government officers on poll duty have the option to vote by post. But they have to apply through a prescribed form to avail this facility.
- Voters under preventive detention can also vote only by post.

Absentee Voters

- Recently, the Law Ministry, at the Election Commission's behest, introduced a new category of 'absentee voters', who can now also opt for postal voting.
- These are voters employed in essential services and unable to cast their vote due to their service conditions.
- Currently, officials of the Delhi Metro Rail Corporation, Northern Railway (Passenger and Freight) Services and media persons are notified as absentee voters.

8

MISCELLANEOUS

1 Corruption Perception Index 2020

Context: India's rank has slipped six places to 86th among 180 countries in corruption perception index (CPI) in 2020.

Corruption Perception Index (CPI)

- ▶ Released by: Transparency International (TI).
- ▶ The Corruption Perceptions Index (CPI) is the leading global indicator of public sector corruption, providing an annual snapshot of the relative degree of corruption in 180 countries and territories.
- ▶ The index ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and business people.
- ▶ It uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean.
- ▶ A country with a higher score has a higher rank.

Key-findings of the Index

- India ranked at 86th position with a score of 40 while more than two-thirds of countries scored below 50, with a global average score of just 43.
- India's score is below the average score of the Asia-Pacific region (31 countries) and global average.
- India was ranked at 80th position out of 180 countries in 2019.
- With a score of 31, India's neighbour Pakistan ranked at 124. Other top-scoring nations include Singapore with a score of 85, Australia with 77 and Hong Kong also with 77.
- This year, New Zealand and Denmark rank at first position with scores of 88.
- Somalia and South Sudan rank lowest at 179th position with scores of 12.

2 S.P. Balasubramaniam, Shinzo Abe awarded Padma Vibhushan

Context: Late singer and music composer S.P. Balasubramaniam, former Japanese Prime Minister Shinzo Abe and Islamic scholar Maulana Wahiduddin Khan have been conferred India's second highest civilian award, the Padma Vibhushan.

About the Civilian Awards

• Bharat Ratna

- The Bharat Ratna is the highest civilian award of the Republic of India.
- The award is conferred in recognition of exceptional service/performance of the highest order, without distinction of race, occupation, position, or sex.
- A maximum of three nominees being awarded per year.
- The recipients receive a Sanad (certificate) signed by the President and a peepal leaf-shaped medallion.
- There is no monetary grant associated with the award.
- Two Non-Indians Bharat Ratna recipients: Abdul Ghaffar Khan and Nelson Mandela, born in and citizen of South Africa.

• Padma Vibhushan

- The Padma Vibhushan is the second-highest civilian award of the Republic of India, after the Bharat Ratna.
- The award is given for "exceptional and distinguished service", without distinction of race, occupation, position, or sex.
- The award criteria include "service in any field including service rendered by Government servants".
- It has also been awarded to some distinguished individuals who were not citizens of India.

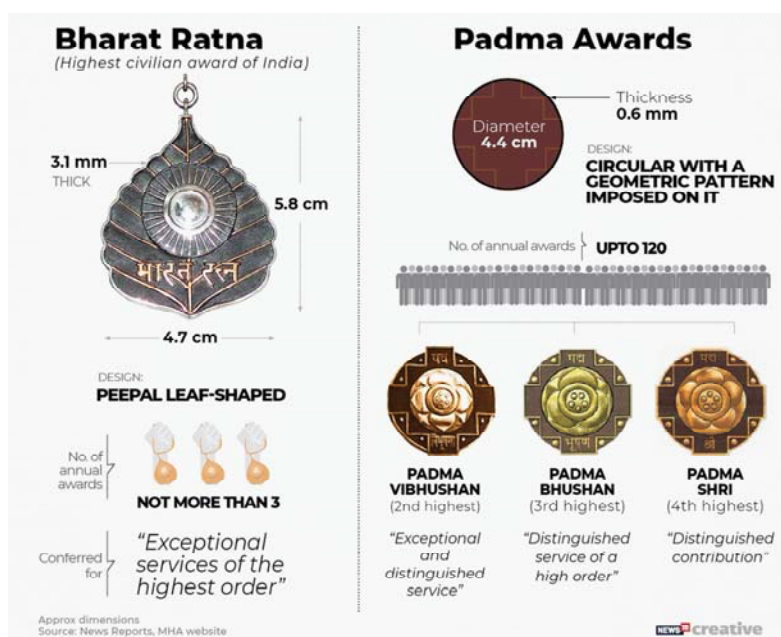
• Padma Bhushan

- The Padma Bhushan is the third-highest civilian award in the Republic of India.
- It has also been awarded to some distinguished individuals who were not citizens of India.

• Padma Shri

- Padma Shri is the fourth-highest civilian award in the Republic of India.
- It has also been awarded to some distinguished individuals who were not citizens of India.

THE HIERARCHY OF CIVILIAN AWARDS



3 India Report on Digital Education, 2020

Context: The Ministry of Education (earlier MHRD) has launched India Report on Digital Education, 2020.

About:

- The report has been prepared by Digital Education Division of MoE in consultation with Education Departments of States and UTs.
- Report observes the digital preparedness of states to deliver education through online medium
- Ministry of Education has initiated many projects to assist teachers, scholars and students in their pursuit of learning like DIKSHA platform, SwayamPrabha TV Channel, Online MOOC courses, On Air – ShikshaVani, DAISY by NIOS for differently-abled, e-PathShala, National Repository of Open Educational Resources (NROER) to develop e-content and energized books, telecast through TV channels, E-learning portals, webinars, chat groups, distribution of books and other digital initiatives along with State/ UT Governments.

Digital initiatives by States governments

- Some of the major digital initiatives by State Governments are:
 - SMILE (Social Media Interface for Learning Engagement) in Rajasthan
 - Project Home Classes in Jammu
 - PadhaiTunharduvaar (Education at your doorstep) in Chhattisgarh
 - Unnayan Initiatives in Bihar through portal and mobile application
 - Mission Buniyaad in NCT of Delhi
 - Kerala's own educational TV channel (Hi-Tech school programme)
 - E-scholar portal as well as free online courses for teachers in Meghalaya.
 - Telangana has online certificate programs for teachers on 'Management of mental well-being during COVID'.

4 Rule of Law Index

Context: The Supreme Court refused to entertain a plea seeking a direction to the Centre, states and UTs to set up expert committees to improve India's "pathetic" 69th global ranking on the Rule of Law Index (RLI).

About:

- The World Justice Project Rule of Law Index is the world's leading source for original, independent data on the rule of law.
- Covering 128 countries and jurisdictions, the Index relies on national surveys of more than 130,000 households and 4,000 legal practitioners and experts to measure how the rule of law is experienced and perceived worldwide.
- It is based on a nation's performance on factors such as government openness, fundamental rights, civil and criminal justice and containing corruption.
- The World Justice Project defines the 'rule of law' system as one in which the following four universal principles are upheld:
 - The government and its officials and agents are accountable under the law
 - The laws are clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property

- The process by which the laws are enacted, administered, and enforced is accessible, efficient, and fair.
- Justice is delivered by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources and reflect the makeup of the communities they serve.
- The nation's ranking in the Index "confirms poor performance in eight sectors-
 - constraints on government powers
 - absence of corruption
 - open government
 - fundamental rights
 - public order and security
 - regulatory enforcement
 - civil and criminal justice

5 World Press Freedom Index 2020

Context: India has dropped two places on a global press freedom index to be ranked 142nd out of 180 countries in the report prepared by Reporters Without Borders.

About:

- Published every year since 2002 by Reporters Sans (Without) Borders (RSF), or Reporters Without Borders, the World Press Freedom Index is an important advocacy tool based on the principle of emulation between states.

What does the index measure?

- The Index ranks 180 countries and regions according to the level of freedom available to journalists.
- It is a snapshot of the media freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists in each country and region.
- It does not rank public policies even if governments obviously have a major impact on their country's ranking.
- Nor is it an indicator of the quality of journalism in each country or region.

Key-highlights of the index:

- Among the nations with the top ranks are Scandinavian countries Norway, Finland and Denmark, while countries like North Korea (180), Vietnam (175) and Syria (174) were some of the lowest ranked.
- India ranked better than its neighbours Pakistan (145) and Bangladesh (151), but worse than Sri Lanka (127) and Nepal (112).
- North Korea: At the lowest rank of 180, North Korea scored the worst in terms of press freedom due to its leader Kim Jong-un's totalitarian regime that has kept its citizens in a "state of ignorance".
- In the year 2020 so far, across the world, 10 journalists have been killed, 229 imprisoned and 116 citizen journalists imprisoned while one media assistant was killed and 14 media assistants imprisoned across the world.

6 World Consumer Rights Day

Context: March 15 is celebrated as the World Consumer Rights Day throughout the world.

Who is a Consumer?

- As per the Consumer Protection Act, 2019, a person who buys any goods or avails a service is a consumer.
- The definition, however, does not include a person who buys a good for resale or a good or service for commercial purposes.

What are the consumers' rights in India?

- In India, consumer rights were protected under the Consumer Protection Act, 1986, before the act was replaced by the Consumer Protection Act, 2019.
- According to the Consumer Protection Act 2019, the definition of consumer rights is 'the right to have information about different aspects of a good or service such as its quality, quantity, potency, purity, price and standard.'
- In the Consumer Protection Act 1986, the lawmakers had defined six basic consumer rights:
 - **Right to safety:** Consumers are protected against marketing of goods and services that are hazardous to their life and property. It lays emphasis on the quality of goods and services.
 - **Right to be informed:** Consumers have right to be informed about quality, quantity, content, purity, regulatory standards and prices of goods and no such information should be intentionally hidden from them.
 - **Right to choose:** Whenever possible, consumers should be given access to a variety of goods and services at different prices.
 - **Right to be heard:** Consumer's interests should be heard and taken into account. They have the right to form organisations that will represent them in all related matters.
 - **Right to seek redressal:** Consumers have the right to seek redressal against unfair practices and exploitation.
 - **Right to consumer education:** Consumers have the right to acquire knowledge in order to become an informed consumer.
- Additionally, the Consumer Protection Act 2019 had introduced five new consumer rights:
 - Right to file a complaint from anywhere
 - Right to seek compensation under product liability
 - Right to protect consumers as a class
 - Right to seek a hearing using video conferencing
 - Right to know why a complaint was rejected
- Other important Regulation protecting Consumers:
 - The Contract Act 1872
 - The Sale of Goods Act 1930
 - Competition Act, 2002
 - Bureau of Indian Standard Act 2016

7

How 'Hindi' stands the test among a plethora of languages in India?

Context: The new education policy has made Hindi the centre of a controversy. The main clause that came under fire was the "3-language formula", which is seen as a move to impose Hindi on non-Hindi speaking states.

Language provisions in the Constitution of the Indian Union

- The Constitution adopted in 1950 stipulated that English and Hindi would be used for the Union's official business for a period of fifteen years.
- After that time, Hindi was supposed to become the sole official language of the Union.
- It proved impossible to replace English with Hindi, however, because of strong opposition from the southern states, where Dravidian languages were spoken.

Does India have any national language?

- **No. India does not have any national language.**
 - A national language is a language that is symbolic of a country, usually for historic, cultural and ethnic reasons.
 - An official language is only designated for communication at the official level.

Important facts on Hindi

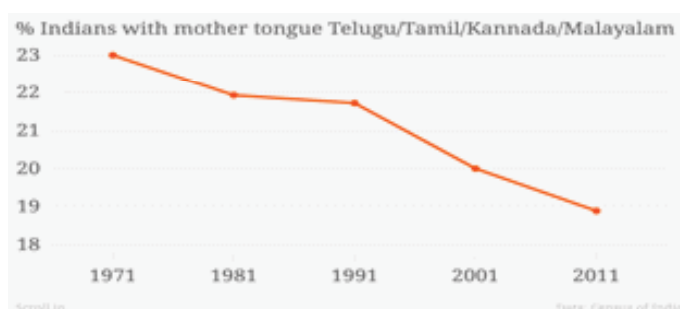
- Hindi belongs to the Indo-Aryan branch of the Indo-European family of languages. Hindi, along with English, are the official languages of India.
- According to Article 343, "The official language of the Union shall be Hindi in the Devanagari script. The form of numerals to be used for the official purpose of the Union shall be the international form of Indian numerals."
- Hindi was the language that was adopted by Indian leaders as a symbol of national identity during the struggle for freedom.
- Hindi has been used as a literary language since the twelfth century.

Proportion of South Indian language speakers falling

- While high population growth in North India has helped Hindi surge, lower population growth in the five Dravidian language-speaking states – Tamil Nadu, Karnataka, Kerala, Andhra Pradesh and Telangana – has resulted in the proportion of Telugu, Tamil, Kannada and Malayalam falling.
- In addition, growing migration from north to south has meant a greater presence of Hindi in the five southern states.

Classical Languages in India

- Tamil
- Sanskrit
- Telugu
- Kannada
- Malayalam
- Odia



Government schemes to protect the language

- **Protection and Preservation of Endangered Languages of India**
 - ▶ Under the scheme “Protection and Preservation of Endangered Languages of India”, the Central Institute of Indian Languages (CIIL) is working on the protection, preservation and documentation of endangered languages.
- **Atlas of the World’s Language in Danger is prepared by UNESCO**

8 UAPA and the growing crisis of judicial credibility in India

Context: The Democracy Report 2020 by V-Dem Institute claimed that the India is on the verge of losing its status as a democracy. However, much attention is required on the widespread use of the anti-terror law — the Unlawful Activities (Prevention) Act, 1967 or UAPA — in a growing number of instances.

Background:

- V-Dem is an independent research institute based at the University of Gothenburg
- The institute calls itself the world’s largest data collection project on democracy.
- India is on the verge of losing its status as a democracy due to the severely shrinking of space for the media, civil society.
 - ▶ Dramatic erosion of basic civil liberties, particularly media freedom and suppression of the freedoms of free speech and dissent as the key reasons for this major dip.

What does the Report say?

- The 2020 report, titled ‘Autocratisation Surges – Resistance Grows’, begins with figures that point to the fact that globally, the spirit of democracy is on the decline.
- For the first time since 2001, autocracies are in the majority and comprise 92 countries that are home to 54% of the global population.
- Major G20 nations and all regions of the world are now part of the “third wave of autocratisation” which is affecting major economies with sizeable populations, like India, Brazil, the US, and Turkey.
- India has continued on a path of steep decline, to the extent, it has almost lost its status as a democracy.

	CHANGE	LDI 2009	LDI 2019	REGIME TYPE 2009	REGIME TYPE 2019
Hungary	−0.36	0.76	0.40	Liberal Democracy	Electoral Autocracy
Turkey	−0.36	0.46	0.10	Electoral Democracy	Electoral Autocracy
Poland	−0.33	0.83	0.50	Liberal Democracy	Electoral Democracy
Serbia	−0.27	0.53	0.25	Liberal Democracy	Electoral Autocracy
Brazil	−0.25	0.76	0.51	Electoral Democracy	Electoral Democracy
India	−0.19	0.55	0.36	Electoral Democracy	Electoral Democracy
Mali	−0.17	0.48	0.31	Electoral Democracy	Electoral Autocracy
Thailand	−0.16	0.32	0.15	Electoral Autocracy	Closed Autocracy
Nicaragua	−0.16	0.22	0.06	Electoral Autocracy	Electoral Autocracy
Zambia	−0.15	0.42	0.27	Electoral Democracy	Electoral Autocracy

What are the problems with the UAPA?

- The UAPA was enacted in 1967 to promote and ensure national integration.

- Power to declare an organisation as unlawful and arrest of any member connected directly or indirectly.
- UAPA does not provide a judicial mechanism for organizations listed as unlawful to challenge such a designation.
- Recent amendment enables the centre to designate individuals as terrorist and arrest under preventive detention

9 On People's Alliance for Gupkar Declaration

Context: More than a year after the abrogation of the special constitutional status of the erstwhile state of Jammu and Kashmir (J&K) and its reorganisation, a number of mainstream political parties of Kashmir have come up with a joint response in the form of the People's Alliance for Gupkar Declaration (PAGD).

About:

- The formation of the alliance follows the spirit of the Gupkar Declaration that was adopted on 4 August 2019, a day before the changes in the structure of the state were announced in Parliament.
- Amidst the rumours that the Government of India was going to take some unprecedented steps in relation to J&K, the representatives of six mainstream parties of Kashmir had resolved that modification, abrogation of Article 35A and Article 370, or unconstitutional delimitation, or trifurcation of the state would be an aggression against the people of Jammu, Kashmir and Ladakh.
- It was therefore resolved that all parties be united to protect and defend identity, autonomy and the special status of J&K.

10 INFORM Risk Index 2020

Context: India Ranked 31st in INFORM Risk Index 2020 for Humanitarian crises & Disasters.

About:

- The report titled "INFORM Report 2020: Shared evidence for managing crises and disasters" is released by research centre INFORM and it is operating under European Commission (EU).
- The report ranked the countries based on "INFORM Risk Index" which has been topped by Somalia with an inform risk of 9
- This report is produced by the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA) on behalf of all INFORM Partners.
- North Korea ranks among the most dangerous places to live as its people are exposed to high risks of natural disaster, poverty and social injustice.
- North Korea was rated as the 39th most dangerous place.

11 Operation Samudra Setu

Context: In an effort to repatriate Indian Citizens from overseas, the Operation Samudra Setu was launched on 5th May 2020 by the Indian Navy.

About:

- The Operation Samudra Setu lasted over 55 days in which 3,992 Indian Citizens were brought back to their homeland by the sea route by the Indian Navy.

- Evacuation Operation like Samudra Setu was last conducted by the Indian Navy back in 2015 during Operation Rahat when 5600 people (960 were Foreign Nationals, Remaining Indian Citizens) were evacuated from Yemen.
- INS Jalashwa, and 3 Landing Ship Tanks- INS Airavat, INS Shardul, and INS Magar participated in Samudra Setu.
- INS Jalashwa made the last evacuation drive under the operation by bringing 687 Indian Citizens back to India from Iran's Bandar Abbas port.

12 AIM-iCREST

Context: NITI Aayog's Atal Innovation Mission in partnership with Bill & Melinda Gates Foundation and Wadhvani Foundation launched the AIM-iCREST.

About:

- AIM-iCREST is an incubator capabilities enhancement program for a robust ecosystem
- Its main features include:
 - Creating high performing Start-ups.
 - Up scaling and providing requisite support to AIM's incubators
 - Provide access to global expertise and showcase proven best practices to the AIM's incubator network.
 - Encourage and enable holistic progress in the incubator ecosystem across the country.
 - Providing training to entrepreneurs, through technology-driven processes and platforms.
- Advancing innovation at scale in India and a holistic progress in the incubator ecosystem will be the expected outcomes.

13 Call to bring Arunachal Pradesh under Sixth Schedule

Context: The revival of the demand for two autonomous councils has made the state government of Arunachal Pradesh to bring the state under the Sixth Schedule.

What is the Sixth Schedule?

- According to Article 244(2) of the Indian Constitution, the Sixth Schedule consists of provisions for the administration of tribal areas in-
 - Assam
 - Meghalaya
 - Tripura
 - Mizoram
- Passed by the Constituent Assembly in 1949, it seeks to safeguard the rights of the 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 can-
 - reorganize boundaries of the tribal areas.
 - Create a new autonomous district
 - include or exclude any area, increase or decrease the boundaries and unite two or more autonomous districts into one.

- alter or change the names of autonomous regions.

Autonomous districts and regional councils

- Along with ADCs, the Sixth Schedule also provides for separate Regional Councils for each area constituted as an autonomous region.
- In all, 10 areas in the Northeast are registered as autonomous districts –
 - ▶ three in Assam, Meghalaya, and Mizoram each
 - ▶ one in Tripura
- These regions are named as district council of (name of district) and regional council of (name of 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. All of them remain in power for a term of five years.
- The Bodoland Territorial Council, however, is an exception as it can constitute up to 46 members out of which 40 are elected.

What are the demands?

- The demand is to bring Arunachal Pradesh under the ambit of the Sixth Schedule and amend Article 371(H) to protect the rights of its indigenous population
- This would provide special rights to all Arunachalees on matters of religious and social practices, customary law, land (ownership, transfer, and control), etc under the Indian Constitution.

The current governing structure in Arunachal Pradesh

- **Fifth Schedule:** The Frontier State of Arunachal Pradesh bordering Bhutan, China, and Myanmar is under the Fifth Schedule that “does not provide special rights for the indigenous communities” unlike the Sixth Schedule.
- **Article 371H:** entrusts the governor with special responsibility with respect to law and order.

Why Arunachal Pradesh is demanding rights at par with Nagaland under Article 371A?

- **Article 371A:** Nagaland, on the other hand, is governed by Article 371A, which states 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.

14 Assam celebrates the first anniversary of BTR agreement

Context: Assam celebrated the first anniversary of the historic Bodoland Territorial Region (BTR) agreement.

What is Bodo Accord?

- The 3rd Bodo Accord was signed in New Delhi on January 27 last year by the Centre with all four factions of-

- National Democratic Front of Bodoland (NDFB)
- the All Bodo Students Union (ABSU)
- United Bodo Peoples' Organisation (UBPO)
- It was expected to end decades-old violent demand for a separate Bodoland state and bring peace to areas dominated by Bodos, the largest tribe in Assam.

Details of the Accord

- The existing Bodoland Territorial Areas District (BTAD) shall be renamed as Bodoland Territorial Region comprising area covered under BTAD.
- The number of seats in BTAD will be increased from 40 to 60
- Government of Assam shall set up a Bodo-Kachari Welfare Council for focused development of Bodo villages outside BTAD in the lines of other existing Councils for Plains Tribes
- GOI to expedite the process of granting Hills tribe status to Bodos living in Hills areas
- A central university will be set up at Barama in the name of UpendraNath Brahma
- Special industrial policy for BTAD
- Railway coach factory to be set up in BTAD area
- Sports Authority of India (SAI) centre to be set up at Udalguri, Baksa, and Chirang
- DC, SP will be appointed in consultation with BTC authority
- A National Sports University will be set up

The previous pacts

- This is the third pact signed between the government with Bodo tribes so far.
- **1993:** All Bodo Students Union (ABSU) and the government of India signed the first agreement in 1993.
 - The deal helped in the creation of Bodoland Autonomous Council.
 - The Bodos were unsatisfied with the pact as their demands were not met which led to an armed movement for a separate Bodoland.
- **2003:** In 2003, the second agreement was signed between Government of India and extremist group Bodo Liberation Tigers (BLT).
 - This pact led to the formation of Bodoland Territorial Council within four districts - Udalguri, Chirang, Baksa and Kokrajhar.
 - These areas are commonly called the Bodoland Territorial Area District (BTAD).

Who are Bodo?

- The Bodo people are the largest tribe of Assam settled in the northern part of the Brahmaputra river valley. It is estimated that the Bodo tribe comprise 28 per cent of Assam's population.

Bodo-Kachari Autonomous Welfare Council

The State Cabinet has also created Bodo-Kachari Autonomous Welfare Council outside the sixth schedule area for the welfare of the community, particularly for those who living outside the areas of the Bodoland Territorial Region (BTR).

- The Sixth Schedule of the Constitution has provisions for the administration of tribal areas in the border states of Assam, Meghalaya, Tripura and Mizoram.

- It has provisions for the constitution of autonomous districts and councils.
- With this, the Assam government has fulfilled one of the key promises of the 3rd Bodoland accord signed with the National Democratic Front of Bodoland (NDFB)

15 One year on, no withdrawal of Pathalgadi cases

Context:

- In December 2019, the state government of Jharkhand had decided to drop “all cases” related to the Pathalgadi movement of 2017-2018.
- Almost a year later, the government is still to send a requisition to the court to withdraw the cases, many of which involved charges of sedition.

What is Pathalgadi?

- The Pathalgadi movement originated in the Khunti area of the state.
- ‘Pathalgadi’ literally means ‘carving a stone’ — it is an ancient tradition in the tribal communities of Jharkhand.

Stone Plaques

- Stone plaques and signboards dismiss the authority of the central or the state governments on their villages.
 - These are meant to serve as warnings to the outsiders.
 - The stone plaques and signboards also contain “orders” prohibiting outsiders from entering the tribal village.
 - They proclaim allegiance to the Constitution but reject any authority except their gram sabhas (village assemblies).
 - They claim to be the real “Bharat Sarkar” (the government of India).
 - Their fight is aimed to reclaim their rights over “jal, jangal and zameen (water, forest and land)”.
-
- Adivasis usually erected engraved stones to mark the birth or death of a person.
 - It is also done in honour of their ancestors, to announce important decisions regarding their families and villages or to simply mark the boundary of their villages.
 - The practice is still being followed even today in the Munda areas of Khunti.
 - Pathalgadis have their presence in Jharkhand, Chhattisgarh, Odisha and parts of West Bengal and Madhya Pradesh.
 - This was first used to create political awareness when the Panchayat (Extension of Scheduled Area) Act (PESA) came into force in 1996.
 - That Act empowered the gram sabhas or panchayats to safeguard and preserve their traditions, community spaces and culture, and gave them the right to mandatory consultation in land acquisition.
 - The Fifth Schedule of the Constitution deals with the administration and control of Scheduled Areas.

Revival of the movement

- The Pathalgadi movement was to save tribal land rights, when the Jharkhand government introduced amendments to the Chotanagpur Tenancy Act 1908 and the Santhal Pargana Tenancy Act 1949

Chotanagpur Tenancy Act and Santhal Pargana Tenancy Act

Since both Chota Nagpur and the Santhal Pargana are tribal-populated regions in Jharkhand, these Acts contained elaborate rules to protect their land rights. Together, these Acts granted special protection and land rights to the tribals and prohibited the transfer of tribal land to non-tribals or the commercial use of the land without the permission of the concerned gram sabha.

Is Pathalgadi movement 'inspired' from Satipati movement?

- It is widely believed that Pathalgadi movement is "inspired" from Gujarat's Satipati movement that denounces the government of India and doesn't believe in its laws.
 - Satipati followers believe that they have the sovereign right over the forest and other natural resources.
 - They are known for boycotting votes and government benefits, among others.
 - However, the Satipati movement has remained non-violent in the state, which originated from Vyara in Tapi district by Kunwar Keshri Singh.

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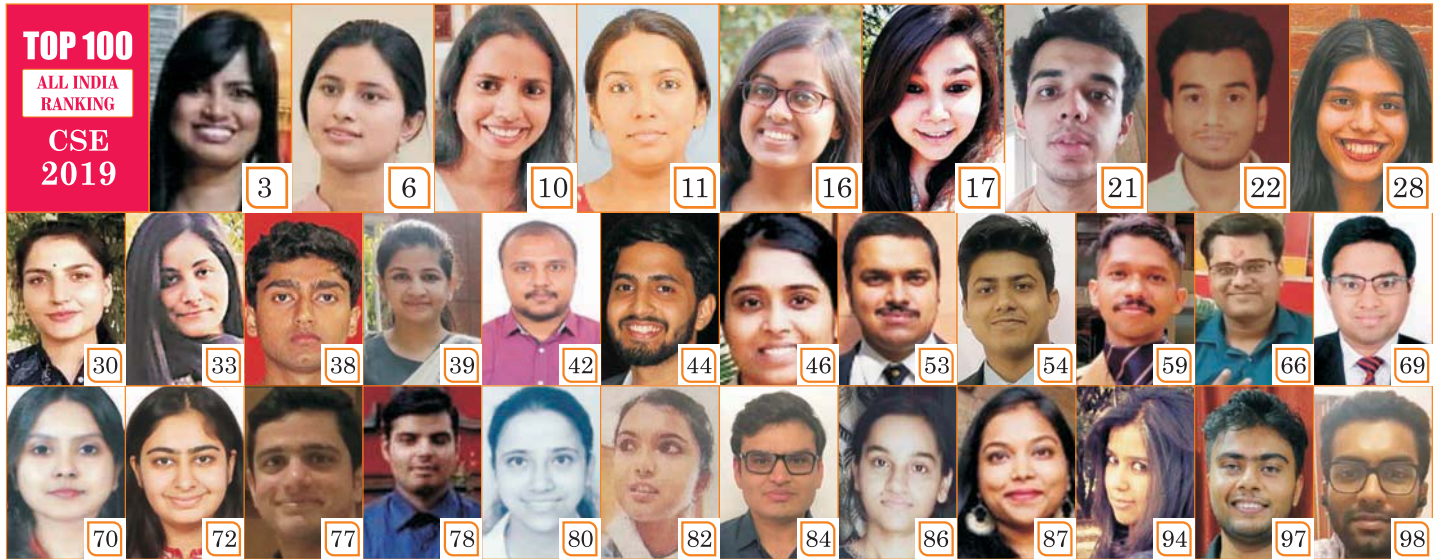
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