

RAPID REVISION SERIES

700 High Probable
Topics for
UPSC Prelims 2021
(Current Affairs + Static Portion)

Part 1
Polity

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RAPID REVISION (RaRe) SERIES - UPSC 2021

RaRe Notes

DAY 1 - POLITY

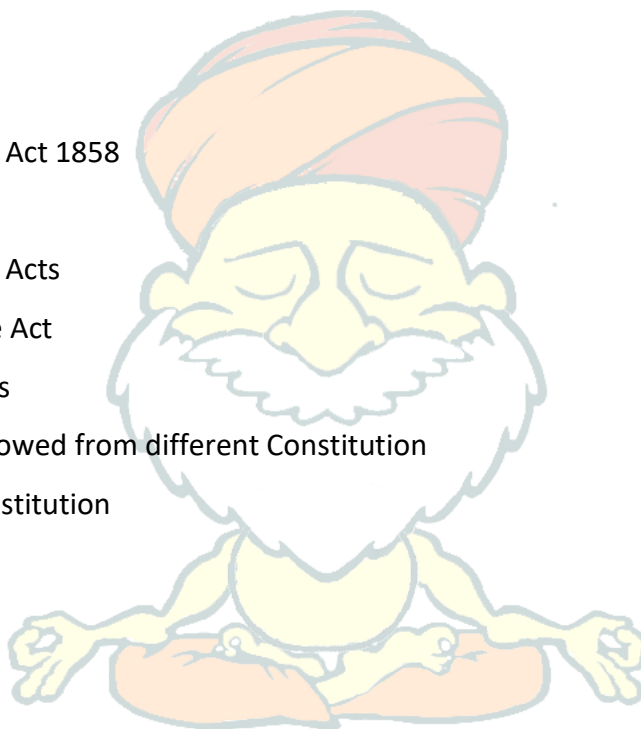
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Topics Coverage:**Historical Background: Basics****COMPANY RULE (1773–1858)**

1. Regulating Act
2. Pitt's India Act
3. Charter Acts

CROWN RULE (1858–1947)

4. Government of India Act 1858
5. Indian Council Acts
6. Government of India Acts
7. Indian Independence Act
8. Objective Resolutions
9. Salient features borrowed from different Constitution
10. Schedules of the Constitution



Historical Background [Basics]

1600	British came to India and East India Company (EIC) had purely trading functions
1765	East India Company obtained 'diwani rights' Shah Alam granted these rights after losing the Battle of Buxar against East India Company
1773 - 1858	Company Rule
1857	Revolt of 1857 or First War of Independence or the 'sepoy mutiny'
1858 - 1947	Crown Rule

Try to remember 3 Acts under these two rules:

COMPANY RULE (1773–1858)	CROWN RULE (1858–1947)
1. Regulating Act	1. Government of India Acts
2. Pitt's India Act	2. Indian Council Acts
3. Charter Acts	3. Indian Independence Act

Topic 1: Regulating Act of 1773**Key points:**

1. It was the first step taken by the British Government to **control and regulate** the affairs of the EIC in India.
2. First time, British government **recognised the political and administrative functions** of the EIC.
3. British government laid the foundations of **central administration in India**.

Features of the Act:

1. The Act designated the Governor of Bengal as the '**Governor-General of Bengal**' and created an Executive Council of four members to assist him.
2. Governor of Bengal was made 'Governor-General of Bengal' and governors of Bombay and Madras presidencies were made his subordinates.

3. The Act provided for **establishment of the Supreme Court (1774)**.
4. The Act prohibited servants of EIC from engaging in any private trade or accepting bribes and gifts from native.
5. The Court of Directors should report all affairs to British government.

Topic 2: Pitt's India Act of 1784

Features of the Act:

1. The Act distinguished commercial and political functions of the EIC.
2. Court of Directors to look after commercial functions only and a new body, Board of Control (BOC) will take care of political functions. ("system of double government")
3. Company's territories in India were for the first time called the 'British possessions in India'
4. British Government was given the supreme control over Company's affairs and its administration in India.

Topic 3: Charter Acts

Features of Charter Act of 1833

1. This Act was the final step towards centralisation in British India.
2. It made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers.
3. Thus, the act created, for the first time, a Government of India having authority over the entire territorial area possessed by the British in India.
4. This Act ended all the activities of the East India Company as a commercial body.
5. Charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants (including Indians). However, this provision was negated.

Features of Charter Act of 1853

1. Legislative and executive functions of the Governor- General's council were separated for the first time.
2. It established a separate Governor-General's legislative council which came to be known as the Indian (Central) Legislative Council.
3. It introduced, for the first time, local representation in the Indian (Central) Legislative Council.

4. Introduced an open competition system of selection and recruitment of civil servants (open to Indians also)
5. It extended the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown.

Topic 4: Government of India Act of 1858 (or Act for the Good Government of India)

Features of the Act:

1. This Act abolished the East India Company, and transferred the powers of government, territories and revenues to the British Crown.
2. The Company Rule was ended in 1858. The Crown Rule began.
3. The designation GGI was changed to Viceroy of India (VOI).
4. It ended the 'system of double government' and it created new office "Secretary of State for India" (SOS).
5. It created a 15-member Council of India to assist the secretary of state (SOS).
6. It did not alter in any substantial way the system of government that prevailed in India.

Topic 5: Indian Councils Act of 1861, 1892 and 1909

Features of Indian Councils Act of 1861

1. This Act made a beginning of representative institutions -- it associated Indians with the law-making process.
2. The Act provided that VOI should nominate some Indians as non-official members of his expanded legislative council.
3. **Process of decentralization was initiated:** Legislative powers (legislative devolution) were restored to Bombay and Madras Presidencies.
4. It thus **reversed the centralising tendency** that started from the Regulating Act of 1773.
5. It also provided for the establishment of new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab
6. **'Portfolio' system was introduced** by Lord Canning – i.e. Indian Councils Act (ICA) 1861 transformed the VOI's executive council into a cabinet run on the portfolio system. Therefore, 6 members in the executive council took charge of separate departments.

7. **Ordinance making power:** The Act empowered the VOI to make ordinance during an emergency. However, the life of such an ordinance was 6 months.

Features of Indian Councils Act of 1892

1. Number of additional Indian (non-official) members in the Central and provincial legislative councils were increased. However still the official majority were non-Indians.
2. Functions of legislative councils were increased and gave them the power of discussing the budget and addressing questions to the executive.
3. **Nomination made on the recommendation:** Certain bodies like governors of provinces, Universities, zamindars and chambers could now recommend Indians for the nomination of non-official members.
4. The act made a limited and indirect provision for the use of election in filling up some of the nonofficial seats both in the Central and provincial legislative councils. However, the word "election" was, not used in the act.

Features of Indian Councils Act of 1909: (Morley-Minto Reforms)

1. Increased the size of Legislative Councils (both central and provincial) from 16 to 60
2. It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have Indian non-official majority.
3. Increased the functions of Legislative councils at both levels. Members were allowed to ask supplementary questions, move resolutions on the budget, and so on.
4. It provided (for the first time) for the "association of Indians with the executive Councils" of the Viceroy and Governors.
5. ICA 1909 introduced a system of communal representation for Muslims -- concept of 'separate electorate'.

(Lord Minto came to be known as the Father of the Communal Electorate.)

Topic 6: Government of India Act

Features of Government of India Act of 1919 (Montagu-Chelmsford Reforms)

1. **Demarcation of separate central and provincial subjects:** Central and provincial legislatures can make laws on their respective list of subjects.

2. **Transferred and Reserved Subjects:** Provincial subjects were further divided into two parts - transferred and reserved subjects.
 - Transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council
 - Reserved subjects, on the other hand, were to be administered by the governor and his executive council without being responsible to the legislative Council
3. **Dyarchy or double rule:** This dual scheme of governance was known as '**dyarchy**' — which means **double rule**.
4. Upper House and Lower House: First time, **bicameralism and direct elections** in the country were introduced. (only at Centre)
5. **Three of the six** members of the Viceroy's **executive Council should be Indian**.
6. Extended communal representation or separate electorate to Sikhs, Indian Christians, Anglo-Indians and Europeans.
7. It granted franchise to a limited number of people on the basis of property, tax or education.
8. It created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.
9. It provided for the establishment of a public service commission (Hence, a Central Public Service Commission was set up in 1926 for recruiting civil servants.)
10. It separated, for the first time, provincial budgets from the Central budget and authorised the provincial legislatures to enact their budgets.
11. It provided for the appointment of a statutory commission to inquire into and report on its working after ten years of its coming into force.

Features of Government of India Act of 1935

1. The Act intended to bring **completely responsible government** in India
2. It provided for the **establishment of an All-India Federation** consisting of provinces and princely states as units. (However, the **federation never came into being** as the princely states did not join it.)
3. Act divided powers – Central list, Provincial list and Concurrent list; Residue powers to Governor
4. Abolished 'dyarchy' in the provinces and introduced 'provincial autonomy' in its place.
5. Act introduced responsible governments in provinces (i.e. governor was required to act with the advice of ministers responsible to the provincial legislature) – was in operation only from 1937-1939

6. It provided for the adoption of dyarchy at the Centre à i.e. Federal subjects be divided into 'transferred' and 'reserved' – But this also never came into operation
7. It introduced bicameralism in six out of eleven provinces.
8. Extended separate electorates for depressed classes (scheduled castes), women and labour (workers)
9. Abolished the Council of India (which was estd in GOI, 1958 to assist SOS). SOS was provided with team of advisors
10. Establishment of a Reserve Bank of India to control the currency and credit of the country
11. Federal PSC + Provincial PSC (on lines of UPSC + SPSC)
12. Establishment of a Federal Court (in 1937)

Topic 7: Indian Independence Act of 1947

Features of the Act:

1. It **ended the British rule in India** and **declared India as an independent and sovereign state** from August 15, 1947
2. It provided for the **partition of India**
3. It **abolished the office of viceroy and SOS**. British government will have no responsibility with respect to the Government of India or Pakistan.
4. It **empowered the Constituent Assembly** to frame and adopt the Constitution and to repeal any act of the British Parliament, including the Independence act itself.
5. It proclaimed the lapse of British paramountcy over the Indian princely states and treaty relations with tribal areas from August 15, 1947.
6. It **granted freedom to the Indian princely states either to join the Dominion of India or Dominion of Pakistan or to remain independent.**
7. It designated the Governor-General of India and the provincial governors as constitutional (nominal) heads of the states. They were made to act on the advice of the respective council of ministers in all matters.

Topic 8: Objective Resolutions:

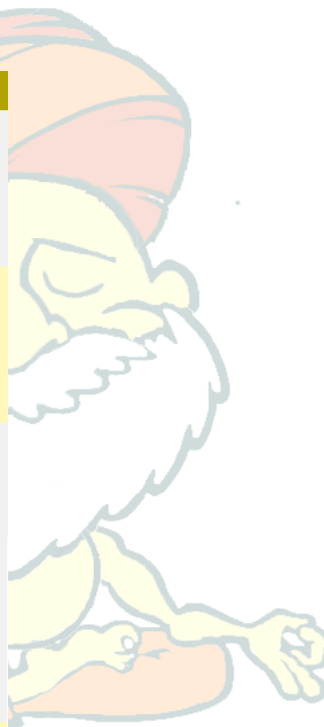
- It was moved by J. Nehru in 1946.

- It defined the aims of the Constituent Assembly
- This resolution encapsulated the aspirations and values behind the Constitution.
- Based on this resolution, our Constitution gave institutional expression to these fundamental commitments: equality, liberty, democracy, sovereignty and a cosmopolitan identity.
- The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.

Topic 9: Salient features borrowed from different Constitution:

The Constitution of India has several salient features that are borrowed from the constitutions of other countries.

Sources	Features Borrowed
1. Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2. British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3. US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high
5. Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6. Australian Constitution	Concurrent List, freedom of trade, commerce and inter-course, and joint sitting of the two Houses of Parliament.
7. Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
8. Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.
9. French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10. South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11. Japanese Constitution	Procedure established by Law.



Topic 10: Schedules of the Constitution

Followings are the schedules in Constitution of India

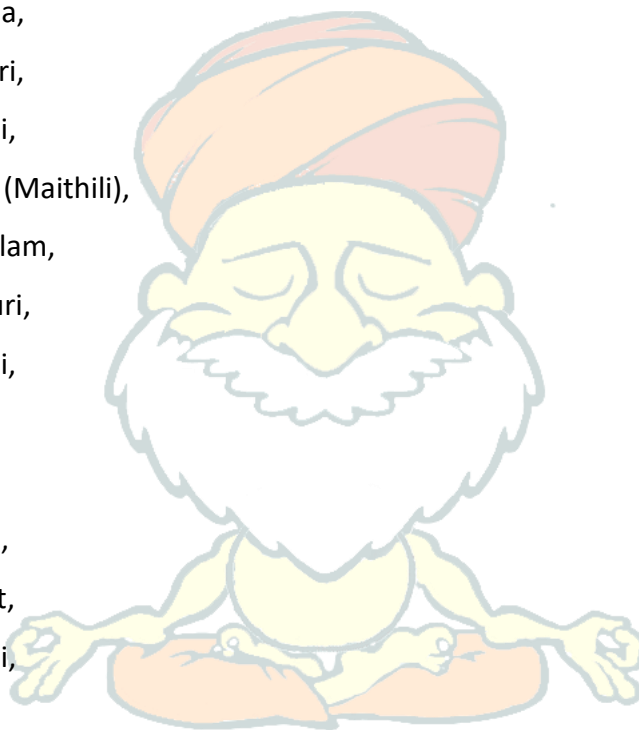
First Schedule	<ul style="list-style-type: none"> Names of the States and their territorial jurisdiction. Names of the Union Territories and their extent.
Second Schedule	<ul style="list-style-type: none"> Salary and allowances of President, Governors, Speakers and Chairman, Judges of Supreme Court and High Court, Comptroller and Auditor General
Third Schedule	<ul style="list-style-type: none"> Forms of Oaths or Affirmations
Fourth Schedule	<ul style="list-style-type: none"> Allocation of seats in the Rajya Sabha to the states and the union territories.
Fifth Schedule	<ul style="list-style-type: none"> Administration and control of scheduled areas and tribes
Sixth Schedule	<ul style="list-style-type: none"> Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram
Seventh Schedule	<ul style="list-style-type: none"> Division of powers <ul style="list-style-type: none"> Union List (for central Govt) 97 Subjects. States List (for State Govt) 59 subjects Concurrent List (for both Union and States) 52 subjects.

Eighth
Schedule

- List of 22 languages of India recognized by Constitution

They are:

1. Assamese,
2. Bengali,
3. Bodo,
4. Dogri (Dongri),
5. Gujarati,
6. Hindi,
7. Kannada,
8. Kashmiri,
9. Konkani,
10. Mathili (Maithili),
11. Malayalam,
12. Manipuri,
13. Marathi,
14. Nepali,
15. Odia,
16. Punjabi,
17. Sanskrit,
18. Santhali,
19. Sindhi,
20. Tamil,
21. Telugu and
22. Urdu.



Sindhi was added by the 21st Amendment Act of 1967;

Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992;
and

	<p>Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.</p> <p>Oriya was renamed as 'Odia' by the 96th Amendment Act of 2011.</p>
Ninth Schedule	<ul style="list-style-type: none"> Contains Acts and Regulations dealing with land reforms and abolition of the zamindari system. This schedule was added by the 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule are now open to judicial review.
Tenth Schedule	<ul style="list-style-type: none"> Added by 52nd amendment in 1985. Contains provisions of disqualification of grounds of defection
Eleventh Schedule	<ul style="list-style-type: none"> By 73rd amendment in 1992. Contains provisions of Panchayati Raj.
Twelfth Schedule	<ul style="list-style-type: none"> By 74th amendment in 1992. Contains provisions of Municipal Corporation.



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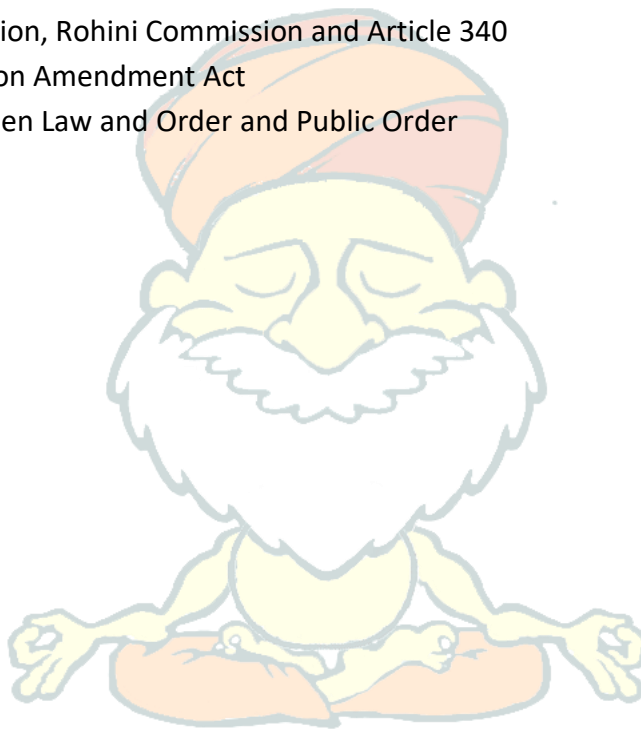
RaRe Notes

DAY 2 - POLITY

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Topics Coverage:

11. About Preamble
12. Important key words in the Preamble
13. 42nd Constitutional Amendment, 1976
14. Fundamental Rights
15. Important Supreme Court Judgements dealing with FRs
16. Domicile based reservation
17. 103rd Constitution Amendment Act
18. Mandal Commission, Rohini Commission and Article 340
19. 102nd Constitution Amendment Act
20. Difference between Law and Order and Public Order



Topic 11: Preamble of the Constitution**Key points:**

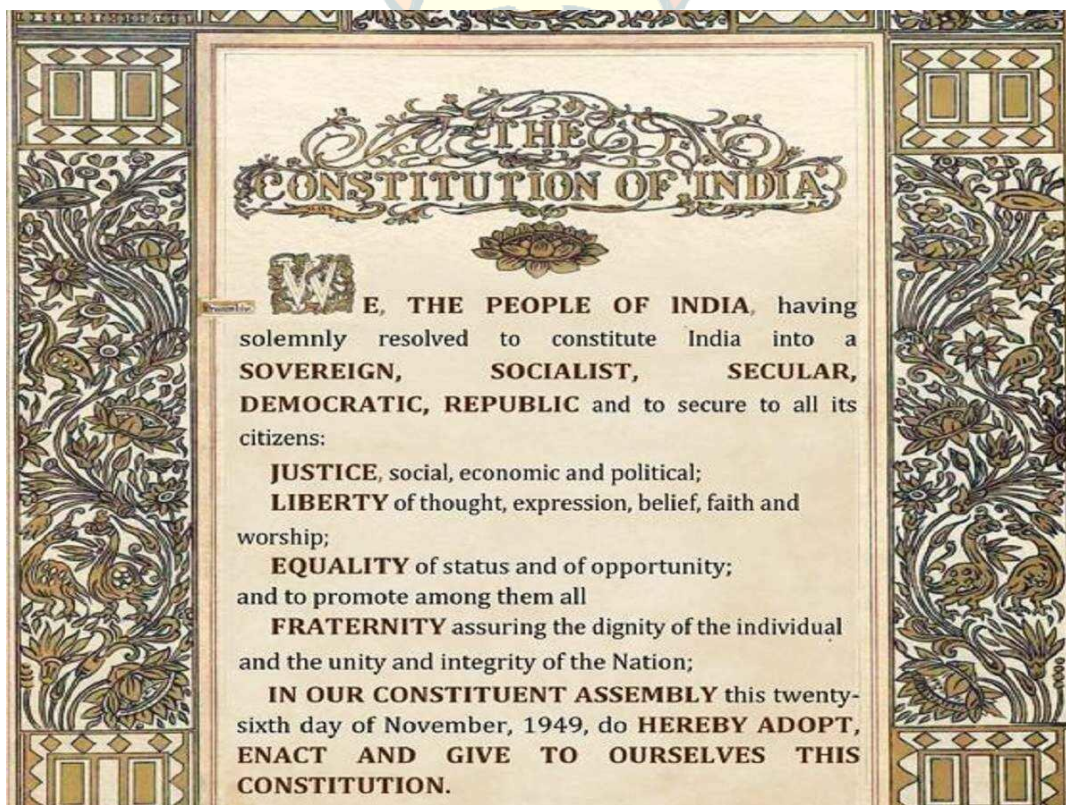
1. Preamble gives an insight into the Philosophy of the Constitution.
2. Preamble is the **modified version of the 'Objectives Resolution'** that was moved by Jawaharlal Nehru.
3. **Berubari's case 1960** - Supreme Court held that "Preamble is NOT a part of the constitution"
4. **Kesavananda Bharti case 1973** - Supreme Court ruled that "Preamble is a part of the constitution and can be amended"

Two important things should be noted:

1. The Preamble is **neither a source of power** to legislature **nor a prohibition** upon the powers of legislature.
2. It is **non-justiciable**, that is, its provisions are not enforceable in courts of law.

The Preamble, in brief, explains the objectives of the Constitution in two ways:

- (i) one, about the **structure** of the governance and
- (ii) the other, about the **ideals** to be achieved in independent India.



Topic 12: Important key words in the Preamble

Sovereignty	<ul style="list-style-type: none"> • Absolute independence • Government which is not controlled by any other power • A country cannot have its own constitution without being sovereign
Socialist	<ul style="list-style-type: none"> • This word was not there in the original Preamble • 42nd Amendment, 1976 incorporated 'Socialist' and 'Secular' • The word 'Socialism' had been used in the context of economic planning.
Secularism	<ul style="list-style-type: none"> • In India there will be no 'State' religion • 'State' will not support any particular religion out of public fund • Every individual is free to believe in, and practice, any religion he/ she belongs to • State will not discriminate against any individual or group on the basis of religion
Democratic Republic	<ul style="list-style-type: none"> • "Republic" - indicates a government by the people and for the people • Government is elected by the people, it is responsible and accountable to the people • Preamble declares India as a Republic - It means that the head of the State is the President who is indirectly elected and he is not a hereditary ruler as in case of the British Monarch.

JUSTICE	<ul style="list-style-type: none"> • Justice in the Preamble means social, political and economical justice • The ideal of justice—social, economic and political—has been taken from the Russian Revolution (1917).
LIBERTY	<ul style="list-style-type: none"> • Liberty is the essential requirement of democratic and free society. • The term 'liberty' means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities. • The ideals of liberty, equality and fraternity in our Preamble have been taken from the French Revolution (1789–1799).
EQUALITY	<ul style="list-style-type: none"> • The Preamble secures to all citizens of India equality of status and opportunity. • This provision embraces three dimensions of equality—civic, political and economic.
FRATERNITY	<ul style="list-style-type: none"> • Fraternity means a sense of brotherhood. (assured by the system of single citizenship) • The Preamble declares that fraternity has to assure two things—the dignity of the individual and the unity and integrity of the nation. • The term Fraternity is (perhaps) incorporated from the article 1 of Universal Declaration of Human Rights 1948.

Note: (Preamble, concept of Fraternity and Egalitarian state was often in news - Current Affairs)

- **Fraternity** concept is important for this year exam. Preamble of the Constitution has been read out in public at several anti-CAA protests across the country and there were calls for upholding Fraternity.
- **Egalitarian state:** An egalitarian state is expected to reduce inequalities among citizens and fulfill minimum requirements of all. (due to pandemic induced situation)
- **Importance of public participation** - "We the People of India... do hereby adopt, enact, and give to ourselves this Constitution."

Topic 13: 42nd Constitutional Amendment, 1976

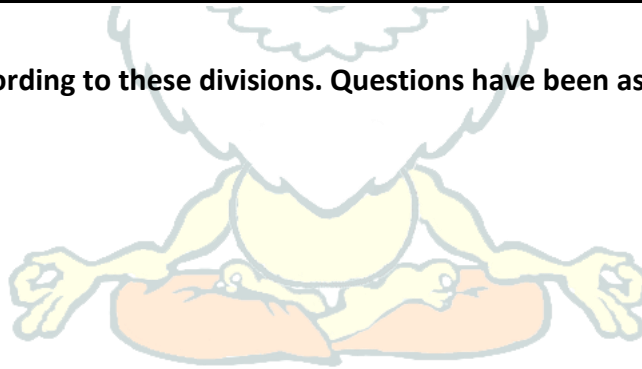
Preamble	<p>It added 3 new words to the Preamble:</p> <ol style="list-style-type: none"> 1. SOCIALIST 2. SECULAR 3. INTEGRITY
Fundamental Duties	<ul style="list-style-type: none"> • PART IV A was added to the Constitution (Article 51 A) • Recommendation of the Swaran Singh Committee
Directive Principle of State Policy	<p>Four new directive principles were added</p> <ol style="list-style-type: none"> 1. To secure opportunities for healthy development of children (Article 39) 2. Enabling free legal aid Article 39A, 3. Protection of workers in factories Article 43A, 4. Protection of environment and to safeguard Forest and Wildlife Article 48A <p>Directive Principles were given precedence over Fundamental Rights and any law made to this effect by the Parliament was kept beyond the scope of judicial review by the Court.</p>
Legislature	Life of Lok Sabha and State Legislative Assembly was extended from 5 to 6 years.
Judiciary	<p>Made the constitutional amendments beyond judicial scrutiny.</p> <p>Curtailed the judicial review power of the High Courts.</p> <p>Insertion of Article 32A in order to deny Supreme Court the power to consider the Constitutional validity of a State law.</p>

	<p>Another new Article 131A, gave the Supreme Court an exclusive jurisdiction to determine question relating to the Constitutional validity of a central law.</p> <p>Provided for the creation of the All-India Judicial Service.</p>
Executive	<p>Article 74(1) was added, which made the President bound by the advice of the cabinet.</p> <p>Gave special discriminatory powers to the speaker of Lok Sabha and Prime Minister (Article 329A)</p>
Federal	<p>Insertion of Article 257A, to enable the Centre to deploy armed forces to deal with any grave situation of law and order arising in any State.</p> <p>Empowered the Parliament to make laws to deal with anti-national activities and such laws are to take precedence over Fundamental Rights.</p>
Emergency	It authorized the President to declare emergency in any part of the country.
Articles 323A and 323B, Part XIV-A	Part XIV-A added entitled as 'Tribunals dealing with Administrative matters' and 'Tribunals for other matters'
Subjects to Concurrent List	<p>Transferred five subjects to Concurrent List from State List, that is,</p> <ol style="list-style-type: none"> 1. education, 2. forests, 3. weights and measures, 4. protection of wild animals and birds, and 5. administration of justice; constitution and organisation of all courts except the Supreme Court and the high courts.

Topic 14: Fundamental Rights

Category	Consists of
1. Right to equality (Articles 14–18)	(a) Equality before law and equal protection of laws (Article 14). (b) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15). (c) Equality of opportunity in matters of public employment (Article 16). (d) Abolition of untouchability and prohibition of its practice (Article 17). (e) Abolition of titles except military and academic (Article 18).
2. Right to freedom (Articles 19–22)	(a) Protection of six rights regarding freedom of: (i) speech and expression, (ii) assembly, (iii) association, (iv) movement, (v) residence, and (vi) profession (Article 19). (b) Protection in respect of conviction for offences (Article 20). (c) Protection of life and personal liberty (Article 21). (d) Right to elementary education (Article 21A). (e) Protection against arrest and detention in certain cases (Article 22).
3. Right against exploitation (Articles 23–24)	(a) Prohibition of traffic in human beings and forced labour (Article 23). (b) Prohibition of employment of children in factories, etc. (Article 24).
4. Right to freedom of religion (Article 25–28)	(a) Freedom of conscience and free profession, practice and propagation of religion (Article 25). (b) Freedom to manage religious affairs (Article 26). (c) Freedom from payment of taxes for promotion of any religion (Article 27).
5. Cultural and educational rights (Articles 29–30)	(a) Protection of language, script and culture of minorities (Article 29). (b) Right of minorities to establish and administer educational institutions (Article 30).
6. Right to constitutional remedies (Article 32)	Right to move the Supreme Court for the enforcement of fundamental rights including the writs of (i) <i>habeas corpus</i> , (ii) <i>mandamus</i> , (iii) prohibition, (iv) <i>certiorari</i> , and (v) <i>quo war-rento</i> (Article 32).

Note: Try to remember according to these divisions. Questions have been asked.



Fundamental Rights (FR) of Foreigners

<i>FR available only to citizens and not to foreigners</i>	<i>FR available to both citizens and foreigners (except enemy aliens)</i>
1. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).	1. Equality before law and equal protection of laws (Article 14).
2. Equality of opportunity in matters of public employment (Article 16).	2. Protection in respect of conviction for offences (Article 20).
3. Protection of six rights regarding freedom of : (i) speech and expression, (ii) assembly, (iii) association, (iv) movement, (v) residence, and (vi) profession (Article 19).	3. Protection of life and personal liberty (Article 21).
4. Protection of language, script and culture of minorities (Article 29).	4. Right to elementary education (Article 21A).
5. Right of minorities to establish and administer educational institutions (Article 30).	5. Protection against arrest and detention in certain cases (Article 22).
	6. Prohibition of traffic in human beings and forced labour (Article 23).
	7. Prohibition of employment of children in factories etc., (Article 24).
	8. Freedom of conscience and free profession, practice and propagation of religion (Article 25).
	9. Freedom to manage religious affairs (Article 26).
	10. Freedom from payment of taxes for promotion of any religion (Article 27).
	11. Freedom from attending religious instruction or worship in certain educational institutions (Article 28).

Topic 15: Important Supreme Court Judgements dealing with FRs

Right to reservation is not a FR	<ul style="list-style-type: none"> No court could ask a state government to provide reservation
Right to protest is FR	<ul style="list-style-type: none"> Right to protest peacefully without arms is FR under Article 19 (1)(b) Public spaces cannot be occupied indefinitely by protesters
Right to Internet is FR	<ul style="list-style-type: none"> Under Article 19 of the Constitution Article 19(1)(g) to practise any profession, or to carry on any occupation, trade or business. Suspension on internet should not be for indefinite period and must follow Proportionality Test. It was not elevated to the status of a human right. In India, Kerala had become the first state in 2017 to declare access to Internet "a basic human right".
Right to Live-in Relationships is FR	<ul style="list-style-type: none"> Supreme Court validated live-in relations; granted individuals freedom to live as they think best.

	<ul style="list-style-type: none"> • 'Living together is a right to life' (under Article 21)
Right to information is FR	<ul style="list-style-type: none"> • 'Right to Know' provided under the Right To Information Act 2005 (RTI Act) is FR under Article 19 and 21
Rights defined under Article 30 are not absolute	<ul style="list-style-type: none"> • Article 30 doesn't prevent the State from imposing reasonable regulations to make administration of minority institutions transparent.

Topic 16: Domicile based reservation

Article 16(2)	It guarantees equal treatment under law in matters of public employment, prohibits the state from discriminating on grounds of place of birth or residence
Article 16(3)	It provides an exception by saying that Parliament may make a law "prescribing" a requirement of residence for jobs in a particular state.
Article 16(4)	"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."
Article 371	Some states also have special protections under Article 371. Andhra Pradesh under Section 371(d) has powers to have "direct recruitment of local cadre" in specified areas.

Topic 17: 103rd Constitution Amendment Act

Key pointers:

- It provides for 10% reservation in government jobs and educational institutions for the economically weaker section in the unreserved category.
- The Act amends Article 15 and 16 to provide for reservation based on economic backwardness.

For the purposes of this article 15 and article 16, "economically weaker sections" to be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

Important points:

- The new clause (6) to Article 15 allows the government to carve reservation for the economically weaker sections of society in higher educational institutions, including private ones, whether they are aided or not by the State. Minority educational institutions are exempted.
- Likewise, the new clause (6) to Article 16 provides for quota for economically deprived sections in the initial appointment in government services.

Indra Sawhney case (1992)

- Nine-judge Bench had fixed limit of 50% reservation ceiling
- Judgment also had barred reservation solely on economic criterion

Do you know?

- Article 46 asks the government to promote the educational and economic interests of the weaker sections of the society.

Topic 18: Mandal Commission, Rohini Commission and Article 340

Article 340	<ul style="list-style-type: none"> President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes.
Role of the Commission	<ul style="list-style-type: none"> Commission to make recommendations as to the steps that should be taken by the Union or any State to remove difficulties and improve their conditions. Commission should present report to President. President shall present such report with a memorandum explaining the action taken thereon to be laid before each House of Parliament.
Mandal Commission	<ul style="list-style-type: none"> The Socially and Educationally Backward Classes Commission (SEBC), was established in India on 1 January 1979. It deals with reservations for Other Backward Classes (OBCs) in government jobs.
Rohini Commission	<ul style="list-style-type: none"> In 2017, President framed a 5 member commission (headed by Former Chief Justice of Delhi, G. Rohini) to explore the topic of sub-categorization of Other Backward Classes (OBC)

Topic 19: 102nd Constitution Amendment Act

- Provided constitutional status to National Commission for Backward Classes
- NCBC has the authority to examine complaints and welfare measures regarding socially and educationally backward classes.
- Previously NCBC was a statutory body under the Ministry of Social Justice and Empowerment
- Indra Sawhney case of 1992** - Supreme Court had directed the government to create a permanent body to entertain, examine and recommend the inclusion and exclusion of various Backward Classes for the purpose of benefits and protection.

Structure of NCBC

- The Commission consists of five members including a Chairperson, Vice-Chairperson and three other Members appointed by the President by warrant under his hand and seal.
- The conditions of service and tenure of Commission is determined by President.

Constitutional Provisions

Article 340	It deals with the need to identify the "socially and educationally backward classes", understand the conditions of their backwardness, and make
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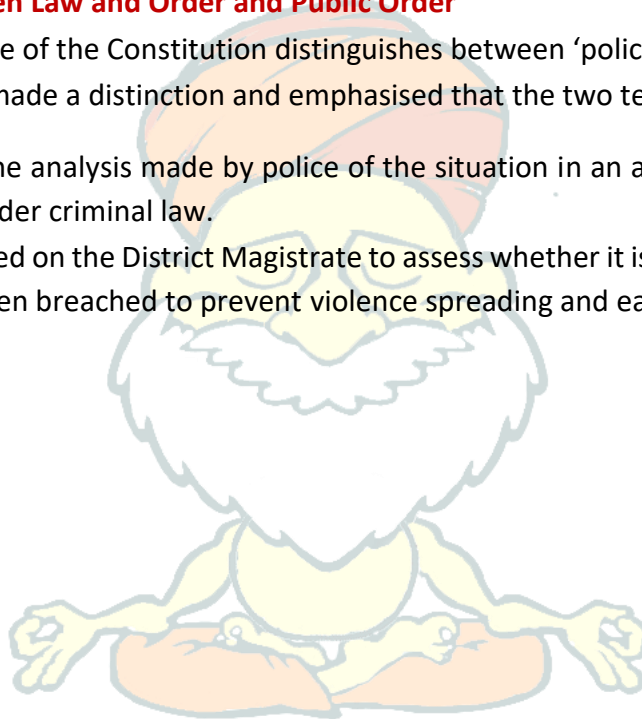
	recommendations to remove the difficulties they face.
102nd CAA	Inserted new Articles 338 B and 342 A.
Article 338B	It provides authority to NCBC to examine complaints and welfare measures regarding socially and educationally backward classes.
Article 342 A	It empowers President to specify socially and educationally backward classes in various states and union territories. He can do this in consultation with Governor of concerned State. However, law enacted by Parliament will be required if list of backward classes is to be amended.

Topic 20: Difference between Law and Order and Public Order

- The Seventh Schedule of the Constitution distinguishes between 'police' and 'public order'.
- Supreme Court has made a distinction and emphasised that the two terms are not interchangeable.

Law and order consists of the analysis made by police of the situation in an area and their commitment to firm action and penalties under criminal law.

Public order is a duty imposed on the District Magistrate to assess whether it is necessary to rush to the spot where law and order has been breached to prevent violence spreading and ease tension.





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RaRe Notes

DAY 15 - POLITY

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Topics Coverage:

- 101. New rules for administration notified in the UT of J&K
- 102. Difference between 5th and 6th Schedules
- 103. Autonomous district councils (ADCs) and Rengma tribe
- 104. Constitutional provisions dealing with Languages and Munshi-Ayyangar formula
- 105. Unlawful Activities (Prevention) Act
- 106. Unlawful Activities (Prevention) Amendment Act, 2019
- 107. Right to Protest and International Covenant on Civil and Political Rights (ICCPR)
- 108. Sedition
- 109. National Security Act
- 110. Section 16 in the Citizenship Act, 1955



Topic 101: New rules for administration notified in the Union Territory of J&K**Key points:**

Centre has issued new rules under the Jammu and Kashmir Reorganisation Act, 2019.

According to the new rules –

1. Police, All-India services and anti-corruption bureau will be under the direct control of the Lieutenant Governor (LG)
2. Any matter which may affect the peace and tranquility of the UT or the interest of any minority community, the SCs/STs and BCs – will be submitted to the lieutenant governor through the chief secretary, under intimation to the chief minister, before issuing any orders
3. Council of ministers headed by the chief minister will decide upon service matters of non-All India Services officers, proposals to impose new taxes, land revenue, sale, grant or lease of government properties, reconstituting departments or offices and draft laws.
4. In case of a difference of opinion between the council of ministers and the lieutenant governor, where no resolution is found for a month, it is the lieutenant governor's decision that will be deemed to be final.
5. There will be 39 departments in the government of the Union Territory.
6. All communications received from the Centre, including those from the prime minister and other ministers, shall be submitted to the chief secretary, the minister in charge of the matter under consideration, the chief minister and the lieutenant governor.
7. Any matter, which is likely to bring the government of the UT into a controversy with the Centre or a state government, shall, as soon as possible, be brought to the notice of the LG and the chief minister by the secretary concerned through the chief secretary.

Topic 102: Difference between 5th and 6th Schedules**Why in news?**

- Leaders in Leh are demanding the constitutional safeguards under Sixth Schedule for the Union Territory of Ladakh.
- Arunachal Pradesh Assembly has passed a resolution to bring the state under the ambit of Sixth Schedule of the Constitution.

	Schedule V	Schedule VI			
Area covered	(Scheduled Area)	Assam	Meghalaya	Mizoram	Tripura
	Notified districts or parts thereof in 10 States: 1. Himachal Pradesh, 2. Rajasthan, 3. Gujarat, 4. Maharashtra, 5. Andhra Pradesh, 6. Telangana, 7. Odisha, 8. Jharkhand, 9. Chhattisgarh and 10. Madhya Pradesh	North Cachar Hills, Karbi Anglong and the Bodoland Territorial Area	Khasi Hills, Jaintiya Hills and Garo Hills	Chakma, Mara and Lai districts	Tribal Areas in Tripura
		There is a separate regional council for each autonomous district.			
Constitution Article	Article 244 Under this article, an area of India, can be declared by the President as schedule areas It deals with provision for the constitution of a Tribes Advisory Council	Article 244A Formation of an autonomous State comprising certain tribal areas in Assam and creation of local legislature or Council of Ministers or both, therefore. It deals with provision for the constitution of Autonomous District (under the executive authority of the state concerned).			
Functions of President/ Governor	The Governor has the power to adapt laws passed by Parliament and State legislature in such a way that it suits these areas. He enjoys the power to modify, annul or limit the application of any law made by Parliament or State legislature in the areas	The power to organise and reorganise the tribal areas as autonomous districts lie with the governor of the state. He can also alter the name, boundary of such tribal areas. One autonomous district can have different tribes, which for better administration is divided into autonomous regions by the governor. The central and state acts do not apply to these autonomous and regional councils (unless			

	<p>designated as Schedule Areas.</p> <p>(The power to decide whether any central or state legislation implies over the state having scheduled areas, lies in the hands of the Governor.)</p> <p>It provides Governor with the power to make regulation for good governance and peace for the area.</p> <p>Governor can also repeal or amend any regulations w.r.t to the state having scheduled areas but only with the assent of the President of India</p> <p>With the consultation of the governor of the state, the President can alter, add, diminish the boundary of a Scheduled Area</p>	<p>modified and accepted.)</p>

Topic 103: Autonomous district councils (ADCs) and Rengma tribe

Why in news?

- Rengma Nagas in Assam are demanding an autonomous district council amid a decision by the Central and the State governments to upgrade the Karbi Anglong Autonomous Council (KAAC) into a territorial council.
- Rengma is a Naga tribe found in Nagaland and Assam.

About Autonomous district councils (ADCs)

- The Sixth schedule of the Constitution protects tribal populations and provides autonomy to the communities through creation of autonomous development councils that can frame laws on land, public health, agriculture and others.

- As of now, 10 autonomous councils exist in Assam, Meghalaya, Tripura and Mizoram. The specified tribal areas are the North Cachar Hills, Karbi Anglong and the Bodoland Territorial Area in Assam.
- ADC is a corporate body representing the district within a state to which the Constitution has given varying degrees of autonomy within the state legislature.
- The ADCs are empowered with civil and judicial powers. They can also make laws on matters like land, forests, fisheries, social security, appointment of chief/headman, social customs etc. with due approval from the governor.
- Councils under the Sixth Schedule have been given more power than the local governments under the 73rd (Panchayati System) and 74th (Municipalities) Amendments in the rest of the country.

Topic 104: Constitutional provisions dealing with Languages and Munshi-Ayyangar formula

Constitutional provisions	Description
Eighth Schedule	<ul style="list-style-type: none"> • The Eighth Schedule to the Constitution of India lists the official languages of the Republic of India. • As per Articles 344(1) and 351 of the Indian Constitution, the eighth schedule includes the recognition of the following 22 languages. • It was intended to promote the progressing use of Hindi and for the enrichment and promotion of that language
Article 343 (Part XVII)	<ul style="list-style-type: none"> • At present, official language of the Union is both English and Hindi with Devanagari script
Article 344	<ul style="list-style-type: none"> • Constitution also provides for the monitoring of the progressive use of the Hindi Language • For this, a commission has been appointed by the government every 5 and 10 years respectively • To examine these recommendations a parliamentary committee is constituted that submits its report to the President.
Article 351	<ul style="list-style-type: none"> • It is duty of the Union to promote the spread of the Hindi language to develop it so that it may serve as a medium of expression
Munshi-Ayyangar formula	<ul style="list-style-type: none"> • According to this formula, English was to continue as the official language of India along with Hindi for a period of fifteen years but the limit was elastic and the power of extension was given to the Parliament.

Topic 105: Unlawful Activities (Prevention) Act

Why in news?

- Ministry of Home Affairs (MHA) data provided that there has been a 72% increase in the number of arrests made under the draconian Unlawful Activities (Prevention) Act (UAPA) in 2019 in relation to those made in 2015

According to the data, in 2019 –

Highest number of cases were registered under the UAPA in	<ol style="list-style-type: none"> 1. Manipur (306) 2. Tamil Nadu (270) 3. Jammu and Kashmir (255) 4. Jharkhand (105) and 5. Assam (87)
Highest number of arrests made under the UAPA in	<ol style="list-style-type: none"> 1. Uttar Pradesh (498) 2. Manipur (386) 3. Tamil Nadu (308) 4. Jammu and Kashmir (227) and 5. Jharkhand (202)

About Unlawful Activities (Prevention) Act (UAPA)

Key points:

1. UAPA was passed in 1967.
2. It aims at effective prevention of unlawful activities associations in India.
3. The Act assigns absolute power to the central government. If the Centre deems an activity as unlawful then it may declare it so.
4. It has death penalty and life imprisonment as highest punishments.
5. Under UAPA, both Indian and foreign nationals can be charged.
6. It will be applicable to the offenders in the same manner, even if crime is committed on a foreign land, outside India.
7. The 2004 amendment added terrorist act to the list of offences to ban organisations for terrorist activities, under which 34 outfits were banned.

Topic 106: Unlawful Activities (Prevention) Amendment Act, 2019

In August 2019, Parliament passed The Unlawful Activities (Prevention) Amendment Act, 2019.

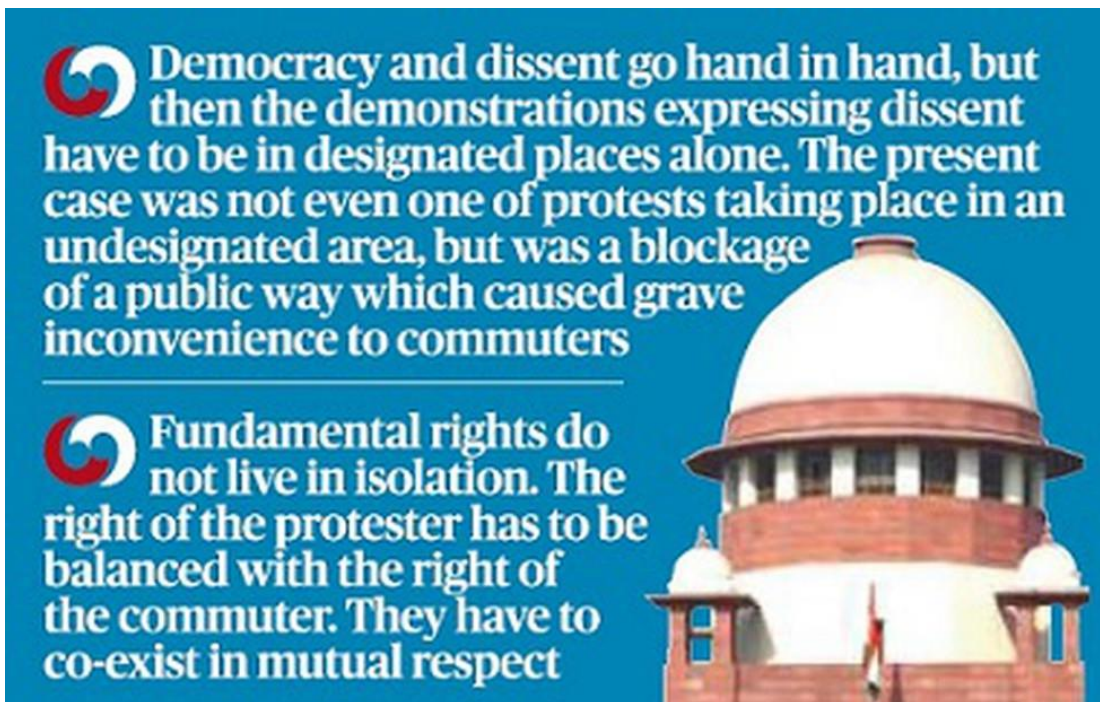
Key points:

1. The Parliament made number of changes and the primary change though was the addition of Fourth Schedule and designates individuals as terrorists if the individual commits or participates in acts of terrorism, prepares for terrorism, promotes terrorism or is otherwise involved in terrorism.
2. The Act empowers the Director General of National Investigation Agency (NIA) to grant approval of seizure or attachment of property when the case is investigated by the said agency.
3. The Act empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism in addition to those conducted by the DSP or ACP or above rank officer in the state.

Topic 107: Right to Protest and International Covenant on Civil and Political Rights (ICCPR)

In news:

- The Supreme Court has recently highlighted that Right to Protest is a Fundamental Right, however, occupying public places for protests is not acceptable and such a space cannot be occupied indefinitely.
- The right of the protester has to be balanced with the right of the commuter. They have to co-exist in mutual respect.
- The bench also said that it was entirely the responsibility of the administration to prevent encroachments in public spaces.



Constitutional Protections available to Right to Protest

1. Article 19(1)(a) → right to free speech and expression
2. Article 19(1)(b) → right to assemble peaceably and without arms
3. Article 19(2) → restrictions on the right to assemble and freedom of speech and expression
4. Article 51A → safeguard public property and to avoid violence during the protests
5. SC on Ramlila Maidan Incident v. Home Secretary, Union of India & Others (2012)

International Covenant on Civil and Political Rights (ICCPR)

1. It is a multilateral treaty adopted by the United Nations General Assembly (UNGA)
2. The ICCPR is monitored by the United Nations Human Rights Committee
3. The covenant commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial
4. The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR)
5. It became effective in 1976

Topic 108: Sedition**Key points:**

1. It is defined as the illegal acts done of inciting people against the Government in power.
2. Section 124A IPC defines sedition
3. Sedition is a non-bailable offence
4. Punishment under the Section 124A ranges from imprisonment up to three years to a life term, to which fine may be added.
5. Kedar Nath Singh vs State of Bihar case - the SC decided on the constitutionality of Section 124A
6. The law was originally drafted by Thomas Macaulay.

Topic 109: National Security Act**Key points:**

1. Under the NSA, a person is taken into custody to prevent him or her from acting in any manner prejudicial to "the security of the state" or for "maintenance of the public order."
2. It is an administrative order passed either by the Divisional Commissioner or the District Magistrate — and not detention ordered by police based on specific allegations or for a specific violation of the law.
3. Even if a person is in police custody, the DM can slap NSA against him.
4. Or, if a person has been granted bail by a trial court, he can be immediately detained under the NSA.
5. If the person has been acquitted by the court, the same person can be detained under the NSA.
6. The law also takes away an individual's constitutional right to be produced before the magistrate within 24 hours as is the case when the accused is in police custody; the detained person also does not have the right to move a bail application before a criminal court.
7. Also, the DM who passed the detention order is protected under the Act: no prosecution or any legal proceeding can be initiated against the official who carried out the orders.
8. Therefore, the writ of Habeas Corpus is the only protection guaranteed under the Constitution against the unchecked state power of taking people into custody under the NSA.
9. One crucial procedural safeguard under the NSA is granted under Article 22(5), where all the detained persons have the right to make an effective representation before an independent advisory board, which consists of three members; and the board is chaired by a member who is, or has been, a judge of a High Court.

Topic 110: Section 16 in the Citizenship Act, 1955

News: Centre granted powers under existing rules to District Collectors in 13 districts of Gujarat, Chhattisgarh, Rajasthan, Haryana and Punjab to accept, verify and approve citizenship applications from members of minority communities hailing from Pakistan, Afghanistan and Bangladesh.

The Citizenship (Amendment) Act (CAA) passed in 2019 seeks to grant Indian citizenship to six

undocumented communities that came to India till December 31, 2014.

Key points:

1. Citizenship is a Central subject and the Home Ministry periodically delegates powers to States through gazette notification under Section 16 of the Citizenship Act, 1955.
2. The Central Government may, by order, direct that any power which is conferred on it can be exercisable also by such officer or authority as may be so specified.
3. Indian citizenship can be acquired on eight grounds – based on registration made by a person of Indian origin, by a person married to an Indian, minor child, whose parents are registered as citizens of India, by a person whose either parent was a citizen of Independent India, overseas citizens of India, by naturalisation and registration of a child at an Indian consulate.





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Topics Coverage:

- 111. The Place of Worship (Special Provisions) Act, 1991
- 112. 102nd Constitution Amendment Act
- 113. Inclusion and Exclusion of SEBCs
- 114. National Population Register (NPR)
- 115. 2021 World Press Freedom Index
- 116. Official Secrets Act 1923
- 117. India ranks 53rd in EIU's Democracy Index
- 118. District Development Councils (DDCs) in J&K
- 119. G KISHAN REDDY COMMITTEE
- 120. One Nation One Application: National e-Vidhan Application (NeVA)



Topic 111: The Place of Worship (Special Provisions) Act, 1991**Key points:**

1. This Act was enacted in 1991 as a special law to freeze the status of places of worship as they were on August 15, 1947.
2. The Act declares that the religious character of a place of worship shall continue to be the same as it was on August 15, 1947.
3. It says no person shall convert any place of worship of any religious denomination into one of a different denomination or section.
4. It prohibits any legal proceedings and provided that all pending cases will come to an end, and no further proceedings can be filed.

Objective of the Places of Worship Act

1. To freeze the status of any place of worship as it existed on August 15, 1947.
2. To prevent new claims by any group about the past status of any place of worship.
3. To prevent any new attempts to reclaim the structures or the land on which they stood.
4. To preserve communal harmony in the long run.

The 1991 Act will not apply in some cases –

1. It will not apply to ancient and historical monuments and archaeological sites and remains that are covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
2. The law kept the disputed structure at Ayodhya out of its purview, mainly because it was the subject of prolonged litigation. It was also aimed at providing scope for a possible negotiated settlement.

Topic 112: 102nd Constitution Amendment Act**Key points:**

1. It provided constitutional status to National Commission for Backward Classes (it added Article 338B)
2. Previously NCBC was a statutory body under the Ministry of Social Justice and Empowerment
3. Indra Sawhney case of 1992 - Supreme Court had directed the government to create a permanent body to entertain, examine and recommend the inclusion and exclusion of various Backward Classes for the purpose of benefits and protection

Structure of NCBC

1. The Commission consists of five members including a Chairperson, Vice-Chairperson and three other Members appointed by the President by warrant under his hand and seal.
2. The conditions of service and tenure of Commission is determined by President.

Constitutional Provisions

1. Article 340 deals with the need to identify the "socially and educationally backward classes", understand the conditions of their backwardness, and make recommendations to remove the difficulties they face.
2. 102nd Constitution Amendment Act inserted new Articles 338 B and 342 A.
3. Article 338B provides authority to NCBC to examine complaints and welfare measures regarding socially and educationally backward classes.

4. Article 342 A empowers President to specify socially and educationally backward classes in various states and union territories. He can do this in consultation with Governor of concerned State. However, law enacted by Parliament will be required if list of backward classes is to be amended.

Topic 113: Inclusion and Exclusion of SEBCs

Key points:

1. Constitution Bench of the Supreme Court ruled that after the passage of the 102nd Constitution Amendment Act in 2018, the States do not have any power to identify 'socially and educationally backward' (SEBC) classes.
2. As per the 102nd CAA, only the President can publish a list of backward classes in relation to each State and that only Parliament can make inclusions or exclusions in it.

Do you know?

According to the 102nd Constitution Amendment Act

1. NCBC has the authority to examine complaints and welfare measures regarding socially and educationally backward classes (SEBCs).
2. It is laid down that the Centre and the States shall consult the Commission on all policy matters concerning the SEBCs.
3. The Amendment also added Article 342A, under which the President shall notify a list of SEBCs in relation to each State and Union Territory, in consultation with Governors of the respective States.
4. Once this 'Central List' is notified, only Parliament could make inclusions or exclusions in the list by law.
5. Further, a definition of 'SEBCs' was added to the Constitution — 'SEBC' means "such backward classes as are so deemed under Article 342A for the purposes of this Constitution".

Topic 114: National Population Register (NPR)

Why in news?

- The Centre has decided to allow residents to fill columns in the National Population Register (NPR) forms on their own through online mode

About National Population Register (NPR)

1. Objective – is to create a comprehensive identity database of **every usual resident** in the country.
2. Usual resident (is defined in Citizenship Rules, 2003) - usual resident is defined as a person **who has resided in a local area for the past six months or more** or a person who intends to reside in that area for the next six months or more
3. The database will contain **demographic as well as biometric particulars**.
4. It is **mandatory** for every usual resident of India to register in the NPR.
5. Unlike the NRC, the NPR will **also include foreigners** living in India.
6. The NPR is being developed under the principles of the Citizenship Act of 1955, and the Citizenship Rules set out in 2003
7. The entire NPR exercise will be conducted by the Office of the Registrar General of India (RGI) under the Union Home Ministry.

Do you know?

- The NPR was first compiled in 2010 simultaneously with the decadal Census exercise and later updated in 2015. It already has a database of 119 crore residents.

Topics to cover: Difference between NRC and NPR; NPR and Census; Article 5-11 (Part 2); Citizenship Act 1955 – Different modes for Acquisition and Termination of citizenship

Topic 115: 2021 World Press Freedom Index

Key points:

1. 2021 World Press Freedom Index is produced by Reporters Without Borders (RSF), a French NGO.
2. It has again placed India at 142nd rank out of 180 countries.
3. In 2016, India's rank was 133 which has steadily climbed down to 142 in 2020.

According to RSF report –

1. India is one of the world's most dangerous countries for journalists trying to do their job properly.
2. India shares the "bad" classification with Brazil, Mexico and Russia.
3. The latest index was topped, yet again, by Norway followed by Finland and Denmark, while Eritrea is at the bottom.
4. China is ranked 177, and is only above North Korea at 179 and Turkmenistan at 178.
5. In the South Asian neighbourhood, Nepal is at 106, Sri Lanka at 127, Myanmar (before the coup) at 140, Pakistan at 145 and Bangladesh at 152.

Topic 116: Official Secrets Act 1923

Delhi police had arrested a strategic affairs analyst and two others under the Official Secrets Act (OSA).

Key points:

1. Official Secrets Act 1923 is essentially India's anti-espionage law.
2. OSA has its roots in the British colonial era. The original version was The Indian Official Secrets Act, 1889.
3. This was brought in with the main objective to clamp down on and silence newspapers that were opposing the policies of British Raj.
4. It was amended and made more stringent in the form of The Indian Official Secrets Act, 1904, during Lord Curzon's tenure as Viceroy of India.
5. In 1923, a newer version was notified.
6. OSA 1923 broadly deals with two aspects —
 - a. spying or espionage (and)
 - b. disclosure of other secret information of the government
7. However, the OSA does not define the secret information.
8. If guilty, a person may get up to 14 years' imprisonment, a fine, or both. Both the person communicating the information and the person receiving the information can be punished under the OSA.

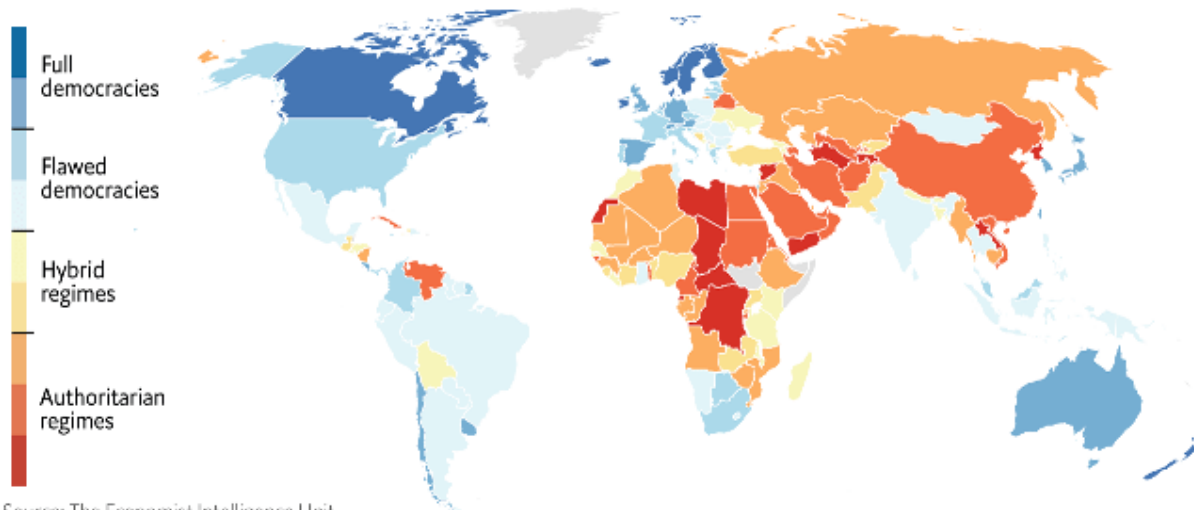
Topic 117: India ranks 53rd in EIU's Democracy Index

Key points:

1. India slipped by two places to be placed at 53rd spot in the 2020 Democracy Index, from among 167 countries.
2. The overall score of India is 6.61 in the Index, on a scale of 0-10.
3. India has been classified as a 'flawed democracy'.
4. Democracy Index is the global ranking released by The Economist Intelligence Unit (EIU) that provides a snapshot of the current state of democracy worldwide.

The Economist Intelligence Unit's 2020 Democracy Index

167 countries scored on a scale of 0 to 10 based on 60 indicators



Source: The Economist Intelligence Unit

Key findings:

- Norway has topped the Index.
- Iceland, Sweden, New Zealand and Canada are the top five countries on the list.
- From the 167 countries, the Democracy Index has classified 23 countries as full democracies, 52 as flawed democracies, 35 as hybrid regimes and 57 as authoritarian regimes.

Topic 118: District Development Councils (DDCs) in J&K

The Centre amended the Jammu and Kashmir Panchayati Raj Act, 1989, to facilitate the setting up of District Development Councils (DDC) in J&K.

Key points:

1. DDCs will act as a new unit of governance in J&K
2. This structure will include a DDC and a District Planning Committee (DPC).
3. This system shall replace the District Planning and Development Boards in all districts.
4. It will also prepare and approve district plans and capital expenditure.
5. The term of the DDC will be five years.
6. The electoral process will allow for reservations for Scheduled Castes, Scheduled Tribes and women.
7. The Additional District Development Commissioner (or the Additional DC) of the district shall be the Chief Executive Officer of the District Development Council.

What is the role of DDC?

- The DDC will be responsible for the formulation of development programmes of the area under its authority.
- Five standing committees, one each for finance, development, public works, health and education, and welfare will now be constituted in every DDC.

Topic 119: G KISHAN REDDY COMMITTEE

Key points:

1. Centre has decided to form a committee to protect the language, culture and land of Ladakh and ensuring citizen's participation in the Union Territory's development.
2. The Committee will be headed by the Minister of State for Home G Kishan Reddy and will include elected representatives from Ladakh, Ladakh Autonomous Hill Development Council, central government, and the Ladakh administration.
3. The decision to form the Committee came after Union Home Minister Amit Shah met a 10-member delegation from Ladakh who expressed their views about the need to protect Ladakh's unique cultural identity.

Topic 120: One Nation One Application: National e-Vidhan Application (NeVA)

Key points:

1. 'e-Vidhan' is one of the 44 Mission Mode Projects (MMPs) under Digital India Programme
2. Nodal Ministry for its implementation: Ministry of Parliamentary Affairs (MoPA)
3. Funding of NeVA is on the pattern of Central Sponsored Scheme i.e. 60:40; and 90:10 for North East & hilly States and 100% for UTs.
4. The funding for e-Vidhan is provided by the MoPA.
5. Technical support: Ministry of Electronics and Information Technology (MeitY).

Do you know?

- Paperless Assembly or e-Assembly is a concept involving electronic means to facilitate the work of Assembly.
- It enables automation of the entire law-making process, tracking of decisions and documents, sharing of information.
- Aim of NeVA: To bring all the legislatures of the country together, in one platform thereby creating a massive data depository without having the complexity of multiple applications.
- Further, live webcasting of Lok Sabha TV and Rajya Sabha TVs is also available on this application.
- Doordarshan has already been enabled with provision to incorporate similar facilities in respect of State Legislatures.



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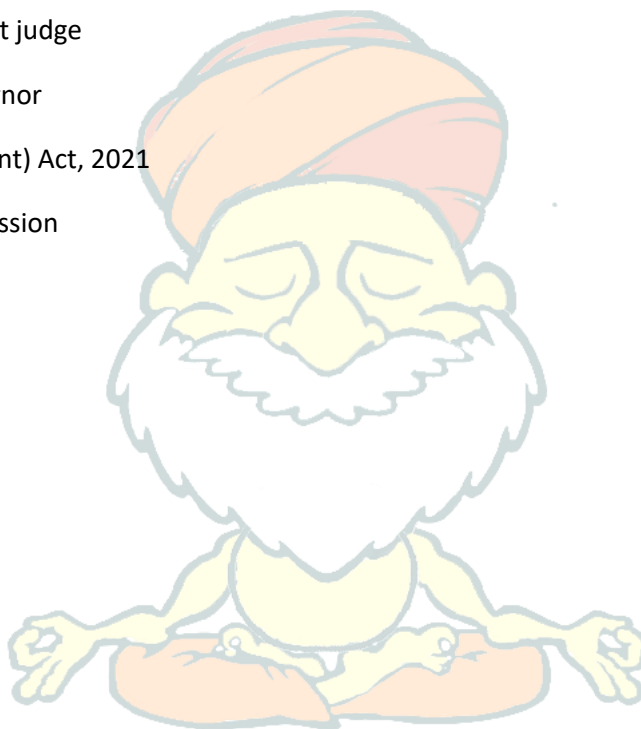
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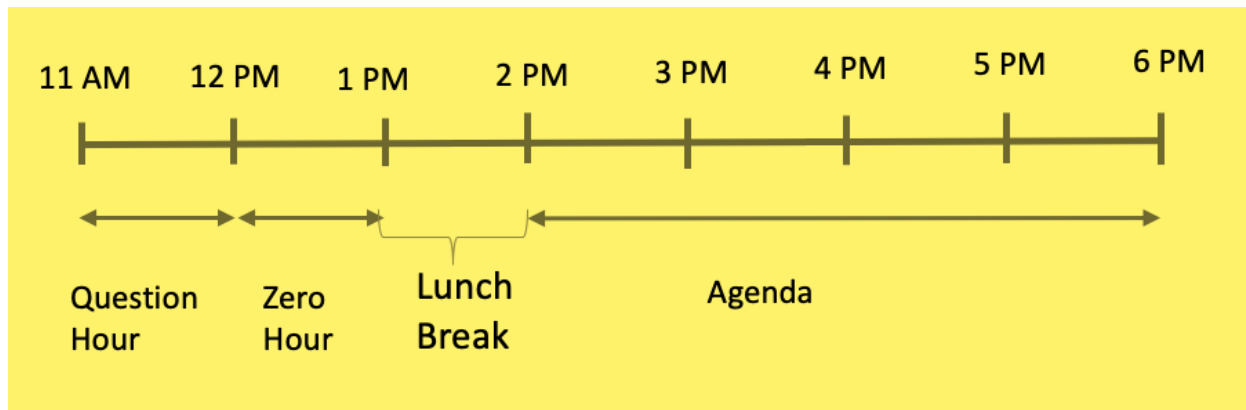
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- 205. Removal of Supreme court judge
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- 207. GNCT of Delhi (Amendment) Act, 2021
- 208. Official Languages Commission
- 209. Office of Profit
- 210. Delimitation commission



201. Question Hour

In News: In the wake of the ongoing COVID-19 pandemic, Lok Sabha and Rajya Sabha suspended question hour and private members' business during the last monsoon session of Parliament.

- Question hour **was also suspended in the past** years of 1962 (India-China war), 1971 (war with Pakistan), 1975 (Emergency), 1976 (Emergency), 1991, 2004 and 2009 for various reasons



About Question Hour

- The **first hour of every parliamentary sitting** is termed as Question hour. During this, MPs ask questions to ministers and hold them accountable for functioning of their ministries.
- The questions can also be asked to the **private members** (MPs who are not ministers).
- Regulation:** It is regulated according to parliamentary rules. The presiding officers of the both Houses (Rajya Sabha and Lok Sabha) are the final authority with respect to the conduct of Question Hour.
- Regularity:** Question Hour is held every day both in Lok Sabha (since 1952) and in Rajya Sabha (since 1964).
- Notice Period:** Before asking a question in the parliament, the member has to give a 15-day notice to the Chairman/Speaker in a prescribed manner. Such a period can be reduced at the discretion of the Chairman/Speaker.
- Limit on number of question:** The permissible limit with respect to the question are only five a day per member in Lok Sabha and seven per day in Rajya Sabha

Kinds of Questions asked during Question Hour are

	Starred question	Printed in green colour	<ul style="list-style-type: none"> These are distinguished by an asterisk. It requires an oral answer and hence supplementary questions can follow
	Unstarred questions	White colour	<ul style="list-style-type: none"> It requires a written answer and hence, supplementary questions cannot follow.
	Short notice questions	Light Pink Colour	<ul style="list-style-type: none"> The matters of public importance and of urgent character are considered under this type of questions. It is asked by giving a notice of less than ten days. It is answered orally

Question to private members:	Yellow Colour	<ul style="list-style-type: none"> These questions are mentioned under Rule 40 of the Rules of Procedure and Conduct of Business in Lok Sabha. A question may be addressed to a private member if the subject matter of the question relates to some bill, resolution for which that member is responsible.
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Zero Hour

- Zero Hour is an Indian parliamentary innovation. It is not mentioned in the parliamentary rules book.
- Under this, MPs can raise matters without any prior notice.
- The zero hour starts immediately after the question hour and lasts until the agenda for the day (i.e. regular business of the House) is taken up.
- In other words, the time gap between the question hour and the agenda is known as zero hour.

202. Sixth Schedule and Inner line Permit

In News: Arunachal Pradesh assembly unanimously passed a resolution for the entire state to be included in the Sixth Schedule of the Constitution.

- At present, Arunachal Pradesh has **Bengal Eastern Frontier Regulation (BEFR) Act of 1873** which prohibits all citizens of India from entering Arunachal without a valid **Inner Line Permit**

About Sixth Schedule

- Sixth schedule to the constitution provides power to tribal communities to administer the tribal areas in Assam, Meghalaya, Tripura and Mizoram under the provision of article 244(2) and 275(1) of the constitution
- Article 244 of provides special system of administration for certain areas** designated as 'scheduled areas' and 'tribal areas'
- Article 275 makes provisions for statutory grants** to be charged on Consolidated Fund of India. Such grants also include specific grants for promoting the welfare of the scheduled tribes or for raising the level of administration of the scheduled areas in a state.

About Inner Line Permit

- A **document that allows** an Indian citizen to visit a state that is protected under the ILP system.
- It is British era regulation under the **Bengal Eastern Frontier Regulation Act, 1873.**
- Arunachal Pradesh, Nagaland and Mizoram** are protected by the Inner Line, and lately **Manipur** was added.
- Every foreigner, except a **citizen of Bhutan**, is to obtain a **Protected Area Permit** from a competent authority.

	Fifth Schedule	Sixth Schedule
Applicability	Andhra Pradesh, Telangana, Chhatisgarh, Himachal Pradesh, Madhya Pradesh, Jharkhand, Maharashtra, Odisha, Rajasthan	Assam, Meghalaya, Tripura, Mizoram
Created by	Act of State Legislature	Autonomous District Councils in Sixth Schedule areas are provided by Constitution.
Autonomy	<ul style="list-style-type: none"> PESA (Panchayat Extension to Scheduled Areas Act, 1996) Self-governance through Gram Sabhas 	Greater Autonomy Powers include

	<ul style="list-style-type: none"> • Fifth Schedule Tribal Advisory Councils only have advisory powers 	<ul style="list-style-type: none"> • Legislative: Power to limit Centre/State's act by governor's approval • Tax Revenue: Collection and Grants from Centre • Regulatory: Schools, dispensaries, markets, roads etc. • Judicial: Village courts to trial tribal cases, HC's jurisdiction specified by Governor
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Do You Know?

- To include Arunachal Pradesh in Sixth schedule **requires constitutional amendment (outside Article 368)**.
- **Citizenship Amendment Act (CAA), 2019 exempts** the sixth schedule areas and Inner Line permit areas.
- National Commission for Scheduled Tribes (Art 338A) has recommended Union Territory of Ladakh to be declared as a 'tribal area' under the Sixth Schedule of the Constitution.
- 83rd Constitutional Amendment Act 2000 introduced article 243M of the Constitution of India, to exempt the State of Arunachal Pradesh from the application of reservation of seats in Panchayats for the Scheduled Castes.
 - Arunachal Pradesh is a State inhabited fully by indigenous tribal people. No Scheduled Castes exist in the State. No reservation of seats for SCs has been made in the State Legislative Assembly and in state government services. The casteless structure of Tribal Society of Arunachal Pradesh was the basis of above amendment.

203. Consolidated Sinking Fund (CSF)

In News: States wants RBI to relax norms regarding using money accumulated in CSF.

About

- The CSF is a **reserve fund** created by states for buffering their debt obligations. It is maintained with the **Reserve Bank of India**.
- The Fund was first proposed by Tenth Finance Commission and was formed in the year 1999-2000, for the amortization of open market credits benefited of by the State Government.
 - Amortization is the process of paying off debt with regular payments made over time. The fixed payments cover both the principal and the interest on the account.
- State govt. could contribute **1-3% of their annual outstanding debt liabilities** to CSF.
- Initially, 11 States set up sinking funds. Later, the **12th Finance Commission (2005-10) recommended that all States**.
- The main objective for creating CSF was
 - To ensure the repayment of the public debt
 - Cushion for amortization of all liabilities
 - Ensure good fiscal governance and consolidate their finances
 - Facilitate restructuring of finances in these states, especially the states having chronic revenue deficits.
 - Special focus has been given to greater transparency in fiscal operations and debt sustainability.
- In light of the suggestions of the Twelfth Finance Commission, credits from banks, and liabilities due to the National Small Saving fund must also be included in the amortization of loans.

- The fund has to be financed outside the consolidated fund of the states and it should only be used for redemption of loans.

Did RBI agree to State's demand for relaxation?

- Yes, RBI decided to relax the rules governing withdrawal from CSF, while at the same time ensuring that depletion of the Fund balance is done prudently.
- These relaxations to states will release an additional amount of about Rs 13,300 crore that will enable states to meet a larger proportion of their redemption of market borrowings due in the financial year from CSF.

204. Comparison of Impeachment of president

In News: Donald Trump becomes first US President to be impeached twice.

	Impeachment in US	Impeachment in India
Grounds	Treason Bribery or any other higher crimes	Violation of Constitution
Initiation	House of representatives	Either houses of the Parliament
Procedure in first house	Trial is initiated if the impeachment motion is passed with simple majority	1/4 th members undersign the charges. 14 days notice is given to president. 2/3 rd majority of total membership of the house.
Procedure in second house	Investigation and trial in the senate. Passed with 2/3 rd of Senate votes	Investigation of the charges. Passed with the same majority.

205. Removal of Supreme court judge

In News: Vice-President had **rejected the impeachment notice** signed by 71 opposition MPs of the Rajya Sabha, against Chief Justice of India Dipak Misra (now retired), citing absence of any "proved misbehaviour" or "incapacity" on the part of the senior judge.

How can the Chief Justice of India be impeached?

- Grounds of Impeachment: Proved misbehavior or Incapacity
- Under Judges (Inquiry) Act, 1968 and the Judges (Inquiry) Rules, 1969, the impeachment of the CJI or an SC judge, motion needs to be introduced in either Houses of the Parliament.
- Signatures of 100 MPs in Lok Sabha and 50 MPs in Rajya Sabha are required to move an impeachment motion against the CJI/SC Judge.
- After the motion is introduced, it will be up to the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha to accept it.
- If the motion is accepted, a three-member committee, comprising one judge of the SC, one judge of the high court and one notable jurist, would be formed to further investigate the charges.

- If the three-member committee further decides to support the motion, the matter will be taken up for discussion in the House where it had been originally introduced.
- Irrespective of which House introduces the motion, according to the Indian Constitution, it will have to be passed by the other House as well. Only after gaining a two-thirds majority in both the Houses (**Article 124 (4)**), will the motion finally get passed to the President of India.
- In this case, if the motion is passed in both the Houses, President will take the final call.

Related News: Andhra Pradesh Chief Minister had written to Chief Justice of India **complaining about misconduct on part of a sitting SC judge.**

Over the years, three mechanisms have evolved to investigate cases of misconduct, including cases of sexual harassment, misbehaviour or incapacity against judges.

- In-house procedure (1999)
- Sexual harassment guidelines.
- Impeachment for proven misbehaviour or incapacity (as discussed above)

	In-house Procedure of SC	2013 SC Sexual Harassment Regulation
Who may file a complaint?	Any Person	Written complaint of sexual harassment by a woman.
Persons to whom complaint must be filed	Chief Justice of India (CJI) or President of India	Gender Sensitisation and Internal Complaints Committee (GSICC) of Supreme Court
Preliminary Inquiry	<ul style="list-style-type: none"> • CJI is required to determine whether the complaint is either frivolous or serious. • If the CJI finds that the complaint involves serious misconduct or impropriety, he will seek the response of the concerned Judge. • Based on the response and supporting materials, if the CJI finds that the complaint needs a deeper probe, he will constitute an inquiry committee 	If the GSICC is satisfied that the complaint is genuine, it will constitute a three-member Internal Sub-Committee to conduct an inquiry into the complaint
Composition of Inquiry Committee	<ul style="list-style-type: none"> • Three judges including a Judge of the Supreme Court and two Chief Justices of other High Courts. 	Committee will comprise members of GSICC or persons nominated by GSICC, with majority members being a woman and an outside member.

206. Pardoning power of governor

In News: Remission of the sentence of A G Perarivalan, convict in Rajiv Gandhi assassination case has been pending before Tamil Nadu Governor for over two years.

Pardoning power of the President Article 72	
Pardon	Complete exoneration
Commutation	Substitution of one form a lighter form. (Demotion)
Respite	It denotes awarding a lesser sentence due to some special fact
Reprieve	Stay of the execution for a temporary period.
Remission	Reducing the time of sentence

Pardoning Power of Governor under article 161

- Can Pardon, Commute, Respite, Reprieve, Remit – Punishments against state laws.
- **Cannot** pardon a death sentence.
- Cannot pardon sentences inflicted by court martial
- No time limit prescribed for governor
- Cr.P.C Section 435– Centre has to be consulted for any case investigated by Central agencies.

207. GNCT of Delhi (Amendment) Act, 2021

- **In News:** The Government of National Capital Territory (GNCT) of Delhi (Amendment) Act, 2021, which gives primacy to the Lieutenant Governor (L-G) over the elected government in the city, has come into force.
 - The GNCTD Act was enacted in 1991 to supplement the Constitutional provision of Article 239AA. It enabled the process of an elected government in Delhi.

Key Provisions of Amendment Act

- The term 'government' means Lt Governor.
- The Act provides discretionary powers to the LG even in matters where the Legislative Assembly is empowered to make laws.
- Makes it mandatory for the government to obtain the opinion of the LG on all matters.
- The amendment also says that the "Legislative Assembly shall not make any rule to enable itself to consider the matters of the day-to-day administration".

Criticism:

- The latest amendment will greatly reduce the efficiency and timeliness of the Delhi government by making it imperative for it to hold consultations with the L-G even when a situation demands urgent action.
- Significantly, the L-G is not obliged to give his opinion to the State government within a time frame.

69th Constitutional Amendment Act, 1993

- It **added two new Articles 239AA and 239AB** under which the Union Territory of Delhi has been given a special status.

- **Article 239AA** provides that the Union Territory of Delhi be called the National Capital Territory of Delhi and its administrator shall be known as Lt. Governor.
 - It also **creates a legislative assembly for Delhi** which can make laws on subjects under the State List and Concurrent List **except on these matters:** public order, land, and police.
 - It also **provides for a Council of Ministers for Delhi** consisting of not more than 10% of the total number of members in the assembly.
- **Article 239AB** provides that the **President may by order suspend the operation of any provision of Article 239AA** or of all or any of the provisions of any law made in pursuance of that article. This provision resembles Article 356 (President's Rule).

208. Official Languages Commission

In News: Recently, Chief Justice of India recommended amending the Official Languages Act of 1963 to include more vernacular languages in governance, and not just confine it to Hindi and English.

Article 344 – Official Language Commission

- **Commission shall consist** of a Chairman and members representing the different languages specified in the Eighth Schedule.
- **Functions:**
 - To recommend to the President regarding the progressive use of the Hindi language
 - Regarding restrictions on the use of the English language
 - Any other language to be used.
 - The form of numerals to be used
 - Any other matter referred to the Commission by the President
- A 30-member parliamentary committee (20 from LS and 10 from RS) to look into the recommendations of the Commission and to report to the President their opinion thereon.

Important Constitutional Provisions related to official languages

- **Part XVII** of the Indian constitution deals with the official languages in Articles 343 to 351.
- **The Eighth Schedule** to the Constitution consists of the following 22 languages.
- **Article 343(1)** of the Constitution of India, Hindi in Devanagari script shall be the official language of the Union.
- **Article 343(3)** made provisions for the continuation of English even after 25th January 1965 by empowering the parliament to make laws to that effect.
- **Article 344(1)** provides for the constitution of a Commission by the President on expiration of five years from the commencement of the Constitution.
- **Article 348 (1)** of the Constitution of India provides that all proceedings in the Supreme Court and in every High court shall be in English Language until Parliament by law otherwise provides
- **Article 351** provides for the spread of the Hindi language to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.

209. Office of Profit

In News: A parliament's joint committee on office of profit has sought Centre's response to a long-pending demand for amending the Constitution to clear ambiguity over definition of office of profit.

Office of profit has not been defined in the constitution or under Representation of People Act (RPA), 1951 but different courts have interpreted it to mean a position with certain duties that are more or less of public character.

- Essence is that legislators should be able to carry out their duties in a free manner without any obligation to government of the day.
- The office of profit law simply **seeks to enforce a basic feature of the Constitution** –the principle of separation of power between the legislature and the executive.

Legal Provisions:

- Under **Article 102 (1) and Article 191 (1)**, an MP or an MLA is barred from holding any office of profit under the central or state government.
- Also under **RPA 1951**, holding an office of profit is grounds for disqualification.
- **Parliament (Prevention of Disqualification) Act, 1959** lists the number of offices that are exempted from disqualification.

Definition: By SC in Pradyut Bordoloi case

- Whether the **government** exercises **control** over appointment, removal
- Whether the office has any **remuneration** attached to it
- Whether the body in which the office is held has **government powers**
- Whether the office enables the holder to **influence** by way of patronage

210. Delimitation commission

In News: Lok Sabha Speaker nominates 15 MPs to assist Delimitation Commission (DC).

Delimitation is the act of fixing limits/boundaries of territorial constituencies in the country.

Constitutional Mandate:

- **Article 82:** Parliament after each census to enact Delimitation act to set up a delimitation commission
- **Article 170:** Same commission to center and states
- **Orders of Commission has force of Law**
- **Previous Commission:** 1952, 1963, 1973, 2002. No delimitation post 1981 & 1991 Census (to control population growth)
- **84th Constitutional Amendment Act, 2002** froze further delimitation till 2026.

Composition

- **Ex-Officio Members:**
- A retired judge of the Supreme Court
- The Chief Election Commissioner
- State Election Commissioners (of the respective states)

Functions:

- To delimit the constituency
- Maintain equal population in all constituencies (as practically possible)
- To identify reserved constituency
- To hold public opinions regarding the delimitation
- To adopt the changes



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211. Right to recall

In News: Haryana Assembly passed Haryana Panchayati Raj (Second Amendment) Bill, 2020, which provides the right to recall members of Panchayati Raj institutions.

About Right to Recall

- Right to Recall is a process whereby the **electorate has the power to remove the elected officials** before the expiry of their term. It is an example of **instrument of direct democracy**.
- Bill allows the **recall of village sarpanches and members of the block-level and district-level panchayats** if they fail to perform.
- To recall, **50% members of a ward or gram sabha have to give in writing** that they want to initiate proceedings.
- This will be followed by a secret ballot, in which their recall **will require two-third members voting against them**.

Instrument of direct democracy.		
1	Referendum	Allows the electorate a direct vote on a specific political, constitutional or legislative issue. The outcome is binding on the Government
2	Citizen Initiative	Voting on an issue that gathers enough public support .
3	Plebiscite	Voting by a section of people for right to self determination .
4	Agenda	Places an agenda for consideration of an authority.

212. GST council

In News: Not holding GST council meeting in the wake of Pandemic.

- GST Council is a **constitutional body** under **Article 279A** and was introduced by the **Constitution (One Hundred and First Amendment) Act, 2016**.
- It makes recommendations to the Union and State Government on issues related to **Goods and Service Tax**.

Members of GST Council:

- Union Finance Minister (Chairperson of Council)
- Centre's minister of state in-charge of revenue or Finance
- Minister of revenue or finance of all the states.

Functions of GST Council:

- To recommend the tax rates
- To recommend the exemption to tax rates – some states, natural calamities, etc.
- Quorum – 50 per cent
- Weightage of votes – 1/3 for center and 2/3rd for states
- Majority – 3/4th of weighted votes.
- Also, has power to set up mechanisms to adjudicate disputes.

101st Constitutional Amendment:

- Insertion of new articles, namely, Article 246 A, Article 269 A, and Article 279A ;

- Amendment of Union List and State List contained in the Seventh Schedule of the Constitution by deleting or modified certain entries.

Article 246A:

- Power of **union and state legislative to make laws** for the Central and State GSTs.
- As per the recommendation of **GST Council**

Article 269A:

- GST on **inter-state trade and commerce** shall be levied and collected by centre.
- And appropriated **between centre and states** as recommended by GST council.

213. Chief Secretary

In News: Resignation of Alan Bandhopadhyay the West Bengal Chief Secretary.

About

- The post of Chief Secretary is the **senior-most position in the civil services** of the states and union territories of India.

1	Appointment	<ul style="list-style-type: none"> • The Chief Secretary is 'chosen' by the Chief Minister. • As the appointment of Chief Secretary is an executive action of the Chief Minister, it is taken in the name of the Governor of the State.
2	Position	<ul style="list-style-type: none"> • The Chief Secretary is the chief advisor to the Chief Minister in all matters of the cabinet. • State Chief Secretaries are IAS officers generally equivalent in rank to a Secretary to Government of India and are placed 23rd on Indian Order of Precedence. • In the union territories, which are governed by Administrators, Chief Secretaries are absent. In these territories an Adviser to the Administrator is appointed by the Union Government
	Tenure	<ul style="list-style-type: none"> • The office of Chief Secretary has been excluded from the operation of the tenure system. • There is no fixed tenure for this post.
	Functions	<ul style="list-style-type: none"> • The Chief Secretary acts as a Secretary to the State Cabinet. • Chairman of Crisis management group. • S/he acts as the crisis administrator-in-chief and virtually represents the State Government for all the officers concerned with relief operations. • S/he acts as the ex-officio Chairman of the State Civil Service Board, which recommends transfer/postings of officers of All India Services and State Civil Services in the state. • Secretary General Administration Department. • S/he is the administrative head of the Cabinet Secretariat and attends the meeting of the Cabinet and its sub-Committees, if necessary.

	<ul style="list-style-type: none"> • Prepares the agenda for the Cabinet meetings and keeps records of its proceedings. • Conscience-keeper to all the State Civil Servants. • S/he is the chief coordinator of the State administration. S/He ensures inter-departmental co-ordination. • S/he is the Chairman of co-ordination committees set up for inter-departmental disputes • S/he acts as the Residual Legatee and looks after all those matters which do not fall into the purview of other Secretaries. • S/he acts as a spokesman of the State Government. • S/he is the principal channel of communication between the concerned State Government and the Central Government and other State Governments. • S/he has administrative control over the Secretariat building, the staff attached to the Ministers, the central record branch, the Secretariat Library, the conservancy and watch and ward staff of the Secretariat departments.
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214. One hundred and Fourth Constitution Amendment Act (104th CAA), 2020

- 104th CAA extends the deadline for the cessation for the reservation of seats for members from Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies by a period of 10 years.
- The act was enforced on 25 January 2020 and **amended Article 334**
- The reservation of seats for the Scheduled Castes and Scheduled Tribes was set to expire on 26 January 2020 as mandated by the 95th Constitutional Amendment Act but was extended for another 10 years till January 25, 2030
- 104th CAA, however, **does not extend** the period of reservation of the 2 Lok Sabha seats reserved for members of the **Anglo-Indian Community**
 - Thus the practice of nominating two members of the Anglo-Indian community by the President of India under the recommendation of the Prime Minister of India was effectively abolished.

Article 334 of the Constitution provides for reservation of seats for SC & ST and the representation of the Anglo-Indian community by nomination in Lok Sabha and Legislative Assemblies of the States. It was valid only for 10 years till 1960. However, subsequent amendments have extended these reservations.

	Article 334	Valid till 1960
	8 th Constitutional Amendment Act, 1959	Extended till 1970
	23 rd Constitutional Amendment Act, 1969	Extended till 1980
	45 th Constitutional Amendment Act, 1980	Extended till 1990
	62 nd Constitutional Amendment Act, 1989	Extended till 2000
	79 th Constitutional Amendment Act, 1999	Extended till 2010
	95 th Constitutional Amendment Act, 2009	Extended till 2020

215. Legislative councils

In News: West Bengal Cabinet Approves for setting up of Legislative council.

- Just as Parliament has two Houses, the states can also have a Legislative Council in addition to the Legislative Assembly through Article 169 of the Constitution.
- Like the Rajya Sabha, the legislative council is a **continuing chamber**, that is, it is a permanent body and is **not subject to dissolution**.
- The **tenure of a Member of the Legislative Council (MLC) is six years**, with one-third of the members retiring every two years.

	Article 169 – Creation and Abolition of Legislative Council:	<ul style="list-style-type: none"> • The Parliament can abolish a Legislative Council (where it already exists) or create it (where it does not exist) by a simple majority, that is, a majority of the members of each House present and voting, if the legislative assembly of the concerned state, by a special majority, passes a resolution to that effect. • When a legislative council is created or abolished, the Constitution of India is also changed. However, still, such type of law is not considered a Constitution Amendment Bill under Article 368. • The resolution to create and abolish a state legislative council is to be assented by the President also.
	Strength of Legislative Councils - Article 171	<ul style="list-style-type: none"> • Maximum strength of LC is one-third of the total strength of the State Assembly. • Minimum strength is 40 members.
	Composition of Legislative Council	<ul style="list-style-type: none"> • One-third of the MLCs are elected by the state's MLAs, • Another 1/3rd by a special electorate comprising sitting members of local governments such as municipalities and district boards, • 1/12th by an electorate of teachers and another 1/12th by registered graduates. • The remaining members are appointed by the Governor for distinguished services in various fields namely, literature, science, art, cooperative movement and social service.
	Eligibility Criteria	<ul style="list-style-type: none"> • Indian citizen who is at least 30 years of age; • A person cannot simultaneously be a Member of Parliament and State legislature.

Additional Info

- Six States having a Legislative Council: Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka.
- Parliament abolished the Vidhan Parishad in Andhra Pradesh in 1985, but in March 2007, it was reinstated.

- In 2020, Andhra Pradesh Legislative Assembly passed the resolution for abolition of the Legislative Council. This resolution is yet to be cleared by the Parliament of India to finally abolish the council.
- In 2019, the Jammu & Kashmir Legislative Council was abolished through the J&K Reorganisation Bill, 2019, which reduced the State of J&K to the Union Territories of J&K and Ladakh.

Recollect

- A number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368. These provisions include:
 - Admission or establishment of new states
 - Formation of new states
 - Alteration of areas, boundaries or names of existing states
 - Abolition or creation of legislative councils in states
 - Acquisition and termination of Citizenship
- But to amend DPSP and FR's, it requires Special majority of the Parliament.

216. How are new districts carved?

In News: Malerkotla, Punjab's only Muslim-majority town, has become the state's 23rd district.

The procedure to alter districts

- The **power to create new districts or alter or abolish existing districts** rests with the **State governments**.
- This can **either be done through an executive order or by passing a law** in the State Assembly.
- Many States prefer the executive route by simply issuing a notification in the official gazette.
- States argue that smaller districts **lead to better administration and governance**.
- Power of state to carve a district is **suspended during delimitation**.

The Centre has **no role to play in the alteration of districts or creation of new ones**. States are free to decide.

However, Union Home Ministry comes into the picture when a State wants to change the name of a district or a railway station. For seeking clearance, the State government's request is sent to other departments:

- Ministry of Earth Sciences
- Intelligence Bureau
- Department of Posts
- Geographical Survey of India
- Railway Ministry

Do You Know?

- According to the **2011 Census**, there were **593 districts** in the country. Between 2001-2011, as many as 46 districts were created by States
- Though the 2021 Census is yet to happen, currently there are 718 districts in the country. The surge in number is also due to bifurcation of Andhra Pradesh into A.P and Telangana in 2014.

217. Article 244 (A) of the constitution

In News: The demand for an autonomous state within Assam has been raised by some of the sections of the society in Assam under the provisions of Article 244(A) of the Constitution.

About Article 244A:

- It allows for creation of an **'autonomous state' within Assam** in certain tribal areas.
- It also envisages **creation of a local legislature or Council of Ministers or both** to carry out local administration.
- It was Inserted into the Constitution by the **22nd Constitution Amendment Act, 1969**.
- **Article 244(A)** accounts for more autonomous powers to tribal areas than the Sixth Schedule. Among these the most important power is the **control over law and order**.
 - In Autonomous Councils under the Sixth Schedule, they do not have jurisdiction of law and order.

A brief background:

- In the 1950s, a demand for a separate hill state arose around certain sections of the tribal population of undivided Assam.
- Meghalaya came into existence as an autonomous state within the state of Assam on 2 April 1970 comprising the United Khasi and Jaintia Hills and the Garo Hills districts
- After prolonged agitations, Meghalaya gained statehood in 1972.
- The leaders of the Karbi Anglong and North Cachar Hills were also part of this movement. They were given the option to stay in Assam or join Meghalaya.
- They stayed back as the centre promised them more powers, including Article 244 (A).
- In the 1980s, the demand for more power/autonomy took the form of a movement with a number of Karbi groups resorting to violence. It soon became an armed separatist insurgency demanding full statehood.

Recollect

- The Sixth Schedule of the Constitution provides for the **administration of tribal areas in** Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states. This special provision is provided under Article 244 (2) and Article 275 (1) of the Constitution.
- In Assam, the hill districts of Dima Hasao, Karbi Anglong and West Karbi and the Bodo Territorial Region are under Sixth Schedule provision.

218. Financial Emergency - Article 360

Context: The financial crisis in the wake of Pandemic revived the debate on Financial Emergency.

- **Article 360** empowers the president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.
- A proclamation declaring financial emergency must be approved by both the Houses of Parliament within two months from the date of its issue.
- Once approved by both the houses of Parliament, the Financial Emergency continues indefinitely till it is revoked.

Effects of Financial Emergency

- Extension of the executive authority of the Union over the financial matters of the States. The Union Government may give direction to States regarding financial matters.
- The President may ask the States to **reduce the salaries and allowances** of persons in government service.

- The President may ask the States to **reserve all the money bills for the consideration** of the Parliament **after they have been passed by the State Legislature**.
- Reduction of salaries and allowances of the Central Government employees including the **Judges of the Supreme Court and the High Courts**.

219. Article 356 – President's Rule

- Article 355 imposes a duty on the centre to ensure that the government of every state is carried on in accordance with the provisions of the constitution.
- It is this duty in the performance of which the centre takes over the government of a state under Article 356 in case of failure of constitutional machinery in a state. This is popularly known as 'President's Rule'.
- **Grounds of Imposition of President's Rule**
 - If the President receives a report from the **state's Governor** or otherwise is convinced that a state cannot be governed as per constitution.
 - If any state fails to **comply with all directions given by the Union** on matters it is empowered to. Then it will be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the constitution.
- A proclamation imposing president's rule must be **approved by both the houses of parliament within two months** from the date of its issue.
 - The President's Rule sustains for a period of six months.
 - Later, it can be extended for a period of three years with parliamentary approval, every six months.
 - As per 44th CAA it can be extended beyond 3 years when
 - There is a **national emergency** in India.
 - The Election Commission of India certifies that it is necessary to continue the President's Rule in the state because of **difficulties in conducting assembly elections** to the state.
- **Consequences of the President's rule:** The President acquires the following extraordinary powers when the President's rule is imposed in a state:
 - S/he can take up the functions of the state government and powers vested in the governor or any other executive authority in the state.
 - S/he can declare that the powers of the state legislature are to be exercised by the Parliament.
 - When the Parliament is not in session, the President can promulgate ordinances with respect to the state's administration.
 - S/he can take all other necessary steps including the suspension of the constitutional provisions relating to any body or authority in the state.
- **Scope of judicial review:**
 - The 38th Amendment act of 1975 made the satisfaction of the President in invoking Article 356 final and conclusive which would not be challenged in any court on any ground.
 - But, this provision was subsequently deleted by the 44th Amendment Act of 1978 implying that the satisfaction of the President is not beyond judicial review.

220. Article 254 (2) of the Constitution

In News: Congress contemplated to counter Citizenship Amendment Act and new farm acts via Article 254(2).

- Article 254 (2) of the Constitution essentially allows a state law to prevail over a conflicting Central law in some circumstances.

- Article 254(2) applies only when a state law on a subject which is the Concurrent List conflicts with a nationwide law.
- In such a case, the state law can prevail over the Central law if the President gives his or her assent to the former.
- The President, however, acts on the aid and advice of the Council of Ministers.
- Further, a proviso to Article 254 (2) states that even if the President gives his or her assent to a state law passed under the provision, the Parliament can later amend or repeal the law.
- However, Article 254 (2) represents the exception, not the norm. **Article 254 (1)** of the Constitution essentially states that if there is any inconsistency between laws passed by Parliament and those passed by a state legislature, the former should prevail.





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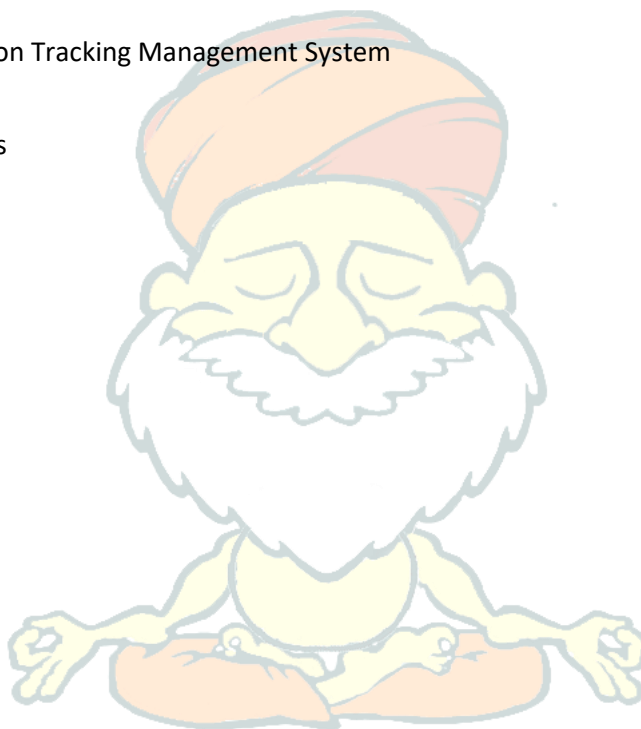
RaRe Notes

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301. CAA and Assam accord

- It was a **tripartite accord** signed between the **Government of India, State Government of Assam and the leaders of the Assam Movement** in 1985.
- The signing of the Accord **led to the conclusion of a six-year agitation** that was launched by the All Assam Students' Union (AASU) in 1979, **demanding the identification and deportation of illegal immigrants** from Assam.
- The Accord mentions that the international borders will be sealed and all persons who crossed over from Bangladesh after midnight of **24th March 1971** are to be deported.
- As per the Accord, those Bangladeshis who came between 1966 and 1971 will be barred from voting for ten years.

Citizenship in India

- The Constitution of India provides for single citizenship for the whole of India.
- Under **Article 11 of the Indian Constitution**, Parliament has the power to regulate the right of citizenship by law. Accordingly, the parliament had passed the **Citizenship act of 1955** to provide for the acquisition and determination of Indian Citizenship.
- **Until 1987**, to be eligible for Indian citizenship, it was sufficient for a person to be born in India. Then, spurred by the populist movements alleging massive illegal migrations from Bangladesh, citizenship laws were first amended to additionally require that at least one parent should be Indian.
- **In 2004**, the law was further amended to prescribe that not just one parent be Indian; but the other should not be an illegal immigrant.

Who is an illegal migrant in India?

Under the Act, an illegal migrant is a foreigner who:

- Enters the country without valid travel documents like a passport and visa, or
- Enters with valid documents, but stays beyond the permitted time period.

Illegal migrants may be put in jail or deported under the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920.

- Under the existing laws, an **illegal migrant is not eligible to apply for acquiring citizenship**. They are barred from becoming an Indian citizen through registration or naturalization.
- The Foreigners Act and the Passport Act debar such a person and provide for putting an illegal migrant into jail or deportation.

Key provisions of Citizenship (Amendment) Act, 2019

- The Act provides that the **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians** from **Afghanistan, Bangladesh and Pakistan**, who entered India on or before December 31, 2014, will **not be treated as illegal migrants**.
- For these groups of persons, the 11 years' requirement under **Citizenship by Naturalisation will be reduced to five years**.
- The act also says people holding Overseas Citizen of India (OCI) cards – an immigration status permitting a foreign citizen of Indian origin to live and work in India indefinitely – can lose their status if they violate local laws for major and minor offences and violations.

Exception

- These provisions on citizenship for illegal migrants will **not apply to the tribal areas of Assam, Meghalaya, Mizoram, and Tripura, included in the Sixth Schedule to the Constitution**.

- These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District.
- Further, **it will not apply to the "Inner Line"** areas notified under the Bengal Eastern Frontier Regulation, 1873
 - Currently, this permit system is applicable to **Arunachal Pradesh, Mizoram, and Nagaland**.

Concerns against the Amendment Act

- It contradicts the Assam Accord of 1985, which states that illegal migrants, irrespective of religion, heading in from Bangladesh after March 25, 1971, would be deported.
- Critics argue that it is violative of Article 14 of the Constitution (which guarantees the right to equality and applicable to both the citizens and foreigners) and the principle of secularism enshrined in the preamble of the constitution.
- India has several other refugees that include Tamils from Sri Lanka and Hindu Rohingya from Myanmar. They are not covered under the Act.
- It will be difficult for the government to differentiate between illegal migrants and those persecuted.

302. Ad Hoc Judges

In News: Recently, the Supreme Court pushed for the appointment of retired judges to battle the pendency of cases in High Courts.

Article 224A, used rarely, of the Constitution deals with appointment of ad-hoc judges in High Courts

- The Chief Justice of a High Court for any State may at any time, with the **previous consent of the President**, request any person who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State
- The acting retired judge would be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that High Court.
- Person cannot be appointed as ad-hoc judge unless he consents so to do.
- This Article was not part of the Constitution of India, 1950. It was inserted by the **Constitution (Fifteenth Amendment) Act, 1963**.

Note that Article 224(1) and 224(2) deals with appointment of additional and acting Judges

Supreme Court has orally **outlined prospective guidelines** for the appointment and functioning of an **ad-hoc judge**.

- If in a particular jurisdiction, the pendency goes beyond a certain limit, say eight or 10 years, the Chief Justice may appoint a certain [retired] judge with expertise in those fields of laws as an ad hoc judge.
 - **The term of such a judge could be extendable.**
- The appointment of ad-hoc judges would not be a threat to the services of other judges as the **Ad-hoc judges will be treated as the junior most.**
- The retired judges would be chosen **on the basis of their expertise in a particular field of dispute** and allowed to retire once the pendency in that zone of law was over.
- It had made it clear that ad-hoc judges could be appointed over and above the sanctioned strength of judges and that they should be **given only judicial work**, and not administrative work, though their pay and allowances should be at par with permanent judges.

303. Union of States

In News: Tamil Nadu government has decided to shun the usage of the term '**Central government**' in its official

communications and **replace it with 'Union government'**.

- The constitution of India has not described India as a federation. However, Article 1 of Indian constitution describes India as a "Union of States."
- This means India is a union comprising of various states which are an integral part of it. Here, the states cannot break away from the union.
- They do not have the power to secede from the union. In a true federation, the constituting units or the states have the freedom to come out of the union.
- India is said to be an "indestructible union of destructible states". The Constitution of India does not guarantee the existence of a state. Under Article 4, it empowers the Parliament to create new states and alter the existing ones.

Evolution of "Union" nomenclature

- **Cabinet Mission plan** contemplated a Central government with very limited powers whereas the provinces had substantial autonomy.
- **Partition Impact:** The Partition and the violence of 1947 in Kashmir forced the Constituent Assembly to revise its approach and it resolved in favour of a strong Centre.
- **Fear of secession:** The possibility of the secession of States from the Union weighed on the minds of the drafters of the Constitution and ensured that the Indian Union is "indestructible".
- **Difference from US Federation:** Constituent Assembly made it clear that though India was to be a federation, it was not the result of an agreement and that therefore, no State has the right to secede from it.
- **Position of States clarified in Constitution:** On criticism by others that 'Union of States' would obscure the word 'Republic' Ambedkar clarified both the Union and the States are created by and derive their respective authority from the Constitution. One is not subordinate to other.
- **No reference to 'Central govt' in Constitution:** The members of the Constituent Assembly were very cautious of not using the word 'Centre' or 'Central government' in the Constitution as they intended to keep away the tendency of centralising of powers in one unit
- **Unifying message:** The 'Union government' or the 'Government of India' has a unifying effect as the message sought to be given is that the government is of all.

304. Supplementary Grants

In News: The Minister of Finance presented the first batch of **Supplementary Demands for Grants** for this financial year in the Lok Sabha.

Supplementary Grant:

- It is granted when the amount authorised by the Parliament through the appropriation act for a particular service for the current financial year is found to be **insufficient** for that year.
- It is specified by the **Article 115** of the constitution of India, along with Additional and Excess Grants.

In addition to the **budget** that contains the ordinary estimates of income and expenditure for one financial year, various other grants are made by the Parliament under extraordinary or special circumstances. Apart from Supplementary Grants, these include:

Additional Grant	<ul style="list-style-type: none"> • It is granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year
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Excess Grant	<ul style="list-style-type: none"> It is granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. It is voted by the Lok Sabha after the financial year. Before the demands for excess grants are submitted to the Lok Sabha for voting, they must be approved by the Public Accounts Committee of Parliament.
Vote of Credit	<ul style="list-style-type: none"> It is granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget. Hence, it is like a blank cheque given to the Executive by the Lok Sabha.
Exceptional Grant	<ul style="list-style-type: none"> It is granted for a special purpose and forms no part of the current service of any financial year.
Token Grant	<ul style="list-style-type: none"> It is granted when funds to meet the proposed expenditure on a new service can be made available by reappropriation. A demand for the grant of a token sum (of Re 1) is submitted to the vote of the Lok Sabha and if assented, funds are made available. Reappropriation involves transfer of funds from one head to another. It does not involve any additional expenditure

305. Ministry of Cooperation

- A separate '**Ministry of Co-operation**' has been created by the Union Government for realizing the vision of '**Sahkar se Samridhi**' (Prosperity through Cooperation) and to give a **new push to the cooperative movement**.
- It will provide a **focused administrative, legal and policy framework for strengthening the cooperative movement** in the country.
- It will work to streamline processes for 'Ease of doing business' for co-operatives and enable development of Multi-State Co-operatives (MSCS).
- A cooperative is an **autonomous association of persons united voluntarily to meet their common economic, social and cultural needs** and aspirations through a jointly owned and democratically controlled enterprise.
 - Ex:** **Consumer** Cooperative Society, **Producer** Cooperative Society, **Credit** Cooperative Society, **Housing** Cooperative Society and **Marketing** Cooperative Society.

Evolution of Cooperatives

- The **first credit cooperative society was formed in Banking in 1903** with the support of the Government of Bengal. It was registered under the **Friendly Societies Act** of the British Government.
- But the enactment of the Cooperative Credit Societies Act, 1904 gave Cooperative a definite structure and shape.
- In **1919, cooperation became a provincial subject** and the provinces were authorised to make their own cooperative laws under the **Montague-Chelmsford Reforms**. Categorization carried on to the Government of India Act, 1935.
- In 1942, the Government of British India enacted the **Multi-Unit Cooperative Societies Act** to cover Cooperative Societies with membership from more than one province.
- After independence, **cooperatives became an integral part of Five-Year Plans**.

- In **1958**, the **National Development Council (NDC)** had recommended a **national policy on cooperatives** and also for training of personnel and setting up of Co-operative Marketing Societies.
- **National Cooperative Development Corporation (NCDC)**, a statutory corporation, was set up under National Cooperative Development Corporation Act, 1962.
- The Government of India announced a **National Policy on Co-operatives in 2002**.
- The Constitution (97th Amendment) Act, 2011 made following changes
 - New Part IXB regarding the cooperatives working in India added. (Part IXA deals with Municipals)
 - In Art. 19(1)(c) the word “cooperatives” was added after “unions and associations”. This enables all the citizens to form cooperatives by giving it the status of fundamental right of citizens.
 - A new Article 43B was added in the Directive Principles of State Policy (Part IV) regarding the “promotion of cooperative societies

306. Leader of Opposition

- It is a statutory post defined in the Salaries and Allowances of Leaders of Opposition in Parliament Act, 1977.
- To become leader of opposition, the single largest political party in opposition should have atleast 10% seats in the Lok Sabha. The Leader of such a party acts as the Leader of Opposition.
- LoP provide constructive criticism of the government policies. The LoP also plays an important role in bringing cohesiveness and effectiveness to the opposition's functioning in policy and legislative work.
- Gets same salaries and allowances that are equivalent to a Cabinet minister – paid by the government.
- LoP plays a crucial role in bringing bipartisanship and neutrality to the appointments in institutions of accountability and transparency – CVC, CBI, CIC, Lokpal, CIC, NHRC.

Concerns with present system

- There arises a problem when no party in opposition secures 55 or more seats. In such situations, the numerically largest party in the opposition should have the right to have a leader recognised as leader of the opposition by the speaker.
- Besides, the 10% formulation is inconsistent with the law 'the salary and allowances of leaders of opposition in Parliament Act, 1977' which only says that the largest opposition party should get the post.

307. Political Parties Registration Tracking Management System

In News: The Election Commission of India has launched a “Political Parties Registration Tracking Management System (PPRTMS)”.

- The salient feature in the PPRTMS is that the applicant, who is applying for a political party registration from 1st January, 2020 will be able to track the progress of his/her application and will get status updates through SMS and e-mail.
- Registration of political parties is governed by the provisions of **Section 29A of the Representation of the People Act, 1951**.
 - An association seeking registration under the above mentioned Section has to submit an application to the Commission within a period of 30 days following the date of its formation.

Benefits of registration:

- **Entitled for exclusive allotment of its reserved symbol**

- Recognized 'State' and 'National' parties need **only one proposer** for filing the nomination.
- Entitled for **two sets of electoral rolls** free of cost.
- They also **get broadcast/telecast facilities** over Akashvani/Doordarshan.
- The **travel expenses of star campaigners are not to be accounted** for in the election expense accounts of candidates of their party.

308. NHRC

- It is a statutory (and not a constitutional) body established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993.
- The commission is the watchdog of human rights in the country, that is, the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in international covenants & enforceable by courts in India
- Multi-member body consisting of a chairperson and five members
 - Chairperson should be a retired CJI or a judge of the Supreme Court
 - Members should be a serving or retired judge of SC, a serving or retired chief justice of a high court
 - Three persons (out of which at least one should be a woman) having knowledge or practical experience with respect to human rights
- In addition to these full-time members, NHRC also has seven ex-officio members
 - Chairperson of National Commission for Minorities
 - National Commission for SCs
 - National Commission for STs
 - National Commission for Women
 - National Commission for BCs
 - National Commission for Protection of Child Rights
 - Chief Commissioner for Persons with Disabilities.
- The chairperson and members are appointed by the president on the recommendations of a six-member committee consisting of
 - Prime minister as its head
 - Speaker of the Lok Sabha
 - Deputy Chairman of the Rajya Sabha,
 - Leaders of the Opposition in both the Houses of Parliament
 - Central home minister.
- Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.
- The chairperson and members hold office for a term of three years or until they attain the age of 70 years, whichever is earlier
- They are eligible for re-appointment.
- After their tenure, the chairperson and members are not eligible for further employment under the Central or a state government

Working of NHRC

- It is vested with the power to regulate its own procedure. It has all the powers of a civil court and its proceedings have a judicial character.
- The commission has its own nucleus of investigating staff for investigation into complaints of human rights violations.
- Besides, it is empowered to utilise the services of any officer or investigation agency of the Central government or any state government
- The commission is not empowered to inquire into any matter after the expiry of one year from the date on which violation of HR is alleged to have been committed
- NHRC may take any of the following steps during or upon the completion of an inquiry:
 - it may recommend to the concerned government or authority to make payment of compensation or damages to the victim;
 - it may recommend to the concerned authority the initiation of proceedings for prosecution or any other action against the guilty public servant;^[SEP]
 - it may recommend to the concerned government or authority for the grant of immediate interim relief to the victim;
 - it may approach the Supreme Court or the high court concerned for the necessary directions, orders or writs.

Limitations of NHRC

- **Note:** the functions of the commission are mainly recommendatory in nature. It has no power to punish the violators of human rights, nor to award any relief including monetary relief to the victim
- Its recommendations are not binding on the concerned government/ authority. But, it should be informed about the action taken on its recommendations within one month.
- The commission has limited role, powers and jurisdiction with respect to the violation of human rights by the members of the armed forces
- The commission submits its annual or special reports to the Central government and to the state government concerned. These reports are laid before the respective legislatures.

309. Borrowing Power of states

In News: Recently the Centre government increased the borrowing limit of states to 5% of gross state domestic product (GSDP) in 2020-21 from 3%.

Borrowing Power of States (dealt under Article 292 & 293)

- U/A 292, this power is limited by act of State legislature
 - U/A 292, Union government has unrestricted power to borrow subject to limit set by Parliament (FRBM Act)
- States can only raise loan domestically
 - There is no territorial jurisdiction for Union like States. Union government can borrow domestically & also from abroad
- Restrictions on State's borrowing include
 - Can borrow upon security of Consolidated Fund of State
 - Cannot raise loan without Union govt.'s permission if any outstanding amount of previous loan is due to Union.

310. Governor

Appointment: President by **warrant under his hand and seal**.

Term of the Governor's Office: Holds the office under the pleasure of the President, no fixed term.

Removal

- By president, **grounds are not laid down** in the constitution.
- Governor may also get **transferred and reappointed**.
- The **Chief Justice of the High Court can also be appointed as the Governor** on a temporary basis.

Qualification

1. S/He should be an **Indian Citizen**
2. S/He should be **35 years old or more**

Conditions of his office

- S/He **cannot be a member of Lok Sabha and Rajya Sabha**. If a member should vacate the office on the first day.
- S/He should not hold any **office of profit**.
- Parliament decides his emoluments.
- When a **governor is for two or more states**, the emoluments are shared by the states.
- Parliament cannot **diminish his salary** during his term of office.
- S/He is given immunity from any **criminal proceedings**, even in respect of his personal acts.
- Civil proceedings can be initiated for his personal acts **after giving two months' of prior notice**.

Executive Powers of the Governor

- **Every executive** action is taken in his name.
- S/He can make rules to simplify the **transaction of the business**.
- Appointment of CM, CoM, Advocate General.
- It is his/her responsibility to appoint **Tribal Welfare Minister** in the states of: Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha.
- The governor enjoys extensive executive powers as an agent of the President **during the President's rule** in the state.

Legislative Powers of the Governor

- It's in his/her power to **prorogue, summon and dissolve** the legislature
- S/He **addresses the first session** of every year
- Giving an **assent, sending back or reserving the bill for president**.
- **Appoints a person to preside over the session** when Speaker and Deputy speaker are absent.
- Nomination powers.
- Can promulgate **ordinance**
- Place the report of **SCF and SPSC in the legislature**.

Financial Powers of the Governor

- S/He looks over the **state budget**

- His/ Her recommendation needed for **money bill**
- S/He **recommends for the demand for grants** which otherwise cannot be given
- **Contingency Fund of State** is under Governor.
- **State Finance Commission** is constituted by Governor.





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311. Parliamentary Privileges

In News: Supreme Court recently gave relief to Arnab Goswami in breach of privilege case for making derogatory remarks against the CM of Maharashtra

About Parliamentary Privileges

- Parliamentary privilege refers to rights, immunities and exemptions enjoyed by Parliament as an institution (includes Parliamentary Committees) and MPs in their individual capacity, without which they cannot discharge their functions as entrusted upon them by the Constitution.
- The parliamentary privileges help maintain the dignity, authority and honour of the members of parliament.
- The Constitution (**Article 105 & 194**) mentions two privileges, i.e. freedom of speech in Parliament and right of publication of its proceedings.
- Rule No 222 in Chapter 20 of the **Lok Sabha Rule Book** and correspondingly Rule 187 in Chapter 16 of the **Rajya Sabha rulebook** governs privilege.
- When any of these rights and immunities are disregarded, the offence is called a **breach of privilege** and is punishable under law of Parliament.
- A notice is moved in the form of a motion by any member of either House against those being held guilty of breach of privilege
- *Collective & Individual Privileges (Refer Rare Video Day 43- Session 32)*

There are two categories of Parliament privileges in India

First Category Specified and enumerated	<ul style="list-style-type: none"> • Freedom of speech in each House of Parliament • Immunity from proceedings in any courts regarding anything said or voted given by a member in parliament or any committee thereof. • Immunity from liability regarding the publication by or under the authority of either House of Parliament, of any report, paper, votes or proceeding of either House.
Second Category Recognized unremunerated.	<p>but It includes all those privileges which were enjoyed by the House of Commons of the Parliament of the United Kingdom, and its members and committees, at the commencement of the Constitution of India and, would continue to be in force unless they are modified and defined by Parliament by law.</p>

The five sources of the privileges are:

1. Constitutional provisions
2. Various laws made by Parliament
3. Rules of both the Houses
4. Parliamentary conventions
5. Judicial interpretations

Other Important Facts

- The provisions related to the parliamentary privileges of the Parliament (members and committees) can be amended using the **simple majority of the Parliament**.
- **President is not entitled** to the parliamentary privileges.
- Without taking the **oath** before the Indian President, the privileges and immunities are not granted to the member of the parliament.
- The Lok Sabha speaker is the guardian of the Lok Sabha members' privileges and the committees of this house of the parliament.
- There is a motion named '**Privilege Motion**' used to censure a minister for the breach of the parliamentary privilege.
- Adjournment motion and token cut motion can't be used to raise the question of privilege.
- The **Parliament has the judicial power** to punish the members of the houses or the outsider for any breach of privilege.
- There is a committee called '**Committee of Privileges**' which is of semi-judicial nature. It is responsible for examining the privileges' breach. There are 15 members in the committee of privileges for Lok Sabha while there are 10 members for the same committee in Rajya Sabha.
- The **persons who are allowed to speak** in the proceedings of either house of the parliament are also entitled to the privileges of the Parliament. Example – Attorney General of India and Union Ministers.

312. Cabinet Committees

- The Cabinet Committees are **extra-constitutional** in emergence i.e. they are not mentioned in the Constitution.
 - N. Gopalaswamy Committee on the Machinery of Government (1949) recommended setting up of standing committees of Cabinet over defined fields, with appropriate strengthening of the secretariat and other organs of these committees
- However, the **Rules of Business provide for their establishment**.
- The **Prime Minister** constitutes these committees and sets out the specific functions assigned to them. He can add or reduce the number of committees & their composition.
- They are of two types—standing and ad hoc. The former is permanent, while the latter is temporary.
 - The ad hoc committees are formed at times to deal with special problems. They are disbanded after their job is done.
- They are an organizational device to **lessen the enormous workload of the Cabinet**. They facilitate an in-depth examination of policy issues and effective coordination.
- They are based on the principles of division of labor and effective delegation.
- They not only resolve issues and frame proposals for the Cabinet's consideration, but they also take decisions. The Cabinet can, of course, review their decisions.

Composition of Cabinet Committees

- Their membership is not fixed and usually varies from three to eight.
- They usually include only Cabinet Ministers. However, non-cabinet ministers can also be included as members.

- Apart from the ministers in charge of the subjects covered, other senior ministers can also be included as members
- Such Committees are usually chaired by the PM. At times, other Cabinet ministers like Home, Finance, etc. can also be the chairperson. But, if the Prime Minister is a member of the committee, then, he or she is the head of the committee.

Present Cabinet Committees

1. Appointments Committee of the Cabinet.
2. Cabinet Committee on Accommodation.
3. Cabinet Committee on Economic Affairs.
4. Cabinet Committee on Parliamentary Affairs.
5. Cabinet Committee on Political Affairs.
6. Cabinet Committee on Security.
7. Cabinet Committee on Investment and Growth.
8. Cabinet Committee on Employment & Skill Development.

Do You Know?

- The executive in India works under the **Government of India Transaction of Business Rules, 1961**.
- These **Rules emerge out of Article 77(3) of the Constitution**, which states: "The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business."

Council of Ministers (COM)

- COM is a constitutional body, dealt in detail by Articles 74 and 75 of Constitution.
- COM is a wider body comprising of all ministers including all 3 categories of ministers, namely, cabinet ministers, ministers of state, and deputy ministers.
- COMs are vested with all powers but only in theory. It implements the decisions taken by the cabinet while Cabinet Committees help the cabinet in decision making.
- COMs are collectively responsible to the Lower House of the Parliament while there is no such clause for cabinet committees.
- Under the 91st Constitutional Amendment Act, 2003, the total number of ministers in the Council of Ministers, including the PM, cannot exceed 15 per cent of the total members of the Lok Sabha (15% of 543= 81)

313. Attorney General of India

In News: The central government has extended the term of K.K. Venugopal as Attorney General (AG) for one more year.

- This is the second time the Centre has extended his tenure. Venugopal received his first extension of term in 2020

- Venugopal was appointed the **15th AG of India in 2017**. He succeeded Mukul Rohatgi who was AG from 2014-2017.

About Attorney General of India (AGI)

- AGI is a **part of the Union Executive**.
- AGI is the **highest law officer in the country**.
- **Article 76 of the Constitution** provides for the office of AG of India.
- AG is **appointed by the President** on the advice of the government.
- S/he must be a person who is **qualified to be appointed a judge of the Supreme Court**, i.e. s/he must be a citizen of India and must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the President.
- **Term of the Office:** Not fixed by the Constitution.
- **Removal:** Procedures and grounds for the removal of AGI are not stated in the Constitution. AGI holds office during the pleasure of the President (may be removed by the President at any time).
- **Solicitor General of India and Additional Solicitor General of India assist the AG** in fulfillment of the official responsibilities.
- Advocate General of State is the Corresponding Office in States (Article 165).

Rights and Limitations:

- AGI has the **right to speak and to take part in the proceedings of both the Houses of Parliament** or their joint sitting and any committee of the Parliament of which s/he may be named a member, but **without a right to vote**.
- AGI **enjoys all the privileges and immunities** that are available to a member of Parliament
- AGI does **not fall in the category of government servants**.
- AGI is not **debarred from private legal practice**. However, s/he should not advise or hold a brief against the Gol.

Duties and Functions:

- To **give advice to the Government of India (Gol)** upon such legal matters, which are referred to her/him by the President.
- To perform such other duties of a legal character that are assigned to her/him by the President.
- To **appear on behalf of the Gol in all cases in the Supreme Court** or in any case in any High Court in which the Gol is concerned.
- To **represent the Gol in any reference made** by the President to the Supreme Court **under Article 143** (Power of the President to consult the Supreme Court) of the Constitution.
- To discharge the functions conferred on her/him by the Constitution or any other law.

314. Ordinances

- Ordinances are like a law but not enacted by the Parliament but rather promulgated by President of India when Lok Sabha and Rajya Sabha or either of those is not in session.

- These ordinances have the **same force and effect as an Act** of Parliament but are in the nature of temporary laws
- **Union Cabinet's recommendation** is a must for an ordinance to be promulgated. Using ordinances, immediate legislative actions can be taken
- **Article 123** deals with the ordinance making power of the President
- Ordinances can be introduced **only on those subjects** on which the Indian Parliament can make laws.
- An ordinance is subject to the **same constitutional limitations** as an Act of Parliament. Hence, an ordinance cannot abridge or take away any of the fundamental rights.
- Whenever a Bill seeking to replace an ordinance is introduced in the House, a statement explaining the circumstances that had necessitated immediate legislation through ordinance route should also be placed before the House.
- Parliament has to approve the ordinance **within six weeks from its reassembly**, if not passed by Parliament the Ordinance ceases to continue.
- Acts, done and completed under the ordinance before it lapses, **remains intact**.
- President's power to roll out ordinance is justiciable on the ground of **mala-fide**
 - In **RC Cooper vs. Union of India (1970)** the Supreme Court held that the President's decision could be challenged on the grounds that 'immediate action' was not required; and the Ordinance had been passed primarily to by-pass debate and discussion in the legislature.
 - It was argued in **DC Wadhwa vs. the State of Bihar (1987)** that the legislative power of the executive to promulgate ordinances is to be used in exceptional circumstances and not as a substitute for the law-making power of the legislature.
 - Supreme Court in **Krishna Kumar Singh v. the State of Bihar** held that the authority to issue ordinances is not an absolute entrustment, but is "conditional upon satisfaction that circumstances exist rendering it necessary to take immediate action".

Article 213 deals with the power of the Governor to legislate through ordinances. His power of ordinance making is quite similar to the President's power. The comparisons between this two w.r.t. Ordinance making is given below:

Ordinance Making Power of President	Ordinance Making Power of Governor
He can promulgate ordinance when either Lok Sabha or Rajya Sabha is not in session or if both are not in session	He can promulgate ordinance when the Legislative Assembly is not in session in case of the unicameral legislature or when both Legislative assembly and council are not in session in case of a bicameral legislature
He can roll-out an ordinance for only those matters on which Parliament (Lok Sabha & Rajya Sabha) can make laws	He can roll-out an ordinance for only those matters on which state legislature can make laws
His ordinances have the same effect on policies as parliament's acts will have	His ordinances have the same effect on policies as state's acts will have. If his ordinance legislates on matters which state government has no power on, the ordinance stands null and void
The ordinance introduced by him can be withdrawn anytime	The ordinance introduced by him can be withdrawn anytime
His power to promulgate ordinance is not a discretionary power. Council of Ministers'	His power to promulgate ordinance is not a discretionary power. Council of Ministers' (headed by CM) advice is a

(headed by PM) advice is a pre-requisite	pre-requisite
No instructions are needed by President's when he promulgates an ordinance	<p>President's instructions on the following three cases are must:</p> <ul style="list-style-type: none"> • If a bill containing the same provisions would have required the previous sanction of the President for its introduction into the state legislature • If he would have deemed it necessary to reserve a bill containing the same provisions for the consideration of the President • If an act of the state legislature containing the same provisions would have been invalid without receiving the President's assent

315. CBI

- Set up in 1963 by a resolution of Union Home Ministry (reco of Santhanam Committee) [SEP]
- Later, it was transferred to the Ministry of Personnel and now it enjoys the status of [SEP]an attached office. [SEP]
- The Special Police Establishment (which looked into vigilance cases) setup in 1941 was [SEP]also merged with the CBI [SEP]
- The CBI is not a statutory body. It derives its powers from the Delhi Special Police [SEP]Establishment Act, 1946. [SEP]
- The CBI is the main investigating agency of the Central Government. [SEP]

The NIA has been constituted after the Mumbai terror attack in 2008 mainly for investigation of incidents of terrorist attacks, funding of terrorism and other terror related crime

The CBI investigates crime of corruption, economic offences and serious and organized crime other than terrorism.

- The CBI is headed by a Director who is assisted by special/additional director. The Director of CBI has been provided security of two-year tenure by CVC Act, 2003. [SEP]
- The Central Government shall appoint the Director of CBI on the recommendation of a three-member committee consisting of the
 - Prime Minister as Chairperson
 - Leader of Opposition in the Lok Sabha [SEP]
 - Chief Justice of India or Judge of the Supreme Court nominated by him. [SEP]
- If there is no recognized leader of opposition in the Lok Sabha, then the leader of the single largest opposition party in the Lok Sabha would be a member of that committee. [SEP]
- The CBI Academy is located at Ghaziabad, UP and started functioning in 1996. It also has three regional training centres at Kolkata, Mumbai & Chennai. [SEP]
- The superintendence of CBI related to investigation of offences under the Prevention of Corruption Act, 1988 lies with the Central Vigilance Commission (CVC) and in other matters with the Department

of Personnel & Training (DOPT) in the Ministry of Personnel, Pension & Grievances of the Government of India

Functions of CBI

- Investigating cases of corruption, bribery and misconduct of Union govt employees
- Investigating cases relating to infringement of fiscal and economic laws
- Investigating serious crimes, having national and international ramifications, committed by organised gangs of professional criminals.
- Coordinating activities of the anticorruption agencies and various state police forces
- Taking up, on the request of a state government, any case of public importance for investigation.
- It takes up investigation of conventional crimes like murder, kidnapping, rape etc., on reference from the state governments or when directed by the Supreme Court/High Courts.
- Maintaining crime statistics and disseminating criminal information.
- The CBI acts as the “National Central Bureau” of Interpol in India.
- The Central Government can authorize CBI to investigate such a crime in a State but only with the consent of the concerned State Government.
 - **Recently**, states like Andhra Pradesh and West Bengal withdrew consent.
 - As per Section 6 of the Delhi Special Police Establishment Act, 1946, the **state governments** can withdraw the general consent accorded.
 - **There are two kinds of consent:**
 - **Case-Specific** – A case involving **state government employees or a violent crime in a given state** - only after that particular state government gives its consent.
 - **General consent** – To aid the CBI easily perform its investigation into cases of corruption against central government employees in the concerned state. Almost all states have given this general consent.

316. Inter State Council

- Constitutional Body – Article 263.
- It was set up in 1990 through a presidential ordinance for the first time as per the recommendations of the Sarkaria Commission under the Ministry of Home affairs.
- Function: Investigate and discuss the subjects of common interest between the Union and State(s) or among the States.
 - It works as an instrument for cooperation, coordination and the evolution of common policies.
- The interstate council is proposed to meet thrice a year.
- The latest meeting was held after a gap of 10 years in Delhi in July 2016.
- The present composition of the Inter-State Council is as follows:
 1. Prime Minister (Chairman).

2. Chief Ministers of all States.
3. Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly and Governors of States under President's Rule (Governor's Rule in the case of J&K).
4. **Six Ministers of Cabinet rank** in the Union Council of Ministers to be nominated by the Prime Minister.
5. **Four Ministers of Cabinet rank as Permanent invitees.**

317. Mission Karma yogi

Mission Karmayogi, also National Programme for Civil Services Capacity Building, is a new capacity-building scheme for civil servants aimed at upgrading the post-recruitment training mechanism of the officers and employees at all levels.



Institutional Structure for Mission Karmayogi

1. PM led Human Resource Council

- It will also include state Chief Ministers, Union Cabinet ministers and eminent national and global Academicians, thought leaders, Industry leaders
- This council will approve and review civil service capacity building programmes.
- Mandate of the Council includes:
 - **Apex body driving & providing strategic direction** to the Programme
 - **Approves & Monitors** Civil Service Capacity Building plan
 - **Reviews reports** submitted by Capacity Building Commission

2. Cabinet Secretary Coordination Unit

- It comprises of select secretaries and cadre controlling authorities, headed by Cabinet Secretary
- The primary function of this body is to monitor progress, and execution of plans.

3. Capacity Building Commission: It will include experts in related fields and global professionals. The mandate of the commission are:

- To prepare annual Capacity building plans and seek approval from PM HR Council
- Audit human resources available in the government.
- Harmonize training standards and capacity building
- Create shared faculty and resources
- Supervisory role over all Central Training Institutions.
- Set norms for common mid-career training programs
- Undertake analysis of data from iGOT-Karmayogi
- Prepare the Annual HR Report on health of Civil Services and Target Achievements

4. Wholly owned Special Purpose Vehicle (SPV)

- **Legal:** Company under Section 8 (of Companies Act) with 100% Government ownership
- **Board of Directors:** Representing all participating entities of the Programme
- **Revenue Model:** Self sustaining – Annual Subscription fee of INR 431 per employee
- **Key functions of SPV are:**
 - **Own and operate the online Platform, iGOT Karmayogi** on behalf of Government
 - Operationalize a robust content ecosystem
 - Manage assessment & certification eco-system
 - Telemetry data based scoring – monitoring and evaluation
 - Feedback assessment – driven by Artificial Intelligence & evolvable and scalable platform
 - Curate & deliver programmes for capacity building of Civil Servants in other countries
 - It will own all Intellectual Property Rights on behalf of the Government of India.

Integrated Government Online Training (iGOT) Karmayogi Platform

- The Karmayogi Programme will be delivered through iGOT Karmayogi Platform.
- iGOT-Karmayogi is a **continuous online training platform**, which would allow all government servants from assistant secretary to secretary level to undergo continuous training, depending on their domain areas.
- Courses from international universities will be made available on the platform for officers to take any time
- The platform is expected to evolve into a vibrant and world-class market place for content where carefully curated and vetted digital e-learning material will be made available.
- Besides capacity building, service matters like confirmation after probation period, deployment, work assignment and notification of vacancies etc. would eventually be integrated with the proposed competency framework

Core guiding principles or the Policy Framework of NPCSCB Programme?

1. To complement the physical capacity building approach with Online Learning
2. Supporting Transition from 'Rules based' to '**Roles based**' **HR Management**. Aligning work allocation of civil servants by matching their competencies to the requirements of the post.
3. To create an ecosystem of **shared training infrastructure** including that of learning materials, institutions and personnel.
4. To calibrate all Civil Service positions to a **Framework of Roles, Activities and Competencies (FRACs)** approach and to create and deliver learning content relevant to the identified FRACs in every Government entity.
5. Enable adoption of modern technological tools such as digital platforms, Artificial Intelligence, Machine Learning and Data Analytics

318. NIPUN Bharat

- NIPUN stands for National Initiative for Proficiency in Reading with Understanding and Numeracy program
- It **aims to cover the learning needs of children in the age group of 3 to 9 years**. This initiative is being launched as a part of NEP (National Education Policy) 2020.
- Mission has been launched under centrally sponsored scheme of **Samagra Shiksha**.
 - Samagra Shiksha' programme was launched **subsuming three existing schemes**: Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE). The aim of the scheme is **to treat school education holistically**, from pre-school to Class XII.
- **Objective of NIPUN**: To ensure Universal acquisition of foundational literacy and numeracy (FLN) so that by 2026-27 every child achieve the desired learning competencies in reading, writing and numeracy at the end of grade 3 and not later than grade 5.
 - Foundational language and literacy includes oral language, development, deciphering written words, reading fluency, reading comprehension and writing
 - Foundational numeracy means the ability to reason and apply simple numerical concept in daily life problem solving
- It will focus on
 - providing access and retaining children in foundational years of schooling;
 - teacher capacity building;
 - development of high quality and diversified Student and Teacher Resources/Learning Materials;
 - Tracking the progress of each child in achieving learning outcomes.
- **A five-tier implementation mechanism** will be set up at the National- State- District- Block- School level
- Special package for foundational literacy and Numeracy (FLN) under **NISHTHA (National Initiative for School Heads and Teachers Holistic Advancement)** is being developed by NCERT.

- NISHTHA is a capacity building programme for "Improving Quality of School Education through Integrated Teacher Training"

- **Part IV of Indian Constitution**, Article 45 and Article 39 (f) of Directive Principles of State Policy (DPSP), has a provision for state-funded as well as equitable and accessible education.
- **42nd CAA in 1976** moved education from the State to the Concurrent List.
- **86th CAA in 2002** made education an enforceable right under Article 21-A.
- **Right To Education (RTE) Act**, 2009 aims to provide primary education to all children aged **6 to 14 years** and enforces education as a Fundamental Right.
 - It mandates non-minority private unaided schools to keep aside at least 25% of their entry-level seats for children belonging to disadvantaged sections to create a more integrated and inclusive schooling system

319. Mother and Child Protection Card

- It is a Recording cum Counselling Card for pregnant & postpartum women and under-five children
- Will gradually replace Immunization Card
- Developed Jointly by Ministry of Women and Children Development (MWCD), Ministry of Health & Family Welfare (MHFW), with support from UNICEF & NIPPCD .
 - National Institute of Public Cooperation and Child Development (NIPPCD) is an Indian government agency in New Delhi under MWCD tasked with promotion of voluntary action research, training and documentation in the overall domain of women empowerment and child development in India
- Originally used by ICDS in some states, now adopted by National Rural Health Mission
- State has made few alterations like adding a counterfoil

Utility of the Card

- For record-keeping of services provided during pregnancy, postpartum period and childhood
- Tool for families to learn, understand and follow positive practices for achieving good health of pregnant women, young mothers and children.
- Helps families to know about various types of services which they need to access for the health and well being of women and children.
- Empowers families to make decisions for improved health and nutritional status and development of young children on a continual basis.

Used by

- Village groups/Women (Mahila Mandal) groups – to frame local policies.
- Auxiliary Nurse Midwife (**ANM**) / Anganwadi Workers (AWW) – to educate the target group.

- ICDS Supervisors – to monitor the immunity.

320. Parliamentary Committee- Part I

	Public Accounts committee	Estimates committee
Established	In 1921 after the Government of India Act 1919.	Post 1950 on the recommendation of John Mathai
Members	22 – 15 from LS and 7 from RS	30 – All from Lok Sabha
Election of Members	By Parliament every year with proportional representation by means of a single transferable vote A minister cannot be elected	By Parliament every year with proportional representation by means of a single transferable vote A minister cannot be elected
Term of Office	One year	One Year
Chairman	Speaker appoints him/her from amongst the members Invariably chairman is from the Opposition Party since 1967	Speaker appoints him/her from amongst the members Invariably chairman is from the ruling party
Function	<ul style="list-style-type: none"> • To examine the annual audit reports of the Comptroller and Auditor General of India (CAG), which are laid before the Parliament by the President • To inspect the appropriation, expenditure, re-appropriation and propriety of expenditure. • To examine accounts of Public Corporations and other autonomous bodies. • To approve the excess grants. 	<ul style="list-style-type: none"> • To monitor the pre-budget allocation. • To examine the estimates included in the budget.