

Basic Structure of Constitution

FRONTLINE

KESAVANANDA BHARATI

**Kesavananda Bharati:
Unwitting saviour of
democracy**

R. KRISHNAKUMAR IN THIRUVANANTHAPURAM

Print edition : October 09, 2020



Kesavananda Bharati, the seer of Edneer mutt. Photo: By SPECIAL ARRANGEMENT

Kesavananda Bharati (1940–2020) never got the relief that he prayed for before the Supreme Court, but helped win the most significant decision in Indian judicial history when the court evolved an innovative 'basic structure doctrine' and placed itself as the arbiter of Parliament's power to amend the Constitution.

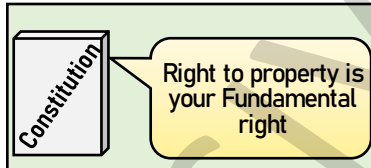
❖ **News:** Kesavanand Bharti passed away

❖ **Prelims:**

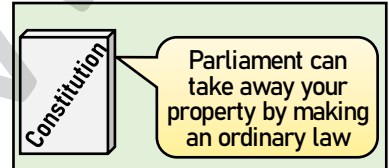
- # Right to property
- # Judicial review, Article 13
- # 9th Schedule
- # Basic structure
- # Constitution Amendment
- # Coelho case

Right to Property

Before 44th CAA 1978



After 44th CAA 1978



Prelims 2005:

Consider the following statements:

1. **Article 301** pertains to Right to Property. **Article 300-A**
2. Right to Property is a legal right but not a Fundamental Right.
3. Article 300-A was inserted in the Constitution of India by the **Congress Government** at the Centre by the 44th Constitutional Amendment. **Janta Party**

Which of the statement given above is/are correct?

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

Right to Property

Type of right

Fundamental right? No
Legal right? Yes

Original Constitution had 19(f) & 31:

- ✓ Fundamental right, but:
 - can be taken for public purpose
 - compensation is compulsory

44th Const. Amend. Act 1978:

- ✓ Removed 19(f) & 31
- ✓ Inserted 300-A
- ✓ Not a fundamental right
- ✓ Law can take away property
- ✓ Compensation not necessary

Compensation

Compensation is necessary only if:

- a. property was of **minority educational** institution (Article 30)
- b. property was under **personal cultivation** (Article 31-A) (Article 31-A was added by 1st amendment 1951)

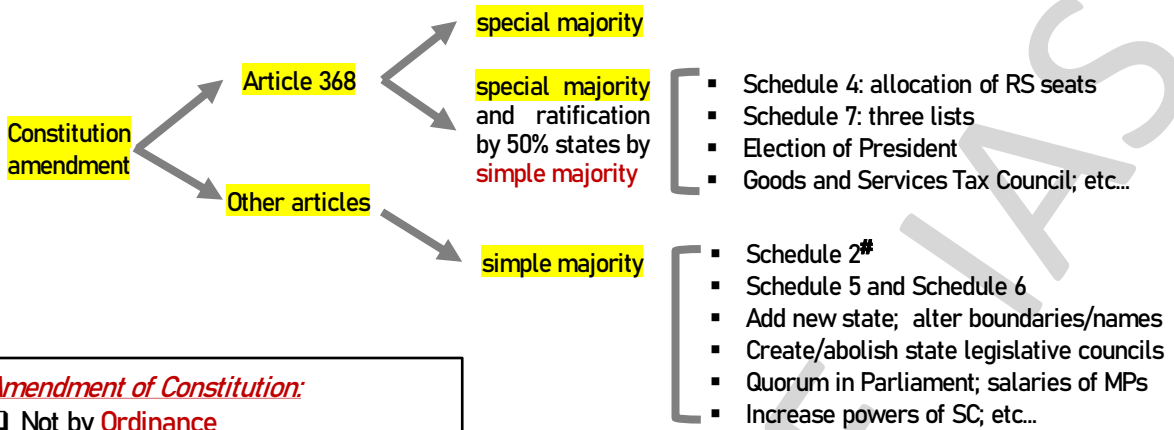
Remember:

- ✓ 300-A: no person shall be deprived of his property save by authority of law
- ✓ 300-A protects property against **executive action**
- ✗ 300-A protects property against **legislative action** ✗

Adverse possession

- ❖ If someone illegally occupied your property for **12 years**, and you did not take legal action, then **you lose its ownership**.
- ❖ But, govt. cannot use this method to take over your property.

Amendment of Constitution



Amendment of Constitution:

- Not by **Ordinance**
- No **joint** sitting
- President **must give assent**; can't withhold or return (24th amendment)
- Bill can be presented:
 - in **either** house
 - by **private** member also

*Schedule 2: Emoluments etc of:

(Executive, Legislature, Judiciary, CAG)

- ✓ President, Governors
- ✓ Speaker, Dy. Speaker, Chairman, Dy. Chairman of LS/RS/SLA/SLC
- ✓ Judges of SC and HCs
- ✓ CAG

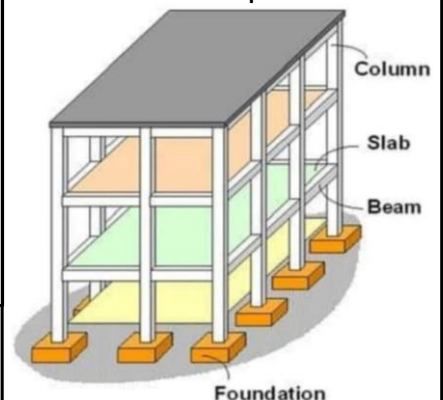
Recent amendments: 101st : GST 102nd : NCBC 103rd : EWS 104th : Reservation in LS/SLA

Basic Structure

Doctrine of Basic structure?

- Not written in constitution**; introduced by SC in Kesavanand Bharati case 1973
- Judiciary decides** what comes under basic structure
- NCRWC 2002** (Venkatachaliah Comm.) **did not oppose** it
- Need?
 - Constitution does not explicitly **restrict parliament's power** to amend Constitution
 - Absence of Basic structure leads to **Rule by Law** instead of **Rule of law** (to be discussed later)

Disturbing basic structure will cause catastrophic failure



Basic structure:

- Federalism; Democracy; Secularism; Equality; Rule of law
- Limited power of Parliament to amend Constitution;
- Independent judiciary; Judicial review
- Powers of SC u/a 32, 136, 141, 142; and HC u/a 226, 227
- Parliamentary system; Separation of power
- Harmony and **balance between FRs & DPSPs**
- Free & fair **elections**; and many more...

- Article 226:** issue order/writ for FR or other purpose
- Article 227:** HC has superintendence on courts/tribunals in its area

- Article 32:** approach SC for FR
- Article 136:** Special leave petition (except military tribunal & court martial)
- Article 141:** SC decision binding on other courts
- Article 142:** SC can pass any order necessary to do "complete justice"

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Kesavananda Bharati. This ruling has contributed to the evolution of the Constitution in the following ways:

- ◆ It has set specific limits to Parliament's power to amend the Constitution. It says that no amendment can violate the basic structure of the Constitution;
- ◆ It allows Parliament to amend any and all parts of the Constitution (within this limitation); and
- ◆ It places the Judiciary as the final authority in deciding if an amendment violates basic structure and what constitutes the basic structure. - NCERT

Kesavananda Bharati Case:

- Head of Edneer Mutt (Kerala) challenged acquisition of his land by govt.
- 13 Judge bench (largest ever);
- Judgement came on **24th April 1973**
- Upheld 24th amendment
- Parliament can **take away any FR**
- Gave **basic structure doctrine**
- Judiciary will decide** basic structure
- Right to property** is not part of basic structure
- Preamble** is part of Constitution

1951	Shankari Prasad	<input type="checkbox"/> Parliament can amend anything
1965	Sajjan Singh	<input type="checkbox"/> Parliament can amend anything <input type="checkbox"/> Dissenting judgement: Constitution has some 'basic features'
1967	Golak Nath	<input type="checkbox"/> Parliament can't amend FR (11 judge bench)
1971	24th Amendment	<input type="checkbox"/> Parliament can amend FR
1973	Kesavanand Bharati	<input type="checkbox"/> 24 th Amendment is correct <input type="checkbox"/> Basic structure doctrine
1975	42nd Amendment	<input type="checkbox"/> Parliament can amend anything
1980	Minerva Mills	<input type="checkbox"/> Parliament has limited amending power <input type="checkbox"/> Can't use limited power to get unlimited power
1981	Waman Rao	<input type="checkbox"/> Basic structure doctrine does not apply retrospectively

Ninth Schedule

Ninth Schedule:

- a) Article 31B: laws in 9th schedule **can't be challenged in courts**
- b) Added by **1st amendment** 1951 to protect zamindari abolition laws
- c) Has both **central & state** laws; initially 13 laws, currently 284.

I. R. Coelho case 2007:

- 9th schedule not immune to judicial review (part of basic structure)
- Law placed in 9th schedule is unconstitutional if:
 1. it violates any FR, and
 2. it violates basic structure

Prelims 2003:

The Ninth Schedule to the Indian Constitution was added by:

- (a) **1st Amendment**
- (b) 8th Amendment
- (c) 9th Amendment
- (d) 42nd Amendment

Prelims 2018:

Consider the following statements:

1. The Parliament of India can place a particular law in the Ninth Schedule of the Constitution of India
2. The validity of a law placed in the Ninth Schedule cannot be examined by any court and no judgement can be made on it.

Which of the statements given above is/are correct?

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

Prelims 2019:

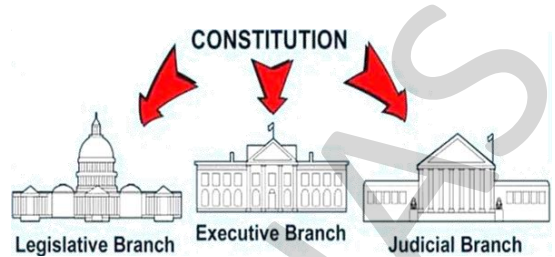
Ninth schedule was introduced in Constitution during prime ministership of:

- (a) Jawaharlal Nehru**
- (b) Lal Bahadur Shastri
- (c) Indira Gandhi
- (d) Morarji Desai

Article 13 and Judicial review

"Judicial review" & "independence of judiciary"
borrowed from? **US Constitution**

Perhaps the most important power of the Supreme Court is the power of judicial review. Judicial Review means the power of the Supreme Court (or High Courts) to examine the constitutionality of any law if the Court arrives at the conclusion that the law is inconsistent with the provisions of the Constitution, such a law is declared as unconstitutional and inapplicable. The term judicial review is nowhere mentioned in the Constitution. However, the fact that India has a written constitution and the Supreme Court can strike down a law that goes against fundamental rights, implicitly gives the Supreme Court the power of judicial review.
— NCERT



Prelims 2015:

Which of the following is custodian of Indian Constitution?

- (a) President of India
- (b) Prime Minister of India
- (c) Lok Sabha Secretariat
- (d) Supreme court of India**

Central/state law, ordinance,
rules, regulations, orders.....

as article 32 itself is a FR

- This line was inserted by 24th amendment 1971
- In Kesavanand Bharati case, SC agreed with this
- Hence, Constitution Amendment can take away FR
- But, "Basic Structure" should not be harmed

- Article 13:** law that takes away FR shall be void; Constitution amendment is not 'law'
 - Article 32:** empowers (and binds) SC to do so
 - Article 226:** empowers HCs to do so (i.e. even HC can strike down Central laws)
- Hence, Article 13 provides for 'judicial review' (But this term is not used in the Constitution)

Prelims 2017:

In India, Judicial Review implies

- (a) power of Judiciary to pronounce upon the constitutionality of laws and executive orders**
- (b) power of Judiciary to question the wisdom of the laws enacted by the Legislatures
- (c) power of Judiciary to review all legislative enactments before they are assented by President
- (d) power of Judiciary to review its own judgements given earlier in similar or different cases

Prelims 2019:

With reference to the Constitution of India, consider the following statements:

1. No **High Court** shall have the jurisdiction to declare any **central law** to be constitutionally invalid.
2. An **amendment** to the Constitution of India cannot be called into question by the Supreme Court of India.

Which of the statements given above is/ are correct?

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

Prelims 2020:

Consider the following statements:

1. **Constitution** of India **defines** its 'basic structure' in terms of federalism, secularism, fundamental rights & democracy
2. **Constitution** of India provides for '**judicial review**' to safeguard the 'citizens' liberties and to preserve the ideals on which the constitution is based.

Which of the statements given above is/are correct?

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

Donald Trump becomes first U.S. President to be impeached twice

AP

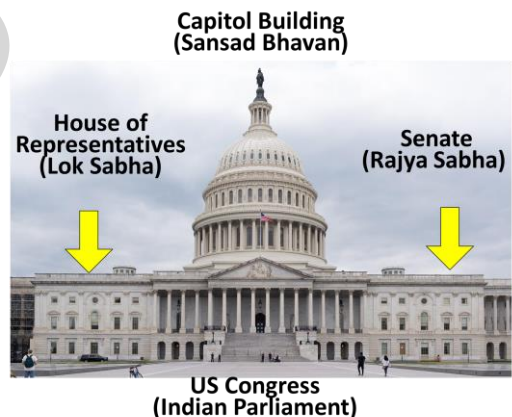
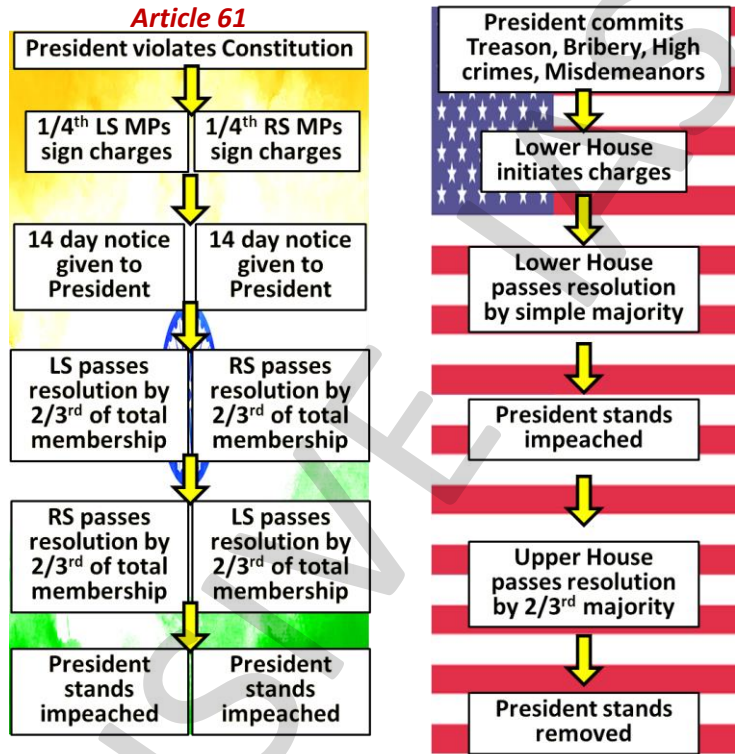
WASHINGTON, JANUARY 14, 2021 03:22 IST
 UPDATED: JANUARY 14, 2021 08:21 IST

President Donald Trump was **impeached by the U.S. House** for a historic second time on January 13, charged with **"incitement of insurrection"** over the deadly mob siege of the Capitol in a swift and stunning collapse of his final days in office.

Also read: [In latest video, Trump unequivocally condemns Capitol Hill violence](#)

With the Capitol secured by armed National Guard troops inside and out, the House voted 232-197 to impeach Mr. Trump. The proceedings moved at lightning speed, with lawmakers voting just one week after violent pro-Mr. Trump loyalists stormed the U.S. Capitol, urged on by the President's calls for them to **"fight like hell"** against the election results.

USA President impeached twice



Features borrowed from US Constitution:

FRs, Post of VP, Independence of judiciary, Judicial review, Removal of President/SC/HC judges

Prelims 2005:

Consider the following statements:

- Constitution of USA came into force in **1810** **1789**
- All revenue bills must originate in the House of Representative of the US Congress.
- George W. **Bush is the only** President in the history of USA whose father was also the President of USA.

Which of the given statements is/are correct?

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

US Presidents impeached:

- 1868, Andrew Johnson
 - 1998, Bill Clinton
 - 2019, Donald Trump
- No one removed so far

Not for Prelims:

- ❖ 2nd John Adams (1797-1801)
- ❖ 6th John Quincy Adams (1825-29)
- ❖ 41st George H. W. Bush (1989-93)
- ❖ 43rd George W. Bush (2001-09)

<p>President:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Part of Executive (Prez/VP/PM/CoM/AG) <input type="checkbox"/> Part of Parliament (Prez, LS, RS) <input type="checkbox"/> Head of State, not Head of Govt <input type="checkbox"/> All Executive actions taken in his name 	<p>Qualifications:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Citizen (But in USA he should be citizen-by-birth) <input checked="" type="checkbox"/> 35 years; qualified for LS election; no OoP <input type="checkbox"/> 50 electors each as proposers and seconders <input type="checkbox"/> ₹15,000 deposit with RBI; forfeited if < 1/6th votes
---	---

<p>Elections:</p> <ul style="list-style-type: none"> <input type="checkbox"/> by electoral college of elected MPs & MLAs (including Delhi/Puducherry) <input type="checkbox"/> Non-participants: Nominated MP/MLA; MLC; MLA of dissolved assembly <input type="checkbox"/> PR by single transferable vote; not FPTP; this ensures absolute majority <input type="checkbox"/> Secret ballot; Conducted by ECI; Returning Officer is LS/RS Secy General <input type="checkbox"/> Disputes inquired and decided by Supreme Court <input type="checkbox"/> Even if election is declared void, actions already taken are not void 	<p>Oath:</p> <ul style="list-style-type: none"> <input type="checkbox"/> to preserve, protect and defend Constitution & law <input type="checkbox"/> Given by CJI / senior most SC Judge
---	---

<p>Term:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 5 year term (or until successor comes) <input type="checkbox"/> Resigns to VP (not CJI); VP informs L S Speaker <input type="checkbox"/> Re-election any no. of times (USA total two terms) 	<p>Impeachment:</p> <ul style="list-style-type: none"> <input type="checkbox"/> for violation of Constitution (not defined) <input type="checkbox"/> for proven misbehaviour? No <input type="checkbox"/> by LS and RS MPs (elected and nominated)
---	---

<p>Immunity:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Official acts: → personal immunity from legal liability <input type="checkbox"/> Personal acts: → criminal proceedings: no → civil proceedings: after two months notice → He cannot be arrested or imprisoned 	<p>Vacancy: (death, resign, etc... but not expiry of term)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Acting Prez: VP → CJI → senior-most SC judge <input type="checkbox"/> Hold elections within 6 months <p>Mohammad Hidayatullah:</p> <ul style="list-style-type: none"> <input type="checkbox"/> only one to have served as President, VP, CJI <input type="checkbox"/> 1968-70 CJI; July-August 1969 Acted as Prez <input type="checkbox"/> 1979-84 VP; October 1982 Acted as Prez
---	---

<p>Important:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Impeachment of President → violation of Constitution <input type="checkbox"/> Removal of SC/HC Judge → proven misbehaviour or incapacity

<p>Prelims 2018:</p> <p>Consider the following statements:</p> <ol style="list-style-type: none"> 1. No criminal proceedings shall be instituted against Governor in any court during his term of office. 2. Emoluments & allowances of Governor shall not be diminished during his term of office. <p>Which of the statements given above is/are correct?</p> <p>(a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2</p>

<p>Prelims 1997:</p> <p>Which of the following are/is stated in the Constitution of India?</p> <ol style="list-style-type: none"> 1. The President shall not be a member of either House of Parliament 2. The Parliament shall consist of the President and two Houses <p>Choose the correct answer from the codes given below:</p> <p>(a) Neither 1 nor 2 (b) Both 1 and 2 (c) Only 1 (d) Only 2</p>

<p>Prelims 1996:</p> <p>Which one of the following is a part of the electoral college for the President but, not the forum for his impeachment?</p> <p>(a) Lok Sabha (b) Rajya Sabha (c) State Legislative Councils (d) State Legislative Assemblies</p>
--

These formulas are 'not important' for Prelims

$$\text{Value of an MLA's vote} = \frac{\text{Population of state (1971 census)}}{\text{Number of elected MLAs}} \times \frac{1}{1000}$$

$$\text{Value of an MP's vote} = \frac{\text{Total value of MLA votes}}{\text{Number of elected MPs}}$$

$$\text{Electoral quota} = \frac{\text{Valid votes}}{2} + 1$$

Prelims 2018:

With reference to the election of the President of India, consider the following statements:

1. The value of the vote of each MLA varies from State to State.
2. The value of the vote of MPs of the Lok Sabha is more than the value of the vote of MPs of the Rajya Sabha

Which of the statements given above is/are correct?

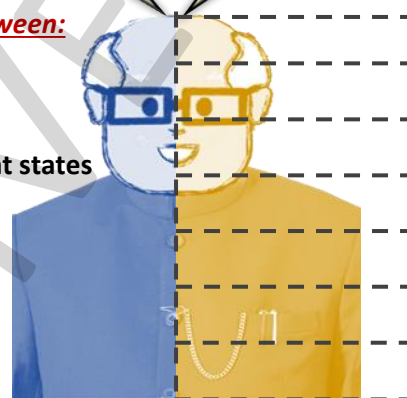
- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 or 2

I equally represent the Union and States (collectively)

I equally represent all the states

There is parity between:

- ✓ Union & States
- ✓ Different States
- ✗ MP and MLA
- ✗ MLAs of different states



Union

States

Pardoning power

Live Law LOGIN SUBSCRIBE

Rajiv Gandhi Assassination: Not Happy With Perarivalan's Remission Recommendation Pending With Governor For Over 2 Years, Says Supreme Court

LIVELAW NEWS NETWORK
3 Nov 2020 11:30 AM

The Supreme Court on Tuesday orally expressed unhappiness over the fact that the recommendation made by the Tamil Nadu state government for the remission of the sentence of A G Perarivalan, the convict in the Rajiv Gandhi assassination case, had been pending before the Governor for over two years. "We do not want to exercise jurisdiction. But we are not happy with how this recommendation has..."

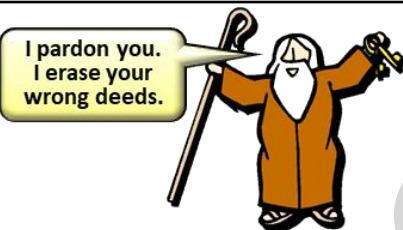
Pardoning power of the President:

- On advice of Union **Cabinet** (no such restriction in US)
- It is **Executive** power independent of Judiciary
- President does **not** sit as **court** of appeal.
- Can be challenged** in court if it is arbitrary, irrational, mala fide or discriminatory.

President uses these powers when:

- Person broke **Union law** (not State law)
- Death** sentence (by Union or State law)
- Punishment is by **military court**

	President	Governor
Article	72	161
Laws of	Union	State
Court martial	Yes	No
Death sentence	Pardon, Commute	Commute



Pardon (भूल जाओ जो हुआ)	Removes conviction and sentence	As if he never did the crime
Commutation (commute)	Replace hard punishment with lighter one	Jail instead of hanging
Remission (Remittance)	Reduce amount of sentence without changing character	5 years jail reduced to 2 years
Respite (pity)	Lesser punishment due to special fact	Pregnancy; Disability
Reprieve (evening)	Give time to seek pardon	Temporarily suspend hanging



Official language

THE HINDU

Consider including more languages in governance: CJI S.A. Bobde

Krishnadas Rajagopal
NEW DELHI, AUGUST 13, 2020 21:24 IST
UPDATED: AUGUST 14, 2020 08:56 IST

Chief Justice of India Sharad A. Bobde has said that the government should consider amending the Official Languages Act of 1963 to include more vernacular languages in governance, and not just confine it to Hindi and English.

The court was hearing an appeal filed by the Union of India challenging the legality of a Delhi High Court judgment of June 30 to translate the draft Environment Impact Assessment (EIA) notification of 2020 into all 22 vernacular languages in the Eighth Schedule of the Constitution.

The high court judgment was based on a writ petition filed by activist Vikrant Tongad, who said the Coastal Regulation Zone notification of 2010 was published in nine coastal languages. But the government contended that the final CRZ notification was published in the gazette only in English and Hindi.

National Language राष्ट्रीय भाषा ? None

Official Language of Union? Hindi and English

Constitution says:

- **Hindi** in Devanagari script is official language of Union
- **English** to continue till 1965
- Parliament can extend use of English **beyond 1965**

Official Language Act 1963:

- It extended use of English ~~for 10 years~~ (indefinitely).

Official Language of States?

State Legislatures are free to decide.

Official Language of Courts?

- ✓ All proceedings as well as orders of **SC** and all **HCs** are to be in **English**.
- ✓ But other languages can also be allowed by law by Parliament / State legislature.
- ✓ Parliament has not made any provision for the use of Hindi in the Supreme Court.
- ✓ A present, Supreme Court hears **only** those who petition or appeal in English.

Official Language Commission: (not important for Prelims)

- President to appoint commission in 1955 & 1960
- To increase Hindi and reduce English
- Parl. committee to examine its recommendation
- 1955: commission under B.G. Kher
- 1957: Parliament committee under G.B. Pant
- 1960: no commission appointed

Constitutional provisions on Hindi:

- Article 343:** Hindi in Devanagari script is official language of Union.
- Article 351:** It is the duty of Union to promote Hindi.

Committee of Parliament on Official Language:

- ✓ under Official Languages Act 1963; first in 1976
- ✓ for use of Hindi for official purpose in Union
- ✓ 30 members: 20 LS, 10 RS
- ✓ Chairman: Union HM as per convention (not law)

Special Officer for Linguistic minorities:

- aka **Commissioner** for Linguistic minorities
- Appointed by President, under Article **350-B** (7th amendment 1956)
- for safeguards provided to linguistic minorities
- Qualification, tenure, salary, removal, etc **not mentioned** in Constitution
- comes under **Ministry of Minority Affairs**
- HQ is at **Delhi** (since 2015) (earlier at Allahabad)

Central Institute of Indian Languages (Mysore)	1969	Ministry of Education	To promote Indian languages
Department of Official language	1975	Ministry of Home Affairs	To promote Hindi in official work of Union

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Scheduled languages:

Amendment	Language Added
21 st , 1967	Sindhi
71 st , 1992	Konkani, Manipuri, Nepali
92 nd , 2003	Bodo, Dongri, Santhali, Maithili

- Sanskrit Nepali English Haryanvi
 Urdu Kashmiri Rajasthanani Ladakhi

Census 2011:

- 121 mother tongues; 22 are in 8th Schedule
- 43% have Hindi (all dialects) as first language

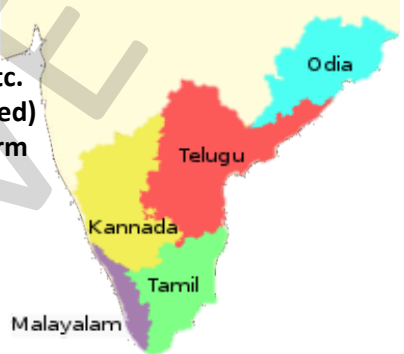
Prelims 2008:

Under which one of the following Constitution Amendment Acts, four languages were added to the list of languages under the Eighth Schedule of the Constitution of India, thereby raising their number to 22?

- (a) Constitution (90th Amendment) Act
- (b) Constitution (91st Amendment) Act
- (c) Constitution (92nd Amendment) Act
- (d) Constitution (93rd Amendment) Act

Classical languages:

- Since **2004**; first Tamil; latest Odia
- Benefits: financial assistance; two annual awards for scholars; etc.
- Criteria: 1500-2000 year old valuable texts; original (not borrowed)
- There may be discontinuity between its classical and modern form



Classical language	
Tamil	2004
Sanskrit	2005
Telugu	2008
Kannada	2008
Malayalam	2013
Odia	2014



NEWS SERVICES DIVISION
ALL INDIA RADIO

Feb 18, 2020, 2:18PM

Hindi is 3rd most spoken language in the world with 615 million speakers after English, Mandarin

Hindi is the 3rd most spoken language of the world in 2019 with 615 million speakers. The 22nd edition of the world language database Ethnologue stated English at the top of the list with 1,132 million speakers. Chines Mandarin is at the second position with 1,117 million speakers.

Bangla has been ranked as the 7th most spoken language of the world. Bangla has 228 million native speakers.

English > Mandarin > **Hindi** > Spanish > French > Arabic > **Bengali**

Prelims 2008:

Among the Indian languages, which one is spoken maximum in the world after Hindi?

- (a) Telugu
- (b) Tamil
- (c) Bengali
- (d) Malayalam

Linguistic Reorganization of States

1948	<input type="checkbox"/> Linguistic Provinces Commission (S K Dhar) <input type="checkbox"/> Recommended administrative convenience, not linguistic basis
1948	<input type="checkbox"/> Linguistic Provinces Committee by Congress <input type="checkbox"/> aka JVP Committee (J.L. Nehru, Vallabhai Patel, Pattabhi Sitaramayya) <input type="checkbox"/> Rejected linguistic basis
October 1953	<input type="checkbox"/> Gol forced to create first linguistic state Andhra
December 1953	<input type="checkbox"/> States Reorganization Commission under Fazl Ali (KM Panikkar, HN Kunzru) <input type="checkbox"/> Accepted language as one of the four factors. Gol accepted
November 1, 1956	<input type="checkbox"/> 14 states and 6 Union Territories created by States Reorganization Act (1956) and Constitution 7th amendment (1956)
1960	<input type="checkbox"/> Bombay divided into Maharashtra and Gujarat
1966	<input type="checkbox"/> Punjab divided into Punjab, Chandigarh, Haryana (Shah Commission)

I read I forget, I see I remember | See explanation of this PDF on  www.youtube.com/c/allinclusiveias

OBC sub-categorisation commission gets six-month extension

Damini Nath

NEW DELHI, JUNE 24, 2020 15:39 IST
 UPDATED: JUNE 24, 2020 19:39 IST

The Union Cabinet on Wednesday approved a six-month extension to the commission appointed to examine sub-categorisation of Other Backward Classes.

Headed by retired Delhi High Court Chief Justice G. Rohini, the commission will now have till January 31, 2021 to submit its report, the government said in a statement. The commission had been appointed in October 2017 with the initial deadline of 12 weeks. It has received several extensions since then.

Union Information and Broadcasting Minister Prakash Javadekar said the Cabinet, chaired by Prime Minister Narendra Modi, had decided to give the extension. He said the work of the commission was ongoing but had been affected by the COVID-19 pandemic.

OBC sub-categorization

Article 340:

- Commission appointed by **President**
- To investigate conditions of **socially & educationally BCs**
- **Report:** Commission → President → LS & RS
- ❑ **1953:** 1st Backward Classes Commission under **Kaka Kalelkar**
- ❑ **1979:** 2nd BCC under B P Mandal (**Mandal Commission**)
- ❑ **2017:** **G Rohini** commission for **sub-categorization of OBC**.

Motivation for appointing G. Rohini commission?

- Many OBC communities not getting reservation benefits
- 980 (of 2,633) central OBCs have 'zero' representation

Brief background of OBC reservation:

- ❑ **1979:** Mandal Commission established
- ❑ **1980:** Mandal Commission recommends 27% reservation
- ❑ **1990:** National Front government announces OBCs will get 27% reservation in jobs in Central government and PSUs; Indra Sawhney filed case saying caste is not reliable indicator of backwardness; SC stayed govt. order
- ❑ **1992:** SC upheld govt. order; but exclude creamy layer;
- ❑ **2006:** reservation applied in higher education

Creamy layer's exclusion from SC/ST quota: Centre seeks 7-judge bench review of 2018 verdict

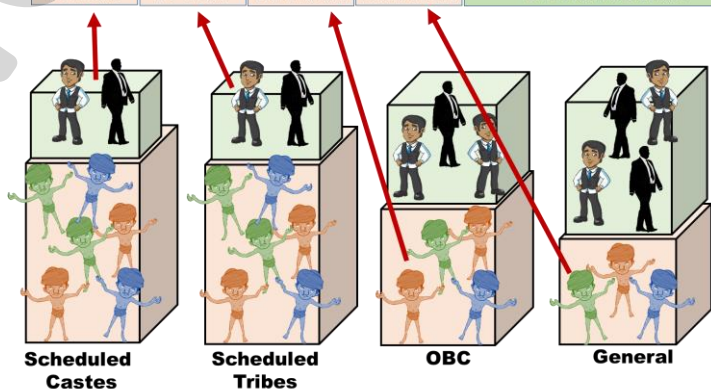
A five-judge Constitution Bench in 2018 had held that the well-off members of the Scheduled Castes and Scheduled Tribe communities, who are also termed creamy layer, cannot be granted the benefits of reservation in college admissions and government jobs.

By: **Express Web Desk** | New Delhi |
 Updated: December 2, 2019 5:01:27 pm



Creamy layer for reservation:

- Yes: OBC (and General)
- No: SC, ST



National Commission for Backward Classes (NCBC)

- 1993: NCBC Act 1993; under Ministry of SJ&E
- Got **constitutional body** status (**338-B**) by 102nd Constitution Amendment Act, 2018
- Five members; President: appointment, tenure, service conditions
- Examine complaints & welfare measures of OBCs

All-Inclusive Current Affairs for Prelims 2021

Polity Class-2



NEWS SERVICES DIVISION
ALL INDIA RADIO

Sep 02, 2020, 2:40PM

Question Hour, Private Members' Bills will not be taken up in upcoming Monsoon Session of Parliament

Question Hour and Private Members' Bills will not be taken up in the upcoming Monsoon Session of Parliament. The Zero Hour will be restricted. Notifications issued by Lok Sabha and Rajya Sabha Secretariats said, there will also be no breaks during the session, which will be held from 14th September to 1st October.

Clarification for Polity Class-1:

Right to Property is a Constitutional right u/a 300-A

- Presidential form of govt:** (USA)
→ Executive not responsible to legislature
- Parliamentary form of govt:** (India)
→ Executive responsible to legislature
→ Many tools like question hour, discussions, adjournment motion, no-confidence motion, etc.

Question Hour (First hour of sitting)

- Mentioned in Rules of Procedure?
Yes, each House follows its own set of rules
- Recently, it was suspended for the first time?
No, (1962, 1975, 1976...)
- Can be asked to private member? Yes (Bill related)
- LS MP can ask only one starred question in a day

	Answer	Supplementary	Notice	Limit/day	Limit / member	<i>Following is not important for Prelims: QH is usually on all days:</i>
Unstarred	Written	No	15 days	LS: 230/255 RS: 155	LS: 5 RS: 7	→ in LS since 1952; → in RS since 1964 (initially 2 days/week)
Starred	Oral	Yes	15 days	LS: 20 RS: 20		<i>There is no QH on:</i> → Budget day → First session of new LS → President's address (new LS; new year)
Short notice	Oral	Yes	< 10 days			

Zero Hour

(starts from 12 noon)

- Time gap between Question hour and agenda
- Notice given same day; No prior notice needed
- Informal device; not mentioned in Rules of procedure
- Since 1962; Indian innovation in parliamentary procedures

Prelims 2017:

The Parliament of India exercises control over the functions of the Council of Ministers through:

1. Adjournment motion
2. Question hour
3. Supplementary questions

Select the correct answers:

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

'Half-an-hour Discussion'

- if answer is unsatisfactory

Short duration discussion:

- not more than two hour

Adjournment Motion:

- Interrupts normal business, hence extraordinary device
- needs support of 50 members to be admitted
- Allowed in both houses? No (like censure, so no RS)
- For maximum 2.5 hours? No, for minimum 2.5 hours
- It should not raise a question of privilege

Matters that could not be raised under any rule:

- RS: Special mention
- LS: Notice under Rule 377

I read I forget, I see I remember | See explanation of this PDF on www.youtube.com/c/allinclusiveias

Private Member's Bills

Private member bill:

- by **non-minister** MP
- last 2.5 hours on Fridays
- one month notice
- Drafted by MP himself
- 14 passed (6 in 1956)
- None passed since **1970**
- Can amend Constitution

Prelims 2017:

With reference to the Parliament, consider the statements:

1. A private member's bill is a bill presented by a Member of Parliament who is not elected but only **nominated** by the President of India.
2. **Recently**, a private member's bill has been passed in the Parliament of India for the **first time** in its history.

Which of the statements given above is/are correct?

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

Parliamentary Proceedings (Protection of Publication) Act, 1956: (now 1977)

- It was introduced as a **private member bill**
- It gave immunity from court cases for publishing **true account of parliamentary proceedings**
- Repealed in 1976; Made law in 1977; also written in Constitution in 1978 (**44th Amendment**)

Sessions of Parliament



THE HINDU

No winter session of Parliament, government suggests convening budget session in January 2021

PTI
NEW DELHI, DECEMBER 15, 2020 16:42 IST
UPDATED: DECEMBER 15, 2020 16:42 IST

The government has said the winter session of Parliament will not be held this year in view of the COVID-19 pandemic and that it will be appropriate to convene the budget session in January next year.

The Constitution broadly stipulates one major rule that there should not be a gap of more than six months between two sessions of Parliament.

However, it has been a convention to hold three sessions of Parliament - budget, monsoon and winter - in a year.

Sitting:

Usually 11 am - 1 pm ; 2 pm - 6 pm
Ends with **Adjournment** by Presiding officer
Adjournment Sine die (without telling next date)

Session: (No fixed parliamentary calendar)

- Budget** (February to May)
Recess
- Monsoon** (July to September)
Recess
- Winter** (November to December)

Recess: Time period between sessions
President summons and ends session (**Prorogation**)

Dissolution: Ends life of existing LS

Prelims 2020:

Consider the following statements:

1. The **President** of India can **summon** a session of Parliament at such place as he/she thinks fit.
2. The **Constitution** of India provides for **three sessions** of the Parliament in a year, but it is not mandatory to conduct all three sessions
3. There is **no minimum** number of **days** that the Parliament is required to meet in a year.

Which of the statements given above is/are correct?

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

Parliament and its panels

Vivek K. Agnihotri

SEPTEMBER 16, 2020 00:15 IST
 UPDATED: SEPTEMBER 16, 2020 00:33 IST

The Department-related Parliamentary Standing Committees have a so-called tenure of one year. There was speculation in the media that the Chairman of the Rajya Sabha, M. Venkaiah Naidu, is keen on amending the rules to give them a fixed tenure of two years. However, since these are joint committees of the two Houses of Parliament, the Speaker of the Lok Sabha also has to concur.

According to sub-rule (4) of Rule 331D of the Lok Sabha Rules and sub-rule (3) of Rule 269 of the Rajya Sabha Rules, the term of office of the "members" of the committees shall not exceed one year. Thus, it is the term of office of the members and not that of the committees *per se* that is one year.

Parliamentary Committees

Parliament has limited time and expertise
 So, it is assisted by number of committees

Two types of PCs:

Standing: Permanent; reconstituted every year

Ad-Hoc: Temporary; cease to exist on completion of task

Constitution mentions PCs? Yes

Constitution gives their composition, tenure, etc.? No
 (Rules of the two houses)

Minister cannot be a part of following committees:

- Committee on Estimates
- Committee on Public Accounts
- Committee on Public Undertakings → **Added in PDF after class**
- Committee on Government Assurances
- Departmental Standing Committees
- Committee on Empowerment of Women
- Committee on Petitions
- Committee on Subordinate Legislation
- Committee on Welfare of SCs and STs

Departmental Standing Committees: (since 1993)

- Members: 31 = 21 + 10; nominated by Speaker/Chairman; Term 1 year
- Currently 24; they cover all ministries / departments of Central Government
- They consider (not all) Bills, Demands for Grants, long term policy, etc. (not day-to-day matters)

Financial Committees

	Purpose	Members (LS + RS)	Chairman	Miscellaneous
Public Accounts Committee	Examine CAG reports on: → appropriation accounts → finance accounts → public undertakings	22 = 15 + 7	<input type="checkbox"/> From Opposition (convention) <input type="checkbox"/> Appointed by Speaker	<input type="checkbox"/> Since 1921 under Gol Act 1919
		Method: PR		
		Term: 1 year		
Estimates committee	Examine budget and suggest economies in expenditure	30 = 30 + 0	<input type="checkbox"/> From Ruling party <input type="checkbox"/> Appointed by Speaker	<input type="checkbox"/> Since 1950 <input type="checkbox"/> aka 'continuous economy committee'
		Method: PR		
		Term: 1 year		
Committee on Public Undertakings	Examine reports on PSUs (by CAG and others)	22 = 15 + 7	<input type="checkbox"/> From Lok Sabha <input type="checkbox"/> Appointed by Speaker	<input type="checkbox"/> Since 1964
		Method: PR		
		Term: 1 year		

Committees to inquire

	Purpose	LS committee	RS committee
Committee on Petitions	To examine petitions on bills and matters related to Union subjects	15 members	10 members
Committee of Privileges	To examine breach of privilege of House and its members	15 members	10 members
Ethics Committee	To enforce code of conduct of MPs	Since 2000	Since 1997

Miscellaneous

	Purpose	LS committee	RS committee
Committee on Government Assurances	Examine status of promises made by ministers on the floor of the house.	15 members	10 members
Committee on Subordinate Legislation	Examine whether powers to make subordinate legislation are being properly exercised by the Executive	15 members	15 members
Rules Committee	Consider procedure and rules of the House	15 members, including Speaker as ex-officio chairman	16 members, including Chairman as ex-officio chairman
Business Advisory Committee	allocate time for business of the House	15 members, including Speaker as ex-officio chairman	11 members, including Chairman as ex-officio chairman

Prelims 2019:

In India, which of the following review the independent regulators in sectors like telecommunications, insurance, electricity etc.?

1. Ad Hoc Committees set up by the Parliament
2. Parliamentary Department Related Standing Committees
3. Finance Commission
4. Financial Sector Legislative Reforms Commission
5. NITI Aayog

Select the correct answer using code given below

- (a) 1 and 2 (b) 1, 3 and 4
(c) 3, 4 and 5 (d) 2 and 5

Prelims 2018:

With reference to the Parliament of India, which of the following Parliamentary Committees scrutinizes and reports to the House whether the powers to make regulations, rules, sub-rules, by-laws, etc. conferred by the Constitution or delegated by the Parliament are being properly exercised by the Executive within the scope of such delegation ?

- (a) Committee on Government Assurances
(b) Committee on Subordinate Legislation
(c) Rules Committee
(d) Business Advisory Committee

Prelims 2013:

Consider the following statements:

- The parliamentary Committee on public accounts
- 1. consists of not more than **25 Members** of the Lok Sabha
- 2. scrutinizes **appropriation** and **finance** accounts of the Government
- 3. examines the report of the Comptroller and Auditor General of India (**CAG**).

Which of the above statements are correct?

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

Prelims 2007:

Consider the following statements:

- 1. The **Chairman** of the Committee on Public Accounts is **appointed by the Speaker** of the Lok Sabha.
- 2. The Committee on Public Accounts comprises Members of Lok Sabha, Members of Rajya Sabha and few **eminent persons** of industry and trade.

Which of the above statements are correct?

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

Prelims 2001:

In what way does the Indian Parliament exercise control over the administration?

- (a) Through Parliamentary Committees
- (b) Through Consultative Committees in various ministries
- (c) By making administrators send periodic reports
- (d) By compelling the executive to issue writs

Prelims 2014:

Which one of the following is the **largest Committee** of the Parliament?

- (a) The Committee on Public Accounts
- (b) The Committee on Estimates
- (c) The Committee on Public Undertakings
- (d) The Committee on Petitions

Consultative committees:

- constituted by **Ministry of Parliamentary Affairs**
- for **informal** discussion b/w ministers and MPs
- Membership: voluntary; from both houses; 10-30
- Chairman: Minister / MoS

Maximum number of Ministers

Correction: there is no minimum criteria for Central CoM

Council of ministers:

- Centre: Min 12; Max 15% of LS
- States: Min 12; Max 15% of SLA } **91st CAA 2003**
- Delhi: Maximum 10% } **69th CAA 1991**

Legislators:

- Centre:**
 - RS: 250
 - LS: 550/552 (prefer 550)
- States:**
 - SLC: Min 40; Max 1/3rd of SLA
 - SLA: Min 60; Max 500



46 Nagaland
40 Mizoram
30 Goa, Arunachal, Sikkim

Misleading statement:

Constitution specifies size of Council of Ministers

Correct statement:

Constitution tells limits, not actual number

Live Law.in LOGIN SUBSCRIBE

[Violation of Article 164 (1A)] SC Issues Notice to MP CM Shivraj Chouhan on Plea of Ex-Speaker Challenging Appointment of 28 Ministers

Press Trust of India 22 July 2020 10:20 PM

The appointment of 28 ministers by the Shivraj Singh Chouhan led BJP government in Madhya Pradesh has come under the scanner of the Supreme Court, which on Wednesday took note of the objections of former assembly speaker and Congress leader that this violated the ceiling on the maximum number of ministers fixed under the Constitution. A bench of Chief Justice S A Bobde and Justices A S...

Office of Profit

Origin: Britain 1701	Purpose: To enforce Separation of Power	Constitution: Articles 102(1) and 191(1)	RPA, 1951: Section 9(A)	Not Office of Profit: <input type="checkbox"/> Own business <input type="checkbox"/> Job in private company <input type="checkbox"/> Prez, VP, Minister, etc.
-----------------------------------	--	---	-----------------------------------	---

THE HINDU

Office of profit | Panel mulls whether MPs can teach at universities

SPECIAL CORRESPONDENT

NOVEMBER 19, 2020 21:30 IST
UPDATED: NOVEMBER 19, 2020 23:26 IST

The Joint Parliamentary Committee on Office of Profit headed by BJP MP Satya Pal Singh on Thursday deliberated on whether a Parliamentarian can continue to teach at University and if this draws the provisions of "Office of Profit" rules.

Under the provisions of Article 102 (1) and Article 191 (1) of the Constitution, an MP or an MLA (or an MLC) is barred from holding any office of profit under the Central or State government. The argument is that the lawmakers who hold the government accountable should not be susceptible to government influence by way of holding any post where they get salary or allowances from the government. This law seeks to enforce a basic feature of the Constitution – the principle of separation of power between the legislature and the executive.

Important facts for Prelims:

- Applies to **MP / MLA / MLC**
- Not defined** in Constitution
- No limit** on number of exempted posts
- Both Parliament & **State** legislatures can exempt
- Disqualification recommended by **ECI**; binding on President/Governor; Judicial Review possible (SC/HC)

Test for Office of Profit? (SC in a 2001 case)

- 1) Does govt **appoint**
 - 2) Does govt **remove**
 - 3) Does govt **pay**
 - 4) Does govt **control**
 - 5) What are the **functions**
- } No need to learn for Prelims

Jaya Bacchan case 2006:

Even 'potential' to yield profit not allowed

Parliamentary Secretaries:

- Legislator who assists Minister
- Usually have rank of MoS
- Exempted from OoP in some states

Prelims 2019:

Consider the following statements:

1. Parliament (Prevention of Disqualification) Act, 1959 exempts several posts from disqualification on the grounds of 'Office of Profit'.
2. The above-mentioned Act was amended five times.
3. The term 'Office of Profit' is well-defined in the Constitution of India.

Which of the above statements are correct?

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

Party in power has control on

Ministry	Office of Profit	Money	Agencies
Offer post of Minister	Offer other posts in the Executive	Offer monetary incentives	Use CBI/ED/NIA
Problem: → 15% limit (Delhi 10%)	Problem: → not many lucrative posts	Problem: → not everyone can be purchased	Benefits: → Tarnishes public image → Creates family pressure

I read I forget, I see I remember | See explanation of this PDF on www.youtube.com/c/allinclusiveias

Rajya Sabha

1950: Parliament founded (26th January)
1952: First sitting of each house
1954: names Lok Sabha & Rajya Sabha adopted
 House of People Council of States



NEWS SERVICES DIVISION
ALL INDIA RADIO

Jun 02, 2020, 2:33PM

Elections to 24 Rajya Sabha seats to be held on 19th of June

Election Commission has announced that elections for 24 Rajya Sabha seats spread across 10 states will be held on June 19.

- Only three UTs in RS: **Delhi (3), Puducherry (1), J&K (4)**
- States have **unequal representation**
4th Schedule; population basis
Uttar Pradesh (31) has most seats. (USA: 50 X 2 = 100)
- Maximum strength **250**. Current strength 245 (12+8+225)
- Term** of RS is 6 years? **No** (Continuing chamber)
- RS MP term is 6 years. By-election for only remaining time
- Term of Lok Sabha is 5 years. [2019-2024 is **17th** Lok Sabha]
- Election** by elected MLAs by Proportional Representation
- Qualifications** Indian citizen; age 30
- NOTA** available? **No**
- Open ballot**

**LS:25
RS:30
Prez:35**

THE HINDU

Rajya Sabha **suspends** 8 opposition MPs

The Hindu Net Desk

SEPTEMBER 21, 2020 09:54 IST
UPDATED: SEPTEMBER 21, 2020 10:13 IST

Eight opposition members from Congress, CPI(M), Trinamool Congress and AAP were suspended for their unparliamentary behaviour in the upper House on Sunday, during the passage of two agri-Bills.

	Who can suspend	Who can revoke
LS MP	Speaker: Yes (session / 5 sittings) House: Yes (session)	Speaker: No House: Yes
RS MP	Chairman: No (only same day) House: Yes (session)	Chairman: No House: Yes

Nominated Members:

- 12**; nominated by President
- Science, Art, Literature, Social service**
- US Senate has no nominated members
- Already member of political party? **No problem**
- Joined political party within 6 months? **No problem**
- Joined political party **after 6 months?** **Disqualification**

ThePrint

Swapan Dasgupta resigns from RS amid row over his Bengal poll candidature as **nominated MP**

Swapan Dasgupta's resignation came hours after Trinamool said it will move disqualification notice against him for 'violating **Tenth Schedule** of Constitution'.

MOUSHUMI DAS GUPTA
16 March, 2021 12:36 pm IST

10th Schedule

10th Schedule: (both Centre & State)

- Introduced by **52nd CAA**, 1985
- Deciding authority: **Chairman/Speaker**.
- Grounds for disqualification:
 - 1) **Disobey** party on a vote.
 - 2) Voluntarily **resign** from party.
 - 3) **Independent** member **joins** any party
 - 4) **Nominated** member **joins** any party **after 6 months**.
- Does not apply to **mergers** when 2/3rd members agree.
- Does not bar contesting **re-elections** (by-polls).
- Judicial review** possible? Yes (1992 Kihoto Hollohan case)

Such a strict law, still governments fall down. Why?

Loophole #1: Speaker does not decide; no judicial review at **pre-decisional stage**
 Solution: SC imposed time limit of 3 months for Speaker to give decision

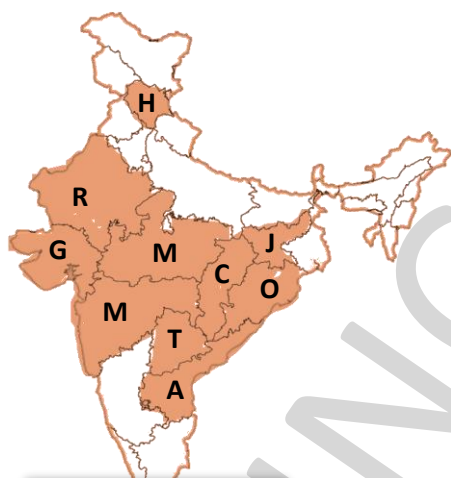
Loophole #2: Allows **group defection**. Example: Sikkim April 2019 elections:
 BJP got zero out of 32 seats → Three months later it had 10 seats

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

All-Inclusive Current Affairs for Prelims 2021

Polity Class-3

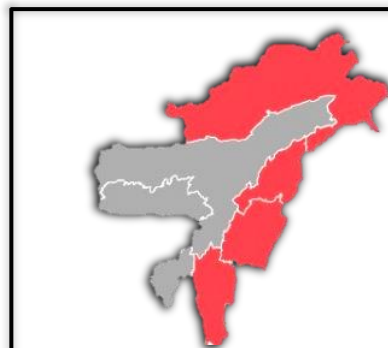
	Fifth Schedule	Sixth Schedule
For	Scheduled Areas Scheduled Tribes	Tribal Areas
Applies to	All India except 4 states	Assam, Meghalaya, Tripura, Mizoram
Who can alter boundary?	President	Governor
Who can declare that laws don't apply or apply with modification?	Central laws – Governor State laws – Governor	Assam Governor Other three President Governor
PESA Act, 1996 applies?	Yes	No
	Tribes Advisory Council: ✓ At state level ✓ 20 members ✓ 15 should be ST MLAs	Autonomous District Council: ✓ At district level ✓ 30 members ✓ 26 should be elected by adult franchise



5th Schedule



6th Schedule



Inner Line Permit

BEFRA 1873

- Bengal Eastern Frontier Regulation Act, 1873
- British made this law to protect British commercial interest
- Continued after independence to protect locals from outsiders

Note:

- Foreigners** need "Protected Area Permit"
- ILP came into effect in **Manipur** from January 1, **2020**
- Meghalaya** Residents Safety and Security **Act, 2016**; amended in 2019; now works just **like ILP** (but not ILP)

- ~~Foreigners~~ **Indian citizens** need ILP to visit certain parts of Indian territory.
- It is issued by ~~Central govt~~ **State governments.**
- AP, Nagaland, Manipur, Mizoram.

I read I forget, I see I remember | See explanation of this PDF on www.youtube.com/c/allinclusiveias

Power of ADCs under 6 th Schedule		PESA Act 1996	
Legislative power	can make laws on land, forest, marriage, etc.	<input type="checkbox"/> Part-IX (Panchayats) did not apply to 5 th Schedule areas; but Parliament could do so	<input type="checkbox"/> Parliament did so by enacting PESA Act 1996
Judicial power	create courts to hear cases involving tribes (appeal lies to HC/SC)	<input type="checkbox"/> Panchayats (Extension to Scheduled Areas)	
Executive power	create and manage schools, dispensary, markets, road, etc.	Purpose of PESA Act 1996:	<input type="checkbox"/> Provide self-rule
Taxation power	can impose and collect certain taxes. They also get grants from CFI.	<input type="checkbox"/> Encourage participatory democracy	<input type="checkbox"/> Protect tribal customs
<p>Prelims 2012: Which of the following provisions of Constitution have a bearing on Education?</p> <ol style="list-style-type: none"> 1. Directive Principles of State Policy 2. Rural and Urban Local Bodies 3. Fifth Schedule 4. Sixth Schedule 5. Seventh Schedule <p>Select the correct answer using the codes given below:</p> <p>(a) 1 and 2 only (b) 3, 4 and 5 only (c) 1, 2 and 5 only (d) 1, 2, 3, 4 and 5</p>		<p><input type="checkbox"/> Prevent higher Panchayats from assuming powers of lower panchayats</p> <p>Role of Gram Sabha under PESA 1996:</p> <p><input type="checkbox"/> Protect culture, customary dispute resolution, community resources, etc.</p> <p><input type="checkbox"/> identify beneficiaries of poverty alleviation and other programs</p> <p><input type="checkbox"/> Approve developmental projects</p> <p><input type="checkbox"/> Give Panchayat certificate of utilization of funds for projects</p> <p><input type="checkbox"/> For granting mining lease for minor minerals in scheduled areas, Gram Sabha's recommendation is mandatory</p>	
<p>Prelims 2019: Under which schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void?</p> <p>(a) Third Schedule (b) Fifth Schedule (c) Ninth Schedule (d) Twelfth Schedule</p>		<p>Prelims 2015: The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to</p> <p>(a) protect the interests of Scheduled Tribes (b) determine the boundaries between States (c) determine the powers, authority and responsibilities of Panchayats (d) protect the interests of all the border States</p>	
<p>Prelims 2013: The Government enacted the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is not identified as its objective?</p> <p>(a) To provide self-governance (b) To recognize traditional rights (c) To create autonomous regions in tribal areas (d) To free tribal people from exploitation</p>		<p>Prelims 2012: In the areas covered under the Panchayat Extension to Scheduled Areas (PESA) Act, 1996, what is the role/power of Gram Sabha?</p> <ol style="list-style-type: none"> 1. Gram Sabha has the power to prevent alienation of land in the Scheduled Areas. 2. Gram Sabha has the ownership of minor forest produce. 3. Recommendation of Gram Sabha is required for granting prospecting licence or mining lease for any mineral in Scheduled Areas. <p>Which of the statements given above is/are correct?</p> <p>(a) 1 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3</p>	
<p>Prelims 2008: Which Schedule of Constitution contains special provisions for administration and control of Scheduled Areas in several States?</p> <p>(a) Third (b) Fifth (c) Seventh (d) Ninth</p>			
I read I forget, I see I remember		See explanation of this PDF on YouTube www.youtube.com/c/allinclusiveias	
Prelims 2021	Current Affairs	Polity	Page-20 © All Inclusive IAS

Arunachal Assembly Resolves to Change State's Constitutional Status

A scramble for autonomy?

ITANAGAR: The Arunachal Pradesh legislative assembly yesterday passed a resolution paving the way for changes to the state's constitutional status.

Tabled by Home Minister Bamang Felix of the BJP, the resolution calls for Arunachal Pradesh to be included in the Sixth Schedule of the Constitution "to protect tribal rights of the indigenous people".

- 371A Nagaland
- 371B Assam
- 371C Manipur
- 371F Sikkim
- 371G Mizoram
- 371H Arunachal Pradesh

Note: No Tripura, No Meghalaya



Inspired by this news, question can come on:

- # 5th schedule vs 6th schedule
- # Articles 371 to 371-J (Part-21 of Constitution)
- # Arunachal Pradesh (NEFA → UT → State)
- # Inner Line Permit
- # North-East India

Part-21 Articles 371 to 371-J

Prelims 2005:

Consider the following statements:

1. Article 371-A to 371-I were inserted in the Constitution of India to meet regional demands of Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh and Goa.
2. Constitution of India and the United States of America envisage a dual polity (The Union and the States) but a single citizenship.
3. A naturalized citizen of India can never be deprived of his citizenship.

Which of the statements given above is/are correct?

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

370 Jammu & Kashmir

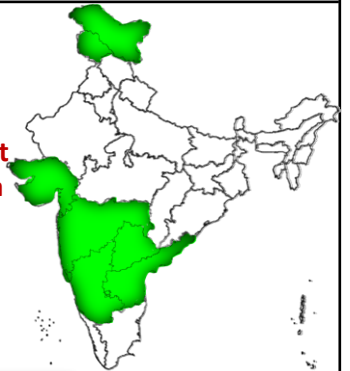
371 Maharashtra, Gujarat

371D Andhra P., Telangana

371E Andhra Pradesh

371-I Goa

371J Karnataka



North-East

Bangladesh border:

WB, Assam, Meghalaya, Tripura, Mizoram

Myanmar border:

AP, Nagaland, Manipur, Mizoram

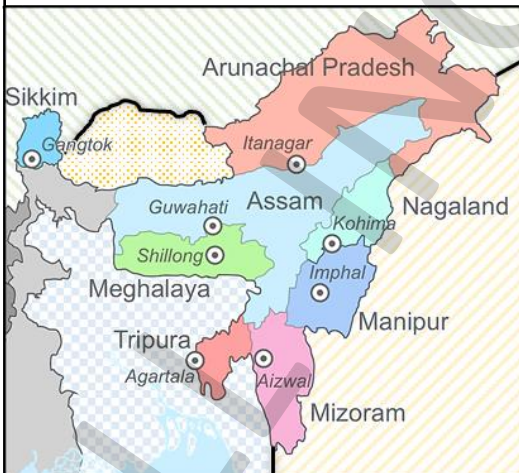
Bhutan border:

Sikkim, WB, Assam, AP

China:

AP, Sikkim


Note: Assam touches WB and other six



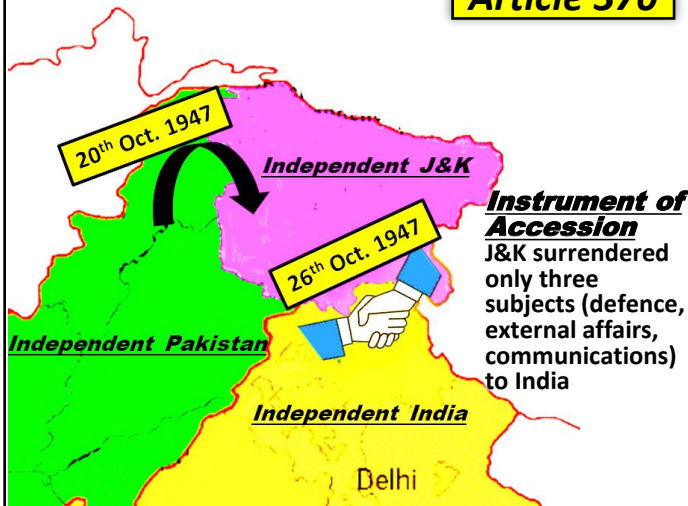
Prelims 2017:

If you travel by road from Kohima to Kottayam, what is the minimum number of States within India through which you can travel, including the origin and the destination?

- (a) 6 **(b) 7** (c) 8 (d) 9

<p>Arunachal Pradesh</p> <p> <input type="checkbox"/> Capital: Itanagar <input type="checkbox"/> largest state in NE <input type="checkbox"/> Assam > Nagaland <input type="checkbox"/> China > Myanmar > Bhutan </p>	1914	N-E Frontier Tract formed from some tribal areas of Assam
	1947	Part of Assam; administered by MEA with Governor of Assam
	1954	North-East Frontier Agency
	1965	Administration transferred from MEA to MHA
	1972	Arunachal Pradesh; became UT
	1987	became state
<p>Prelims 2018: In which one of the following States is Pakhui (Pakke) Wildlife Sanctuary located? <input type="checkbox"/> (a) Arunachal Pradesh <input type="checkbox"/> (b) Manipur <input type="checkbox"/> (c) Meghalaya <input type="checkbox"/> (d) Nagaland</p>		
<p>Prelims 2015: Which one of the following National Parks has a climate that varies from tropical to subtropical, temperate and arctic? <input type="checkbox"/> (a) Khangchendzonga National Park <input type="checkbox"/> (b) Nandadevi National Park <input type="checkbox"/> (c) Neora Valley National Park <input type="checkbox"/> (d) Namdapha National Park</p>		
<p>Prelims 2015: Consider the following States 1. Arunachal Pradesh 2. Himachal Pradesh 3. Mizoram In which of the above States do 'Tropical Wet Evergreen Forests' occur? <input type="checkbox"/> (a) 1 only <input type="checkbox"/> (b) 2 and 3 only <input type="checkbox"/> (c) 1 and 3 only <input type="checkbox"/> (d) 1, 2 and 3</p>		
<p>Prelims 2015: Which one of the following pairs of States of India indicates the eastern most and western most State? <input type="checkbox"/> (a) Assam and Rajasthan <input type="checkbox"/> (b) Arunachal Pradesh and Rajasthan <input type="checkbox"/> (c) Assam and Gujarat <input type="checkbox"/> (d) Arunachal Pradesh and Gujarat</p>		
<p>Prelims 2012: A particular State in India has the following characteristics: 1. It is located on the same latitude which passes through northern Rajasthan. 2. It has over 80% of its area under forest cover. 3. Over 12% of forest cover constitutes Protected Area Network in this State. Which one among the following States has all the above characteristics? <input type="checkbox"/> (a) Arunachal Pradesh <input type="checkbox"/> (b) Assam <input type="checkbox"/> (c) Himachal Pradesh <input type="checkbox"/> (d) Uttarakhand</p>		
<p>Prelims 2014: Consider the rivers: 1. Barak 2. Lohit 3. Subansiri Which of the above flows/flow through Arunachal Pradesh? <input type="checkbox"/> (a) 1 only <input type="checkbox"/> (b) 2 & 3 only <input type="checkbox"/> (c) 1 and 3 only <input type="checkbox"/> (d) 1, 2 and 3</p> 		
<p>Prelims 2007: Which one of the following is the correct chronological order of formation of the following as full States of the Indian Union? <input type="checkbox"/> (a) Sikkim – Arunachal Pradesh – Nagaland – Haryana <input type="checkbox"/> (b) Nagaland – Haryana – Sikkim – Arunachal Pradesh <i>1963 – 1966 – 1975 – 1987</i> <input type="checkbox"/> (c) Sikkim – Haryana – Nagaland – Arunachal Pradesh <input type="checkbox"/> (d) Nagaland – Arunachal Pradesh – Sikkim – Haryana</p>		
<p>Prelims 2007: Which one among the following States of India has the lowest density of population? <input type="checkbox"/> (a) Himachal Pradesh <input type="checkbox"/> (b) Meghalaya <input type="checkbox"/> (c) Arunachal Pradesh <input type="checkbox"/> (d) Sikkim</p> <p style="text-align: right;">Ladakh: 03/km² AP: 17/km²</p>		
<p>Prelims 2004: Which one of the following statements is not correct? <input type="checkbox"/> (a) Largest Buddhist monastery in India is in Assam <i>Tawang in Arunachal</i> <input type="checkbox"/> (b) The language konyak is spoken in Nagaland <input type="checkbox"/> (c) Largest river island in the world is in Assam <input type="checkbox"/> (d) Sikkim is the least – populated State of the Indian Union</p>		
<p>I read I forget, I see I remember See explanation of this PDF on YouTube www.youtube.com/c/allinclusiveias</p>		
Prelims 2021	Current Affairs	Polity
Page-22		© All Inclusive IAS

Article 370 (Temporary special status for J&K)



- ❑ **1947:**
India got control of 'only' three things
- ❑ **1950:**
India included it in Constitution, but as a 'temporary provision'
- ❑ **1954:**
President started issuing orders to dilute the temporary provision
- ❑ **1963:**
PM declared in LS that the temporary provision has been eroded
- ❑ **2019:**
Temporary provision abrogated

A brief history of Article 370: Inception → Erosion → Abrogation

Timeline

1947 20th October: Pak attacks J&K

1947 26th October: J&K accedes to India in exchange for military help.

1948 January 1: India approached UN

1948 April 21: UN **Resolution 47**

- Ceasefire
- Pak should **withdraw** from J&K
- India should **reduce** army in J&K
- Plebiscite (But Pak never withdrew, so Plebiscite never happened)

1951 October, People of J&K elect Constituent Assembly, to create Constitution of J&K.

1951 October 31, J&K Constituent Assembly meets for first time.

President issues Constitution Order **1954**

- Inserted article 35A, making J&K Constituent Assembly very happy.
- This insertion was without Parliament's approval. (It could be struck down by courts later, as exposed during 2017 Supreme Court hearings)
- Such unilateral actions of President, opened door for many more small steps by Govt. of India, 1954 onwards, to increase India's control over J&K.

1956 November 17, Constitution of J&K was adopted.

1957 January 26, J&K Constitution comes into force; declares J&K to be **integral part of India**.

1963 November 27 Nehru made statement in Lok Sabha, "As the Home Minister has pointed out, **Article 370 has been eroded**. This process of gradual erosion of Article 370 is going on, we should allow it to go on."

2000, June 26, autonomy resolution passed by Jammu and Kashmir Assembly. Broadly, it was for restoration of pre-1953 status to J&K.

2000, July 14, Union Cabinet rejected it.

2019 August 5 : Article 370 **abrogated** (all clauses of Article 370 ceased to operate)

2019 October 31 : J&K **divided** into two parts (birthday of the man who united India)

I read I forget, I see I remember

See explanation of this PDF on  www.youtube.com/c/allinclusiveias

Interesting snippet of history: (not for Prelims)

- ❑ J&K's accession, like all other princely states, was on three matters: defence, foreign affairs and communications.
- ❑ **States Ministry** (also headed by Home Minister Sardar Patel) framed model Constitution to be adopted by States.
- ❑ But on **19 May 1949**, states agreed that separate Constitution for states is not needed.
- ❑ But, **J&K always wanted to remain independent** of India & Pakistan. So, it insisted on having separate Constitution.
- ❑ Result: for all states, Union can make laws on Union and Concurrent list items; but for J&K, **concurrence of its govt.** was required (Article 370).

Implications of abrogation of Article 370:

- ❑ Complete applicability of Indian Constitution
- ❑ So, in exam, options can be easily evaluated.

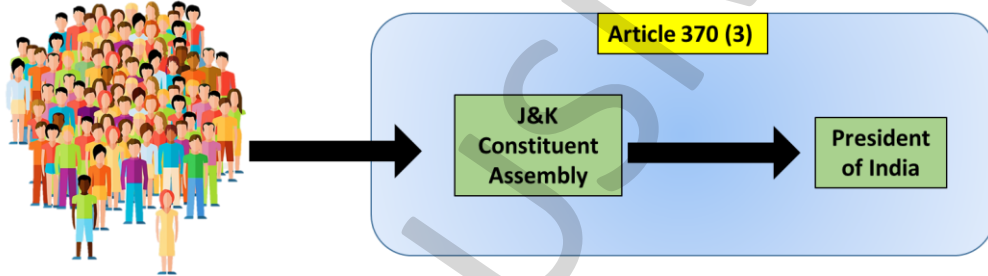
Jammu & Kashmir Official Languages Act, 2020:

- ❑ Added **Kashmiri, Dogri and Hindi**
- ❑ Earlier only **English and Urdu**

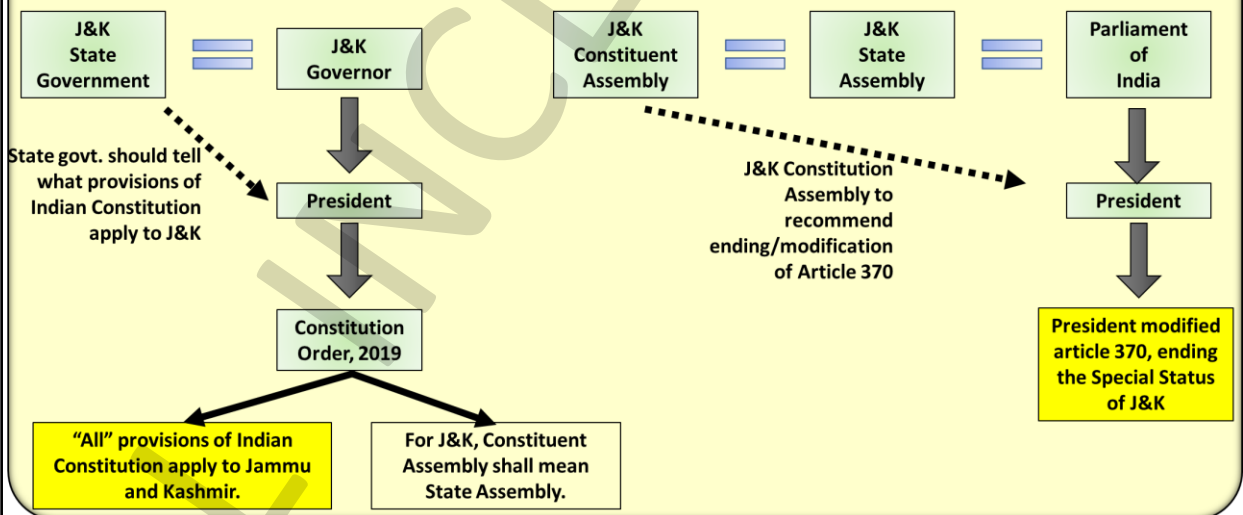
Purchase of land in J&K:

- ❑ J&K was the only state that prevented purchase of land by outsiders?
- ❑ No, some restriction still exist in HP, Sikkim, Arunachal, etc.

Question : How to amend Article 370 to remove special status of J&K ?
 Answer : use Article 370 (3)



How it was actually done



Parliament passed "Jammu & Kashmir Reorganization Act, 2019" which divided J&K UT into two UTs, J&K with legislature and Ladakh without legislature.



Inter-State Council

Article 262: inter-state **water** disputes
Article 263: inter-state disputes

- Set up u/a **263**, but **not permanent** Constitutional body (think of ECI)
- Set up by a **Presidential order** in **1990**, on recommendation of **Sarkaria** Commission
- To promote coordination, dialogue, etc.
- All **States & Union Territories** have representation.
- From Centre, **PM + 6 Cabinet ministers** (including HM)

↙ CM/Governor
 ↘ CM/Administrator
 ↘ Chairperson

Can it discuss some legal controversy b/w governments?
 Yes, but its decision is **advisory** (SC decision u/a 131 is binding)

Inter-State Council Secretariat:

- Set-up in **1991**
- Headed by a secretary to the Central govt.
- Since 2011, also functioning as secretariat of Zonal Councils.

Standing Committee:

- set-up in **1996**
- Union **HM** is Chairman
- 5 Union Cabinet ministers
- 9 CMs

	ISC	Five Zonal Councils	North-Eastern Council
Type of body	Constitutional (Article 263)	Statutory (States Reorganization Act, 1956)	Statutory (North Eastern Council Act, 1971)
Chairman	PM	Union HM	Union HM
Vice-Chairman	--	CMs by rotation	MoS in Ministry of DoNER

Prelims 2013:

Which of these bodies do **not** find mention in Constitution?

1. National Development Council
2. Planning Commission
3. Zonal Councils

Select the correct answer using the codes given below.

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

Prelims 1995:

Which of the following are **extra-constitutional** and **extra-legal** device(s) for securing cooperation and coordination between the States in India?

1. National Development Council
2. The Governor's Conference
3. Zonal Councils
4. Inter-State Council

Codes:

- (a) 1 and 2 (b) 1, 2 and 3
 (c) 3 and 4 (d) 4 only



National Development Council:

- Neither constitutional nor statutory body
- First meeting **1952**; last **2012**
- Composition similar to NITI's Governing Council
- No work assigned, no meetings

I read I forget, I see I remember | See explanation of this PDF on [YouTube](https://www.youtube.com/c/allinclusiveias) www.youtube.com/c/allinclusiveias

NITI Aayog

Constitutional body; Statutory body; Executive body formed on 1 January 2015

Composition: Chairman ; Vice-Chairman ; CEO ; Members



Governing Council of NITI Aayog:

- NITI: Chairman; VC;
- NITI: Ex-officio & Full time members; Special invitees
- CMs (States + UTs) and Lt. Governors (UTs w/o CM)**

Regional Council of NITI Aayog: (need basis)

- CMs & Lt. Governors; Chaired by PM (or his nominee)

Some index released by NITI:

- **SDG** India Index
- India **Innovation** Index
- **Export** Preparedness Index
- **Data Governance** Quality Index
- School **Education** Quality Index
- Composite **Water** Management Index

Difference from Planning Commission?

- NITI does not allocate funds to states
- PC → 5 year Plan; NITI → 3, 7, 15 year plans

Initiatives:

- SATH**: Sustainable Action for Transforming Human Capital (Health & Education)
- TADP**: Transformation of Aspirational Districts programme
- NDAP**: National Data & Analytics Platform Project (single web portal for accessing data across Ministries)
- Atal **Innovation** Mission
- National **Program & Project Management** Policy Framework (with Quality Council of India)

Transformation of Aspirational Districts Program

For Prelims, just remember:

- Launched by **NITI Aayog** in 2018;
- To improve UNDP **HDI ranking**; by uplifting backward areas (115 districts)
- Convergence** of schemes (Centre and State); **Collaboration** (Officers of Centre & State); **Competition** among districts
- One central **Prabhari** officer for each district

NITI is also responsible for:

- National Institute of **Labour Economics** Research and Development (1962)
- Development **Monitoring & Evaluation** Office
- Achieving **SDG-2030** targets for India
- NGO-**Darpan** Portal

Prelims 2015:

The Government of India has established **NITI Aayog** to **replace** the

- (a) Human Rights Commission
- (b) Finance Commission
- (c) Law Commission
- (d) Planning Commission**

Prelims 2016:

With reference to '**Financial Stability & Development Council**', consider the following :

1. It is an organ of **NITI Aayog**.
2. It is headed by the Union Finance Minister.
3. It monitors macroprudential supervision of the economy.

Which of the above statements is/are correct?

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

Prelims 2017:

With reference to '**National Investment & Infrastructure Fund**', which of the following statements is/are correct?

1. It is an organ of **NITI Aayog**.
2. It has a corpus of Rs 4,00,000 crore at present.

Select correct answer using code given below:

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

Prelims 2019:

Atal Innovation Mission is set up under the

- (a) Department of science of technology
- (b) Ministry of labour and employment
- (c) NITI Aayog**
- (d) Ministry of skill development and entrepreneurship

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Contempt of Court

Contempt of Courts Act, 1971

Civil Contempt



Criminal Contempt



Prashant Bhushan @pabhushan1

When historians in future look back at the last 6 years to see how democracy has been destroyed in India even without a formal Emergency, they will particularly mark the role of the Supreme Court in this destruction, & more particularly the role of the last 4 CJs

Prashant Bhushan @pabhushan1

CJI rides a 50 Lakh motorcycle belonging to a BJP leader at Raj Bhavan Nagpur, without a mask or helmet, at a time when he keeps the SC in Lockdown mode denying citizens their fundamental right to access Justice!

THE HINDU 15

Ericsson dues settlement row: Anil Ambani, RCom guilty of contempt of court, rules SC

Krishnadas Rajagopal
NEW DELHI, FEBRUARY 20, 2019 11:40 IST
UPDATED: FEBRUARY 20, 2019 22:06 IST

RCom must pay ₹453 cr. to Ericsson in 4 weeks or else Ambani faces jail time

The Supreme Court on Wednesday found Reliance Communications Ltd. (RCom) and its chairman Anil Ambani and two other group firms guilty of contempt of court, observing that the defendants had adopted a "cavalier attitude" despite the court's best efforts to "lend a helping hand" to pay off dues worth ₹550 crore to Swedish telecommunications equipment major Ericsson.

- Mulgaonkar Principle (1978)** is about? Contempt of Court
- Constitution:**
- Does not define what is contempt
 - Empowers SC & HCs to punish for their contempt
 - Article 129: SC can punish for its contempt
 - Article 215: HC can punish for its contempt
 - Article 19(2): CoC is reasonable restriction on freedom of speech & expression
- Contempt of Courts Act 1971:**
- Defines contempt (civil & criminal)
 - Empowers High Courts to punish for contempt of subordinate courts
 - Punishment: 6 months jail / Rs 2000 fine
 - Not applicable if offences is more than **one year old**
 - No contempt unless there is **substantial interference** in due process of justice (Section 13)
- Consent for "Criminal" contempt cases:**
- SC: Attorney General / Solicitor General
 - HC: Advocate general / Lower court
 - Consent not needed for suo-motu cases

- Contempt:**
- Disobey court order
 - Breach of **undertaking** given to court
 - Interfere with judicial proceedings
 - Scandalise the court

- Not contempt:**
- Fair criticism of **judgement**
 - Mere criticism of **court** (PN Dua case 1988)
 - Defaming **judge** but not interfering with proceedings
 - Justification by **truth** is valid defence (2006 amendment)

The Hindu Explains | What can CJI Bobde do about charges levelled against judges by the Andhra Pradesh Chief Minister?

K. Venkataramanan

OCTOBER 18, 2020 01:30 IST
 UPDATED: OCTOBER 18, 2020 13:10 IST

How are allegations of misconduct against judges dealt with? How will the CM's complaint be handled?

The story so far: Andhra Pradesh Chief Minister Y.S. Jagan Mohan Reddy has stirred a hornet's nest by writing to the Chief Justice of India complaining about Supreme Court judge Justice N.V. Ramana for allegedly influencing posting of cases in the State High Court and alleging that some High Court judges are hostile to his government and are deliberately striking down his regime's decisions and orders. In effect, he has accused many judges of misconduct, corruption and political bias. Such an open conflict between the judiciary and a Chief Minister is without precedent. Questions arise about what can be done about this serious complaint.

Charges against SC/HC Judge

Three options

Transfer HC judge to smaller HC by Collegium	In-House Procedure by SC	Removed by President on Parliament's recommendation	<i>None removed so far</i>
<i>Madras HC CJ Tahiramani to Meghalaya</i>	<i>2019 Ranjan Gogoi 2020 NV Ramana</i>	<i>1993 V. Ramaswami: 1st judge against whom proceedings were initiated; Resolution failed to get 2/3 2011 Soumitra Sen: RS passed resolution; Resigned</i>	

In-house procedure:

- Adopted in 1997 by Full Court of Supreme Court
- Mentioned in Constitution/law? No
- CJI examines → Committee → asked to resign

Complaint against	HC Judge	HC CJ	SC Judge
Committee members (three)	HC Judge CJ of other HC CJ of other HC	SC Judge CJ of other HC CJ of other HC	SC Judge SC Judge SC Judge

Constitutional provisions on removal of SC/HC Judge:

- Proved misbehaviour or incapacity (not defined)
- Special majority in both houses
- Parliament to frame process [Judges (Inquiry) Act 1968]



Prelims 2019:

Consider the following statements:

1. The motion to impeach a judge of the Supreme Court of India cannot be rejected by the Speaker of the Lok Sabha as per the Judges (Inquiry) Act, 1968.
2. The Constitution of India defines and gives details of what constitutes 'incapacity and proved misbehaviour' of the judges of the Supreme Court of India.
3. The details of the process of impeachment of the judges of the Supreme Court of India are given in the Judges (Inquiry) Act, 1968.
4. If the motion of impeachment of a judge is taken up for voting, the law requires the motion to be backed by each house of the parliament and supported by a majority of total membership of that house and by not less than two-thirds of total members of that House present and voting.

Which of the statements given above is/are correct?

- (a) 1 and 2 (b) 3 only **(c) 3 and 4 only** (d) 1, 3 and 4

Lok Adalat

Cases where compromise is not allowed

✓ Civil; ✓ Criminal; ✓ Pending cases; ✓ Pre-litigation; ✗ Non-compoundable; ✗ Divorce cases



NEWS SERVICES DIVISION
ALL INDIA RADIO

Jul 11, 2020, 7:38PM

Chhattisgarh organises
India's first e-Lok Adalat

In the wake of the financial crisis faced by the people and the lawyers due to the Corona virus pandemic, the High Court and Chhattisgarh State Legal Services Authority decided to organize e-Lok Adalat for resolving the pending cases. Inaugurating the e-Lok Adalat, the Chief Justice of Chhattisgarh High Court P R Ramchandra Menon said that in this difficult time of pandemic, e-Lok Adalat is a noble initiative to bring relief to people and to reduce the pendency.

Article 14:
Equality before law

Article 39-A: (42nd CAA)
free legal aid to poor & weaker sections

Lok Adalats:

- By NALSA, SALSA, DLSA
- under Legal Services Authorities Act, 1987
- Chairman: Judicial officer
- Members: Lawyer and social worker
- final and binding; no appeal

Prelims 2005:

Consider the following:

1. Disputes with mobile cellular companies
2. Motor accident cases
3. Pension cases

For which of the above are Lok Adalats held?

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

Prelims 2009:

With reference to Lok Adalats, consider the following statements:

1. An award made by a Lok Adalat is deemed to be a decree of a civil court and no appeal lies against thereto any court.
2. Matrimonial/Family disputes are not covered under Lok Adalat.

Which of the statements given above is/are correct?

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

Prelims 2010:

With reference to Lok Adalats, which of the following statements is correct?

- (a) Lok Adalats have the jurisdiction to settle matters at pre-litigating stage and not those matters pending before any court
- (b) Lok Adalats can deal with matters which are civil and not criminal in nature.
- (c) Every Lok Adalat consists of either serving or retired judicial officers only and not any other person.
- (d) None of the statements given above is correct.

NALSA

- National Legal Services Authority
- Legal Services Authorities Act, 1987
- Provide free legal aid; Organize Lok Adalats
- Patron-in-Chief → CJI
- Chairman → SC Judge (serving-ret'd.)

NALSA: National Level

SLSA: State level (HC C.J.)

DLSA: District level (District Judge)

Prelims 2013:

With reference to National Legal Services Authority, consider the following statements:

1. Its objective is to provide free and competent legal services to the weaker sections of the society on the basis of equal opportunity.
2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

Which of the above statements are correct?

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

I read I forget, I see I remember See explanation of this PDF on [YouTube](https://www.youtube.com/c/allinclusiveias) www.youtube.com/c/allinclusiveias

Prelims 2020:

Legal Services Authorities provide **free legal services** to which of the following type of citizens?

1. Person with an annual income of less than Rs. 1,00,000
2. Transgender with an annual income of less than Rs. 2,00,000
3. Member of Other Backward Classes (**OBC**) with an annual income of less than Rs. 3,00,000
4. All **Senior Citizens**

Select the correct answer using the code given below:

(a) 1 and 2 only

(b) 3 and 4 only

(c) 2 and 3 only

(d) 1 and 4 only

Note for students:

- All states have different income ceiling.
- UPSC framed this question based on **eligibility criteria for Delhi**
- Still, one could have attempted the question based on options (3) and (4) as the **1987 act does not mention OBCs and Senior Citizens.**

Eligibility for free legal aid (www.nalsa.gov.in)

- SC, ST, Women, Child, Disabled
- Industrial workman; Person in custody
- Victim under article 23 of Constitution
- Victim of mass disaster/ethnic violence/ etc
- Earning less than 5 lakh/year for Supreme Court
- Earning less than <state govt limit> for other courts

Eligibility criteria in Delhi

General	Rs 1 lakh
Senior citizen	Rs 2 lakh
Transgender	Rs 2 lakh



Initiatives launched by Ministry of Law & Justice in 2017 :

- Tele-Law initiative:** Lawyers at SLSA give legal aid through CSCs
- Pro bono legal service:** Lawyers give free legal advice to poor people
- Nyay-mitra scheme:** Focus on cases older than 10 years

Common Service Centres:

- Initiative of **Meity**.
- For delivering Govt **e-services** in rural areas
- Set up in **2006** as part of National e-Governance Plan

ADR

Alternate Dispute Resolution
to solve conflicts outside
ordinary law courts

Binding orders,
But not a court of law



Orders not binding



Parties find solution,
with 3rd persons help



Amendments to Arbitration and Conciliation Act, 1996:

- 2015:** imposed time limit of 12 + 6 months for arbitral award
- 2019:** removed time limit for international arbitration; allowed appointment of arbitrators by 'arbitral institutions' designated by SC/HC; provided for setting up Arbitration Council of India
- 2021:** removed qualification criteria for arbitrators; stay on arbitral award if induced by fraud

Arbitration Council of India:

- for grading arbitral institutions and accreditation of arbitrators
- Chairman:** SC Judge / HC CJ / HC Judge / Eminent person
- Chairman **appointed by Central Government** in consultation with CJ
- Ex-officio members: Secretary (Dept. of Legal Affairs); Secretary (Dept. of Expenditure); CEO ACI
- Two full time and one part-time members from academia/industry

UN Convention on International Settlement Agreements Resulting from Mediation:

- aka Singapore Convention on Mediation
- First UN treaty to be named after Singapore
- Came into force in September 2020
- India has signed it? Yes

Clarification for Polity class-2:

In the list "Minister cannot be part of following committees" given on page-14, please add "Committee on Public Undertakings"

I read I forget, I see I remember

See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias



In fresh push to 'One Nation, One Election', BJP wants all polls held together

The BJP has also put forward the argument that simultaneous elections would help curb electoral expenses and ensure that the country is not in "election-mode" throughout the year.

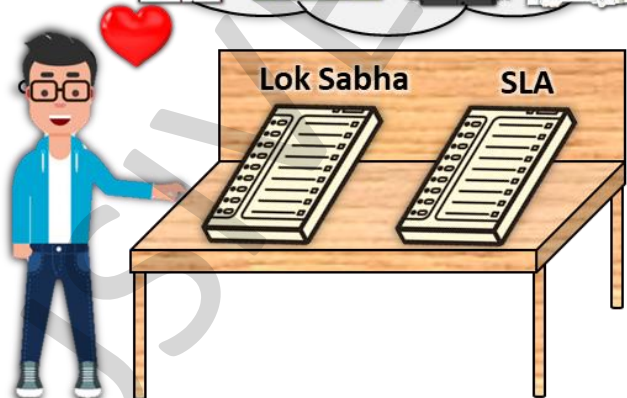
Written by [Liz Mathew](#) | New Delhi |

Updated: December 31, 2020 1:33:54 pm

The ruling Bharatiya Janata Party (BJP), which has given a renewed call for 'One Nation, One Election' call, has now mooted holding elections to local/urban bodies, assembly and the Lok Sabha together, saying good governance, and not holding polls, should be the objective of democracy. The party has proposed changes to the Constitution for setting fixed terms for legislative assemblies and the Lok Sabha.

Simultaneous Elections

- Whole nation votes simultaneously on same day
- Voter votes for Centre & State on same day



Exam relevant topics:

Election expenditure Model Code of Conduct	Term of Lok Sabha & SLAs Democracy & Accountability
---	--

Election Expenditure

Election expense limit is on:

- Candidate; Party; Star Campaigner

Political parties:

- Income:** no Income tax; must file return with **IT dept.**
- Expenses:** file expenses statement with **ECI**; else ECI can suspend recognition (NPP in 2015)
- Barred from receiving **foreign contributions**

Limit on candidate's expenses:

- Varies with state**, for LS and SLA elections
- (70 or 54 lakh for LS; 28 or 20 lakhs for SLA)
- List given in Conduct of Election **Rules, 1961**
- Can be changed by government notification
- Recently increased by 10% due to covid
- Can be disqualified for exceeding limit or not filing expense statement with EC

Note:

- Section 29B of **RPA 1951** bars political parties from receiving foreign funds.
- In 2018, FCRA 2010 was amended, to change definition of foreign company.
- Now political parties "easily" receive unlimited foreign funds.
- For Prelims, just remember: **they can't receive foreign funds.**

Star Campaigner

- Mentioned in **RPA 1951** as "leaders of political party"
 - Registered recognised party: **40** (Covid 30)
 - Registered unrecognised party: **20** (Covid 15)
- Inform names to ECI within **7 days** of election notification
- Expenses not added** to candidate's limit (for exam, details not needed)
- Can a **candidate** also be a **star** campaigner? **Yes**

Model Code of Conduct

- X** Constitution; **X** Law;
- Guidelines issued by EC
- From the moment elections are announced, till results are declared

- LS election**: throughout the country
- SLA election**: in that state only
- cVIGIL**: mobile app by ECI, for people to report MCC violation
- First time in 1960 Kerala elections

Which of these are violation of MCC:

- ✓ Minister combining **official visit** with election work (PM exempted since October 2014)
- ✓ Use of **official machinery** for election (Indira Gandhi 1975 disqualification)
- ✓ **Govt ads** on achievements to improve victory chances
- ✓ Use of **caste** and **communal** feelings to secure votes
- ✓ Govt announcing new projects or **schemes**.
- ✓ **Transfer** of election related officials.

Note #1:

- Relaxations in MCC can be given by EC, depending on situation (e.g. natural disaster)

Note #2:

- Some MCC violations are also offences under **other laws** like RPA, IPC, etc.
- For example, in 1975 Allahabad HC disqualified Indira Gandhi for corrupt practice under RPA 1951 (use of official machinery for election).

Term of LS / SLAs

Note:

Automatic dissolution after 5-year term, even if not notified (*Prelims 2004*)

	5-year term	Summon/Prorogue/Dissolve by President/Governor (Pg-13)
LS	Article 83	Article 85
SLA	Article 172	Article 174



Centre/State Govt Falls after 2 years

➤ Another party forms govt.

➤ Re-election for 3 years



RPA 1950	Qualification of voters	Preparation of electoral rolls
RPA 1951	Qualification/Disqualification of MP/MLA	Registration of political parties

Electoral roll?

list of citizens eligible to vote

Minimum age?

18 years (61st CAA 1988 amended Article 326)

How many?

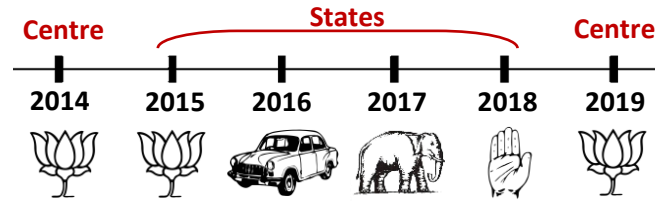
- ECI** conducts elections to LS/SLA
- SEC** conducts elections to local bodies
- In some states, SEC uses ECI's voter list.
- So, **some** states have **single list**, others two

I read I forget, I see I remember

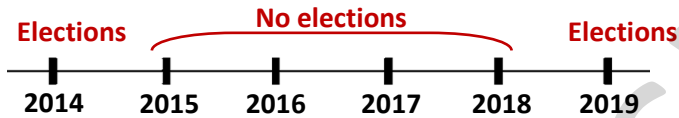
See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Democracy and accountability

- Democracy
- Govt is **formed** by people e.g.
 - Elections
 - Govt is **accountable** to people e.g.
 - Frequent elections; Right to recall



Currently: Frequent elections ensure accountability
Problem: can't fool people all the time
Solution: reduce number of times you need to fool them



Still don't understand the consequences?
Think of relationships as 5-year contract

Prelims 2017:

Democracy's superior virtue lies in the fact that it calls into activity

- समझदार जनता
मजबूत सरकार
दूरदर्शी नेता
समर्पित कार्यकर्ता
- the intelligence and character of ordinary men and women
 - the methods for strengthening executive leadership
 - a superior individual with dynamism and vision
 - a band of dedicated party workers

A very popular party/leader
 +
 Simultaneous elections = One-Party Dominance

OPD: Same party in Centre and majority of states
Example: Congress during 1947-67

“लोकसभा और राज्य विधानसभाओं के एक ही समय में चुनाव, चुनाव-प्रचार की अवधि और व्यय को तो सीमित कर देंगे, परंतु ऐसा करने से लोगों के प्रति सरकार की जवाबदेही कम हो जाएगी।” चर्चा कीजिए। **Mains 2017**

(उत्तर 150 शब्दों में दीजिए)

“Simultaneous election to the Lok Sabha and the State Assemblies will limit the amount of time and money spent in electioneering but it will reduce the government's accountability to the people.” Discuss. (Answer in 150 words) 10

What has the impact of the farmers' agitation been on the BJP?

There is some impact, certainly. But we have enough time (ahead of elections).

These farm bills, against which the farmers of Punjab and Haryana have been protesting, do not affect us (farmers of western UP) much. It's more an emotional issue for the Jat community. We do not have APMC mandis in western Uttar Pradesh.

There is already a contract system in place between the sugar farmers and mills in these areas.

Excerpts from a Union Minister's interview to IE March 16, 2021

“In India, ...
 ...hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country... But in politics, ...hero-worship is a sure road to degradation and eventual dictatorship.”

Babasaheb Dr. B.R. Ambedkar

Speech in Constituent Assembly
 25 November 1949

New NCERT Class-12 Politics in India Since Independence Chapter-2

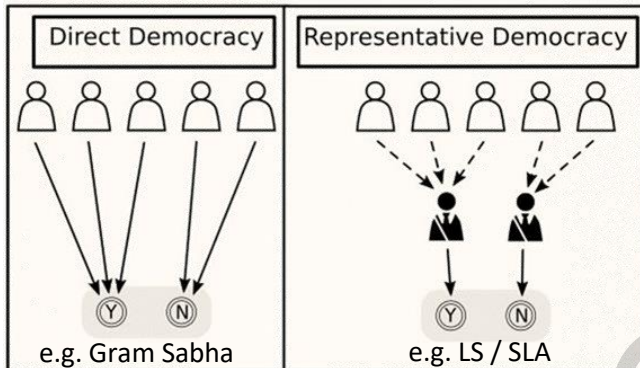
Haryana Panchayati Raj (2nd Amendment) Act, 2020

- To start proceedings: sign of **50%** of Gram Sabha
- To recall: **2/3rd** majority

Note: Haryana is not the first state to have RTR.

Right to Recall:

- Voters can **remove elected** officials **before** expiry of **term**
- It increase **accountability**; but may bring **instability**
- It is an Instrument of **direct democracy**.



Other Instruments of direct democracy:

- Initiative:** people propose a new law
- Referendum:** referring a bill to people
- Plebiscite:** getting opinion of people

Note:

- By itself, **none of them are binding** (But govt. may do so)
- In Australia, referendum is binding on govt. and is used to amend Constitution. (So, many coaching institutes say that Referendum is binding)
- Media now uses referendum word instead of plebiscite.
- For Prelims just remember: there is no strict definition; none of them are binding.

Some recent independence referendums:

- 2014 Scotland (from UK)
- 2017 Catalonia (from Spain)
- 2020 New Caledonia (from France)

Prelims 2015:

The **fundamental objective** of Panchayati Raj system is to ensure which among the following?

1. People's participation in development ✓
2. Political accountability ✗
3. Democratic decentralization ✓
4. Financial mobilization ✗

Select correct answer using code given below.

- (a) 1, 2 and 3 only (b) 2 and 4 only
(c) 1 and 3 only (d) 1, 2, 3 and 4

Right to Recall

THE HINDU

Haryana clears Bill on right to recall panchayat member

PRESS TRUST OF INDIA

NOVEMBER 07, 2020 01:01 IST

UPDATED: NOVEMBER 07, 2020 01:01 IST

The Haryana Assembly on Friday passed a Bill which provides the right to recall members of Panchayati Raj institutions to those who elected them and gives women 50% reservation in these rural bodies.

The Bill also proposed 8% reservation to the "more disadvantaged" among the Backward Classes.

The Bill allows the recall of village sarpanches and members of the block-level panchayat samitis and district-level zila parishads if they fail to perform.

Prelims 2017:

Local self-government can be best explained as an exercise in

- (a) Federalism
- (b) **Democratic decentralization**
- (c) Administrative delegation
- (d) Direct democracy

Are NRIs likely to get postal voting rights soon?

Srinivasan Ramani

DECEMBER 20, 2020 00:02 IST
UPDATED: DECEMBER 20, 2020 12:16 IST

What is the Election Commission's proposal and how can it be made possible for non-resident Indians?

ThePrint

Why NRIs won't be able to vote in Bengal, Assam, TN, Kerala, Puducherry elections

Several issues need to be ironed out before the proposal can be implemented, including identification of voters and venues for voting.

SANYA DHINGRA
2 March, 2021 12:04 pm IST

Voting rights

Can NRIs vote?

- Yes, since **2011** (RPA 1950 was amended)
- Register as **Overseas voter**; show passport; vote in Constituency (as per passport address)

Problem?

They need to travel to India

Solution? allow them to vote by:

- **Proxy voting**, amend RPA 1950
- **Postal ballot** (amend Conduct of Election Rules 1961)

Note:

- RPA 1950** allows '**ordinary residents**' to vote.
- NRIs are outside India for 6 months, not 'ordinary resident', hence 2011 amendment was required.

Prelims 2017:

Right to vote and to be elected in India is a

- (a) Fundamental Right
- (b) Natural Right
- (c) Constitutional Right**
- (d) Legal Right

Sources:
Article 326
UPSC Answer Key
NCERT Class-9 & 11

Note:

Person in prison (convict/undertrial) or in police custody:

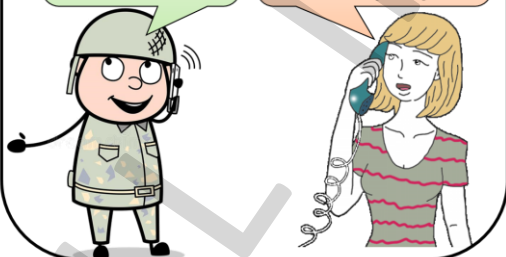
- ✓ Cannot vote
- ✓ Can contest election (if not disqualified)

Proxy voting

Registered elector delegates his voting power to a representative

Please cast my vote in favour of party ABCD

Ok, but I will cast my own vote in favour of party XYZ

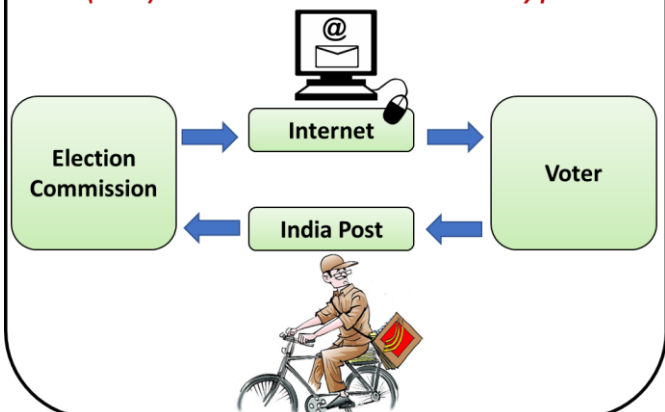


Available to Service voters:

- Armed forces, etc.
- Govt. employee o/s India
- Armed police force of state serving o/s state

Postal ballot

Electronically Transmitted Postal Ballot Papers (ETPB) are sent to electors and returned by post



Available to:

- Service voters
- Those in preventive detention

Opinion polls / Exit polls

Why such restrictions?

Because they can be used to manipulate public opinion.

Use of exit poll in multi-phase polls:

- Finetune Strategy
- Alliance talks

	Whom will you vote	Whom did you vote
	Opinion poll	Exit poll
Conducted	Before voting	After voting
Result announced	Not during silence period	Only after half hour of end of all phases
Law	No specific mention in law	RPA 1951 section 126A (added in 2009)

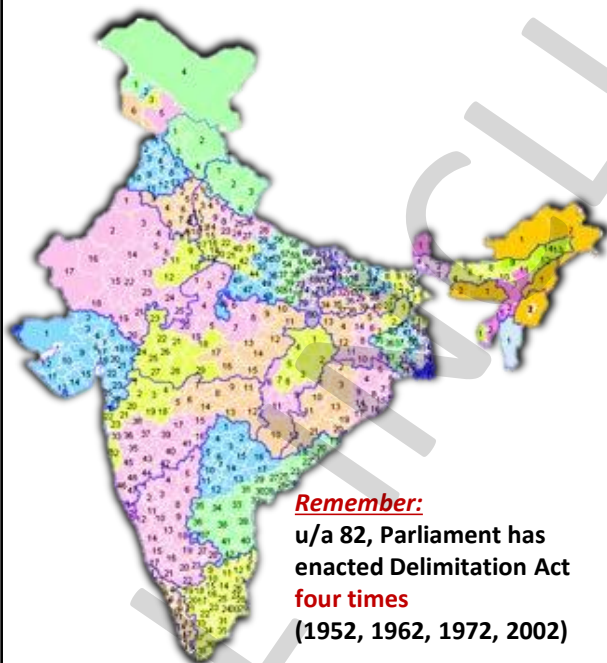
Silence period:

- Mentioned in section 126(1) of **RPA 1951**
- **48 hours** before **end** of polling in an area
- No campaign, advertisements, etc.
- Even Media cannot show any election matter during this time (but never followed)



LOK SABHA CONSTITUENCY

	Smallest	Largest
Area	Chandni chowk	Ladakh
Population	Lakshadweep	Malkajgiri



Remember:
u/a 82, Parliament has enacted Delimitation Act **four times** (1952, 1962, 1972, 2002)

Delimitation Commission 2020:

Under DM Act, 2002
For J&K and AMAN
(Assam, Manipur, Arunachal, Nagaland)

Delimitation Commission

- Appointed by **President**
- Purpose:
 - Fix boundary of LS/SLA **constituency**
 - Identify **SC/ST** seats
- Members:
 - SC Judge (Serving/Retd.) (**Chairperson**)
 - CEC / EC
 - State EC of concerned states
 - Associate members
- Orders can't be modified or challenged in court
- Aim:**
each LS MP represent same number of people
- How:**
delimit boundaries after each Census
- Done:**
after Census of 1951, 1961, 1971, (and 2002)
- Problem:**
States who controlled population got less seats
- Solution:**
(42nd CAA) Pause at 1971 level till 2000
- 2001:**
(84th CAA) Extended pause till 2026;
Use 1991 data to adjust boundaries within states
- 2003:**
(87th CAA) Use 2001 data instead of 1991
- 2008:**
Report submitted, accepted

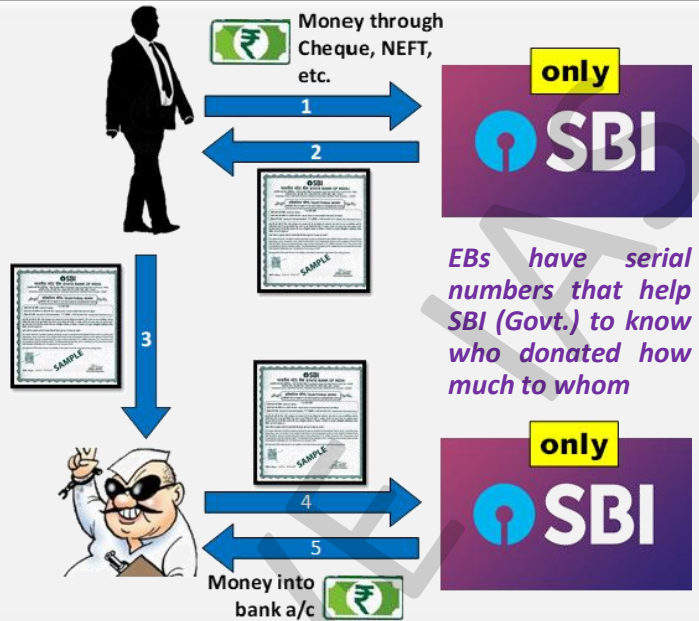
Electoral Bonds

Live Law LOGIN SUBSCRIBE

Electoral Bonds: No Public Interest In Disclosing Identities Of Donors & Donees, Says CIC Rejecting RTI Application

LIVELAW NEWS NETWORK
24 Dec 2020 12:31 PM

The Central Information Commission on Monday held that disclosure of names of political parties to whom contributions are made under the electoral bonds and the donees thereof, is not in public interest.



The Indian EXPRESS

Electoral bonds: Govt ignored red flags raised by Reserve Bank, Election Commission

As per the report, RBI's concerns were dismissed by then Revenue Secretary Hasmukh Adhia in a single short paragraph the same day the finance ministry received the RBI letter.

By: **ENS Economic Bureau** | New Delhi |
November 22, 2019 5:37:22 am

Electoral Bonds: (Introduced by Finance Act, 2017)

A financial instrument to make **anonymous donations** to political parties.

Features of Electoral Bonds:

- Bearer instrument**
Only in physical form; No ownership info; Holder is owner
- In multiples of 10 from **1000 to 1 crore**
- Available only for 10 days after 3 months interval (Jan, Apr, July, Oct.) or as specified by government
- Only through specified branches of **SBI**
- Valid only for **15 days**, else PMRF

Who can buy Electoral Bonds?

- Indian citizens; NRIs; Indian Companies
 - OCI; Foreign nationals; Foreign companies
- Note:** Since 2018 amendment to FCRA, foreign companies are using electoral bonds to donate, but for Prelims ratify the fact **"No foreign funding to political parties"**

Who can get funds via Electoral bonds?

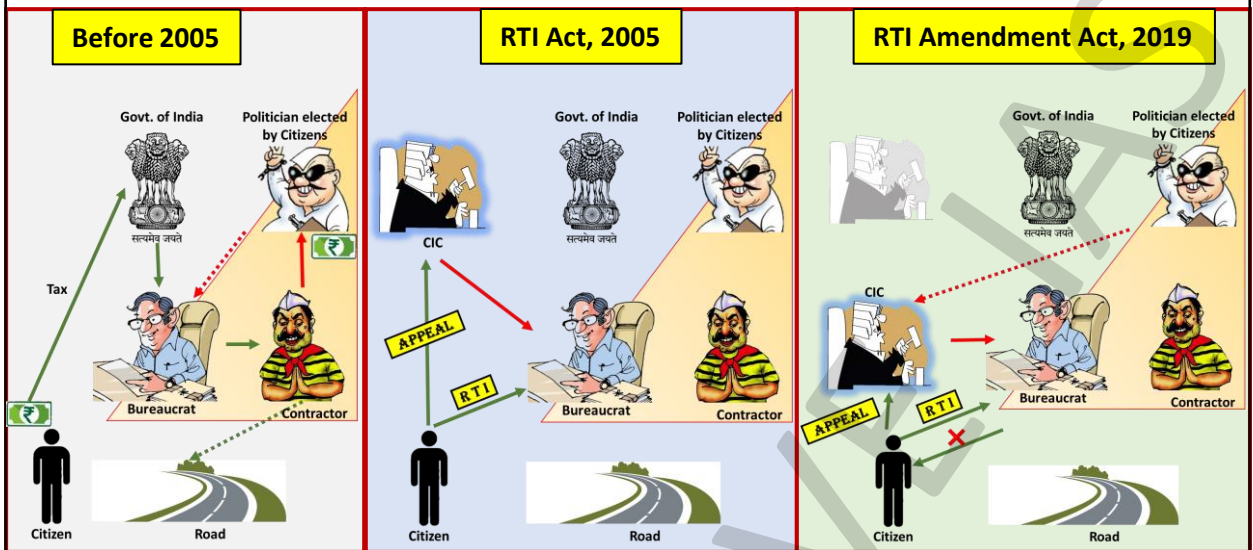
- Registered u/s 29A of **RPA, 1951**
- Secured at least **1% votes** in last Lok Sabha / State legislative assembly elections.

Before Finance Act, 2017	Now
Report source of funds above Rs 20,000	Opaque, as EB don't have name of purchaser
Limit of 7.5% of profit on corporate donations	No limit, even loss making companies can donate
Company's shareholders knew to which party their money was going	Not possible to know

	Small amount	Big amount
Earlier	No problem up to ₹ 20,000	Must disclose identity of donor
Now	No problem up to ₹ 2,000	Must protect identity of donor

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Right to Information



RTI Act:

- Applicant need not give **reason**.
- Applies to **all** public authorities
- Puts **time limit** to give reply (30 days / 48 hours)
- First appeal: within public authority
- Final appeal: CIC / SIC
- **Exempts** certain info under section 8 and 9.

Earlier	Now
Fixed term of 5 years	Central govt. will notify term
Salary equivalence: Centre: ▪ CIC → CEC ▪ ICs → ECs State: ▪ CIC → ECs ▪ ICs → Chief Secretary	Central govt. will determine Please note: Central govt will decide even for States
Terms & conditions of service: legal protection (Protected by RTI Act)	<ul style="list-style-type: none"> ▪ Central govt. will decide; ▪ Binding on CICs/ICs; ▪ Final interpretation also by Central govt.

Public Authority?

- ✓ Office of CJI
- ✗ Office of Attorney General
- ✗ PM-CARES

Section 2(h) of RTI Act 2005 defines public authority as:

- any body constituted:
 - under **Constitution** (e.g. SC, ECI, CAG, UPSC)
 - under central or state **law** (e.g. NHRC)
 - by **notification** of govt. (e.g. NITI Aayog)
- any body **owned, controlled** or substantially financed by govt (e.g. PSUs)
- any **NGO** substantially financed by govt. (e.g. DAV Trust)

In case of death of applicant, RTI proceeding stops automatically?

No, it was included in "draft" Rules 2017, but could not be finalized due to protests.

Section 2(h)	It defines "Public authority".
Section 4(2)	Public Authorities should provide info suo motu , so that public has minimum need to file RTI applications.
Section 8	Exemptions from disclosure of Information.
Section 8 (1) (j)	personal information should not be disclosed, unless larger public interest is served.
Section 8 (2)	Info protected under Official Secrets Act, 1923 can be disclosed under RTI if public interest outweighs the harm

I read I forget, I see I remember

See explanation of this PDF on www.youtube.com/c/allinclusiveias

Consumer Protection Act, 2019

mint e-paper

Consumer Protection Act, 2019 comes into force from today, covers e-commerce too

4 min read · Updated: 20 Jul 2020, 05:23 PM IST

Edited By **J. Jagannath**

- Act includes establishment of the Central Consumer Protection Authority and rules for prevention of unfair trade practice by e-commerce platforms
- Act provides for simplifying the consumer dispute adjudication process and introduces concept of product liability, says Ram Vilas Paswan

The Consumer Protection Act, 2019 comes in to force from 20 July, with its salient features including the establishment of the Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers.

Prelims 2012:

With reference to consumer rights/privileges under the provisions of law in India, which of the following statements is/are correct?

1. Consumers are empowered to take samples for food testing.
2. When a consumer files a complaint in any consumer forum, no fee is required to be paid.
3. In case of death of a consumer, his/her legal heir can file a complaint in the consumer forum on his/her behalf.

Select correct answer using codes given below:

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

Consumer rights? (think of a car)

- a) Right to **awareness** (type of cars)
- b) Right to **safety** (no hazardous products)
- c) Right to be **informed** (quality, purity, etc.)
- d) Right to **choice** (variety at competitive prices)
- e) Right to be **heard** (there is some problem)
- f) Right to seek **redressal** (company not listening)

	1986 Act	2019 Act
Regulator	No Central regulator	Central Consumer Protection Authority
Place of filing of complaint	In consumer court where seller's office is located	In consumer court where buyer resides or works
Limits	District: upto 20 lakh State: 20 lakh to 1 cr National: above 1 cr	District: up to 1 crore State: 1-10 crore National: above 10 crore
E-commerce	No provision	Applies to e-commerce
Product liability	No provision	Consumer has right to compensation for harm caused by a product/service
Mediation	No provision	Court can refer settlement through mediation
Video conferencing	No provision	Consumer can seek hearing by video conferencing

Provisions of the 2019 Act:

(in addition to the table)

- a) CCPA can conduct **investigations**, order **recall** of unsafe goods, order discontinuance of **misleading** advertisement; **suo-motu** initiate **class action suits**
- b) Deemed admissibility of complaint if admissibility not decided within **21 days**.
- c) State and District Commissions can now **review** their own orders
- d) There will be **no fee** for filing cases up to **₹5 lakh**.

Consumer Protection (E-Commerce) Rules, 2020

- Ministry of Consumer Affairs, Food & Public Distribution
- Also applies to **foreign** e-retailers selling goods in India
- Applies to both **market-place** and **inventory** model sellers
- Websites must mention '**country of origin**' of goods/service

I read I forget, I see I remember | See explanation of this PDF on YouTube www.youtube.com/c/allinclusiveias

Money Bill

Article 109:

- Can be **introduced** only in **LS**
- After LS passes it, it is sent to RS
- RS** can **recommend** amendments
- LS may or may not accept amendments
- RS must return it within **14 days**
- If not returned in 14 days, deemed to be passed

Article 110:

- It **defines** Money bill as a bill dealing with **"only"**:
 - **Tax**
 - **Borrowing** of money by Govt. of India
 - **Consolidated** Fund of India
 - **Contingency** Fund of India
 - **Public** Account of India
 - In case of doubt, decision of **Speaker** is final
 - Speaker's **certificate** is necessary
- Note:** Speaker's decision can be challenged in SC

Financial Bills			
	Money bill	Finance Bill (I)	Finance Bill (II)
Article	110	117 (1)	117 (3)
Contents	"Only" matters given in Article 110	"Also" any other matter (in addition to Article 110 matters)	"No" matter of Article 110. But has provisions on expenditure
Introduced	<input type="checkbox"/> Only in LS <input type="checkbox"/> On President's recommendation	<input type="checkbox"/> Only in LS <input type="checkbox"/> On President's recommendation	<input type="checkbox"/> In either house <input type="checkbox"/> President's recomm. need for consideration, not introduction
Passage	see article 109	Like ordinary bill	Like ordinary bill
Joint sitting	No	Yes	Yes
President can	✓ Give assent ✓ Withhold assent X Return for reconsideration	✓ Give assent ✓ Withhold assent ✓ Return for reconsideration	✓ Give assent ✓ Withhold assent ✓ Return for reconsideration

Prelims 2018:

Regarding Money Bill, which of the following statements is **not correct**? *(Note: All the statements are correct)*

- (a) A bill shall be deemed to be a Money Bill if it contains only provisions relating to imposition, abolition, remission, alteration or regulation of any tax.
- (b) Money Bill has provisions for the custody of the Consolidated Fund of India or the Contingency Fund of India
- (c) Money Bill is concerned with the appropriation of moneys out of the Contingency Fund of India
- (d) Money Bill deals with regulation of borrowing of money or giving of any guarantee by Govt. of India

Prelims 2015:

Consider the following statements:

1. The Rajya Sabha has no power either to reject or to amend a Money Bill.
2. The Rajya Sabha cannot vote on the Demands for Grants.
3. The Rajya Sabha cannot **discuss** the Annual Financial Statement.

Which of the statements given above is/ are correct?

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

Prelims 2013:

What will follow if a Money Bill is substantially amended by the Rajya Sabha?

- (a) The Lok Sabha may still proceed with the Bill, accepting or not accepting the recommendations of the Rajya Sabha
- (b) The Lok Sabha cannot consider the bill further
- (c) The Lok Sabha may send the Bill to the Rajya Sabha for reconsideration
- (d) The President may call a joint sitting for passing the Bill

Prelims 2000:

Which one of the following statements about Money Bill is **not correct**?

- (a) A Money Bill can be tabled in either House of Parliament
- (b) The Speaker of Lok Sabha is the final authority to decide whether a Bill is a Money Bill or not
- (c) The Rajya Sabha must return a Money Bill passed by the Lok Sabha and send it for consideration within 14 days
- (d) The President cannot return a Money Bill to the Lok Sabha for reconsideration

Lottery, gambling, betting taxable under GST Act: SC

Krishnadas Rajagopal

NEW DELHI: , DECEMBER 04, 2020 03:20 IST
 UPDATED: DECEMBER 04, 2020 02:54 IST

The Supreme Court on Thursday held that lottery, gambling and betting are taxable under the Goods and Services Tax (GST) Act.

The court held that lottery, betting and gambling are “actionable claims” and come within the definition of ‘goods’ under Section 2(52) of the Central Goods and Services Tax Act, 2017.

Lottery, Gambling, Betting

Lottery:

- Lottery organised by Centre/State government is in **Union List**
- State govt can ban private lotteries

Betting and Gambling:

- Betting and Gambling are in **State List**
- Public Gambling Act, 1867 is a central law, but states are free to frame own laws
- Some states allow them, some don't

FDI:

- FDI is **not allowed** in Lottery, gambling, betting

FEMA and FCRA

FEMA	FCRA
Foreign Exchange Management Act, 1999	Foreign Contribution Regulation Act, 2010
Replaced FERA, 1973	Replaced FCRA, 1976
Ministry of Finance / RBI	Ministry of Home Affairs
To facilitate external trade and payments	To control inflow of foreign funds to NGOs, etc.

National Recruitment Agency:

- DoPT (Ministry of PPG&P)
- Will conduct **Common Eligibility Test** twice a year to shortlist candidates
- For **non-gazetted** posts in central govt. and PSUs
- For: 10th pass, 12th pass, Graduates
- Exam in **12 languages**; Score valid for **3 years**

National Career Service: (like naukri.com)

- Ministry of Labour & Employment
- Now also providing training, counselling, etc.

Mission Karmayogi: (like MOOCS)

- National Programme for **Civil Services Capacity Building**
 - Courses will be delivered through **iGOT platform**
 - Anyone can enrol? No, its **not for general public**
 - Department/Ministry? **DoPT** / Ministry of PP&P
- iGOT = Integrated Govt. Online Training*
MOOCS = Massive Open Online Courses

Prelims 2017:

Consider the following in respect of 'National Career Service':

1. It is an initiative of (DoPT) Department of Personnel and Training, Government of India.
2. National Career Service has been launched in a Mission Mode to improve the employment opportunities to **uneducated** youth of the country.

Which of the above statements is/are correct?

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

Supreme Court dismisses Aadhaar review petitions

Legal Correspondent

NEW DELHI, JANUARY 20, 2021 18:27 IST
 UPDATED: JANUARY 20, 2021 19:33 IST

The Supreme Court, in a majority view, dismissed a series of petitions seeking a **review of its 2018 judgment** upholding the Lok Sabha Speaker's certification of **Aadhaar law as a Money Bill** and its subsequent passage in Parliament.

Two questions had come up for review regarding the five-judge Aadhaar Bench's judgment in 2018.

One, whether the Speaker's decision to declare a proposed law as Money Bill was "final" and cannot be challenged in court. The second, whether the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 was correctly certified as a 'Money Bill' under Article 110(1) of the Constitution.

Data collected:

- Demographic:** Name; DoB/Age; Gender; Address
- Biometric:** Ten fingerprints; two iris scans; facial photography

Required for:

- IT return, PAN, Welfare schemes (PDS, NREGA, etc.)

Not required for:

- Bank, Sim card, school admission, registration of birth/death

Virtual ID:

A temporary 16 digit number generated online
 Does not reveal Aadhaar number

Paperless Offline e-kyc:

Can be authenticated without biometrics
 Does not reveal Aadhaar number

Appellate Tribunal:

Telecom Disputes Settlement and Appellate Tribunal

Prelims 2018:

Consider the following statements:

1. Aadhaar card can be used as a proof of citizenship or domicile.
2. Once issued, Aadhaar number cannot be deactivated or omitted by the Issuing Authority.

Which of the statements given above is/are correct?

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

Prelims 2018:

The identity platform 'Aadhaar' provides open "Application Programming Interfaces (APIs)". What does it imply?

1. It can be integrated into any electronic device.
2. Online authentication using iris is possible.

Which of the statements given above is/are correct?

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

Incorrect statements	Correct statements
It is a 12 digit number issued to Indian citizens .	It is a 12 digit number issued to residents of India. But, NRI are allowed to get Aadhaar.
It is issued by UIDAI, which is a statutory body under Home Ministry	It is issued by UIDAI, which is a statutory body under Meity .
To protect citizen's privacy, UIDAI is exempt from RTI Act, 2005	UIDAI is not exempt from RTI Act, 2005, though some restrictions apply.
Blue Aadhar is issued to handicapped people who cannot provide biometrics	Blue Aadhar is issued to children up to 5 years of age.
Aadhaar-PAN linking is not compulsory	Aadhaar-PAN linking is compulsory .

Prelims 2020:

Consider the following statements:

1. Aadhaar metadata cannot be stored for more than **three months** **six months**
2. State **cannot** enter into any contract with private corporations for sharing of Aadhaar data
3. Aadhaar is mandatory for obtaining **insurance** products.
4. Aadhaar is mandatory for getting benefits funded out of the **Consolidate fund of India**.

Which of the statements give above is/are correct?

- (a) 1 and 4 only (b) 2 and 4 only (c) 3 only (d) 1,2 and 3 only

Whistle Blowing

Companies Act, 2013:

listed companies must have committee to investigate WB complaints

SEBI (Prohibition of Insider Trading) Regulations 2015:

- rewards WBs who expose insider trading

Whistle Blowers Protection Act, 2014:

- The act protects WB against victimization.
- To expose corruption, misuse of power, etc. by any **official** / **minister**.
- WB can be govt. **official**, or any other **individual** / **NGO**
- Info protected under **Official Secrets Act 1923** can also be disclosed for public interest
- The act does not apply to **armed forces**
- 2015 amendment bill lapsed (2015 UPSC Mains: if passed, there may be no one left to protect)

Criminal Procedure Code

- Enacted in **1973** (though initially created in 1882)
- Tells **procedure** to investigate, determination of guilt, etc.

Indian Penal Code

- Enacted in **1860** (recommended by 1st Law Comm. 1834)
- Defines **crime** and corresponding **punishment**

Right to Internet

Faheema Shirin case 2019:

Kerala HC declared that Right to access internet is part of Right to Education and Right to privacy .

Which of the following can be used to restrict access to internet/websites?

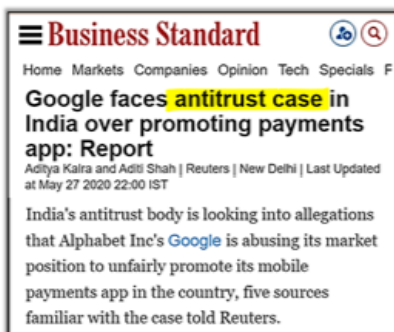
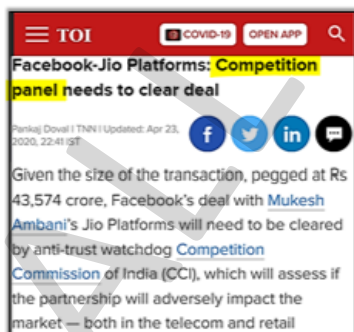
- ✓ Telegraph Act, 1885
- ✓ Section 69A of IT Act, 2000
- ✓ Section 144 of CrPC

Note: In 2015, SC struck down Section 66A of IT Act, 2000 (Shreya Singhal case)

Competition Commission of India

- Set up in **2003**, replaced MRTP Act 1969
- Statutory body under **Competition Act, 2002**
- Competition regulator (aka anti-trust regulator)
- Prevent activities that reduce competition

Note: Predatory pricing is illegal under Competition Act, 2002



I read I forget, I see I remember

See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

PDS

Objective: Poor must get essential commodities, at affordable price, on time

What is sold through PDS?

- ❑ Centre allocates to States: rice, wheat, sugar, kerosene
- ❑ States can allocate additional items: salt, oil, spices, pulses, etc.

Responsibility:

- ❑ Centre: procurement, storage, transportation, allocation to States
- ❑ States: beneficiary identification, issue Ration card, supervise FPS, etc.

Evolution of PDS

World War - II	distribution of essential commodities
1960s	severe food shortages, PDS got attention
1970s	after green revolution, PDS extended to tribal areas
1992	Revamped PDS (RPDS) launched to focus on remote areas (area based approach)
1997	Targeted PDS (TPDS) launched; focus on poor Mainly for BPL; highly subsidized But also for APL; as sudden withdrawal can be problematic
2000	Antyodaya Anna Yojana to target poorest of poor in BPL
12 th 5-year Plan (2012-17)	Plan Scheme on "End-to-End Computerisation of TPDS Operations" Includes digitization of FPS, e-POS, Aadhaar linking, etc.
2018	Integrated Management of PDS Nationwide portability of food grains under NFSA 2013 States being added gradually
Now	One Nation One Ration Card Standard format for Ration cards (issued by States) Pick ration from any FPS, biometric authentication Migrant can buy maximum 50% of family quota

- ❑ **Integrated Management of PDS portal:** for inter-state ration card portability
- ❑ **Annavitran portal:** for inter-district (within the state) ration card portability

National Food Security Act 2013:

- ❑ Benefits 75% of rural and 50% of urban population
- ❑ Rice ₹ 3/kg, Wheat ₹ 2/kg, Coarse grains ₹ 1/kg
- ❑ 35 kg food grains per household per month
- ❑ **Eldest woman** of family considered as '**Head of Family**' for issue of ration card

Electricity Prosumer

- ❑ Prosumer = Producer + Consumer
- ❑ Electricity Prosumer: A consumer who also produces and supplies electricity back into the grid

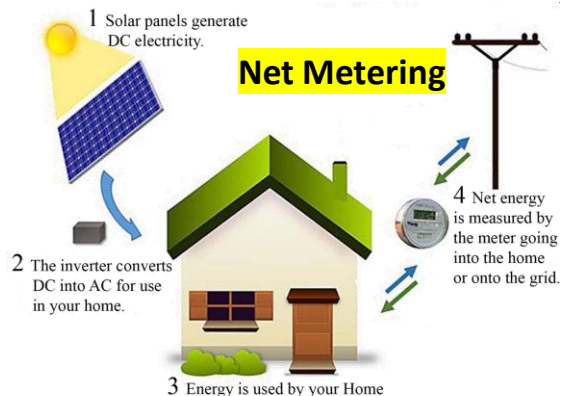
Prelims 2016:

'Net metering' is sometimes seen in the news in the context of promoting the

- production and use of solar energy by the households/consumers
- use of piped natural gas in the kitchens of households
- installation of CNG kits in motor-cars
- installation of water meters in urban households

Smart Meter:

- ❑ Allows **prepaid** delivery of electricity
- ❑ Allows **time-based tariff** for better load management
- ❑ Allows **real-time** monitoring and **two-way** communication between consumer & Discom)



I read I forget, I see I remember

See explanation of this PDF on [YouTube](https://www.youtube.com/c/allinclusiveias) www.youtube.com/c/allinclusiveias

Some Constitutional bodies

	ECI	UPSC	SPSC	CAG
Article	324	315	315	148
Purpose	Free & fair elections	Watch-dog of merit system	Watch-dog of merit system	Guardian of public purse
Composition	One CEC; such number of other ECs as President may fix	President decides number of members	Governor decides number of members	One
Qualifications		50% members should have been govt. servant for 10 years	50% members should have been govt. servant for 10 years	
Selection committee	None	None	None	None
Appointed by	President	President	Governor	President
Salary & allowances	Like SC judge	Like CEC and ECs; charged on CFI	Charged on CFS	Like SC judge; charged on CFI
Service conditions	Determined by President	Determined by President	Determined by Governor	Determined by Parliament
Term; Ret. age	6, 65	6, 65	6, 62	6, 65
Removal	Like SC judge	President; or President after taking SC's advice	Same as UPSC	Like SC Judge
Can be reappointed?	Yes	No	No	No
Can get post retirement govt. employment?	Yes	Chairman: No Members: No, except Chairman of UPSC/SPSC	No, but: Can be chairman or member of UPSC or chairman of SPSC	No

Some Statutory bodies

	CIC	SIC	NHRC	SHRC	CVC	Lokpal
Law	RTI Act, 2005	RTI Act, 2005	Protection of Human Rights Act, 1993	Protection of Human Rights Act, 1993	Central Vigilance Commission Act, 2003 1964	Lokpal and Lokayuktas Act, 2013
Purpose	Complaints/ appeals	Complaints/ appeals	Watch-dog of human rights	Watch-dog of human rights	Anti-corruption	Anti-corruption
Composition	1 + 10	1 + 10	1 + 5 + 7	1 + 2	1 + 2	1 + 8
Qualifications			Retd. CJ or Judge of SC	Retd. CJ or Judge of HC		Retd. CJ or Judge of SC or eminent person
Selection committee	PM; Cabinet Minister; LoP in LS	CM; Cabinet Minister; LoP in SLA	PM, HM LS: Speaker, LoP RS: Dy Ch. , LoP	CM, HM SLA: Speaker, LoP SLC: Chairman, LoP	PM; HM; LoP in LS	PM; CJI; LS Speaker; LS LoP; eminent jurist
Appointed by	President	Governor	President	Governor	President	President
Salary & allowances	Determined by Central govt.	Determined by Central govt.	Determined by Central govt.	Determined by State govt.	Same as UPSC	Same as SC CJ or Judge
Service conditions	Determined by Central govt.	Determined by Central govt.	Determined by Central govt.	Determined by State govt.	Same as UPSC	Same as SC CJ or Judge
Term; Ret. age	Central govt.; 65	Central govt.; 65	3, 70	3, 70	4, 65	5, 70
Removal	President	Governor	President	Same as NHRC	President	President
Can be reappointed?	No	No	Yes	Yes	No	No
Can get post retirement govt. employment?			No	No	No	No

I read I forget, I see I remember | See explanation of this PDF on www.youtube.com/c/allinclusiveias

NHRC

	1993 Act	2019 Amendment
NHRC chairperson	Ex C.J.I	Also Ex SC judge
SHRC chairperson	Ex C.J. of State High Court	Also Ex HC Judge
Term	5 year	3 year
Members with HR knowledge	Two	Three At least one woman
Ex-officio members	Chairpersons of: <ul style="list-style-type: none"> ▪ NC for SC ▪ NC for ST ▪ NC for BC ▪ NC for Women ▪ NC for Minorities 	Also, <ul style="list-style-type: none"> ▪ NC for Protection of Child Rights ▪ Chief Commissioner for PwDs
Reappointment	Yes, but only for 5 years	Yes, no limit

- Also, now Central Govt. may confer any SHRC the functions for a UT.
- NHRC will deal with cases of Delhi.

Normally, following complaints are not taken up by NHRC:

- Complaint is made one year after alleged incident
- sub-judice matters
- Service matters

(Source: www.nhrc.nic.in)

National Medical Commission:

- Replaced Medical Council of India (**MC** Act 1956)
 - Statutory** body formed by NMC Act, 2019
 - Regulates** medical education and medical professionals
 - Chairman: ~~Health Minister~~ Medical practitioner
 - NEET**: For **entrance** to UG/PG courses
 - NEXT**: licence to **practice** after MBBS / entrance to PG courses
 - Some mid-level practitioners may be given **limited licence** to prescribe specified medicine
- NEET**: National Eligibility-cum-Entrance Test
NEXT: National Exit Test

Law Commission of India:

- Constitutional; Statutory
- Advisory** body for legal reforms
- Formed by Central govt. for **three years**
- 22nd LC formed in 2020
- 1st Law Commission:**
 - 1834; by Charter Act 1833
 - under Lord **Macaulay**
 - Recommended codification of IPC & CrPC
- 1st Law Commission after 1947:**
 - 1955; under MC Setalvad (also 1st AGI)

NCRB:

- National Crime Records Bureau
- 1986; Ministry of Home Affairs

BPRD:

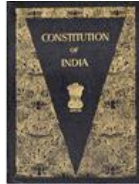
- Bureau of Police Research & Development
- 1970; Ministry of Home Affairs

Three Judges cases








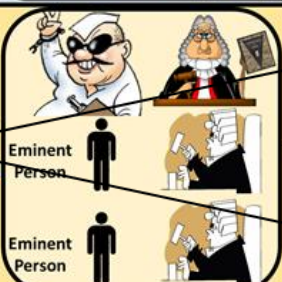
Regarding appointment of Supreme Court Judges, Article 124 (2) says:

"in the case of appointment of a Judge other than the Chief Justice, CJI shall always be consulted".

What does "consulted" mean?



President must "consult" Chief Justice of India

<p>1st Judges case 1982</p> <ul style="list-style-type: none"> ▪ Consultation means <u>exchange of views</u>. ▪ CJI's advice not binding. 		<p>Not binding</p>	
<p>2nd Judges case 1993</p> <ul style="list-style-type: none"> ▪ Consultation means <u>concurrence</u>. ▪ CJI's advice binding ▪ CJI must consult <u>two</u> senior-most judges 		<p>Binding</p>	
<p>3rd Judges case 1998</p> <ul style="list-style-type: none"> ▪ Consultation means concurrence. ▪ CJI's advice binding ▪ CJI must consult <u>four</u> senior-most judges 		<p>Binding</p>	
<p>4th Judges case 2015</p> <ul style="list-style-type: none"> ▪ In 2015, Govt. amended Constitution ▪ SC ruled that NJAC is unconstitutional 		<p>Binding</p>	

- Strength of **SC** decided by - **Parliament**
 - Strength of **HC** decided by - **President**
- Current sanctioned strength of SC is **34** including CJI

Transfer of HC judge:

- President consults CJI; CJI consults:
- 4 senior most SC judges
 - CJs of the two HCs

Which of the following are correct?

- ✓ Originally, **Constitution fixed** the number of judges of SC.
- ✓ **Parliament** can **increase** number of judges of SC without amending the constitution.

Basis for transferring a HC judge?

- Transfer can be made only in 'public interest for **better administration of justice**'.
- It cannot be a punitive measure.

News:

SC pushed for appointment of **retired judges** in HCs and orally outlined prospective guidelines

Article 127: (ad hoc Judges in SC)

- **CJ** can appoint any HC judge as SC judge
- Must be qualified to be SC judge
- Consent of President and consult with HC CJ

Article 224: (additional and acting Judges in HC)

- Temporary rise in business/pendency: **President** can appoint a qualified person as **additional** judge
- HC judge absent/unable/acting as CJ: **President** can appoint a qualified person as **acting** judge
- Maximum till **62 years** of age

for max two years

Article 224A: (retd. HC judge in HC)

- After prior consent of President, **CJ of HC** can appoint a **retired** HC judge as judge

Union Territories

69th Amendment 1991:

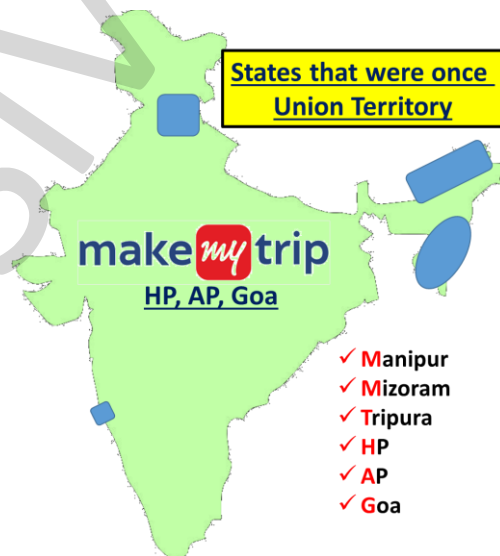
Inserted article **239AA**

Gave Delhi Assembly & CoM

States that were once Union Territory

President can make regulations for the peace, progress and good government of:

	Year	High Court	Assembly
Delhi	1956	DELHI	1992
A&N islands	1956	Calcutta	
Lakshadweep	1956	Kerala	
Dadra & Nagar Haveli	1961	Bombay	
Daman & Diu	1962	Bombay	
Puducherry	1962	Madras	1963
Chandigarh	1966	P & H	
J&K	2019	J&K	2019
Ladakh	2019	J&K	



- ✓ Manipur
- ✓ Mizoram
- ✓ Tripura
- ✓ HP
- ✓ AP
- ✓ Goa

- ❑ **Colonial times** : scheduled districts / Chief Commissioners provinces
- ❑ **1947**: placed in the category of Part 'C' and Part 'D' states.
- ❑ **1956** : constituted as UTs by 7th Constitution Amendment and State Reorganisation Act 1956

NCT of Delhi (Amendment) Act, 2021

- **Assembly** can't make any rules or **committees** for day-to-day **administration** or to conduct **enquiry**.
- Before taking any **executive** action, opinion of **LG** must be obtained.
- "**Government**" to mean "**Lieutenant Governor**"

Delhi Assembly can't make law on public order, police and land
J&K Assembly can't make law on public order and police
Puducherry Assembly can make law on all matters of State list.

- ❑ Parliament can make laws on any subject of State List for union territories, including those with legislature.
- ❑ Is **Governor** of a State an **agent** of President? **No**
- ❑ Is **Administrator** of UT an **agent** of President? **Yes**

Uniform Civil Code

Detail important for Mains, not Prelims

Mentioned in Constitution?

- Yes, in article **44**
- DPSP: Part-IV, articles 36-51

Law Commission in 2018:
UCC is neither feasible nor desirable

Meaning:

- **Same personal laws for all citizens**, irrespective of religion.
- e.g. marriage, divorce, inheritance, etc.
- Criticism: India does not have uniform laws for civil and criminal matters, then why push for personal matters

Personal laws:

- in **Concurrent list**; so not uniform across India
- Different laws for different religions
 - e.g. Hindu Marriage Act, 1955
 - e.g. Muslim Women (Protection of Rights on Marriage) Act, 2019
 - e.g. Indian Christian Marriage Act, 1872
 - e.g. Parsi Marriage and Divorce Act, 1936

Goa civil code: (Portuguese Civil Code 1867)

- appreciated by SC as shining example of **UCC**
- **Single law for all** Goans irrespective of religion
- But it has special provisions for some religions
- e.g. Only **Hindu** men have the right to **bigamy** under special circumstances (if the wife fails to deliver a child by the age of 25, or if she fails to deliver a male child by the age of 30)

Sedition Law

Sedition is against **Govt.**; Treason is against **Nation**

- by **British** to tackle **dissent** in its colony
- **still** used in independent India (**democracy**)

- 1837**: drafted by **Macaulay**
- 1860**: not included in IPC
- 1870**: added to **IPC**

Who said "**Sedition has become my religion**" ?
Gandhi in 1930 (CDM)

- Section 124A** of IPC defines sedition as "**disaffection towards govt. established by law**"
- Non-bailable** offence;
- Max. punishment: **life imprisonment**
- During trial**, the accused:
 - must surrender **passport**
 - can't apply for **govt. job**

Famous sedition cases:

- 1891**: 1st trial was of **Jogendra Chandra Bose** (editor of Bangobasi) for criticising Age of Consent Act, 1891. Acquitted.
 - Bal Gangadhar **Tilak** (1897, 1909, 1916)
 - Gandhi** (1922) arrested (6 years → 2 years)
 - and many other nationalists
- Mainly for publishing articles criticising govt.

- ❖ **1917**: **Sedition Committee** (Rowlatt Committee) appointed to evaluate political terrorism.
- ❖ **1919**: Anarchical and Revolutionary Crimes Act, 1919 (aka **Rowlatt Act**, Black Act)
 - ❖ Newspapers described it as No dalil, No vakil, No appeal
 - ❖ It was extension of the **Defence of India Act 1915**
 - ❖ Further empowered govt to quell sedition by silencing the **press**, detaining the political **activists** without trial, and **arresting** without warrant.

UAPA 1967

Unlawful Activities (Prevention) Act, 1967

- **Unlawful activity**: activity against territorial **integrity** and **sovereignty** of India.
 - Till 2004, "unlawful" activities meant actions related to **secession** and **cession** of territory
 - Centre can declare any activity as unlawful
- Max punishment: **death** penalty
- both Indian and **foreign nationals** can be charged
- Applies even if crime is committed on a **foreign land**
- **2019 amendment**:
 - Govt can designate any individuals as **terrorist** even before commencement of trail.

I read I forget, I see I remember | See explanation of this PDF on  **YouTube** www.youtube.com/c/allinclusiveias

Overseas Citizen of India

Since **2005**, by amending Citizenship Act, 1955

NRI: They are Indians, so they don't need visa.

OCl: They are NOT Indians, so they need visa.

Govt. has given them **lifelong VISA**.

Eligibility:

- Was Indian citizen on 26th January 1950; or his/her (great/grand) children; and their spouse
- Should not be citizen of Pakistan or Bangladesh

Rights of OCl:

- Not citizen, so can't vote, get govt job, etc. They have same **FRs** as other **aliens**.
- Same rights **NRI** in education, pursuing **profession**, adoption, fees at ASI monuments, etc.
- They are **not** at par to NRI in case of acquisition of **agricultural** or plantation properties.
- Some restrictions like no Missionary, Tabligh, Journalism, Mountaineering.

Constitution denies following Fundamental Rights to aliens (those who are NOT CITIZENS):

- Article 15** - Right against discrimination on grounds of religion, race, caste, sex or **place of birth**.
- Article 16** - Right to equality of opportunity in the matter of **public employment**.
- Article 19** - Right to freedom of **speech** and expression, assembly, association, movement, residence and profession.
- Articles 29 & 30** - **Cultural** and **educational** rights.

1	11	21	31
2	12	22	32
3	13	23	33
4	14	24	34
5	X 15	25	35
6	X 16	26	
7	17	27	
8	18	28	
9	X 19	X 29	
10	20	X 30	

Citizenship

Constitution deals with the citizenship from Articles 5 to 11 under Part-II:

- **Article 5** : Citizenship at commencement of Constitution
- **Article 11** : Parliament to regulate right of citizenship (Hence came Citizenship Act, 1955 as amended from time to time)

Acquisition of citizenship:

- 1) by birth
- 2) by descent
- 3) by registration
- 4) by **naturalization**
- 5) by incorporation of territory

Loss of citizenship:

- 1) by **renunciation** : **giving up** Indian citizenship
- 2) by **termination** : on **acquiring** citizenship of another country, Indian citizenship automatically terminates
- 3) by **deprivation** : Central govt. terminating citizenship

X CAA is for persecuted people X
 ✓ The Act nowhere says that it is for persecuted people.
 ✓ No proof of persecution is required.

X CAA is for religious minorities X
 ✓ CAA is for specific religions only

2 THE GAZETTE OF INDIA EXTRAORDINARY [PART II—

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, **shall not be treated as illegal migrant for the purposes of this Act**;"

X CAA is for India's neighbours X
 ✓ CAA is not for Nepal, Bhutan, Myanmar, China, Sri Lanka

Why cut-off date?
 So that people don't get documents made now.

X Illegal migrants can apply for citizenship after staying in India for certain years X
 ✓ Illegal cannot get citizenship even if he lives here for 100 years.
 ✓ Only legal migrants can get citizenship

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Rule of Law

[Home](#) / [Opinion](#) / [Columns](#) / Rule of Law vs Rule by Law

Rule of Law vs Rule by Law

Written by **N V Ramana** |

Updated: July 2, 2021 8:21:49 am

When talking about Rule of Law, it is necessary to first understand what the law is. Law, in its most general sense, is a tool of social control that is backed by the sovereign. However, is this definition complete in itself? I would think not. Such a definition of law makes it a double-edged sword. It can be used not only to render justice, it can also be used to justify oppression.

WHY DO WE NEED AN INDEPENDENT JUDICIARY?

In any society, disputes are bound to arise between individuals, between groups and between individuals or groups and government. All such disputes must be settled by an independent body in accordance with the principle of rule of law. This idea of rule of law implies that all individuals — rich and poor, men or women, forward or backward castes — are subjected to the same law. The principal role of the judiciary is to protect rule of law and ensure supremacy of law. It safeguards rights of the individual, settles disputes in accordance with the law and ensures that democracy does not give way to individual or group dictatorship. In order to be able to do all this, it is necessary that the judiciary is independent of any political pressures.

What is meant by an independent judiciary? How is this independence ensured?



Rule of Man	Rule by Law	Rule of Law
Man	Man + Law	Man + Law + equality/liberty
<p><i>Ok, I will rule you</i></p> <p><i>We elect you to rule us for next 5 years</i></p>	<p><i>I will use laws to rule you</i></p>	<p>equality/liberty</p> <p><i>You have limited powers</i></p>
<ul style="list-style-type: none"> <input type="checkbox"/> An elected individual or a group rules as per its wish. <input type="checkbox"/> This is the most common perception of democracy. 	<ul style="list-style-type: none"> <input type="checkbox"/> Law is used as tool of political power <input type="checkbox"/> Illegitimate ideas are given legal sanction. <input type="checkbox"/> Law becomes instrument of oppression. <input type="checkbox"/> e.g. Use of law to discriminate against Jews (in Nazi Germany) and Blacks (during apartheid in South Africa) 	<ul style="list-style-type: none"> <input type="checkbox"/> Law is necessary, but not sufficient. <input type="checkbox"/> Law has some core principles that ensure basic rights and dignity of each individual. <input type="checkbox"/> Ruler has limited powers.

Prelims 2018:

"Rule of Law Index" is released by which of the following?

- (a) Amnesty International
- (b) International Court of Justice
- (c) UN Commissioner for Human Rights
- (d) World Justice Project

Indian Constitution borrowed Rule of law principle from? **Britain**

Prelims 2018:

Which of the following are regarded as the main features of the "**Rule of Law**"?

1. **Limitation** of powers
2. **Equality** before law
3. People's responsibility to the Government
4. **Liberty** and civil rights

Select the correct answer using the code given below:

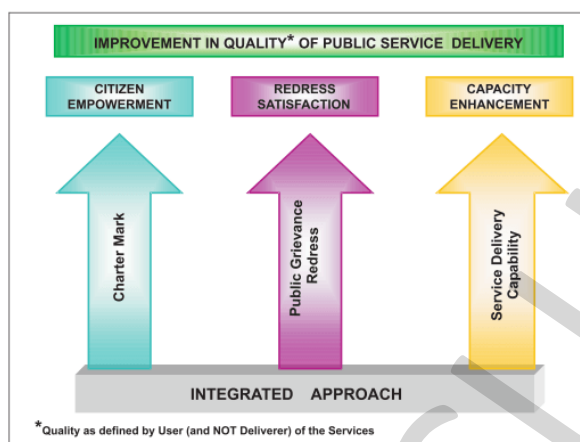
- (a) 1 and 3 only
- (b) 2 and 4 only
- (c) 1, 2 and 4 only
- (d) 1, 2, 3 and 4

Right to be forgotten

What is Right to be Forgotten?

- ❑ Right of individuals to get their personal information deleted from internet.
- ❑ It differs from Right to privacy as:
 - **RTP** is about **preventing** private info from becoming public.
 - **RTF** is about **removing** personal info that is already in public domain.
- ❑ **Europe:**
 - **GDPR** has this provision
- ❑ **India:**
 - no specific law
 - Courts have issued orders on case to case basis
 - Draft Personal Data Protection Bill 2018 chapter-5 mentions "Right to be forgotten"

Citizen's Charter



Sevottam model for excellence
in public service delivery

Components:

- Vision & Mission
- Services provided
- Standard of services (time, quality, etc.)
- Grievance redressal
- Expectations from client

Legally enforceable? No

Rights of Citizens for Time Bound services
Bill 2011, brought, but lapsed in 2014

- 1990s: concept developed in UK
- 1997: India adopted
- Initiatives launched by DARPG
Department of Administrative Reforms and
Public Grievances (Mo.P.PG.P)

River water disputes

State list:

irrigation, canal, drainage, water storage, etc.

Union list:

inter-state rivers to the extent necessary

9 out of 12 major rivers in India are
inter-state rivers. With demand
rising, disputes are natural.

Article 262:

- Parliament can prevent adjudication of SC.
- Parliament can decide how IRWD will be solved.
- Parliament made two laws:
 - 1) **River Boards Act, 1956:**
 - Centre should take control of inter-state rivers
 - Not a single board constituted
 - 2) **Inter-State River Water Disputes Act, 1956**
 - Central govt. to constitute Tribunals
 - Supreme Court can't intervene

Some inter-state river water disputes:

- Cauvery - Karnataka, TN, Kerala, Puducherry
- Periyar: TN, Kerala
- Vansadhara - Andhra Pradesh, Odisha
- Mahanadi - Odisha, Chhattisgarh
- Mahadayi (mandovi) - Goa, Karnataka, Maharashtra
- Krishna- Maharashtra, Karnataka, Telangana, Andhra

I read I forget, I see I remember | See explanation of this PDF on [YouTube](https://www.youtube.com/c/allinclusiveias) www.youtube.com/c/allinclusiveias

National Translation Mission:

translate higher education knowledge text to 22 languages

Language

See pages 9 and 10

There has been growing demand to include **Tulu** in the Eighth Schedule

- May be 2000 years old; Oldest inscription from 14th century
- Dravidian language; 18.5 lakh speakers (2011 census)

Some benefits of including Tulu in 8th Schedule:

- Recognition from the **Sahitya Akademi**.
- MPs and MLAs could speak Tulu in **legislatures**.
- Can take competitive **exams** in Tulu including CSE
- Special **funds** from Central government.

Spoken in:

- Dakshina Kannada and Udupi of Karnataka
- Kasaragod of Kerala (aka Saptha Bhasha Sangama Bhoomi - Land of 7 languages)

Yuelu Proclamation 2018:

- by UNESCO at Changsha, China
- To promote linguistic diversity

Three-language formula:

- Introduced by NEP 1968
- Not implemented in Tamil Nadu

National Education Policy:

(Kothari Comm) 1968 → 1986 → 2020

Remember:

- **Health** is in **State** list
- **Education** is in **Concurrent** list

42nd Amendment transferred 5 subjects to from State list to Concurrent list:

- 1) Education
- 2) weights and measures
- 3) forests
- 4) protection of wild animals and birds
- 5) courts except SC & HCs

Hindi speaking states

Hindi + English + modern Indian language (preferably S. language)

Non-Hindi-speaking states

Hindi + English + Regional language



Cooperative Societies

News:

- SC has struck down certain provisions of 97th Amendment 2011
- 'Cooperatives' is a **'State'** subject.
- But 97th amendment passes w/o **ratification** by half the states.
- It continues to apply to multi-state cooperatives societies (MSCS Act, 2002)

- "Ministry of Cooperation" formed
- Earlier seen by MoA&FW

97th Constitutional Amendment Act of 2011:

- It made right to form co-operative societies is a fundamental right (Article 19)
- It included a new DPSP on promotion of co-operative societies (Article 43-B)
- It added a new Part IX-B to Constitution "The Co-operative Societies" (243-ZH to 243-ZT)

Non-confidence motion

Floor test:

- No-confidence motion
- Confidence motion

Article 75:

- council of ministers shall be collectively responsible to the Lok Sabha.

63. Consider the following statements regarding a No-Confidence Motion in India :

- ✓ 1. There is no mention of a No-Confidence Motion in the Constitution of India.
- ✓ 2. A Motion of No-Confidence can be introduced in the Lok Sabha only.

Support of 50

Prelims 2014

- **First** no-confidence motion was moved in 1963 by J.B. Kriplani.
- **Most** no confidence motions were against? **Indira Gandhi**

I read I forget, I see I remember

See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

National symbols

Prevention of Insults to National Honour Act, 1971:

for Constitution, Flag, Anthem; example of offences:

- Flag as a drapery in any form whatsoever except in State funerals / armed forces / para-military
- Flag draped on building, vehicle, etc.
- Flag worn below waist
- Flag printed on cushion, hanky, napkin, etc.
- any inscription on flag

Flag Code of India, 2002:

Compiles all laws, conventions, etc.

Divided into three parts:

- 1) General description of the Flag
- 2) Display by public, private org, etc.
- 3) Display by Union/State Govt. etc.

Section 8 of RPA, 1951:

A person convicted under PINHA 1971, for insulting Constitution, Flag, Anthem, is disqualified for 6 years for elections to MP/MLA

Fundamental duties (article 51A) (total 11)

- a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem

Prelims 2003:

Which one of the following statements is NOT correct?

Sanskrit

- (a) National Song Vande Mataram was composed by Bankimchandra Chatterji originally in Bengali
- (b) National Calendar of India based on Saka era has its 1st Chaitra on 22nd March normally and 21st March in a leap year
- (c) Design of the National Flag was adopted by the Constituent Assembly on 22nd July, 1947
- (d) The song 'Jana-gana-mana', composed originally in Bengali by Rabindranath Tagore was adopted in its Hindi version by the Constituent Assembly on 24th January, 1950 as the National Anthem

Constituent Assembly:

- 1949 May → ratified the India's membership of the Commonwealth
- 1947 July 22 → adopted national flag
- 1950 Jan 24 → final session; national anthem, national song; elected Dr. Rajendra Prasad as first President of India

Some regulators

❖ Print Media:

- ❖ Press Council of India (a statutory, quasi-judicial authority).

❖ Television:

- ❖ News Broadcasting Standards Authority (self-regulatory body) set up by the News Broadcasters Association (NBA) regulates television news.
- ❖ Broadcasting Content Complaints Council (independent and self-regulatory) for television entertainment.

❖ Films:


- ❖ Central Board of Film Certification (CBFC) (statutory body) under the Ministry of Information and Broadcasting.

❖ Advertisement:

- ❖ Advertising Standards Council of India (a self-regulatory body).

❖ OTT platforms:

- ❖ Digital Media Content Regulatory Council (DMCRC) created by Indian Broadcasting Foundation (now called Indian Broadcasting and Digital Foundation)

I read I forget, I see I remember | See explanation of this PDF on  www.youtube.com/c/allinclusiveias

Before 2017: (ignore this box for Prelims)

- appointment, removal, etc. governed by law

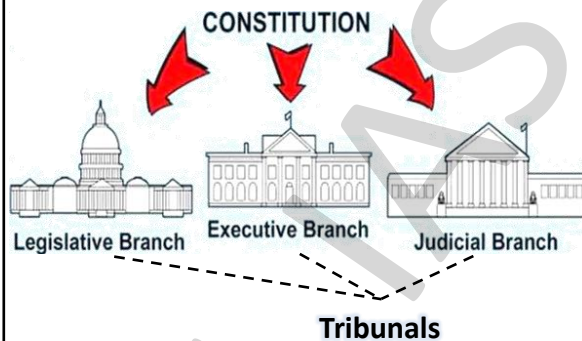
Finance Act, 2017:

- Merged some tribunals
- Gave Central govt power to change things at will
- Central govt framed rules; SC stuck them down
- New rules in 2019; again SC suck them down

2021:

- Tribunal Reform Ordinance 2021; same things
- So, stuck down by SC
- Tribunal Reform Act, 2021; same as Ordinance
- SC expressed unhappiness; also issue of vacancies

Tribunals



Tribunals:

1950: No provision

1976: 42nd Amendment added **Part XIV-A**

1985: "Administrative Tribunals **Act**, 1985

Tribunals:

Quasi-judicial body,

For Speedy and specialized justice

Follows principles of **natural justice**

			By	For what purpose?	Hierarchy?
42 nd Amendment	323A	CAT SAT	by Parliament, under Administrative Tribunals Act, 1985	Original jurisdiction for public service matters (employees of Centre & States)	No
	323B	Taxation, Tenancy, etc.	Parliament; State legislatures	for other matters	Yes

Prelims 2009:

Consider the following statements:

- CAT was set up during the Prime Ministership of Lal Bahadur Shastri. (1985)
 - Members of CAT are drawn from both **judicial** and **administrative** streams.
- Which of the above statements are correct?
 (a) 1 only **(b) 2 only**
 (c) Both 1 and 2 (d) Neither 1 nor 2

Additional info:

- CAT & SAT members are appointed by President.
- Appeal against CAT goes to HC (not directly to SC)
- SAT is not yet in all states.

Original jurisdiction:

power to hear a dispute in the first instance (**directly**), not by way of appeal.

Exclusive jurisdiction:

no other court can decide such disputes.

Miscellaneous

- ❖ **Zero based Budgeting:** each expense justified, instead of adjusting over previous year.
- ❖ **Outcome based Budgeting:** introduced in 2005-06; measures outcomes of the money spent
- ❖ **Gender Budgeting:** introduced in 2005-06; money spent by diff ministries, on schemes, that fully or partially benefit women; approx 5%

State Election Commissioners:

- SC ruled that serving bureaucrats must not be appointed as State Election Commissioners.
- **Governor appoints** SEC and determines **conditions of service.**
- But removed like judge of High Court
- For EC, see page-45

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

Socio-Economic Caste Census, 2011:

- Overall coordination by **Ministry of Rural Development**
- **socio economic** condition and **education** status of various castes
- SECC 2011 was the first caste-based census since **1931** Census of India
- first **paperless** census in India conducted on hand-held electronic devices
- 2017: SECC data to be used to **identify beneficiaries** of various schemes instead of poverty line

Tulu Nadu: informal name of a region in south Karnataka and North Kerala

Kongu Nadu: informal name of a region in western Tamil Nadu

105th Constitutional Amendment Act, 2021

restore states' power to make their own OBC lists.

Background:

- Articles 15(4), 15(5) and 16(4) → state to make list of socially and educationally backward classes.
- 102nd CAA, 2018:
- Gave constitutional status to NCBC
- President to give list of socially and educationally backward classes

Districts: (718)

- State govt has power to create new / alter / abolish districts.
- Can be done by Executive order or by law.

Examples:

2016: Majauli in Assam

2021: Malerkotla in Punjab

Juvenile Justice Act, 2015:

- replaced JJ Act, 2000
- Juvenile < 18 years
- 16-18 years can be put on trail as adults in certain cases

2021 amendments (some):

- instead of court, district magistrate will issue adoption orders
- all offences under the Act will be tried in the Children's Court

Democracy Index:

- By Economist Intelligence Unit
- Norway #1; India #53

Online Dispute Resolution:

- online equivalent of ADR

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

- issued under section 87 of IT Act, 2000
- mainly for social media intermediaries and OTT platforms.
- Keep user information for 180 days
- appoint grievance officer, etc.
- if rules not followed, **safe harbour provisions** will not apply (section 79 of IT Act, 2000)

Public Intent Data:

- data collected with the intent of **servicing public** good
- e.g. data on birth, death, marriage, national surveys, Census, labor force surveys, etc.