

# POLITY

PRELIMS SPECIAL

# KSG

An Institute For IAS Exam...

## YEARLY COMPILATION

(PART - 2: JANUARY - APRIL 2024)

2024



## ELECTION 2024



BOOKLET  
1/8

(MAY 2023 - DECEMBER 2023)

■■■ PART ONE



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## ACTS'/ REGULATIONS/ GUIDELINES

### Guidelines for Registration and Regulation of Coaching Center 2024

#### News Excerpt:

The Ministry of Education has issued guidelines for registering and regulating coaching centres.

#### Definitions:

- 'Coaching' means **tuition**, instructions, or guidance in any branch of learning imparted to **more than 50 students** but does not include counselling, sports, dance, theatre, or other creative activities.
- A **coaching centre** includes a centre established, run, or administered by any person to provide coaching for any **study programme, competitive examinations, or academic support** to students at school, college, and university levels of **more than 50 students**.
- 'Tutor' means **someone** who **guides or trains** students in any coaching centre, including a tutor giving specialized tuition.
- 'Proprietor' means a coaching centre's owner seeking Registration or Registration and includes the joint owner.
- 'Appellate authority' means an officer notified by the appropriate Government.

#### Registration of the Coaching Center:

- **Coaching centres** existing on the date of **implementation of the guidelines** shall apply for Registration within a period of **three months** from the date of implementation of the guidelines.

#### Conditions for Registration of the Coaching Centers:

- **No coaching centre shall -**
  - Engage tutors having **qualifications** less than **graduation**.
  - Make **misleading promises** or **guarantees of rank** or good marks to parents/students for enrolling them in the coaching centre.
  - Enrol students **below 16 years of age**, or enrolment should only be **after the secondary school examination**.
- A **website** with updated **details** of the qualification of **tutors, courses/curriculum, duration of completion, hostel facilities** (if any), the **fees** being charged, **easy exit policy, fee refund policy, number of students undertaken coaching** from the centre and **number of students finally succeeded** in getting admission in Higher Education Institutions etc.

#### Fees:

- Supply the **prospectus, notes**, and other material to their enrolled students **without separate fees**.
- If the student has paid for the course in full and is **leaving the course in the middle** of the prescribed period, then the student will be **refunded** the fees for the remaining period on a **pro-rata basis within 10 days**.
- Under **no circumstances** shall the **fee** on which enrolment has been made for a particular course and duration shall be **increased during the course**.

#### Infrastructure Requirements:

- Within the basic structure of the coaching centre, a **minimum of one square meter area** may be **allocated for each student** during a class/batch.
- Adhere to **fire safety codes, building safety codes** and other standards.
- A **complaint box or register** for the students to raise a complaint.
- A **committee** for the **redressal** of students' **complaints/grievances**.
- **Safe and potable drinking water** for all students and staff.
- **Separate toilets for males and females** shall be provided within the coaching centre building premises.

#### Code of Conduct by the Coaching Center:

- In no case, the **number of students** to be enrolled in each class/ batch shall be **increased** in class/batch **during the course**.
- The number of students admitted may align with the requirements of maintaining a **healthy teacher-student ratio** in each class.
- **Not enrol students below 16 years of age**, or the student enrolment should be **only after the secondary school examination**.

#### Inclusivity and Accessibility:

- Make special provisions to encourage greater representation of students from **vulnerable communities**, such as **female students**, students with **disabilities**, and students from **marginalized groups**.
- Premises shall be **Divyang-friendly** and in compliance with the provisions of the **Rights of Persons with Disabilities Act, 2016**.

#### Restriction on shifting of Coaching centre:

- Conduct coaching **only at the place indicated** in the **registration certificate** and do not **shift** to any place other than its registered place without the **prior written approval** of the competent authority on that behalf.



### Disposal of complaints:

- A complaint may be filed **before the competent authority** against the coaching centres by the **student, parent or tutor/employee** of the coaching centre.
  - The complaints shall be **disposed of within thirty days** by the competent authority.

### Penalties:

- In case of **violation** of any of the **terms and conditions** of Registration or general conditions, the coaching centre shall be liable for penalties as follows:
  - **Rs 25,000/-** for first offence
  - **Rs. 1,00,000/-** for the second offence
  - **Revocation of Registration** for subsequent offence

## The New Telecom Act 2023

### News Excerpt:

Lok Sabha and Rajya Sabha have passed **The Telecommunications Bill, 2023**, as a **money bill** to reform and consolidate laws governing the telecommunications sector. It received the **President's assent** and will be called The Telecommunications Act 2023.

### Key Features of the Telecommunications Act 2023:

- **Authorization and Licensing:**
  - Central Government authorization is required for telecommunication services, network establishment, operation, or expansion, and possession of radio equipment.
  - Existing licenses remain valid for their grant period or five years if unspecified.
- **Spectrum Assignment:**
  - Spectrum allocation via auction, except for specified purposes allocated administratively (e.g., national security, disaster management).
  - The Government is empowered to re-purpose or re-assign frequency ranges. Sharing, trading, leasing, and surrender of spectrum permitted.
  - It introduced provisions for allocating spectrum to **satellite internet providers** like OneWeb and SpaceX's Starlink, with active authorizations already granted to **OneWeb and Jio** for satellite-based internet services.
- **Interception, Search, and Suspension Powers:**
  - Communication interception, monitoring, or suspension of services and temporary possession of infrastructure permitted in the interest of public safety, emergencies, or specific grounds (security of the State, offence prevention).

- **User Protection Measures:**
  - The Central Government is empowered to regulate specific messages through prior consent requirements, create 'Do Not Disturb' registers, and establish mechanisms for users to report malware or specified messages.
  - Entities providing telecom services must establish an online mechanism for Registration and redressal of grievances.
- **Right of Way for Telecom Infrastructure:** Entities laying telecom infrastructure are entitled to seek right of way over public or private property on a non-discriminatory and non-exclusive basis.
- **Digital Bharat Nidhi & OTT:**
  - Renaming and expansion of the **Universal Service Obligation Fund** as **Digital Bharat Nidhi**, permitting its use for telecom research and development.
  - **OTT (over-the-top)** services are excluded from the Act, and their regulation falls under the Digital India Act, 2023
- **TRAI Appointments:** Amendments in the TRAI Act allow individuals with significant professional experience to serve as Chairperson or members and may even be from the private sector.
  - The Chairperson must have **at least thirty years of professional experience**, and a **member must have at least twenty-five years of professional experience**, and both must have served as a member of the Board of Directors or chief executive of a company.
- **Offences and Penalties:** Specification of criminal and civil offences with penalties such as imprisonment, fines, or both for providing unauthorized telecom services, network access, or breaches of authorization terms.
- **National Security measures:** The Central Government may, if satisfied that it is necessary or expedient to do so, in the **interest of national security, friendly relations with foreign States, or in the event of war**, by notification, take measures to prevent the importation of telecom equipment from potentially adversarial nations.
- **Adjudication Process:** Appointment of adjudicating officers for inquiries and orders against civil offences.
  - Establishment of a **Designated Appeals Committee** and provisions for **appeals to TDSAT** against committee decisions related to terms and conditions breaches.

## The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023

### News Excerpt:

The **President** gave her **assent** to the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill 2023, which seeks to establish a mechanism to appoint the top election officials in the country.

### Key highlights of the Act

- It replaces the **Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act 1991**.
- It outlines the **appointment, salary, and removal** of the Chief Election Commissioner (CEC) and Election Commissioners (ECs).
- The CEC and ECs will be **appointed by the President** based on a Selection Committee.
- **The Selection Committee** will consist of the Prime Minister, a Union Cabinet Minister, and the leader of the largest opposition party in Lok Sabha.
  - The Selection Committee's recommendations will be valid even when there is a vacancy in this Committee.
- **A Search Committee** headed by the Cabinet Secretary will propose a panel of names to the Selection Committee.
  - **Eligibility** for the posts includes holding (or having held) a post equivalent to the Secretary to the central government.
  - **The salary and conditions of service** for the CEC and ECs will be equivalent to that of the Cabinet Secretary.
- Under the 1991 Act, it was equivalent to the salary of a Supreme Court Judge.

## Bharatiya Nyaya (Second) Sanhita, 2023

### News Excerpt:

The **Bhartiya Nyaya (Second) Sanhita 2023 (BNS2)** received the assent of the President on the 25th of December, 2023.

- It has replaced the **Indian Penal Code 1860**, introducing new offences, eliminating court-struck-down offences, incorporating 358 sections, monitoring most of the IPC provisions, and enhancing penalties for various offences.

### Highlights of the Act:

- The BNS2 retains most offences from the IPC.
- It adds **community service** as a form of punishment.
- **Sedition** is no longer an offence.
  - Instead, there is a new offence for acts endangering India's sovereignty, unity and integrity.

- The BNS2 adds **terrorism** as an offence.
  - It is defined as an act that intends to threaten the country's unity, integrity, security or economic security or strike terror in the people.
- **Organized crime** has been added as an offence. It includes crimes such as kidnapping, extortion and cyber-crime committed on behalf of a crime syndicate. **Petty organized crime** is also an offence now.
- The BNS2 retains the provisions of the IPC on rape and sexual harassment. It does not consider recommendations of the **Justice Verma Committee (2013)**, such as making the offence of rape gender-neutral and including marital rape as an offence.
  - The BNS2 omits **Section 377 of IPC**, which the Supreme Court read down. This removes rape of men and bestiality as offences.
- **Murder by a group** of five or more persons on grounds of certain identity markers such as caste, language or personal belief will be an offence with a penalty of life imprisonment or death and with a fine.
- Most importantly, it criminalizes **'deceitful' promises to marry**.

## Public Examinations (Prevention of Unfair Means) Act, 2024

### News Excerpt:

The Public Examinations (Prevention of Unfair Means) Act, 2024 received the assent of the President on February 12, 2024 and published in gazette by the Ministry of Law and Justice.

### Key Provision of the Act:

- Effectively and legally deter persons, organised groups or institutions that indulge in various unfair means and adversely impact the public examination systems for monetary or wrongful gains.
- A **"candidate"** means a person who has been granted permission by the public examination authority to appear in a public examination and includes a person authorised to act as a scribe on his behalf in the public examination;
- **Seeks to prevent the use of unfair means in public examinations:**
  - **Section 2(k):** Public examinations refer to examinations conducted by authorities specified under the Schedule to the Act or any other authority notified by the central government.

- These authorities include:
  - **Union Public Service Commission (UPSC)**
  - **Staff Selection Commission (SSC)**
  - **Railway Recruitment Board (RRB)**
  - **National Testing Agency (NTA)**
  - **Institute of Banking Personnel Selection (IBPS)**
  - **Departments of the central government and their attached offices for recruitment.**
- **Offences in relation to public examinations:**
  - It prohibits collusion or conspiracy to facilitate indulgence in any unfair means.
  - **Section 3: It specifies unfair means to include:**
    - **Unauthorised access** or leakage of question paper or answer key.
    - **Assisting** a candidate during a public examination.
    - **Tampering with answer sheets, including optical mark recognition (OMR) response sheets.**
    - **Tampering** with computer networks or resources.
    - Tampering with **documents** for shortlisting or finalising of merit list or rank.
    - Conducting **fake examinations**, issuing fake admit cards or offering letters to cheat for monetary gain.
  - **It also prohibits:**
    - **Disclosing** exam-related confidential information before time.
    - Unauthorised people from **entering exam centres to create disruptions.**
  - **Section 10 (1): The above offences will be punishable with imprisonment between three and five years and a fine up to Rs 10 lakh.**
  - **If the convict fails to pay the fine,** "an additional punishment of imprisonment shall be imposed, as per the **Bharatiya Nyaya Sanhita, 2023 provisions.**
- **Responsibilities of service providers:**
  - A service provider is an organisation that provides computer resources or any other support to a **public examination authority.** Failure to report such incidents will be an offence.
    - In the event of a violation of provisions of the Act, **service providers** must report to the police and the concerned examination authority.
    - The Act prohibits **service providers** from shifting the exam centre without permission from the examination authority.
    - An offence by a service provider will be punishable with a fine of up to one crore rupees.

- **The proportionate cost** of examination will also be recovered from such a service provider.
  - Further, they will also be barred from **conducting public examinations** for four years.
- **Organised crimes and Punishment:**
  - An **unlawful** act committed by a person or a group of persons to further a shared interest for **wrongful** gain in relation to public examinations.
    - Imprisoned **for five years and 10 years** and a fine of at least one crore rupee.
    - If an institution is held guilty, **its property will be attached and forfeited**, and a proportionate cost of the examination will also be recovered from it.
- **Inquiry and investigation:**
  - **Section 9:** All offences under the Act will be **cognizable** (i.e., no warrant would be required prior to arrest), **non-bailable** (i.e., bail would not be a matter of right), and **non-compoundable** (i.e., cases would not be open to settlement).
  - An officer not below the rank of **Deputy Superintendent or Assistant Commissioner of Police** will investigate the offences under the Act.
  - The central government may transfer the investigation to any **central investigating agency.**

## Centre Amends Surrogacy Rules

### News Excerpt:

The Central Government has amended the **Surrogacy (Regulation) Rules, 2022** and notified that **both gametes (egg or sperm)** need not come from a married couple in case they are certified as suffering from a medical condition.

### Changes introduced by the amendment:

- Earlier, **Surrogacy (Regulation) Rules, 2022**, stated that couples undergoing surrogacy must have **both gametes from the intending couple.**
- The couple can have a child born through surrogacy but **must have at least one gamete from the intending couple.**
- The **District Medical Board** can certify that either husband or wife constituting the intending couple suffers from a medical condition necessitating the use of donor gamete (egg or sperm), then surrogacy using donor gamete is allowed.
- A **single woman (widow or divorcee)** undergoing surrogacy **must use self-eggs** and donor sperm to avail of surrogacy procedures.

### Gamete and Gamete donation:

- A gamete is a reproductive cell of an animal or plant.
- In humans, **female gametes are called ova or egg cells, and male gametes are called sperm.**
- Ova and sperm are haploid cells, with each cell carrying only one copy of each chromosome.
- **Gamete and embryo donation is using eggs, sperm, or embryos from someone else** in order to help an intended parent(s) have a child.

### Key provisions of the Surrogacy (Regulation) Rules, 2022:

- The rules **Prohibit commercial surrogacy.**
- The surrogacy is allowed only for **heterosexually married Indian couples with proven infertility.**
  - Additionally, **surrogate mothers must be aged between 25 and 35**, and they must have a husband and at least one child of their own.
- Provision for **mandatory counselling sessions** for **both intended couples and surrogate mothers.**
- Establishment of a **dedicated Surrogacy Board** for oversight and regulation.

### Who can avail of surrogacy?

- Under the Surrogacy (Regulation) Act, surrogacy is permissible for couples with **proven infertility or disease or for altruistic purposes.**
- The eligibility criteria for couples **include being married for at least five years, meeting age requirements, and not having any living child (biological, adopted, or surrogate), except in specific cases such as children with disabilities or life-threatening disorders.**

### Who can be a surrogate?

- A surrogate mother must be a **close relative of the intended couple**, a married woman with at least one child of her own, aged between 25-35 years, and has been a surrogate **only once in her life.**
- She must also possess a certificate of medical and psychological fitness for surrogacy.
- Single Persons, live-in couples, LGBTQ couples, and couples older than 45 years cannot access surrogacy in India.

### Who regulates surrogacy?

- **The Surrogacy (Regulation) Act** regulates surrogacy in India.

- The Act provides for the constitution of **National Surrogacy Boards (NSB) and State Surrogacy Boards (SSB)**, tasked with enforcing standards for surrogacy clinics, investigating breaches, and recommending modifications.
- **Surrogacy clinics** must apply for registration and adhere to regulations set forth by these boards.

## The Government of Union Territories (Amendment) Act, 2023

### News Excerpt:

The President gave her assent to The **Government of Union Territories (Amendment) Bill, 2023**, on December 20, 2023.

### Objectives of the Act:

- To pave the way for the reservation of **one-third of the total number of seats for women** in the House of the People, Legislative Assembly of every State, and the Legislative Assembly of the National Capital Territory of Delhi.
- Consequent to the enactment of the **Constitution (One Hundred and Sixth Amendment) Act, 2023**, similar provisions for providing reservations for women in the Legislative Assembly of the **Union territory of Puducherry** are also required to be made by Parliament by amending the **Government of Union Territories Act, 1963.**

### Key Highlights of the Act:

- The Act amends the **Government of Union Territories Act of 1963.**
- The Act provides for **establishing Legislative Assemblies** and Constitution of **Councils of Ministers** for certain **Union Territories.**

### Amendment by the insertion of new sections 3A and 3B:

- **3A includes:**
  - Seats shall be reserved for **women** in Puducherry's Legislative Assembly of the Union Territory.
  - As nearly as may be, **one-third** of the seats reserved for the **Scheduled Castes** in the Legislative Assembly of the Union territory of Puducherry shall be reserved for women.
  - As nearly as may be, **one-third** of the total number of seats to be filled by **direct election** to the Legislative Assembly of the Union territory of **Puducherry** (including the number of seats reserved for women belonging to the Scheduled Castes) shall be reserved for women in such manner as Parliament may by law determine.
- **3B includes:**
  - The provisions relating to the reservation of seats for women in the Legislative Assembly of the Union



territory of Puducherry shall come into effect after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after the commencement of the **Government of Union Territories (Amendment) Act, 2023** have been published and shall cease to have effect on the expiration of a period of fifteen years from such commencement.

- Subject to the provisions of **section 3A**, seats reserved for women in the Legislative Assembly of the Union territory of Puducherry shall continue till such date as Parliament may by law determine.
- **Rotation of seats** reserved for women in the Legislative Assembly of the Union territory of Puducherry shall take effect after such subsequent exercise of delimitation as Parliament may by law determine.
- Nothing in **section 3A** shall affect any representation in the Legislative Assembly of the Union territory of Puducherry until **the dissolution** of the then-existing Legislative Assembly of the Union territory of Puducherry.

## Centre notifies CAA rules

### News Excerpt:

The Ministry of Home Affairs has notified the rules for implementing the **Citizenship (Amendment) Act, 2019**.

#### Key Highlights:

- Insertion of **Rule 10A** provides an application for a grant of citizenship by registration or naturalization by persons eligible under Section 6B of the Act.
- Insertion of **Rules 11A** provides the authority to which application may be made by a person applying under Section 6B of the Act.
- Scrutiny of applications by an **Empowered Committee**.

### What is CAA?

- The notification enabled the implementation of the **Citizenship (Amendment) Act (CAA) 2019**, which, for the first time, **allows citizenship based on religion**.
- It amended the **Citizenship Amendment Act 1955**, making **two key changes to facilitate citizenship for undocumented migrants** belonging to **six non-Muslim communities—Hindu, Sikh, Buddhist, Jain, Parsi, or Christian** from **Afghanistan, Bangladesh, and Pakistan—who entered India on or before December 31, 2014**.
  - The Act **reduces the period to qualify for citizenship** by naturalization from the existing 11 years **to 5 years**.

### Key provisions of the rules:

- The Rules specify documents that **must be uploaded to an online portal before the citizenship application can be processed**.
- **Providing details of passport and visa is optional**, but the following documents are mandatory:
  - A document issued by a government authority in the three countries.
    - These include **birth certificates, school or educational certificates, any identity document, licence, etc.**
    - **land or tenancy records** issued by the government of Afghanistan, Bangladesh, or Pakistan,
    - any document that shows that **either of the parents or grandparents or great grandparents of the applicant is or had been a citizen of one of the three countries** or
    - **registration certificate or residential permit** issued by the Foreigners Regional Registration Officer (FRRO) in India.
  - One document issued by Indian authorities:
    - The applicant must upload **any of the 20 listed documents**, such as **Aadhar, PAN card, electricity bill, marriage certificate, etc.** to prove
      - entry in India before December 31, 2014.
  - A sworn affidavit declaring the country of origin and date of entry in India and that the applicant 'irrevocably' renounces the existing citizenship.
  - An **eligibility certificate** issued by a locally reputed community institution certifying that a **person follows one of the six faiths is mandatory**.

## What the rules state

Centre has implemented CAA, 4yrs after the law was passed, as it notified rules ahead of expected announcement of LS polls

### THE 39-PAGE NOTIFICATION... of the Citizenship (Amendment) Rules, 2024

#### ...STATES THAT AN APPLICANT WILL HAVE TO SUBMIT

- Form VIII A, with affidavits verifying statements and character of applicant
- Declaration that they have adequate knowledge of a language specified in 8th schedule of Constitution
- Supporting papers like a passport, or identity document to show someone in lineage was a citizen of one of the three countries

#### APPLICANT MUST ALSO PROVE

- 1 They entered India before December 31, 2014
- 2 The applicant or either of his parents was a citizen of Independent India

#### WHAT IS THE 2019 ACT?

CAA made people from Hindu, Sikh, Jain Buddhist, Christian and Parsi faiths who entered India from Afghanistan, Bangladesh and Pakistan eligible for citizenship



**The committee** in charge of processing the citizenship applications:

- While citizenship applications were made to the district collector earlier, the new Rules provide for an **Empowered Committee** and a **District Level Committee (DLC)** to be instituted by the Centre to receive and process the applications to be submitted electronically.
  - The Empowered Committee will take the final decision.
  - It **can conduct any inquiry** it considers necessary to ascertain the applicant's suitability, including obtaining a report from the security agency.
- MHA issued a separate notification for the formation of an **empowered committee** and **district-level committees** to grant citizenship under CAA.
- The empowered committees in the states or Union territories shall be headed by **the Director (Census Operations) of the state or Union territory** concerned.

### Areas Where CAA Does Not Apply:

- These amendments do not apply to areas covered by the Constitution's **6th schedule**.
  - These are the autonomous tribal-dominated councils in **Assam, Meghalaya, Tripura, and Mizoram**.
- CAA also does not apply to states with an **inner-line permit (ILP) regime**, primarily in **Northeast India**.
  - The ILP is in place in parts of Arunachal Pradesh, Nagaland, Mizoram, and Manipur.

## JUDICIARY

### Tribunals cannot direct the Government to frame policy: SC

#### News Excerpt:

The Supreme Court (SC) has clarified that **tribunals** functioning under the **strict parameters** of their **governing legislations** cannot direct the Government to make policy.

- The SC was dealing with whether the **Armed Forces Tribunal (AFT)** could have **directed** the Government to

make a **policy** to fill up the **Judge Advocate General (Air) post**.

#### Reasons given by SC:

- The **AFT** was vested with the powers of a **civil court**. It did **not** have the **powers** of the **Supreme Court** or the **High Courts (HC)**.
  - Even the **HCs cannot**, in the exercise of the powers under **Article 226** of the Constitution, **direct** the **Government** or a department to formulate a particular **policy**.
- Creating or **sanctioning** a **scheme or policy** regarding the service of defence personnel or their regularisation was the **"sole prerogative of the Government"**.
- **Making policy** is **not** in the **domain** of the **judiciary**.
- The Tribunal is a quasi-judicial body that cannot direct those responsible for making policy to make a policy in a particular manner.

#### Tribunal System:

- The **42nd Amendment** to the Constitution introduced **Part XIV-A**, which empowers Parliament to create tribunals. It includes:
  - **Article 323A: Administrative tribunals** (both at central and State level) for adjudication of matters related to recruitment and conditions of service of public servants and
  - **Article 323B: Other tribunals** for adjudication of certain subject matters, including industrial disputes, taxation (such as levy and collection of taxes), and foreign exchange.
- The SC has ruled that tribunals, being quasi-judicial bodies, should have the **same level of independence from the executive as the judiciary**.
- In order to ensure that tribunals are independent from the executive branch, the **SC recommended that all administrative matters be managed by the Law Ministry** rather than the ministry associated with the subject area.

#### Key developments in the Indian tribunal system:

- **1941:** The **Income Tax Appellate Tribunal** was established **as the first Tribunal in India**.
- **1969:** The **First Administrative Reforms Commission** recommended that the central Government should set up **Civil Services Tribunals** at the national level and state levels.
- **2017:** The **Finance Act of 2017** reorganized the tribunal system by merging tribunals based on functional similarity. The number of Tribunals was reduced from 26 to 19.

## Defamation Case for retweeting defamatory content

### News Excerpt:

The Supreme Court (SC) has **restrained a trial court from proceeding** with a defamation case against Delhi Chief Minister (CM) Arvind Kejriwal for **retweeting** a YouTube video against the BJP's IT cell.

### Defamation under Indian Law:

- Under Indian law, defamation can be a **civil wrong or a criminal offence**.
- **Civil defamation** can be **libel (through writing)** or **slander (spoken word)** and is based on **tort law**.
  - It is punishable with financial compensation, and damages are computed based on probabilities.
- In **criminal cases**, defamation must be **proven beyond reasonable doubt**.
  - **Section 499** of the **Indian Penal Code** defines criminal defamation.
    - Whoever, by **words** either **spoken or intended to be read**, or by **signs** or by **visible representations**, **makes or publishes any imputation** concerning any person **intending to harm**, or **knowing or having reason to believe that such imputation will harm**, the **reputation of such person**, is said to defame that person.
    - There are certain **exceptions** to the **Act of Defamation** under **Section 499**:
      - The suggestion of truth for the public good, Public conduct of public servants, Publishing reports of court proceedings, etc.
      - Criminal defamation can attract a **jail term of up to two years**, with or without a fine.
  - In **Ram Jethmalani Vs. Subramanian Swamy (2006)**: The Delhi HC held Dr. Swamy guilty for defaming Ram Jetmalani by saying that he **received money from a banned organization LTTE**, as connecting name with it leads to loss of reputation.

### Defamation vs Right to free speech:

<b>Subramani an Swamy vs. Union of India (2016)</b>	<ul style="list-style-type: none"> <li>• The SC upheld the <b>constitutionality of IPC Sections 499 and 500</b>.</li> <li>• <b>The Right to reputation is protected under Article 21 (Protection of life and personal liberty)</b> of the Constitution, and <b>criminal defamation is a reasonable</b></li> </ul>
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### restriction on the Right to freedom of expression.

<b>Kaushal Kishore vs Union of India (2017)</b>	<ul style="list-style-type: none"> <li>• The Constitutional Bench held that <b>no additional restrictions can be imposed on free speech</b> except those under <b>Article 19(2)</b>.</li> </ul>
<b>Shreya Singhal vs. Union of India (2015)</b>	<ul style="list-style-type: none"> <li>• Section <b>66A</b> of <b>The IT Act, 2000</b> was <b>quashed by the SC in 2015</b> in view of the ambiguity in the definition of the term "offensive" and on the ground that the provision was <b>"violative of Article 19(1)(a) and not saved under Article 19(2)."</b></li> <li>• This provision <b>criminalized sending "offensive messages"</b> using <b>"a computer resource or a communication device."</b></li> </ul>

## Decoding the judgement on Jim Corbett

### News Excerpt:

The Supreme Court (SC) brought to light the unholy nexus of politicians, forest officials, and local contractors responsible for felling 6,000 trees in the Jim Corbett National Park in Uttarakhand.

### More about the case:

- SC condemned the **illegal felling of over 6,000 trees** to construct buildings, ostensibly for **"ecotourism"**.
- SC held the case as a **"classic case"** of the **nexus between politicians and officials** working to ransack the environment for short-term commercial ends.
- SC also directed the **Ministry of Environment, Forest and Climate Change (MoEFCC)** to form a **specialized committee to study and recommend whether tiger safaris should be permitted** in a tiger reserve's buffer or fringe areas.
- The judgement **initiated a CBI probe** into the case and directed the Central agency to submit its investigation report in the next three months.

### Committee to assess the damage:

- The proposed specialized ministry committee would comprise representatives of the **National Tiger Conservation Authority (NTCA)**, **Wildlife Institute of India**, **Central Empowered Committee**, and a **Joint Secretary from the MoEFCC**.

- It would **assess the extent of damage** done to the **Corbett Reserve's** green cover, quantify the **restoration cost**, and identify the **"delinquent"** persons and officials responsible for the damage.

### SC's ruling on Ecotourism and Tiger Safaris:

- Instead of treating ecotourism as a panacea for conservation and revenue generation, the **approach must be ecocentrism, not anthropocentrism.**
- **Banning tiger safaris in core areas** and the Constitution of a committee to explore the feasibility of permitting tiger safaris in peripheral areas of Tiger Reserves.
- The **guidelines would be applicable in all tiger reserves across India.**
- **Disagreed with the NTCA's 2019 guidelines, which permitted a tiger safari similar to a zoo in a national park.**
- Tigers should be sourced from the same landscape as where the safari is being conducted and not outside the tiger reserve.

### Precautionary Principle for Environmental Conservation:

- It says, **"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such environmental degradation."**
- SC invoked this **principle** while banning **Tiger Safaris** in core areas to ensure the least damage to the environment.
- **"In salient respects, the principle applies to biodiversity more than any other environmental problem.** This is because the **mass extinction gathering force will, if it proceeds unchecked, not only eliminate half or more species but will leave the biosphere impoverished for at least 5 million years."**
  - Therefore, the precautionary principle applies not only to tigers but also to other species, especially endangered ones.

### Methodologies used in India to recover compensation for loss of forest:

- The framework of valuation, which predated the **T.N. Godavarman case (1996)**, was aimed at replacing lost natural forests with compensatory plantations.
- The two choices that serve as the background for the valuation of forest land in India are now **compensatory afforestation levy and net present value (NPV).**
- **Compensatory Afforestation Levy:**
  - It was **introduced in 2016** through the **Compensatory Afforestation Fund Act 2016.**
  - The Act provides the **legal framework for compensating the loss of forest and ecosystem services due to diversion of forest land** for non-

forestry purposes as per provisions of the **Forest (Conservation) Act, 1980.**

- The **Compensatory Afforestation Fund Rules, 2018 (CAF Rules)** provide the **way NPV funds are to be utilized** by various State/Union Territory (UT) Compensatory Afforestation Fund Management and Planning Authority (**CAMPA**).
- **Net Present Value (NPV):**
  - **NPV is the value of ecosystem goods and services of forests lost due to diverted lands.**
  - It is a mandatory one-time payment for diverting forestland for non-forest use, under the Forest (Conservation) Act, 1980.
  - Since the **Levy** is found to be insufficient in terms of making good the loss, the **Court introduced the NPV in 2002** as an additional payment obligation.
- But both these methodologies do not rightly account for the correlation between the removal of trees and the harm caused to other environmental goods and services.

### Witness protection in India

#### News Excerpt:

The Supreme Court-appointed Special Investigation Team (**SIT**) re-investigating nine 2002 **Gujarat riot cases** has **withdrawn** police and paramilitary **protection** to all the witnesses.

#### Who is the witness?

- A witness may be defined as a **person who gives evidence or deposes** before a judicial tribunal.
- The term **"witness"** has **not been defined** anywhere in the **Criminal Procedure Code (CrPC).**
- **Any court**, however, at any **stage of inquiry, trial** or other proceeding under the CrPC, can **summon any person as a witness**, or examine any person in attendance, though not summoned as a witness, or recall and re-examine such person if his evidence appears to be essential to the just decision of the case.
- **Section 161 CrPC** dealt with the examination of witnesses and allowed investigating police officers to orally examine anyone **"supposed to be acquainted"** with the case's facts and circumstances. It also said the witness is bound to answer all questions **"truly"** but needn't answer questions that expose them to criminal charges, penalties, or forfeiture.
- **Section 398 of the Bharatiya Nagarik Suraksha Sanhita**, which has replaced the CrPC, states that **every state government shall prepare and notify a Witness Protection Scheme** for the State to ensure the protection of witnesses.



### Witness Protection Scheme 2018

The **Ministry of Home Affairs** prepared "Witness Protection Scheme, 2018" in consultation with the **National Legal Service Authority, Bureau of Police Research & Development** and the State Governments.

Supreme Court in **Mahender Chawla vs. Union of India (2019)** endorsed the scheme and directed the Centre, states, and UTs to enforce this scheme.

### Categories of witness:

**Category 'A'** - Where the threat extends to the life of a witness or his family members.

**Category 'B'** - Where the threat extends to their safety, reputation, and property.

**Category 'C'** - Where the threat is moderate and extends to their harassment or intimidation.

### Procedural framework:

An **application** is made by a witness, their family member, lawyer, or the concerned IO/SHO/SDPO/Jail Superintendent before "a competent authority."

A "**Threat Analysis Report**" is prepared and submitted by the Head of the Police in the investigating district.

Depending on the urgency, the "competent authority" can **pass orders for interim protection**.

### Competent Authority under the Scheme:

**Standing Committee** in each **district** chaired by the **District and Sessions Judge**, with the **Head of the Police** in the District as **Member and Head of the prosecution** in the District as its Member Secretary.

### State Witness Protection Fund:

Proposed under the Scheme to meet the expenses incurred while implementing the Witness Protection Order.

Sources of the fund: **Budgetary allocation, Fines** ordered by the courts/tribunals; **Donations and contributions** permitted by the Government; and Funds contributed under **Corporate Social Responsibility**.

### Efforts made to protect witnesses:

- The **Justice V.S. Malimath Committee Report (2003)** recommended enacting a law to protect witnesses and their families, following laws in the **USA** and **other countries**.
- The **Delhi government** also notified a Witness Protection Scheme in **2015**.
- In 2017, the **SC questioned the Centre** about the witness protection rules along the lines of the NIA Act 2008 not being framed.
- Protections in laws such as Section 195A **IPC**, Sections 151–52 of the **Indian Evidence Act, 1872** and Section 327 of **CrPC**, like criminalizing threatening of witnesses, prohibiting parties from asking insulting questions to witnesses and empowering magistrates to shield court proceedings from the public.

- In **2018**, the SC drew up a nationwide **Witness Protection Scheme**.

### Bilkis Bano case

#### News Excerpt:

The Supreme Court (SC) quashed the order of *en masse* remission granted by the State of Gujarat in August 2022 to 11 men sentenced to life imprisonment for the gangrape of Bilkis Bano and the murder of her family, including a two-month-old infant during the 2002 riots.

- While quashing the Gujarat government's decision, the SC acknowledged the importance of **personal liberty as a fundamental right under Article 21** of the Constitution and sought to address whether the rule of law can prevail over it.

#### On what grounds did the Supreme Court strike down the remission given by the Gujarat government in 2022?

- Since the trial in the case was transferred from Gujarat — where the crime was committed — to Mumbai, Maharashtra, the SC held that the Gujarat Government had no jurisdiction to entertain the prayers seeking remission of the 11 convicts as it was not the appropriate Government within the meaning of Section 432 (7) read with Section 432 (1) and (2) of the Code of Criminal Procedure (CrPC) which designates the appropriate Government with authority to grant remission.
  - Under **Section 432 of the CrPC**, state Governments do have the power to suspend or remit a sentence, but **Section 7(b)** of the law clearly states that the appropriate Government is the one in whose jurisdiction the offender is sentenced.
  - The **State of Gujarat had "usurped the powers of the state of Maharashtra**, which only could have considered the applications seeking remission".
  - The Gujarat government had no jurisdiction to entertain the remission applications or pass orders granting remission as the trial took place in Maharashtra, making the Maharashtra government the "appropriate" one to decide on the remission.
- The court also noted that the convicts were considered for an early release based on a policy of the State of

Gujarat dating back to 1992, which could not have been applied to them.

- That policy allowed for an **early release of prisoners who had completed 14 years of imprisonment, but it was subsequently cancelled and substituted by another policy in 2014, which barred the grant of remission to convicts of heinous crimes.**
- The court also said that the **convicts had not fulfilled the condition of paying a fine ordered by the trial court to be considered for remission.**

### Can the convicts apply for remission again?

- The criminal justice system has provisions like remission or reduction of sentence, considering that a person can reform and be set free as a better citizen.
- The SC said that there are **competing interests** — that of the **rights of the victim or her family to justice and that of a convict's claim to a second chance.** The

#### Pardoning Powers:

- **Article 72 and 161** of the Constitution provide **powers to the President and Governor**, respectively, to grant -
  - **Pardon:** It removes both the sentence and the conviction and **completely absolves the convict** from all sentences, punishments and disqualifications.
  - **Commutation:** It denotes the **substitution** of one form of punishment for a lighter form.
    - **For example**, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to simple imprisonment.
  - **Remission:** It implies **reducing the period** of a sentence **without changing its character.**
    - **For example**, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.
  - **Respite:** It denotes **awarding a lesser sentence** in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.
  - **Reprieve:** It implies a **stay of the execution** of a sentence (especially that of death) for a **temporary period.** Its purpose is to enable the convict to have time to seek pardon or commutation.
  - These are **sovereign powers** vested in the heads of the Union and State executive to be exercised on the **advice of the Council of Ministers.**

court also said this is not an **"indefeasible"** (incapable of being annulled or voided) right of a convict.

- The convicts **can approach the Maharashtra government for remission in the future.** Whether remission is granted will, however, depend on various aspects, including the remission policy of the State.
- Ordering *status quo ante*, SC reasoned that for the **convicts to apply for remission again, they had to be back in prison first.**

### SC ends immunity for legislators taking bribes

#### News Excerpt:

The Supreme Court (SC) has ruled that lawmakers cannot claim immunity from prosecution in bribery cases.

#### Key points:

- In a significant move, the SC ruled that Members of Parliament (MPs) and Members of the Legislative Assembly (MLAs) cannot claim immunity from prosecution in cases of bribery for votes or speeches in the House.
- A seven-judge Constitution Bench headed by Chief Justice of India (CJI) unanimously overruled the **1998** judgment in **P.V Narasimha Rao v. State** and opened the doors for law enforcement agencies to initiate prosecution against legislators in bribery cases under the **Prevention of Corruption Act, 1988.**

#### The SC verdict:

- The SC held that **"Parliamentary privileges do not protect bribery."** Corruption and bribery are destructive of the aspirations and deliberative ideals of the Constitution and create a polity that **deprives citizens of a responsible, responsive, and representative democracy.**
  - This verdict is significant in **addressing the challenge of cash-for-votes trading and safeguarding the integrity of electoral mandates.**
- The recent verdict by the apex court overturns the 1998 judgment in the PV Narasimha Rao case.
  - Here, the SC had ruled with a 3:2 majority that MPs and MLAs were immune from prosecution in bribery cases.
- **The offence of bribery:**
  - The Court emphasised that the **offence of bribery is complete when the legislator accepts the bribe**, whether or not it is followed up by voting or making a speech in the manner wanted by the giver of the bribe. Equally, the place where the bribe was offered or received did not matter.
  - The verdict further asserted that the first explanation strengthens such an interpretation since it expressly states that the **"obtaining, accepting, or**

**attempting**” to obtain an undue advantage shall itself constitute an offence, even if the performance of a public duty by a public servant has not been improper.

### 'Articles' dealing with the powers and privileges of MPs and MLAs:

- **Articles 105 and 194 of the Constitution** deal with the powers and privileges of MPs and MLAs in the Parliament and the Legislative Assemblies.
  - **Clause (2) of Article 105 has two provisions:**
    - A member of Parliament shall not be liable before any court with respect to **"anything said or any vote given"** by them in Parliament or any committee thereof.
    - No person shall be liable before any court **"in respect of"** the publication by or under the authority of either House of Parliament of any report, paper, vote, or proceedings.
  - They grant them **freedom of speech and protect them from being prosecuted for their remarks in the House or any vote** they may participate in.
  - These provisions were put in place to ensure that MPs and MLAs can work without the fear of legal action being taken against them.

### A 'broad' definition of forests

#### News Excerpt:

The Supreme Court has passed an order directing that **States and Union Territories** must act as per the definition of **"forest"** laid down in the **1996** judgment in the **T.N. Godavarman case**.

#### What is the present case?

- Recently, a three-judge Bench led by the Chief Justice of India (CJI) passed the order on petitions that **challenged the 2023 amendments to the Forest (Conservation) Act, 1980 (FCA)** on the ground that the modifications had **"substantially diluted" the definition of forest** and had reduced the ambit of the Act.
- The Supreme Court has directed the governments **to follow the "broad and all-encompassing" definition of forest** as laid down in its 1996 judgment in the **T. N. Godavarman case** until a consolidated record of all kinds of forests across the country is prepared.
  - The case concerned whether sandalwood could be declared an endangered species and declared a "specified plant." The Court found it could, and all licenses with wood-based industries were cancelled. The Court ruled in favour of Thirumulpad, **directing the sustainable use of the forest**.

### Why was the Forest (Conservation) Act amended in 2023?

- The Environment Minister told the Parliament that the amendments were necessary **to remove ambiguities** created by the judgment, which had made the FCA applicable to all areas that resembled the **dictionary meaning of 'forest'**.
  - After the **T. N. Godavarman case**, the provisions of the Act were applied in recorded forests that had already been put to various types of **non-forestry use**, thereby **restraining the authorities from undertaking any change** in the land use and allowing any development or utility-related work.
- As a remedy, the **amendment made the FCA applicable only to notified forests** and lands identified as **'forests' in government records**.

#### Government Arguments:

- The government justified the 2023 amendments as a means to address the development needs of forest-dwelling tribes.
  - The FCA comes in the way of building even toilets in schools for tribal girls.
- MoEFCC assured that the amended FCA would still apply to **all unclassified forests, forests that were "proposed to be notified"**, like the land recorded as forest by even **local bodies**, and also the forest-like areas identified by the **expert committees** set up in pursuance of the 1996 SC order.

#### How SC defines 'forest' for the purposes of the Act?

- The Court ruled that the **FCA would apply to all land parcels** recorded as 'forest' or resembled the dictionary definition of forest.
- **In T. N. Godavarman's case**, the SC said that the word 'forest' must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise.
  - The term 'forest land' will not only include 'forests' as understood in the dictionary sense but also **any area recorded as forest in the Government record, irrespective of ownership**.
- Recently, the CJI-led three-judge Bench reaffirmed this principle, stating that the Court had adopted the dictionary meaning of forests to **align with Parliament's intent behind legislating the FCA in 1980**.



## LEGISLATURE & EXECUTIVE

### Prior approval and its requirement before investigating public officials accused of corruption

#### News Excerpt:

The two Supreme Court (SC) Judges **disagreed** on whether the **Andhra Pradesh CID** was required to seek “**previous approval**” from the **state government** before inquiring into the **allegations** against former Andhra Pradesh Chief Minister Chandrababu Naidu.

#### Challenges posed by Prior approval provision:

- Levels of **corruption would rise: It impedes tracking down corrupt public officials, undermines the purpose of anti-corruption legislation and places the burden on police officers and investigating agencies**, which would, in effect, protect corrupt officials.
- It is “**extremely difficult**” to **determine** if a public official committed an offence while they were discharging their duties if no investigation could be conducted in the first place.
- In its **2014 judgment**, the **SC** had observed that such **provisions are destructive** to the objective of the anti-corruption laws, **block the truth** from surfacing, and sometimes result in a **forewarning** to those **officials involved** as soon as allegations arise against them.

#### Prior approval requirement:

- In **2003, Section 6A** was inserted in the Delhi Special Police Establishment Act (**DSPE**) Act but was held **invalid** in the **2014 judgement**.
  - Under **Section 6A**, it was required to **seek approval** from the Central Government **before investigating** alleged offences under the **Prevention of Corruption Act (PCA), 1988**, if the employee held a **rank higher than the joint secretary**.
- The PCA was amended in **2018**, and a similar provision was introduced as **Section 17A**.
  - Under this section, if a **public servant** commits an offence under the Act while discharging their **official duties**, investigators **must** receive **approval** from the central/ state government or a competent authority to open an inquiry or **investigation**.
  - The **objective** of **Section 17A** is to **protect honest and innocent public servants** from undergoing **harassment** by the police for recommendations made or decisions taken in the discharge of their official functions.

### First meeting of Inland Waterways Development Council

#### News Excerpt:

The first meeting of the Inland Waterways Development Council (IWDC) concluded in Kolkata to strengthen the country's Inland Water Transport (IWT) system.

#### About the meeting:

- The IWDC was organized by the **Inland Waterways Authority of India (IWAI)**, the nodal agency for inland waterways in India, under the **Ministry of Ports, Shipping & Waterways (MoPSW)**.
- One of the key highlights of the meeting was the launch of **Harit Nauka- Guidelines for Green Transition of Inland Vessels and River Cruise Tourism Roadmap**.

#### Main objectives of the meeting:

- Function as a dedicated institutional mechanism directed towards accelerating **the holistic development of inland waterways** and the associated IWT ecosystem for enhanced cargo, passenger movement and river cruise tourism by **enabling active dialogue and deliberation** between the States, Union Territories and the Center.
- **Agenda: To boost economic activity and sustainability practices** in terms of non-fossil fuel-based vessel operations, among others.

#### Key outcomes of the meeting:

- A successful platform for communicating the concerns and suggestions of the State/UT representatives to the Center and vice versa.
- MoPSW stressed upon the importance of State-level institutional structure and rules in ensuring that the planning and development of the State's Inland Waterway Ecosystem accounts for its unique characteristics and requirements.
- **The launch of Harit Nauka- Guidelines for Green Transition of Inland Vessels:**
  - It is about strong commitments towards furthering passenger transport through waterways in an environment-friendly and sustainable manner by promoting the **adoption of low-emission fuel as propulsion fuel for inland vessel operations (Green Vessels)**.
- **The launch of River Cruise Tourism Roadmap 2047:**
  - It focuses on four vital pillars: **Infrastructure, Integration, Accessibility, and Policy** for promoting river cruise tourism.
  - Over 30 possible routes and tourist circuits along inland waterways have been identified for further development.
- Most states also unanimously highlighted the need for **technical guidance and support from the Central**

**Government** in expediting the development of their waterway system.

- Representatives from IIT Kharagpur presented a **computerized simulation of the working of an Open Pontoon system** developed by the institute to enable **faster pontoon operations**.
  - Pontoons are floating platforms that can be adapted to function in a multitude of ways during dredging operations.
  - The dredging industry uses pontoons as heavy-duty work platforms for operations such as drilling, dredging, and heavy lifting, as well as for accommodations.

### About IWDC:

- The Inland Waterways Development Council was established in **October 2023**.
- The Government of India underscores its commitment to developing inland waterways and the associated **Inland Water Transport (IWT)** ecosystem.
- The initiative aims to enhance cargo efficiency, streamline passenger movement, and boost river cruise tourism with active collaboration from states and Union territories.

## Hattee Community

### News Excerpt:

The State Government of Himachal Pradesh has issued a notification granting Scheduled Tribe (ST) status to the **Hattee community in the Trans-Giri area of Sirmaur district**.

### About Hattee Community:

- The Hatties are a closely-knit community known for their **traditional occupation of selling homegrown crops, vegetables, meat, and wool in small-town markets called 'haat'**.
- Their homeland spans the **Himachal Pradesh-Uttarakhand border**, specifically in the **basins of the Giri and Tons rivers**, both tributaries of the Yamuna.
  - The Tons River demarcates the border between the two states.
- Presently, the estimated **population** of the Hatties stands at **around 3 lakh**.

### Benefits of ST Status:

- As per the Census of 1931, STs are communities recognized as **"backward tribes"** residing in specific geographical areas in India designated as **"Excluded" and "Partially Excluded" regions**.
- Recently, the Government approved the inclusion of several communities in the list of STs from **Chhattisgarh, Tamil Nadu, Karnataka, Himachal**

**Pradesh and Uttar Pradesh**, demanding the ST status for a very long period of time.

- The Constitution of India does not explicitly define the criteria for the recognition of STs. Initially, after independence, the definition used was based on the data from the Census of 1931.
  - However, **Article 366(25)** of the Constitution provides the process for defining STs, stating that they are deemed to be tribes or tribal communities or parts of such groups, as specified under **Article 342** for the purposes of the Constitution.
- The Constitution also contains specific provisions for administering and controlling Scheduled Areas and Scheduled Tribes.

## On delisting some Kuki-Zomi tribes in Manipur

### News Excerpt:

The National Secretary of the Republican Party of India (Athawale) in Manipur **argued** for **including Meiteis in the Scheduled Tribe (ST) list** by seeking the **exclusion** of certain **Kuki and Zomi tribes**.

### Timeline of events:

- **Manipur High Court (HC)** directed the State government to recommend the **Meiteis' inclusion** in the **ST list** to the Centre.
  - The **key reason** for which Meiteis have demanded the ST status has been their **inability to own land** in the **forested hill districts**, where only STs can own land.
- The **ethnic conflict** between the **valley-based Meitei people** and the **hills-based Kuki-Zo (ST)** people began in 2023, triggered by the order of the Manipur HC.
- The **Centre** has **asked** the Manipur Government to examine a representation **seeking** the **delisting** of certain **Kuki and Zomi tribes** from the ST list of Manipur.
- The Chief Minister of Manipur announced that a **special committee** might be formed to look into it.
- The National Secretary of the Republican Party of India (Athawale) in Manipur sent the representation.

### Key points of the representation:

- It argued for **including Meiteis** in the ST list by seeking the **exclusion** of certain **Kuki and Zomi tribes**.
- It raised objections against the inclusion of **three specific entries** in the ST list of Manipur -
  - Any **Mizo (Lushai)** Tribes
  - **Zou** Tribes and
  - Any **Kuki** Tribes

- The principal argument for excluding the above three entries has been that they are **not “indigenous”** to the land of Manipur.
- The representation claimed that there had been **no mention** of these particular tribes residing in the land of Manipur in **pre-Independence Censuses**.
- It also said that the ambiguity of **“Any Mizo (Lushai) Tribes”** and **“Any Kuki Tribes”** in the ST list has allegedly aided illegal immigrants from Myanmar and Bangladesh in obtaining benefits meant for STs in India.

## Protection of Nomadic tribes (NTs), Semi-nomadic tribes (SNTs) and De-notified tribes (DNTs)

### News Excerpt:

The National Human Rights Commission (NHRC), during an Open House Discussion on **“Protection NTs, SNTs, and DNTs in India and forward trajectory”**, stressed the need to implement the **Idate Commission report**.

#### De-notified tribes (DNTs), Nomadic tribes (NTs) and Semi-nomadic tribes (SNTs):

- De-notified tribes (DNTs) are communities that were **‘notified’** as being **‘born criminals’** during the British regime under a **series of laws**, starting with the **Criminal Tribes Act of 1871**.
- **NTs and SNTs** are those communities that **move from one place to another** rather than living in one place all the time.
- The **Renke Commission** estimated their population at **around 10.74 crore** based on **Census 2001**.
  - Around **1,262 communities** are identified as de-notified, nomadic and semi-nomadic.
- While some of these tribes are categorized under SC, ST and OBC, many are not.
  - The **Standing Committee report in Parliament** has cited that **269 DNT communities** are not covered under any reserved categories.

#### National Human Rights Commission (NHRC):

- It is a **statutory body** established by the **Protection of Human Rights Act (PHRA), 1993**, as amended by the Protection of Human Rights (Amendment) Act, 2006.
- It is in **conformity** with the **Paris Principles** adopted in 1991 and endorsed by the **General Assembly** of the **United Nations**.

### Idate Commission’s recommendations:

- **Permanent Commission:** It recommended setting up a permanent commission for Nomadic, semi-nomadic, and De-Notified Tribes (NTs, SNTs, and DNTs) in India.
- **Separate Department/Directorate:** It is recommended that a separate Department/Directorate for DNT/NT communities may be set up in each State where they have a sizable population.

- **Removal of Anomalies:** DNT/NT communities should be notified at least as OBCs subject to the report of ethnographic studies on them and after following the due procedure, as some of the DNT/NT communities have been left out of all 3 categories - OBCs, SCs and STs.
- **Census:** The results of the caste-based census 2011 be released selectively, at least with respect to the DNT/NT communities; alternatively, these data should be made available to the Central/State Governments, which would be useful in formulating policies for these communities.
- **Due representation:**
  - The President should nominate at least one member of the DNT/NT communities to the Rajya Sabha.
  - Similarly, at least one member of these communities should be nominated by the Governor to the Legislative Assemblies/Councils of the States where they have a significant presence.
  - The District Collector should nominate at least one member of these communities to the District Panchayats and the intermediate Panchayats where they have a significant presence.
- **De-stigmatization:** The commission also maintained that the Government must act to repeal the Habitual Offenders Act, 1952 and if not, the appointment of a representative of the De-notified Tribe community with the nodal officers as stipulated in the Act.
- **Mainstream Policy Measures:** It also suggested formulating specific policies for the DNT/NT.

### Other Commissions and their recommendations:

- The **Kalelkar Commission (1953-55)** suggested that these erstwhile tribes should **not be called as ‘Criminals’ or ‘Ex-Criminals’ tribes but as De-notified communities (Vimochit Jatijan)**. It recommended measures that included providing basic education to their children, training them in crafts and arts, cottage industries, etc.
- **Lokur Committee (1965)** recommended that a **separate state-wise list** be made for these communities and suggested separate developmental programs for them as most of the schemes designed for SC and ST did not benefit them.

### Issues regarding Nomadic tribes:

- The **colonial mindset** about the DNTs having **“criminal tendencies”** has made them vulnerable; as a result, their **human rights** are frequently violated.
- They lack **citizenship** documents, which makes their identity invisible and causes **hindrances** in obtaining



**government benefits** and **constitutional and citizenship rights**.

- **NTs, SNTs, and DNTs lack** proper means of **livelihood**.

## Uttarakhand Assembly passes Uniform Civil Code (UCC)

### News Excerpt:

The **Uttarakhand Legislative Assembly** has **cleared** the **Uniform Civil Code (UCC)** Bill, becoming the **first State** to **adopt** a UCC **post-independence**.

- The State's UCC is based on a **draft submitted by a committee** formed by the Uttarakhand government under the chairmanship of retired Supreme Court judge **Justice Ranjana Prakash Desai**.
- The committee submitted its **final report** to the **Chief Minister** of Uttarakhand on February 2.

### Uniform Civil Code (UCC):

- A UCC seeks to create a **uniform set of laws** to **replace** the distinct **personal laws of every religion** pertaining to subjects such as **marriage, divorce, adoption, and inheritance**.
- This stems from **Article 44** of the **Constitution**, which mandates that the state **"shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."**
  - The provision is a part of the **Directive Principles of State Policy (Part IV of the Constitution)**, which, although not enforceable, play a pivotal role in the country's governance.

### Key highlights of the Uttarakhand UCC bill:

- **What is Uniform?**
  - Across all religions:
    - Adoption rights
    - The legal age of marriage for **men (21)** and **women (18)**
    - Equal inheritance rights for men and women
- **What is Banned?**
  - Marriage and divorce practices that come under Muslim Personal Law, such as **halala, iddat, and triple talaq**.
  - Child marriage and polygamy.
- **What is Unique?**
  - All **live-in relationships** must be registered **within a month**, or else the individuals or both partners are liable to **₹25k fine** and/or **three months in jail**.

- All **children** born to live-in couples will be considered **legitimate** and receive legal **inheritance rights**.
- **Who is Excluded?**
  - Uttarakhand's **Scheduled Tribes**, which comprise **nearly 3%** of the State's population, are outside the purview of the UCC bill.

## Social Audit Advisory Body (SAAB)

### News Excerpt:

The 1st meeting of the **Social Audit Advisory Body (SAAB)** was held on January 18, 2024 in New Delhi.

- This advisory body, a first of its kind, has been established to **guide the Ministry of Social Justice & Empowerment in institutionalizing social audits for its various schemes**.

### What is a Social Audit?

- It is an **audit of a Scheme/Programme** that is **conducted jointly by the Government functionaries and the people**, especially by those people who are affected by or are the intended beneficiaries of such a scheme.
- It can be described as the **verification of the implementation of a program/scheme and its results by the community** with the active involvement of the primary stakeholder.
- This is **done by comparing official records with actual ground realities**, with the participation of the community in the verification exercise, and by reading out the findings of the verification exercise aloud on a public platform.
- Oral testimonies and facts are obtained from the public and compared with the official records.

### Objectives of Social Audit:

- Accurate identification of requirements
- Prioritization of developmental activities as per requirements
- Proper utilization of funds
- Conformity of the developmental activity with stated goals
- Quality of Service

### Scope of Audit:

- Social audits are **also conducted on policies and laws** in addition to schemes or programmes.
- The task of auditing is relevant Right from the stage when an issue is identified through planning, implementation, monitoring and evaluation.
- Audits are done **on not just of 'decisions taken' or the actions done (or not done) but also of the 'processes followed'**.

### The six steps of Social Auditing are:

- Preparatory activities
- Defining audit boundaries and identifying stakeholders
- Social accounting and book-keeping
- Preparing and using social accounts
- Social audit and dissemination
- Feedback and institutionalization of social audit

## Understanding the Delimitation Exercise

### News Excerpt:

The delimitation of constituencies for the **Lok Sabha** and **State Legislative Assemblies** is to be carried out on the basis of the **first Census after 2026**.

### What is Delimitation?

- It is the **process** of **determining** the **number of seats and boundaries** of **territorial constituencies** in each State for the Lok Sabha and Legislative assemblies, including determining seats for **Scheduled Castes** and **Scheduled Tribes**.
- It also aims at a **fair division** of **geographical areas** into seats to guard against allegations of **gerrymandering**, which means redrawing seat boundaries in a way that no political party has an **unfair advantage** over another.
- The Delimitation Commission, established under **Parliament's Act**, performs this process, which was carried out after the **1951, 1961, and 1971 Census**.

### What is the Constitutional requirement?

- **Democracy** refers to the rule or government by the people, elected by a majority with the principle of '**one citizen-one vote-one value**'.
- The **number of seats** in the **Lok Sabha** was fixed at 494, 522, and 543 based on the 1951, 1961, and 1971 Census, with an average population of 7.3, 8.4, and 10.1 lakh per seat.
- However, the number of seats was **frozen as per the 1971 Census** to encourage population control measures so that States with higher population growth do not have higher seats, which was done through the **42nd Amendment Act until 2000** and extended by the **84th Amendment Act until 2026**.
  - The year 2026 was chosen because the **assumption** was that if the **National Population Policy** worked as planned, **by 2026**, there would be a roughly **equal number of births and deaths in India**.
- As per the current provisions in the Constitution, the **next delimitation exercise** should occur based on the first Census carried out after 2026, 25 years after the 84th Amendment.

- In a **normal course**, this would have meant that delimitation would have happened after the **2031 Census**. However, the **Census of 2021** could **not be carried out** due to the Covid-19 pandemic.

### Constitutional Provisions

#### Article 82:

It mandates the "**readjustment**" in the allocation of seats to every state in **Lok Sabha** and the division of every state into constituencies "**upon completion of each Census**".

#### Article 327:

Parliament may from time to time, **by law**, make provision with respect to all matters in connection with the elections including delimitation of constituencies.

#### Article 329:

It **bars a challenge** to the validity of such a **law** before any court.

### Delimitation Commission:

- The **President** of India appoints it and works in **collaboration** with the **Election Commission of India**.
- It is comprised of a **retired or serving Supreme Court judge**, **Chief Election Commissioner**, and respective **State Election Commissioners**.
- The Delimitation Commission in India is a **quasi-judicial body** whose orders have the force of law and cannot be questioned before any court.
- These orders **come into force on a date** to be specified by the **President** of India.
- The **copies** of its orders are laid before the **House of the People** and the **State Legislative Assembly** concerned, but **no modifications** are permissible therein by them.

## Law Commission of India submits Report on Epidemic Diseases

### News Excerpt:

The 22nd Law Commission of India has submitted its Report No. 286, titled "**A Comprehensive Review of the Epidemic Diseases Act, 1897**", to the Government of India.

### Law Commission of India:

- The Law Commission of India is a **non-statutory body** constituted by a notification from the Government of India.
- It **carries out research** in the field of law, and the Commission makes recommendations to the

Government (in the form of Reports) as per its terms of reference.

- It provides an excellent, thought-provoking, and vital **review of the laws in India**.

The Law Commission has taken up various **subjects on references made** by the **Department of Legal Affairs, Supreme Court** and **High Courts** and submitted more than 250 reports.

### Epidemic Diseases Act, 1897:

- The **colonial government** introduced the Act to tackle the epidemic of **bubonic plague** that had spread in the erstwhile **Bombay Presidency** in the 1890s.
- Using powers conferred by the Act, colony authorities would search **suspected plague cases** in homes and among passengers, with forcible **segregations, evacuations, and demolitions** of infected places.
- The Act has been regularly used to treat various diseases in India, such as **swine flu, cholera, malaria, and dengue**.
  - In 2018, the Act was enforced as cholera began to spread in a region of Gujarat.

### Epidemic Diseases (Amendment) Ordinance, 2020:

- The Epidemic Diseases (Amendment) Ordinance 2020 modifies the Epidemic Diseases Act of 1897, **enhancing protections** for **healthcare personnel** during epidemics.
- It **defines healthcare service personnel, outlines acts of violence** against them, and **grants expanded powers** to the union government for regulating transportation during outbreaks.
- The ordinance **criminalizes violence** and damage during epidemics, prescribing **imprisonment and fines**.
  - Offenders must **compensate victims**, and non-payment leads to **recovery** as arrears of **land revenue**.
  - Cases are investigated by an **Inspector-ranked police officer**, with trials mandated to conclude within a year and a presumption of guilt for causing grievous harm.

### Summary of the report:

- **Outdated Legislation:** The report notes that the Epidemic Diseases Act of 1897 (EDA) was not designed to combat **modern issues** with the **spread of infectious diseases**.
- **Globalization Challenges:** Globalisation and increased connectivity, it states, can rapidly result in infectious diseases becoming **epidemics** or **pandemics**.
- **Potential for abuse:** The report claims that as a **colonial-era legislation**, the EDA has great potential for abuse.

- **Addressing Legal Gaps:** Coupled with the lack of guidelines on important subjects, the report seeks to make comprehensive recommendations for the **amendment of the EDA** or the introduction of a **new law** altogether.
- **Epidemic Plan:** The most dramatic change suggested is the creation of an **Epidemic Plan** and a **Standard Operating Procedure** to address the spread of infectious diseases. This, the report states, would make sure the **powers and obligations** of **different levels** of government are clearly **demarcated** so that there is a coordinated response to any public health emergency.
- **Government Collaboration:** The duty to create this Epidemic Plan falls on the **Central government** in collaboration with **state governments** and after consulting the ministries concerned, private health institutions, expert bodies and other stakeholders.
- **Stricter Enforcement:** The report recommends stricter punishment for **disobedience** of guidelines and regulations made by the government during any health emergency.

### Ladakh has turned to mass protests

#### News Excerpt:

The people of Leh are demanding full Statehood for the Union Territory of Ladakh and inclusion in the Sixth Schedule of the Constitution to protect the **region's land, culture, language and environment**.

#### About the news:

- The shutdown unfolded in the two districts of Leh and Kargil in response to a '**Leh Chalo**' protest (March to Leh) called by the **Leh Apex Body (LAB) and the Kargil Democratic Alliance (KDA)** — the two influential socio-political groups which have been at the forefront of the agitation for the past three years.
- The Ministry of Home Affairs (MHA) has announced the date for the **second round of a high-powered committee** to look into Ladakh's demands.

#### The reason behind the protests:

- There have been multiple shutdowns in Ladakh in the past four years. This has become frequent after the area has been carved out of the Jammu and Kashmir as a distinct Union Territory.
- The **Ladakh Autonomous Hill Development Councils** of Leh and Kargil were set up to administer the region.
  - However, its powers are limited.
  - Additionally, in the Jammu and Kashmir assembly, four members represented Ladakh, and two people represented it in the Legislative Council prior to the abrogation.

- This **excitement for reorganization of Ladakh** into a Union Territory soon turned into aggression.
  - Ladakhis were of the view that **opening the region to non-locals would hamper the demography of the region**, leading to the loss of special identity.
- Moreover, the unrest increased with a **lack of political suppression and a jobs crisis**.

### Who is behind the agitation, and what do they want?

- The LAB and KDA — an alliance of civil society, religious, political and student organisations — reached a consensus and finalized an **agenda** in 2021.
- The umbrella organisations have since spearheaded the campaign, organising protests not only in Ladakh but also in J&K and Jantar Mantar in New Delhi, calling for shutdowns on multiple occasions.

### Main demands:

- **Full-fledged legislature:** The LAB and KDA have demanded the government extend Ladakh's territorial control up to Gilgit-Baltistan in Pakistan-occupied Kashmir (PoK) and demanded reservation of seats for the area.
- **The abrogation of Article 370** in the year 2019 repealed the special status conferred to erstwhile Jammu and Kashmir State.
  - Ladakh was one of the three distinct divisions of Jammu and Kashmir and was set up as a Union Territory sans a legislature.
- **The constitutional safeguards under the Sixth Schedule:** These have served as a major rallying point, with the LAB and KDA urging the Government to grant special status to Ladakh on the lines of Mizoram, Tripura, Sikkim and other northeastern States.
  - The Schedule protects tribal populations and provides autonomy to the communities through autonomous development councils.
  - The councils are empowered to legislate on issues of land, agriculture, forests, village administration, property inheritance, public health, marriage and divorce, etc.
  - This assumes significance, considering nearly **80% of Ladakh's total population of 2.74 lakh are tribals**.
- **Separate Lok Sabha seats for Leh and Kargil districts:** Activists and leaders of the socio-political bodies are demanding an increase in the number of Lok Sabha seats from one to two (one each for Kargil and Leh) to ensure representation of Ladakhis in Parliament and a full-fledged elected legislature.
- **Job reservations for locals:** Increasing employment in the region adds to the unrest. The UT recorded a sharp

rise in the number of unemployed graduates between 2021-22 and 2022-23.

- A government survey last year pointed out that **26.5% of graduates in Ladakh are unemployed**.
- The separation from Jammu and Kashmir shrunk the region's share in the State pool, and the Centre has also failed to create new avenues for the locals in the past four years.
- As a result, the **disillusioned youth has taken to the streets, demanding reservation and a separate public service commission for recruitment of gazetted jobs**.

**The Sixth Schedule of the Constitution provides power to tribal communities to administer the tribal areas in Assam, Meghalaya, Tripura, and Mizoram under the provision of articles 244(2) and 275(1) of the Constitution.**

## Appointment of Deputy Chief Minister, not Unconstitutional

### News Excerpt:

The Supreme Court (SC) dismissed a petition challenging the appointment of Deputy Chief Ministers (CMs) in States on the ground that no such position exists in the Constitution.

### About the Post of Deputy CM:

- While there is **no specific provision in the Constitution** on deputy CM, a deputy CM is practically recognised as holding an equivalent status to a cabinet minister in the State and enjoys the same pay and perks as a cabinet minister.
- **Article 163(1)** of the Constitution says, "There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions".
- **Neither Article 163 nor Article 164** ("Other provisions as to Ministers"), sub clause (1) of which says "the Governor and the other Ministers shall appoint the Governor shall appoint the Chief Minister on the advice of the Chief Minister", mentions about the deputy Chief minister.

## Motion of Thanks

### News Excerpt:

Recently, the Prime Minister of India replied to the '**Motion of Thanks**' in the President's address, which was delivered on the **first day of the Budget Session** in the Parliament.

### About Motion of Thanks:

- **Definition:**



### President's Address

The President's Address to both Houses of Parliament assembled together is a solemn and formal act under the Constitution.

**Article 86(1)** of the Constitution provides that the **President may address** either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members.

**Article 87** of the constitution provides two instances when the President specially addresses both Houses of Parliament.

\* The President of India **addresses both** the Rajya Sabha and the Lok Sabha at the beginning of the **first Session after each general election** when the reconstituted lower house meets for the first time.

\* The President also addresses both the houses at beginning of the **first session of each year**.

The President's speech essentially highlights the **government's policy priorities** and plans for the upcoming year.

The address provides a **broad framework of the government's agenda and direction**.

- A formal motion moved in the House, expressing its gratitude to the **President** for the Address delivered by him/her under **Article 87(1)** of the Constitution to **both Houses of Parliament** assembled together.
- **Process:**
  - After a copy of the President's Address is laid on the table of the Rajya Sabha, the **President's Address is discussed in the House** on a Motion of Thanks **moved by a member and seconded by another Member of the Ruling Party**.
- In the days following the President's address, a motion was made in the two Houses to thank the President for his address.
  - This is an occasion for MPs in the two Houses to have a broad debate on governance in the country.
- The Prime Minister replies to the motion of thanks in both Houses and responds to the issues raised by MPs.
- **The motion is then put to vote and MPs can express their disagreement by moving amendments to the motion.**
  - Notice, given in writing, for the Motion of Thanks, is received from the Members through the **Ministry of Parliamentary Affairs** and, after **approval** of the **Secretary-General**, included in the List of Business as per provisions of **Rule 14** of the **Rules of Procedure**.
- **Amendments to the Motion of Thanks:** Notices, given in writing, of amendments **criticising the policy** of the government, enunciated in the President's address or highlighting the **issues that do not find a mention** are received from the members under **Rule 16**.
  - Amendments may be moved to the Motion of Thanks in such form as the Chairman may **consider appropriate**.
  - Opposition MPs have successfully passed amendments to the motion of thanks in Rajya Sabha on **five occasions (1980, 1989, 2001, 2015, 2016)**. They have been less successful in Lok Sabha.
- The **Motion of Thanks is put to vote** at the end of the discussion. The House **needs to approve** it, otherwise, it will amount to the **government's defeat**.

- After the Motion has been discussed and adopted by the House, the Legislative Section drafts a letter to be sent by the **Chairman** to the **President**, conveying to him the **adoption** of the Motion by the House.
  - After approval and signature from the Chairman, the letter is sent to the President by **Special messenger**.
  - The message of the President conveying his satisfaction is then **read** in the House if it is in session or **published** in Bulletin Part II if the House is not in session.

## Rajya Sabha polls

### News Excerpt:

The Election Commission notified the 56 Rajya Sabha seats elections, which will be held on February 27.

### Rajya Sabha (RS) - Electorate and Term of Office:

The **4th Schedule** to the Constitution provides for the **allocation of Rajya Sabha seats** to the states and Union Territories based on the population of each State.

- Out of the **245 members**, the **President nominates 12**, and **233 are representatives** of the States and Union territories of Delhi and Puducherry.
  - Under **Article 80(3)**, the 12 nominated members should have special knowledge or practical experience in matters like literature, science, art, etc.
    - A nominated member may join a party **within six months** of taking a seat.
  - **Article 80(4)** provides that the elected members of state Assemblies shall elect Rajya Sabha members.
- Vacancies that arise due to **resignation, death** or **disqualification** are filled up through **by-polls**, after which those elected serve out the remainder of their predecessor's term.

### Open ballot system of election:

- An amendment to the **Representation of the People Act of 1951** was carried out in **2003 to rein in the MLAs from such cross-voting**.
  - **Section 59** of the Act was amended to provide that **elections to RS shall be conducted by open ballot**.
  - The MLAs of political parties are required to **show their ballot paper** to the **authorized agent of their Party**.
    - **Not showing the ballot paper to the authorised agent or showing it to anyone else will disqualify the vote.**
  - **Independent MLAs are barred from showing their ballots to anyone.**

### Cross-voting and Disqualification:

- The Supreme Court, while declining to interfere with the open ballot system, ruled that not voting for the party candidate will **not attract disqualification** under the **anti-defection law**.
  - As voters, MLAs retain their freedom to vote for a candidate of their choice.
- However, the Court observed that since the **party** would know who voted against its own candidate, it is free to take **disciplinary action** against the legislator concerned.

### Can a legislator vote without taking oath as a member of the Assembly?

- The Supreme Court has ruled that a **member can vote** in a Rajya Sabha election even before taking oath as a legislator. It said that -
  - **Voting** at the Rajya Sabha polls, being a **non-legislative activity**, can be performed without taking oath.
  - A person becomes a member when the ECI notifies the list of elected members.
  - A member can also **propose a candidate** before taking oath.

### Sapinda Marriages

#### News Excerpt:

The **Delhi High Court** has **upheld** the validity of the statute banning '**sapinda**' marriages in Hindu couples under the **Hindu Marriage Act, 1955**.

#### About the news:

- In **2007**, a sapinda marriage was **declared void**, prompting the woman to appeal the ruling in the **Delhi HC**, which was **dismissed** in 2023.
  - She then challenged the **constitutional validity of Section 5(v)** of the Hindu Marriage Act, 1955 (**HMA**), arguing it **infringes** on the Right to equality under **Article 14**.
- Despite claiming sapinda marriages are common without **proof of custom** and emphasising **family consent**, the Delhi HC rejected her arguments.
- The court emphasised the **need for stringent proof** of an established **custom** and upheld the regulation of partner choice in marriage.

### What is a Sapinda marriage?

- Sapinda marriage is a union between individuals closely related to a certain degree, defined under **Section 3** of the **Hindu Marriage Act (HMA)**.
- According to the Act, individuals are considered sapindas if one is the **lineal ascendant** of the other or if they share a common lineal ascendant within specified limits.

- The HMA prohibits such marriages within **three generations on the mother's side** and **five generations on the father's side**.
  - If a sapinda marriage violates this rule without an **established custom** permitting it, the court can declare it **void from the beginning**.
- **Exceptions** exist only if the customs of the individuals involved permit such marriages, subject to specific criteria outlined in the HMA.

### Theories related to Sapinda Relation:

- The core of the concept of sapinda lies in the **word pinda**, which literally means **one's body**.
- **Vijaneshwara's theory** of sapinda implied the connection of people through the same body, i.e., two people connected through the same body in the form of a common ancestor.
  - This **connection between people** was defined through the particles of the body they shared with each other.
  - A **son was a sapinda to his father and grandfather** as they shared the same particles in their bodies. Drawing on this analogy, a **son would become a sapinda to his mother and other maternal relations** as they, too, would share the same particles in their bodies.
- In contrast, **Jimutavahana's theory** on the same subject was based on the **notion of oblation**. He opined that the meaning of pinda was an offering made to deceased ancestors.
  - Hence, those people who offered oblation, or **pind-daan**, to the same common ancestor were sapindas of each other.
- The **Hindu Marriage Act of 1955 rejected** the theory of **sapindaship by oblation** and **incorporated Vijaneshwara's concept** after certain modifications, such as relaxing the limits of sapinda relations.
  - In all essence, this novel concept has been included in the law to **promote exogamy**, i.e., the norm of marrying outside one's own social group.

### PETA wants to ban two age-old Assamese traditions

#### News Excerpt:

Recently, People for Ethical Treatment of Animals (**PETA**) has filed a lawsuit **against the practices of buffalo and Bulbul fighting** in the Gauhati High Court.

#### Buffalo and Bulbul fights:

- Buffalo and Bulbul fights are part of an **age-old tradition** and the **folk culture** associated with the **Assamese winter harvest festival of Magh Bihu**.

- Magh Bihu takes place in **January**, at the same time as **harvest festivals** in other parts of the country, such as Makar Sankranti, Pongal and Lohri.
- Buffalo fights are held in different parts of Assam during Magh Bihu, with **Ahatguri (Nagaon district)** being the **biggest centre**.
- Bulbul fights are an attraction at the **Hayagriv Madhab Mandir** in **Hajo** near Gauhati.

### Debate around Animal Sports in India:

- There have been many sports that are controversial with respect to animal welfare in India. A few of them include **Jallikattu, Cockfight, Kambala, Bear dance, monkey dance** and so on.
- One group says that the animals are being unnecessarily tortured for the **entertainment of humans**.
- The other group claims these sports have been a **part of our culture for ages**, and the animals are being cared for dearly throughout the year. They are even considered a **part of one's family**.

#### Supreme Court (SC) ruling on the animal fights:

- The fights were **stopped** after the **Supreme Court's 2014 judgement** forbade the use of bulls as performing animals in jallikattu events and bullock-cart races in Tamil Nadu, Maharashtra, or anywhere else in the country.
- The Court also directed the Animal Welfare Board of India (**AWBI**) to ensure that the **person in charge** or care of the animal **shall not incite any animal to fight** against a human being or another animal.
- The Supreme Court last year **overruled its 2014 judgement**, upholding **amendments** made by Tamil Nadu, Maharashtra and Karnataka governments to the **Prevention of Cruelty to Animals Act 1960 to allow jallikattu, kambala and bullock cart racing**.

#### Assam's SOP for conducting fights:

- The fights will **only be permitted** in places where they have been **"traditionally conducted"** for the **last 25 years**.
- **Moh juj (buffalo fights)** will **only be allowed between January 15 and January 25**.
- The guidelines prohibit **human-inflicted injuries** and **ban the use of intoxicating or performance-enhancing drugs**, as well as sharp instruments for instigating the animals.
- The **Bulbul fight SOPs** require the organisers to ensure that the birds are **released in the open "in perfect condition"** at the end of the game.
- It states that any **organisation violating** the stipulations will face a **ban** for the next five years.

### Animal-related laws in India:

- If any animal is subjected to any form of cruelty specified, treated in any cruel way, in any of the ways provided under Section 11 (a) to (o) of **The Prevention of Cruelty to Animals Act, 1960**, the offender (in the case of a first offence) will have to pay fine.
- Protection of animals is enshrined as a **fundamental duty** in the Indian Constitution.
- **Wildlife Protection Act, 1972**, enacted by the Centre.
- Legislations regarding **cow slaughter prohibition** and **cattle protection** at the State levels.
- **Sections 428 and 429** of the **IPC** provide for the punishment of all acts of cruelty such as killing, poisoning, maiming or rendering useless of animals.
- In the context of animal rights, the following matters have been allocated in the **State and Concurrent List**.
  - **Item 14** of the State List provides that the States have the power to preserve, protect and improve stock, prevent animal diseases and enforce veterinary training and practice.
  - In the Concurrent List, both the Centre and the States have the power to legislate on:
    - **Item 17:** Prevention of cruelty to animals.
    - **Item 17B:** Protection of wild animals and birds.

### Right to adopt a child is not fundamental

#### News Excerpt:

The Delhi High Court (HC) has stated that the **right to adopt a child** is not a fundamental right under **Article 21** of the Constitution, and the **prospective adoptive parents (PAPs)** do not have any right to choose **who to adopt**.

#### What Delhi HC has stated in the matter?

- The HC upheld the retrospective application of a regulation **permitting couples with two or more children to adopt only children with special needs or those hard to place**.
- The right to adopt **cannot be raised to the status of a fundamental right** within **Article 21**, nor can it be raised to a level that grants **PAPs the right to demand their choice of who to adopt**.
- The adoption process entirely operates on the **premise of the welfare of children**, and therefore, the rights flowing within the adoption framework do not place the rights of the PAPs at the forefront.

#### Main Eligibility criteria for PAPs under Adoption Regulations 2022:

- The PAPs shall be **physically, mentally, emotionally and financially capable**; they shall not have any life-threatening medical condition, and they should **not**

**have been convicted of a criminal act of any nature or accused** of any case of child rights violation.

- Any PAPs, irrespective of their marital status and whether or not they have a biological son or daughter, can adopt a child subject to the following namely:
  - (a) The **consent of both spouses** for the adoption shall be required in the case of a married couple;
  - (b) A **single female can adopt a child of any gender**;
  - (c) A **single male shall not be eligible to adopt a girl child**;
- No child shall be given in adoption to a couple unless they have **at least two years of stable marital relationship** except in the cases of relative or step-parent adoption.
- The age criteria for PAPs shall not be applicable in the case of relative adoptions and adoption by step-parents.

#### About Central Adoption Resource Authority (CARA):

- It is a statutory body under the **Ministry of Women & Child Development**, Government of India under the Juvenile Justice Act, 2015.
- It functions as the nodal body for the adoption of Indian children and is mandated to monitor and regulate **in-country and inter-country adoptions**.
- CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the **Hague Convention on Intercountry Adoption, 1993**, ratified by the Government of India in 2003.

## National Cooperative Database

### News Excerpt:

The **Union Ministry of Cooperation** has launched the **National Cooperative Database**, which will help **expand and develop cooperatives** in the country.

### National Cooperative Database:

- National Cooperative Database is a **web-based digital dashboard** where the data of cooperative societies, including **national and state federations**, have been captured.
- There are more than **8 lakh registered cooperative societies** in the country, with over **30 crore** people connected with them.
- The Cooperative Database will play a crucial role in the **expansion, development, and delivery** of cooperatives.
  - **Give direction to the development** of the Cooperative sector like a **Compass**.
  - **Identify gaps** where we have a **lesser number of Cooperatives**.

- An invaluable resource for **policymakers, researchers and stakeholders**.
- Along with the database, the '**National Cooperative Database 2023 Report**' was also launched by the minister.

#### Ministry of Cooperation:

- The **Ministry of Cooperation** was constituted in July 2021.
- The mandate of the Ministry is to **strengthen the cooperative movement** in the country & deepen its reach up to the grassroots.
- Under the Constitution's **Seventh Schedule, state governments have jurisdiction over cooperatives**.
  - However, the **Centre has control over policymaking** for **cooperatives that operate in more than one state**, known as **multi-state cooperatives**.

#### Initiatives of the Ministry:

- The Ministry has introduced 20 new activities to be associated with **Primary Agricultural Credit Societies (PACS)**, enabling them to generate profits.
- By 2027, there will be PACS in every village in the country.

## Right against adverse effects of climate change: SC

### News Excerpt:

In a case relating to the conservation of the critically endangered Great Indian Bustard (GIB), the Supreme Court (SC) has asserted that individuals possess a "**right to be shielded from the detrimental impacts of climate change**," a right that ought to be upheld under **Articles 14 and 21 of the Constitution**.

#### Constitutional Provisions (DPSP) related to Climate Change:

- **Article 48A** of the Constitution provides that the State shall endeavour to protect and improve the environment and safeguard the country's forests and wildlife.
- **Clause (g) of Article 51A** stipulates that it is the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.

### Key highlights of the judgement:

- Referring to the environmental aspects of the Directive Principles of State Policy (DPSP), the Court underscored **the need to interpret them in conjunction with the Right to life and personal liberty** guaranteed under Article 21 of the Constitution.
- Although **Article 48A and Article 51A** are not justiciable provisions of the Constitution, they indicate that the



Constitution recognizes the importance of the natural world.

- **Article 21** recognizes the Right to life and personal liberty, while **Article 14** indicates that all persons shall have equality before the law and the equal protection of laws.
- **The Right to a clean environment means that** the Right to life is not fully realized without a clean environment that is stable and unimpacted by the vagaries of climate change.
- The **Right to Health** (part of the Right to life under Article 21) is impacted by factors such as air pollution, shifts in vector-borne diseases, rising temperatures, droughts, shortages in food supplies due to crop failure, storms, and flooding.
  - The inability of underserved communities to adapt to climate change or cope with its effects violates Article 21 and Article 14.
- The CJJ also touched upon the **issues of climate change jurisprudence and the need to harness renewable energy**, especially solar power, as well as balance the conservation of the GIB with the conservation of the environment as a whole.
- It set up a **nine-member committee of experts to assess the feasibility of undergrounding power lines in specific areas**, considering factors such as terrain, population density and infrastructure requirements.
  - The committee consists of **independent experts, National Board of Wildlife members, power company representatives, and other stakeholders**.
  - It asked the committee to complete its task and submit a report to SC through the Union Government on or before July 31, 2024.
- The SC also made **additional observations concerning climate change and legal proceedings in other jurisdictions**. The ruling emphasized India's obligations to prevent climate change and mitigate its adverse impacts.

## Right to sleep as a basic human requirement

### News Excerpt:

The **Bombay High Court (HC)** said the **right to sleep** is a basic human requirement that cannot be violated.

### About the news:

- The HC gave the order in a plea filed by a **64-year-old challenging his arrest** by the Enforcement Directorate (ED) and **subsequently questioning him throughout the night** in a money laundering case.
- A **division bench** of two Justices said it **disapproved** of the **practice of questioning** the petitioner through the **night**, whether it is **voluntary or not**.

- The **'right to sleep' / 'right to blink'** is a **basic human requirement**, and as much as non-providing of the same violates a person's human rights.
- Lack of sleep **affects a person's health** and may impair his **mental faculties, cognitive skills**, etc. Hence, the statement must be recorded during **earthly hours**, not at night.
- The HC deems it appropriate to **direct the ED** to issue a **circular/directions** about the timings to record statements when summons are issued.

### Previous judicial interpretations:

- **Sayed Maqsood Ali v. State of Madhya Pradesh (2001):**
  - The **Madhya Pradesh HC** stated that every citizen is entitled to live in a decent environment and have the right to have a peaceful night's sleep.
- **Ramlila Maidan v. Home Secretary, Union of India (2011):**
  - Suo moto action was taken against the brutal actions of police against those sleeping in Ramleela Maidan, which was given on rent for a yoga training camp organized by Baba Ramdev.
    - Four days into the campaign, Baba Ramdev started a hunger strike against corruption with a mass crowd of over 50,000 people.
    - At midnight, the police started the lathi charge and used tear gas to remove the crowd.
  - A **two-judge bench** found this to be a **violation** of the **right to assemble peacefully** and without arms, the **freedom to speech and expression**, and the **right to sleep** as per **Article 21 (protection of life and personal liberty)**.
  - But **no citizen** could **claim** sleeping to be his **fundamental right**.

### How is noise pollution related to the right to sleep?

- The quality of sleep is often linked to the surroundings in which one sleeps. Therefore, the **higher the noise pollution rates, the worse the quality of undisturbed sleep** will be.
  - Here, precedents and regulations **prohibiting higher sound levels** at night help regulate the right to sleep.
- **Church of God (Full Gospel) v. KKR Majestic Colony Welfare Assn. (2000):**
  - **Religion-related noise pollution** was taken into account by the Supreme Court.
  - It issued directions to control noise pollution to ensure that such activities do not disturb **old or infirm persons, students or children** sleeping early.
  - The Court also analyzed the **'natural right to sleep'** entitled to **young babies**.

## Can an arrested person continue to be CM while in custody?

### News Excerpt:

Concerns are being raised about whether Delhi's Chief Minister can effectively serve in a public office that demands a high degree of morality, given the recent decision by a Metropolitan Magistrate to remand him in the custody of the Enforcement Directorate (ED).

### Previous Judgements:

#### Senthil Balaji case:

- The Madras High Court's (HC) ruling in **S. Ramachandran vs. V. Senthil Balaji** deliberated on whether a Minister should forfeit his right to occupy a public office that requires a high degree of moral standard if he is accused of involvement in a **"financial scandal."**
- Mr. Senthil Balaji, a former **Tamil Nadu Electricity Minister**, was arrested by **the ED in 2023** on money laundering charges.
  - He continued to be a State Minister without portfolio while he was in judicial custody.
- The Madras HC heard arguments on:
  - whether he **"has virtually forfeited his office as a Minister on account of being arrested and detained in prison**, or in other words by being in judicial custody."
  - whether he had **"disabled himself from performing the duties and responsibilities of being a public servant."**
- Arguments in the Madras HC referred to a 2014 Supreme Court (SC) Constitution Bench ruling in **Manoj Narula vs Union of India**.
  - The SC ruling emphasized that constitutional morality is the primary standard for holding a public office, which entails **adhering to the rule of law**.
  - Another key aspect highlighted was **good governance**, suggesting that governments should prioritize the **broader public interest** over **narrow private or political interests**.
  - The third was **constitutional trust**, that is, to **uphold the high degree of morality attached to a public office**.

### Practical difficulties of occupying public office while in jail:

- A Minister sitting in prison cannot ask the Secretary of State to get the files concerning any of the departments without breaching the **oath of office**.
  - The files would have to be **"scanned thoroughly"** by the **prison authorities** before they reach his hands.

- Should a person be **paid a salary** from the **State exchequer** while occupying a public office without performing any duty attached to the office he held?

### Legal and Constitutional position:

- There is **no bar in law on a person continuing as Chief Minister or Minister** once he is **arrested**.
  - **Section 8 Clause 3 of the Representation of the People Act, 1951** deals with the disqualification of a lawmaker and says a person convicted for an offence and sentenced to two years or above shall be disqualified from the date of such conviction.
- The **Law Commission** has recommended the disqualification of an MP or an MLA if **charges were framed** against them in any such case.
  - However, these **recommendations were never accepted** by the government or put in place.

## GENERAL ELECTIONS

### Model Code of Conduct

#### News Excerpt:

The Election Commission of India (ECI) has announced the dates for the upcoming Lok Sabha elections and asked all political parties to strictly adhere to the Model Code of Conduct (MCC).

#### What is the Model Code of Conduct?

- The MCC is a **set of guidelines** issued by the **ECI**.
  - MCC aims to establish **standards of conduct** for **political parties** and **candidates** during **election campaigns and polling**.
  - It maintains the **integrity of the electoral process** and promotes **free and fair elections**.
  - Compliance with the MCC is **mandatory** for all parties and candidates participating in elections in India.
- The **code comes into force when the EC announces the poll schedule and remains operational until the result is announced**.

#### Origin of Model Code of Conduct:

- In **1960**, **Kerala** was the **first state** to adopt a draft code of conduct for assembly elections.
- Later, the EC decided to emulate Kerala's example and circulate the draft among all recognised parties and state governments for the **1962 Lok Sabha elections**.
- However, the EC released a formal MCC only in **1974**, just before the **mid-term general elections**.

#### Is the MCC a law?

- The MCC is **not a statutory document**.

- It has evolved as part of the ECI's drive to ensure **free and fair elections** and was the result of a consensus among major political parties.
- This means anybody breaching the MCC **can't be prosecuted** under any clause of the Code. Everything is **voluntary**.
- In 1990, the **Goswami Committee on Electoral Reforms** made significant recommendations for reforms in MCC.
  - It is recommended that the MCC's weaknesses be overcome by giving it statutory backing and making it enforceable through law.

### Who is bound by MCC?

- The MCC applies to all elections to the **Lok Sabha** and **State Assemblies**.
  - It is also applicable for **State Legislative Council** elections from **Local Bodies and Graduates' and Teachers' Constituencies**.
- It is **enforced throughout India in case of General elections** and the **State up for polls** in case of Legislative Assembly elections.
- All organizations, committees, corporations, and commissions (e.g., Transport authorities, Jal boards) **funded wholly or partially by the Centre or State** are bound by the MCC.
- While listed political parties and candidates are bound to follow the MCC, even **non-political organisations that hold campaigns favouring a political party** or candidate are bound to follow specific guidelines mentioned by the EC.

### Guidelines for parties and candidates:

- Political parties and candidates are advised to **avoid discussing the personal lives** of leaders and workers from opposing parties.
  - Criticisms should be confined to the **opposition's policies, programs, past records, and accomplishments**.
  - Social media content should refrain from insulting opponents.
  - The emphasis should be on **constructive debate** focused on **substantive issues** rather than personal attacks.
- Appeals to **caste, communal or linguistic feelings** for securing votes are also **prohibited**.
- Restrictive or prohibitory orders in force at any public place where meetings are held must be adhered to.
  - **Permission to use public spaces and loudspeakers** must be obtained from **local police**.
  - In the case of **the public procession**, details of the time and place of the start and end point and the route to be followed must be informed and cleared by the police.

- All **political workers** engaged in electioneering must display **badges or identity cards** and **leave the constituency after the campaign period** if they are not a voter, candidate, or candidate's election agent from that constituency.
- No political party can pay over **₹10,000 in cash in a day** to any person/company/entity.
- Parties must also not resort to **bribing/intimidating/impersonating voters**.
  - They **must also not transport voters** to and from polling stations or **serve/distribute liquor**.
- **Canvassing within 100 metres of polling booths is not allowed**.
- Displaying **posters, flags, symbols, or any propaganda material** is prohibited at **polling places**.
- **Loudspeakers are restricted** between **10 p.m. and 6 a.m.**, except with written permission from local authorities.
- **No election campaigning** is allowed within the constituency **48 hours before** the close of polls.

### Guidelines for governments:

- Union Ministries must obtain **prior approval** from the Election Commission for **policy announcements, fiscal measures, taxation issues, and financial reliefs** during the MCC period.
  - **Communication** with the Election Commission should be channelled through the **Cabinet Secretariat** rather than directly contacting the EC.
- Similarly, **State governments** are subject to similar guidelines, requiring proposals to be referred to a **screening committee**.
  - The **screening committee will then forward the proposals to the Chief Electoral Officers, who will only escalate them to the EC if the applicable instructions are unclear**.
- Ministers and authorities shall **not announce financial grants** or lay foundation stones of projects or schemes when MCC is in force.
  - They must also **not make promises of construction of roads**, provision of **drinking water** facilities, etc., to influence voters in favour of the Party in power.
  - They **cannot sanction grants/payments out of discretionary funds** – funds sanctioned in the budget in a generic manner prior to MCC's enforcement.
  - **Official visits cannot be combined with electioneering work**, and no official machinery, vehicles, guest houses, or personnel can be used for campaigning.
- State and Union governments must keep public places like **maidans** and **helipads available impartially** for all parties and candidates to ensure a level playing field.

- During an election year, the Union government **cannot present a complete Budget** due to the potential change in the ruling government post-election.
  - Under the MCC, the government is not allowed to announce any **major scheme** that could influence voters or present an **Economic Survey** in the **interim budget**.
  - However, it is **allowed to revise tax rates**.
- Instead, the government may opt to seek a **vote on account** which includes presenting its **fund requirement for salaries, ongoing projects and other expenditure for the transitional period**.
  - The vote on account is passed via the Lok Sabha.
- **Ex-gratia payments, release of PM/CM's relief funds for medical treatments, emergency relief work, and new works to mitigate natural disasters are allowed by the EC**.
  - However, the EC's approval is required for the declaration of an area as **drought/flood affected** or affected **by any such calamity**.
- Fresh release of **funds** from Members of Parliament Local Area Development (**MPLAD**) schemes is **prohibited**.
- **Writing off loans** by state governments for any individual, company, firm, etc., during the period when MCC is in force without EC's approval is **not allowed**.
- **Ad-hoc appointments** of officers are **prohibited** during MCC.
- The issue of **advertisements and hoardings** at the cost of public exchequer in **electronic or print media** highlighting the achievements of the government is **not allowed** when MCC is in force.
  - Such advertisements **cannot be published in non-polling states, either**.
  - Photographs of the **Prime Minister, Chief Ministers, Ministers** and other **political functionaries** highlighting government work **should not be displayed** when MCC is in force.

**Poll manifestos:**

- In **2019**, an **amendment** concerning **election manifestos** was introduced in MCC, directing parties to refrain from making

promises **"repugnant to the ideals of the Constitution."**

- They must reflect the rationale for **welfare scheme** promises and indicate ways to meet the financial requirements for it.
- The manifesto documents **must not be released during the prohibitory period (when MCC kicks in)**.

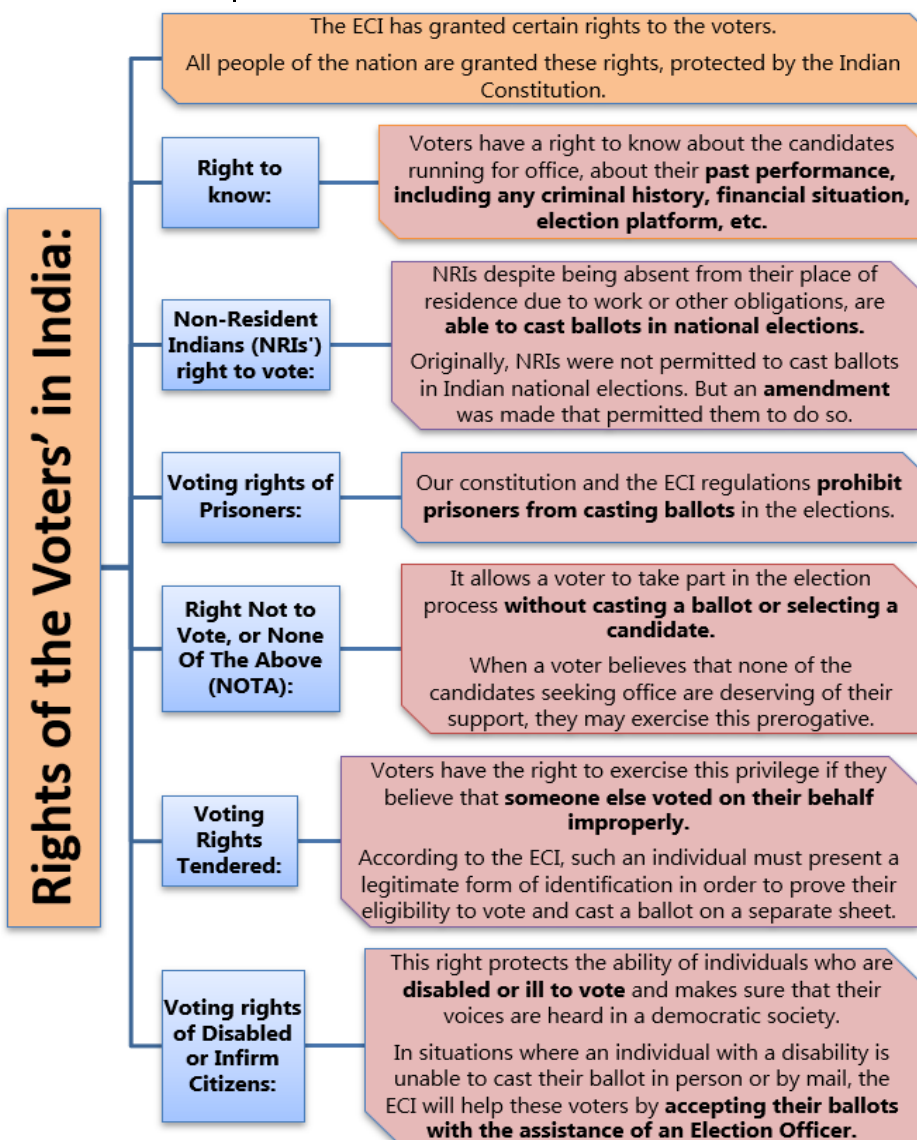
**Candidate's right to privacy from voters**

**News Excerpt:**

According to the Supreme Court (SC), voters' right to know about **election candidates is absolute**, but it doesn't require them to lay out their **life threadbare for examination** as they, too, are entitled to **privacy**.

**About SC's Judgement:**

- The SC bench ruled that a candidate's decision to maintain privacy on **irrelevant** personal matters isn't





considered a '**corrupt practice**' under **Section 123 of the Representation of People Act, 1951**.

- They clarified that such non-disclosure doesn't constitute a "defect of a substantial nature" under **Section 36(4) of the RPA 1951**.
- The SC clarified that candidates are not obliged to expose every aspect of their lives to public scrutiny when declaring their assets during elections.
  - The Court emphasized that candidates' declarations of assets are meant to **further democratic participation by citizens** and **enhance voters' right to information**, enabling them to **cast their votes rationally and intelligently**.
  - The Court distinguished that a candidate **doesn't need to declare every item** of movable property, such as **clothing, shoes, crockery, stationery, and furniture** unless these items **are of such value** as to constitute a sizeable asset in itself or reflect upon the candidate's candidature in terms of their lifestyle.
- The Court stated that each case would **have its own peculiarities regarding what would amount to a non-disclosure of substantial assets**.
  - While suppressing information about a collection of expensive watches from voters would be considered a substantial defect, suppressing the value of simple, inexpensive watches owned by the candidate and their family members may not amount to a defect at all.
  - The Court emphasized that each case would have to be judged on its own facts to determine whether the **non-disclosure of certain assets is substantial or not**.
- The judgment aimed to strike a balance between **voters' right to access relevant information about a candidate's assets** and **the candidate's right to privacy**, acknowledging that not every minor detail needs to be exposed for public scrutiny.

## Campaigning in the name of religion

### News Excerpt:

The BJP complained to the Election Commission of India (ECI) about Rahul Gandhi's remark about Hindu sentiment, While DMK counter-complained the religious appeal made by the PM.

### What is Section 123 of RPA 51?

- **Section 123(3) of the Representation of the People Act, 1951 (RP Act)** provides that appeals by a candidate, or any other person with the consent of a candidate, to vote or **refrain from voting** on the ground of his **religion, race, caste, community or language** is a corrupt electoral practice.
- **Section 123(3A)** denounces any attempt by a candidate to promote feelings of enmity or hatred among citizens on these grounds during elections.

- The **RP Act 1951** further provides that anyone found **guilty of corrupt electoral practice** can be debarred from contesting elections for a **maximum period of up to six years**.

### History of Implementation of the RPA and the Model Code of Conduct (MCC):

- **Before 1961**, Section 123(3) of the RP Act provided that a '**systemic**' appeal by a candidate on the grounds of religion, race, caste or community would amount to a corrupt electoral practice.
  - However, in order to **curb communal, fissiparous and separatist tendencies**, the word '**systemic**' was omitted through an amendment in 1961.
  - This meant that even a stray appeal for success in the elections on the grounds of **one's religion or narrow communal affiliation** would be viewed with disfavour by the law.
- There are leaders across political parties against whom cases have been registered under the **RP Act** and the **Indian Penal Code** in this regard.
  - Supreme Court convicted **Bal Thackeray of Shiv Sena in 1995** for this corrupt electoral practice.
- The ECI, on such occasions, at best, **bars leaders from campaigning** for a short period of two to three days for violating the MCC.
- The **MCC** provides that:
  - No party or candidate shall indulge in any activity that may aggravate existing differences, create mutual hatred, or cause tension between different castes, religious or linguistic communities.
  - There shall be no appeal to caste or communal feelings to secure votes.
  - Mosques, churches, temples, or other places of worship may not be used as forums for election propaganda.

### Key points related to Abhiram Singh versus C. D. Commachen (2017) case:

- **Decision:** A seven-judge Bench, by a majority of 4:3, held that candidates should not appeal for votes on the basis of not just their religion but also that of the voters.
- **Interpretation of Section 123(3):** The majority view provided a '**purposive interpretation**' of Section 123(3) rather than just a literal one.
- **Secular Nature of Elections:** Elections to **Parliament or State legislatures are deemed as secular exercises**. The constitutional ethos **forbids the mixing of religious considerations with the secular functions of the State**.
- **Religion as Personal Faith:** Religion should remain a **matter of personal faith** and not be exploited for political gains.

## District Election Management Plan

### News Excerpt:

The conduct of elections demands thorough planning and precise execution to uphold principles of freedom, fairness, and inclusivity. A cornerstone of this planning process is the **District Election Management Plan (DEMP)**, a detailed **blueprint utilizing statistics and analysis** to ensure the smooth conduct of elections.

- The **significance of planning in the conduct of elections has heightened due to the escalating complexities and diverse activities involved.**

### What is DEMP?

The District Election Management Plan (DEMP) serves as a **comprehensive document that streamlines election preparations.**

- It utilizes statistical analysis to inform detailed planning across various aspects of the electoral process.
- According to the Election Planner of the Election Commission of India (ECI), the **DEMP must be prepared at least six months prior to the tentative Poll Day.**
- Early preparation of the DEMP allows for assessing the status and requirements of various components such as polling station facilities, Electronic Voting Machines (EVMs), logistics, manpower, training, transportation, security measures, and the Systematic Voters' Education and Electoral Participation (SVEEP) initiative.
- The preparation and execution of the DEMP involve a **collaborative effort among various stakeholders**, including election officials, administrative authorities, law enforcement and procedures agencies, political parties, and media.

### Key elements of the DEMP include:

- **District Profile:** This provides a foundational understanding of the electoral strategy, including a political map with constituencies, key demographic and infrastructure statistics, administrative setup, and socio-economic features of the district.
- **Accessibility of Polling Stations:** Strategies are outlined to improve the availability and accessibility of polling stations, ensuring they have necessary facilities such as **ramps, electricity, lighting, drinking water, toilets, and internet connectivity.**
  - **Special provisions are made for voters with disabilities (PwD) and senior citizens** through 24\*7 control rooms, home voting options and advanced postal ballot voting.
- **Systematic Voters' Education and Electoral Participation (SVEEP) Plan:** This plan focuses on increasing electoral participation through activities tailored to address low voter turnout areas.

- **Election Personnel Management:** Strategies are developed for planning, training, welfare, and deployment of election personnel.
  - This includes creating a database of poll personnel, assessing requirements, addressing gaps in personnel needs, and training district-level teams to enforce the **Model Code of Conduct (MCC).**
- **Force Deployment Plan:** Detailed planning is done in coordination with the district police, including vulnerability mapping of polling stations based on past disturbances and voter turnout.
- **Material Management:** Procurement plans are outlined for essential items such as indelible ink, seals, stamps, stationary, and statutory forms.
  - Similarly, plans for **Electronic Voting Machines (EVMs) management, including secure storage, transportation, and maintenance, are also included.**
- **Vote counting and results reporting:** Protocols for counting votes, tallying results, and reporting outcomes transparently and timely.
- **Complaints and dispute resolution:** Procedures for handling complaints, disputes, and irregularities that may arise during the electoral process, including mechanisms for adjudicating disputes and resolving conflicts.
- **Post-election activities:** Plans for post-election activities such as data analysis, reporting, and evaluation of the electoral process to identify areas for improvement in future elections.

## How House terms and poll schedules are decided?

### News Excerpt:

The **date of counting for Assembly elections in Arunachal Pradesh and Sikkim** has been **advanced by two days to ensure** that their existing Houses' terms don't end before the election process is complete.

### The Constitution provision about the terms of State Assemblies and Lok Sabha:

- The **terms of both State Assemblies and Lok Sabha** last for **five years from the first sitting of the House.**
- **Article 172(1) states:** "Every **Legislative Assembly** of every State, unless sooner dissolved, **shall continue for five years from the date appointed for its first meeting** and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly".
  - The term of the Assembly may, while a **Proclamation of Emergency** is in operation, **be extended by Parliament for a period not exceeding one year at a time and not extending in any case beyond a**

period of six months after the Proclamation has ceased to operate.

- For **Lok Sabha, Article 83(2) states:** The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House.

### What are the things that the ECI looks at while fixing the election schedule?

- It is standard procedure for the ECI to consider factors such as -
  - Weather, festivals, and important examinations**, as well as the **availability of school buildings**, where polling stations are often set up, and **teachers** are mobilized for election duty while deciding the schedule of elections.

#### Earlier such instances:

- In 2004, the tenure of the Assembly in Andhra Pradesh (AP) was to end on May 13, the same day that counting for Lok Sabha and other states was scheduled.
  - So, the counting in AP was scheduled for May 11.
- In 2023, the date of counting for the Assembly election in Mizoram was changed from December 3 to December 4.
- December 3 was a Sunday, and according to the ECI, Sundays hold special significance for the people of [Christian-majority] Mizoram.

## New Press and Registration of Periodicals Act, 2023

### News Excerpt:

The new Press and Registration of Periodicals Act, 2023, came into effect on March 1, 2024, as announced in the official Gazette.

- The new **Press and Registration of Periodicals Act, 2023**, has replaced the **old Press and Registration of Books Act, 1867**.

### Provisions of the Act:

- Responsibilities of **overseeing the Act** will fall under the purview of the office of the **Press Registrar General of India (PRGI)**, formerly known as the **Registrar of Newspapers for India (RNI)**.
- In alignment with the **Digital India** initiative, the **PRP Act** introduces an **online system** to streamline the **registration process for newspapers** and other periodicals across the country.
  - The new system **replaces the cumbersome manual processes** involving multiple steps and approvals at

various stages, which caused **unnecessary hardships to the publishers**.

- Newspaper registration **and periodicals** have moved online through the **Press Sewa Portal**.
  - The Press Sewa Portal ensures **paperless processing** and offers services with an **e-sign facility**, a **digital payment gateway**, and **QR code-based digital certificates** for instant download.
  - It also intends to put in place a **chatbot-based interactive grievance resolution mechanism**.
  - The portal is accompanied by a **new website (prgi.gov.in)** with all the related information and a user-friendly interface.
- The new PRP Act **removes books and journals from the purview of registration** necessitated by the old law.
  - It defines a **periodical** as "any publication including a newspaper which is published and printed at **regular intervals** containing **public news** or **comments on public news** but **does not include a book or a journal of scientific, technical, and academic nature**."
- As per the new Act, all **applications for periodical registration** must be submitted **exclusively online** through the **Press Sewa Portal**.

## What Election Commission can do if the normal polling process is disrupted?

### News Excerpt:

The **Election Commission of India (ECI)**, under **Sections 58(2) and 58A (2)** of the **Representation of People Act, 1951 (RPA)**, recently **declared the polls in 11 polling stations in Manipur and 8 polling stations in Arunachal Pradesh void**.

**Various circumstances when the normal polling process is disrupted - and the options before the EC in each case:**

- Intentional destruction, taking away of EVMs:**
  - Under **Section 58** of the RPA ("Fresh poll in the case of destruction, etc., of ballot boxes), the **ECI** can **declare the poll** at a polling station to be **void** if:
    - an **unauthorised person** has **unlawfully taken away any EVM**;
    - any **EVM** has been **accidentally or intentionally destroyed**, or **lost**, or **damaged**, or **tampered with**; or
    - a **mechanical failure develops in any EVM** during the recording of votes.
- Booth capturing:**
  - It is, defined in **Section 135A** of the RPA, includes all or any of the following activities by any person or persons:

- **seizure of a polling station**, affecting the conduct of elections;
- **taking possession of a polling station, allowing only his or their supporters** to vote;
- **intimidating or threatening any elector** and preventing him from going to the polling station;
- **seizure of a counting place** affecting the counting of votes;
- **involvement of any person in government service** in any of the above activities.
- Booth capturing is **punishable for a term of not less than one year**, which may **extend to three years for lay people**, and **not less than three years, extending to five years for government servants**.
- Under **Section 58A** ('Adjournment of poll or countermanding of election on the ground of booth capturing'), in case booth capturing has taken place at a polling Station, the **Presiding Officer of a polling station immediately closes the Control Unit of EVM and detaches the Ballot Unit(s) from the Control Unit** under **Rule 49X of the Conduct of Election Rules, 1961**.
- He then informs the RO, who reports the full facts to the EC through the fastest means of communication. The **EC, based on the material facts, may**
  - **declare the poll at that polling station to be void** and direct a fresh poll on a new date or
  - **countermand the election in the constituency** in case booth capturing has taken place in a large number of polling stations or if it has affected the counting of votes.
- **Natural disasters and other disruptions to polling:**
  - The Presiding Officer of a polling station can adjourn the poll at a polling station under **section 57(1)** of the Representation of the People Act, 1951, in case of:
    - a natural calamity like a **flood, a severe storm**.
    - non-receipt or loss or **damage to essential polling materials like EVM, electoral roll, etc.**
    - interruption or obstruction due to any **riot or open violence**.
    - **non-arrival of the polling party due to obstruction** or any other serious difficulty.
    - **non-commencement of the poll within two hours from the scheduled time** due to malfunctioning of EVM or any other reason.
  - After seeking the EC's approval on the date and hours, **the adjourned poll will recommence from**

**the stage at which it was left immediately before the adjournment.**

- Contesting candidates or their agents are informed, and **only electors who have not already voted before the poll was adjourned are permitted to vote.**
- **Death of a candidate:**
  - As per **Section 52 of RPA**, amended in 1996, **the poll shall be adjourned only in case of the death of a recognised political party's candidate.**
    - A "**recognised political party**" refers to either a **recognised national party** or a party recognised as a **state party** in the state concerned for which the EC reserves a symbol under the **Election Symbols (Reservation and Allotment) Order**.
  - The **above provision applies if the candidate with a valid nomination dies at any time after 11.00 a.m. on the last date for making nominations until the commencement of the poll.**
    - The RO reports this fact to the EC and orders the poll to be adjourned to a date to be notified later by the Commission.
    - The **EC then calls upon the concerned political party to nominate another candidate** for the said election in place of the deceased candidate.
    - The **political party must make the nomination within seven days.**
    - If the list of contesting candidates has already been published before the adjournment of the poll, a fresh list of contesting candidates is prepared and published, including the name of the candidate nominated in place of the deceased candidate.

## Fixing India's VVPAT-based audit of EVMs

### News Excerpt:

The **Supreme Court (SC)** has decided to **hear petitions** seeking **100% cross-verification** of the Voter Verifiable Paper Audit Trail (**VVPAT**) **slips** with the vote count as per Electronic Voting Machines (**EVMs**).

- The **Election Commission of India (ECI)** has been **criticised for limiting the VVPAT-based audit of EVMs to a token exercise** and for a lack of transparency in the matter.

### Emergence of EVMs and VVPAT:

- In the **first two general elections of 1952 and 1957**, each candidate had a separate box with their election symbol. Voters had to drop a **blank ballot paper** into the **box of the candidate** they wanted to vote for.



- From the **third election, ballot papers** with the **names of candidates** and their **symbols** were introduced, and voters put a stamp on the candidate of their choice.
- The EVM was introduced on a **trial basis in 1982** in the assembly constituency of Paravur in **Kerala**. They were deployed in all booths during the assembly elections of **Tamil Nadu, Kerala, Puducherry and West Bengal** in 2001.
  - The SC has **upheld** the validity of **using EVMs** in elections in various judgments.
- In the **2004 general elections** to the Lok Sabha, EVMs were used in all 543 constituencies.
  - In **Subramanian Swamy versus Election Commission of India (2013)**, the SC ruled that a **paper trail** is an indispensable requirement for free and fair elections.
- The **2019 elections** had **EVMs** backed with **100% VVPAT** in all constituencies.

### What is a VVPAT machine?

- The VVPAT machine is attached to the ballot unit of the EVM and **provides visual verification for the vote cast** by a voter by printing a slip of paper with the voter's choice on it.
- This slip of paper, containing the candidate's serial number, name, and party symbol, is displayed in the machine behind a glass window. The **voter has seven seconds to verify her vote**, after which the slip falls into a compartment underneath.

- **No voter can take the VVPAT slip back home**, as it is later used to verify votes cast in five randomly selected polling booths.

### VVPAT-based audit of EVMs:

- It is a simple problem of **statistical quality control**.
- It is very similar to the **"lot acceptance sampling technique"** that is widely used in industry and trade.
  - Suppose the number of defectives found in a randomly drawn statistical sample is less than or equal to a specified acceptance number, the lot (or 'population') is accepted. In that case, otherwise, the lot is rejected.
- Here, a **'defective EVM'** is defined as one with a **mismatch between the EVM count and the VVPAT's manual count of voter slips** due to EVM malfunction or EVM manipulation.
- The **acceptance number** will have to be **'zero defective EVM'** in the context of elections.
  - **Even if there is a single instance of mismatch between the EVM count and VVPAT manual count** in the randomly drawn sample of EVMs, the 'population' of EVMs from which the sample was drawn **should be 'rejected'**.
  - **'Rejection' here means non-acceptance of the EVM counts for that 'population'** and doing manual counting of VVPAT slips for all the remaining EVMs of that 'population'.
  - In such a scenario, the **election result should be declared only based on the VVPAT count**.

#### WHAT IS AN ELECTRONIC VOTING MACHINE? IN WHAT WAY ITS FUNCTIONING IS DIFFERENT FROM THE CONVENTIONAL SYSTEM OF VOTING?

- An **Electronic Voting Machine (EVM)** is an electronic device for recording votes. An Electronic Voting Machine consists of two Units – a **Control Unit** and a **Balloting Unit** – joined by a five-meter cable.
- The **Control Unit** is placed with the Presiding Officer or a Polling Officer and the **Balloting Unit** is placed inside the voting compartment.
- Instead of issuing a ballot paper, the Polling Officer in charge of the **Control Unit** will release a ballot by pressing the **Ballot Button** on the Control Unit.
- This will enable the voter to cast his vote by pressing the blue button.

#### ABOUT VVPAT:

- VVPAT is only an augmented feature of the EVMs. The **Voter Verified Paper Audit Trail** can give feedback to electors casting their votes.
- We can say it is a kind of independently working printer machine that enables the voters to check if the vote they cast had gone to the intended contestee.

#### THE WORKING OF VVPATS:

- After casting their votes in the EVM, the voter can press a button in the EVM machine and it prints a paper slip that will reveal the symbol and name of the candidate for whom they have voted. Hence the voters can verify their choice.
- The ballot slip thus printed will be visible to the voter for about seven seconds through a glass case in the VVPAT.
- After that, the ballot paper will be cut letting it fall inside the drop box accompanied by a beep sound. Only the polling officers can access the VVPAT machine.



EVM



VVPAT

- It involves **three essential elements** —

- A **clear definition of the 'population' of EVMs** from which the statistical sample **would be drawn**.

- It could be all the EVMs deployed in an Assembly constituency, a Parliamentary constituency, a State as a whole, India as a whole, a region (or group of districts) within a State, or any other.

- The population size (N) could vary widely depending on how we define the 'population'.

- Determination of **statistically correct and administratively**

**viable sample size** (n) of EVMs whose VVPAT slips will be hand-counted.

- **Application of the 'decision rule'**, viz., in the event of a mismatch between the EVM count and the VVPAT count in the chosen sample of 'n' EVMs, the **hand counting of VVPAT slips will have to be done for all the remaining** (N-n) EVMs forming part of that 'population'.

#### Related News:

The **Central Information Commission (CIC)** has expressed **"severe displeasure"** over the **ECI not furnishing a reply to an RTI plea** raising questions on the credibility of EVMs and VVPAT machines.

#### Background of the case:

- Noted technical professionals and academicians, including retired IAS, IPS, and IFS officers, had written to the ECI, posing serious questions about the **credibility of EVMs and VVPAT machines**.
- An **RTI** was also filed that asked the ECI about the **action taken** on a **"representation"** given to it by eminent citizens.
  - The representative raised similar questions on the credibility of EVMs and VVPAT machines.
  - Through the **RTI application**, the applicant wanted to know about the **persons and public authorities** to whom the representation was forwarded, details of any meetings held on the issue and all relevant file notings.

#### EC's response to the Right to Information (RTI):

- The **ECI did not give any response** to the applicant within the **mandatory 30-day period**.
  - The applicant's **first appeal** to senior officials was also not heard.

#### Central Information Commission's directions:

- The CIC termed the **ECI's non-response** as a **"gross violation" of the law** and directed it to furnish a **written explanation for the violation**.
- The ECI has also been asked to provide a **point-wise response** to the original RTI query **within 30 days**.

## Symbol Loading Unit (SLU)

### News Excerpt:

While **rejecting the plea for 100% verification of Voter Verifiable Paper Audit Trail (VVPAT) slips against the Electronic Voting Machine (EVM) count**, the **Supreme Court** recently directed the Election Commission of India (ECI) to **"seal and secure" the Symbol Loading Unit (SLU) for 45 days** after the declaration of election results.

### What is a Symbol Loading Unit (SLU), and how does it work?

- **SLUs were introduced** around the **same time as VVPATs**.

- **VVPATs help voters verify their votes** — they see a **slip with a printed image of the party symbol** they voted for.
- However, for the VVPAT to print a symbol correctly, **information pertaining to the list of candidates and their symbols** must be **loaded onto the VVPAT machine in the correct order**.
  - This is where the SLU comes in.
- The **SLU is used to load the candidates' symbols onto the VVPAT**.
  - It is a **matchbox-sized device** that is **first connected to a laptop** or personal computer, from where a **symbol-loading application is used to load a bitmap file containing the candidates' names, serial numbers, and symbols**.
  - The **SLU is then connected to the VVPAT to transfer that file onto the paper audit machine**.
    - This is done under the **supervision of a district election officer**.
- The **SLUs come into the picture only a few days before polling in a particular seat**, when the EVMs are being commissioned, and the list/ order of contesting candidates is decided and set on the **ballot unit (the machine where you press the button to vote)** and the **VVPAT (which produces the paper audit trail of your vote)**.
- **Once the SLU is used to load symbols onto the VVPAT, the EVM is ready for use**. After this, the SLU is of no relevance to the actual voting process.

### What happens to an SLU after symbols are loaded?

- Typically, a small number of SLUs are enough to load symbols onto all VVPATs for a seat.
  - According to EC officials, **it takes an SLU two to three minutes to load each VVPAT**.
- **Once the symbol-loading is complete, the SLUs are handed over to the concerned district election officer for safekeeping**.
  - They remain in the officer's custody until the day after voting.
  - Afterwards, the **SLUs are released to the engineers of the two EVM manufacturers, Bharat Electronics Ltd (BEL) or Electronics Corporation of India Ltd (ECIL)**, so they can be used to load symbols onto VVPATs for other seats in subsequent phases.
- Thus, in a multi-phase election like the ongoing one for the 18th Lok Sabha, an SLU is typically reused after one phase of polling to load symbols onto VVPATs meant for other seats in subsequent phases.

### What has the SC said about the SLUs?

- The court has said that the **SLUs should be sealed and stored immediately after the symbol-loading process for a seat is complete.**
  - It must be stored for 45 days after the declaration of results so that it can be opened and examined like EVMs in case of an election petition.
- This effectively means that an **SLU used for loading symbols onto VVPATs for one seat can no longer be reused for other seats.**
  - Consequently, the EC will need more SLUs. The Commission currently has about 5,000 SLUs and will need an additional 2,000 to implement the SC's direction.

### Postal ballot voting

#### News Excerpt:

The Election Commission of India (ECI) has announced that **media persons covering "polling day activities"** are now **eligible to vote** in the upcoming Lok Sabha elections 2024 and State Assembly polls **through postal ballots.**

#### What are Postal Ballots?

- Postal ballots, also known as **mail-in ballots**, allow registered voters to cast their votes by mail instead of physically going to a polling station.
- This system serves as a **convenient alternative for individuals unable to vote in person** due to various circumstances, such as **being away from their home constituency, facing a disability, or performing essential services on election day.**

#### How to apply for a postal ballot?

- To apply for a postal ballot, eligible voters must apply **Form 12 D** to their respective constituency's Returning Officer (RO).
- The application typically requires **personal details, voter identification information, and the reason for seeking a postal ballot.**

- The **RO verifies eligibility** and **issues the postal ballot** if the criteria are met.
  - For **service voters**, the **RO sends the postal ballot paper** through the record office, **directly or through the Ministry of External Affairs service voters serving outside India.**
  - For **senior citizens**, a team of **two polling officials, a videographer, and security personnel will visit the residence** of the elector to facilitate this process.
  - Voters will be informed of the date and time of the official's visit via SMS.

#### What is the process of postal voting?

- **Receiving the postal ballot:** Once approved, the RO sends the postal ballot to the voter's registered address, including the ballot paper, declaration form, secrecy sleeve, and pre-paid return envelope.
- **Marking the ballot:** Voters mark their preferred candidate(s) on the ballot paper in the secrecy sleeve to ensure confidentiality.
  - People with **blindness or physical infirmity** are allowed to **nominate a companion** and get assistance while voting at home.
- **Completing the declaration form:** Voters fill out the declaration form, providing their signature and other relevant details.
- **Sealing the envelope:** Voters seal the marked ballot paper and declaration form inside the secrecy sleeve and place it into the pre-paid return envelope.
- **Returning the postal ballot:** Voters affix the postage stamp and mail the return envelope to the designated address within the specified time.

#### Counting of postal ballots:

- Postal ballots are **counted separately** from votes cast at polling stations.
- On the designated counting day, postal ballots are **collected by postal authorities** and **brought to the counting centre.**

### Who is eligible to avail the vote-for-home facility?



**People aged 85 and above**



**Persons with Disabilities**

The disability shall not be less than 40% of the prescribed handicap and certified by the certifying authority



**Mediapersons covering 'polling day activities'**

Carrying authorisation letters from the Election Commission



**Workers from essential services**

Services such as metros, railways and health care



**Service voters**

Personnel of the armed forces posted away from their hometowns, Central Armed Police Forces personnel deployed away from home and those on poll duty



- The RO and election officials scrutinize postal ballots for validity and integrity, adding valid ballots to the respective candidate's vote count.

### What else has the ECI done for inclusive elections?

- **Remote voting for domestic migrants.**
  - The **Multi Constituency Remote Electronic Voting Machine (RVM)** would allow **people who migrate within the country for employment and opportunity (almost 450 million, as per the latest 2011 census) to vote for their home constituencies from remote locations.**
  - Internal migrants are reluctant to enroll multiple times, unwilling to have their names deleted from the electoral rolls of their home constituencies.
- If a **senior citizen** or a **person with a disability** chooses to go to the booth, the ECI has mandated officials to provide **Assured Minimum Facilities (AMF)** like **ramps, wheelchairs, first aid and toilets at polling stations.**
  - Measures, are being highlighted, including the provision of **free transportation on poll day, appointment of State and District PwD icons, and Braille-enabled EVMs and EPICs.**

## Electoral Bond Scheme struck down

### News Excerpt:

A **five-judge Constitution Bench** of the **Supreme Court** unanimously **struck down** the **Electoral Bond Scheme (EBS)**, which facilitates anonymous political donations for being **unconstitutional**.

### Failure of test of Proportionality:

- The Court's reasoning is unexceptionable, as it found that the **primary justification** for the EBS — **curbing the use of 'black money'** for political or electoral funding by allowing donations through banking channels — **failed the test of Proportionality**, as it was not the least restrictive measure to abridge the voters' right to know.

### Violation of Right to Information:

- The Court found that the EBS violated the Constitution, particularly voters' **right to information**.
  - The judgment is a natural follow-up to a principle laid down years ago that voters' freedom of expression under **Article 19(1)(a)** will be **incomplete** without **access to information** on a candidate's background.
  - The principle has now been extended to removing the veil on **corporate donors** who may have funded ruling parties in **exchange for favours**.
  - It has also mandated **disclosure** of donation details **since 2019**.

## Connection between Corporate Donations and Policy Decisions:

- The Court found the **amendment** to the **Companies Act** manifestly **arbitrary**, as it removed the **cap of 7.5%** of a **company's profit** that can be donated to political parties without any requirement to disclose details of the recipient parties in its profit and loss accounts.
  - It has made the **logical connection** between unidentified **corporate donations** and the likelihood of **tailored policy decisions** to suit the donors.

### Key concerns:

- A question arises whether the scheme's validity could have been **decided earlier** or whether the issuance of bonds on a regular basis **stayed**.
  - This was a **fit case** for the grant of an interim stay.
- How much of the thousands of crores of rupees given to parties under this scheme resulted in **policy measures favourable to the donors** or helped fund the deployment of additional campaign resources will **never be known**.

### About Electoral Bond:

- It is a **financial tool** used to make donations to political parties. Bonds are available only at specific branches of the **State Bank of India**. One can purchase them digitally, by demand draft, or by cheque. The bonds are issued in **multiples** of Rs 1,000, Rs 10000, Rs 1,00,000, and Rs 1 crore.
- A donor with a KYC (Know Your Customer) compliant account can purchase the bonds and donate to a political party. The political Party can encash the bonds **within fifteen days**.
- These are available for **ten days** at the **beginning of every quarter**, viz, January, April, July, and October.
- Any party registered under **section 29A** of the Representation of the Peoples Act, 1951, and has secured **at least 1%** of the **votes** polled in the most recent **general** or **assembly elections** is entitled to receive electoral bonds.

### Previous interventions regarding Election reforms:

- Its earlier interventions led to the featuring of the **'None of the Above'** option on the ballot, the removal of the protection given to legislators from **immediate disqualification** on conviction for a criminal offence, the **mandatory disclosure of the assets and criminal antecedents** of candidates in their election affidavits and **expedited trials** for MPs and MLAs involved in criminal offences.



## Rules around star campaigners

### News Excerpt:

The **Delhi Chief Minister's wife** has been **appointed a "star campaigner"** for his political party's Gujarat campaign.

### Star campaigners:

- Star campaigners are usually the **top leaders** of a **political party** but can include other **celebrities** as well.
- These persons have to be **members of the political party** that appoints them.

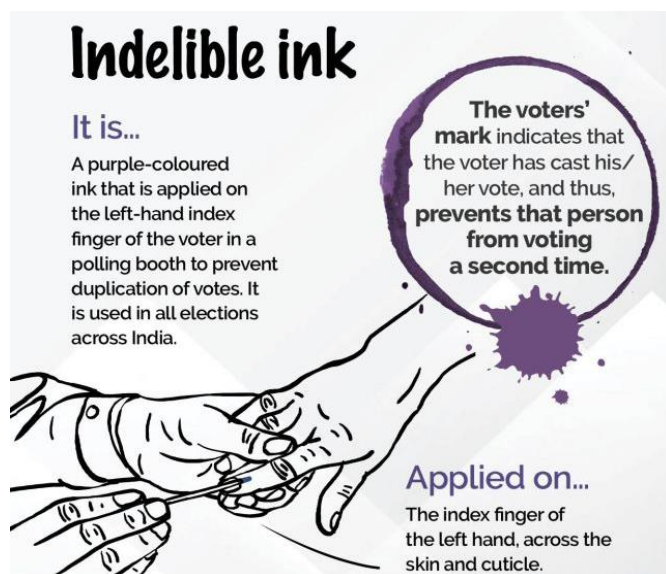
### Legal provisions regarding star campaigners:

- **Section 77** of the Representation of the People Act, 1951 (**RP Act**) provides for **law** relating to expenditure incurred by '**leaders of a political party**'.
  - These '**leaders of a political party**' are popularly known as '**star campaigners**'.
- The RP Act provides that a **recognised political party** (national or State) can appoint a maximum of **40 star campaigners**, while a **registered unrecognised political party** can **appoint up to 20**.
  - These names are to be **communicated** to the ECI and Chief Electoral Officer (**CEO**) of the States as applicable **within seven days** from the date of notification of such election.
  - In the case of a **multi-phase election**, a political party can submit a **separate list** of star campaigners for **different phases**.

## The story of indelible ink

### News Excerpt:

Devised as a method to prevent a person from **casting more than one vote**, the indelible ink has been used for decades in Indian elections.



## What makes the ink indelible?

- The **purple colour ink** that is put on a person's finger once they have voted is made up of three elements — **chemicals, dyes, and a special compound silver nitrate**.
  - Silver nitrate is a **colourless compound** which **becomes visible** when **exposed to ultraviolet light, including sunlight**.
- The **higher silver nitrate's concentration**, say around **20 percent**, the higher will be the ink's quality.
- For up to **72 hours after application** it can remain **resistant to soap, liquids, home-cleansing, detergents, etc.**
- **Water-based ink** also contains a **solvent like alcohol** to **allow its faster drying**.

## Who makes the indelible ink for Indian elections?

- The indelible ink was **first manufactured** at the ECI's request by the government's **Council of Scientific & Industrial Research (CSIR)**.
  - The ink was later **patented** by the **National Research Development Corporation (NRDC), New Delhi**.
- **Mysore Paints & Varnish Ltd.** has been **licensed to manufacture** the ink and has been in the business since 1962.

## Export of the ink:

- Indelible ink is **exported to more than 25 countries** that include **Canada, Ghana, Nigeria, Mongolia, Malaysia, Nepal, South Africa** and the **Maldives**.

## Election Seizure Management System (ESMS)

### News Excerpt:

The Election Commission of India (**ECI**) recently held a **virtual training program** for **Andhra Pradesh officers** on the newly introduced Election Seizure Management System (**ESMS**).

### About ESMS:

- The ESMS is a dedicated **technology platform** developed by ECI.
- It is for **real-time updates** on **seizures** (Cash/Liquor/Drugs/Precious Metal/Freebies/Other Items) from the field.
- The ESMS is a dedicated technology platform where all the enforcement agencies, such as police, transportation authorities, Central tax agencies and others, share information in real time.
- **Key Features:**
  - Automate desired **reports** in the required format for all stakeholders.

- **Dashboard analytics** for received data from multiple agencies.
- Analysis of received data at the CEO Level.
- **Banks** may generate **QR code-based receipts** and issue them for **legal cash transfer**.
- **Components:**
  - **Web-based application**
    - For User onboarding (State Nodal/District Nodal/FST/DLBC/Banks)
    - Issue Cash transfer letter (QR Code)
  - **Mobile App**
    - Data entry for Intercept/Suo Motu Seizure and claim for Intercepted Seizure
    - Show analytics based on their jurisdiction
- The following agencies can use the application -
  - State Police Department (**SPD**)
  - Income Tax Department (**ITD**)
  - State Excise Department (**SED**)
  - Central/State Goods and Services Tax (**CGST/SGST**)
  - Directorate of Revenue Intelligence (**DRI**)
  - Directorate of Enforcement (**ED**)
  - Narcotics Control Bureau (**NCB**)
  - State Transport Department, etc.
- This new system was **introduced** during the recently conducted **Assembly elections** in the **five states** (Mizoram, Chhattisgarh, Madhya Pradesh, Rajasthan and Telangana).
  - Now, the ECI is **planning** to implement the system in **Andhra Pradesh**.