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CURRENT AFFAIRS

GOVERNMENT FIRM ON ITS RULES FOR JUDGES' SELECTION

The background

To bring more transparency and objectivity in the selection of higher judiciary, the Parliament passed the establishment of National Judicial Appointments Commission (NJAC). However, it was rejected by SC on the ground that it interferes independence of judiciary. This topic is about the ongoing between the top organs of governance – executive/ legislature vs. judiciary

The issue

- In **October 2015**, a Constitution Bench led by Justice J.S. Khehar had revived the collegium after declaring the government's NJAC law unconstitutional. The Bench then went on to invite **public opinion** on ways to improve the **opaque collegium system** of judicial appointments. After receiving over 11,500 views from the public, the Bench had summarized them and tasked the government to **draft a new MoP** (Memorandum of Procedure) in consultation with the collegium in **December 2015**.
- The MoP, which guides the procedure for appointments and elevation of judges to the Supreme Court and high courts, had been evolved in **1998** after a nine-judge constitution bench upheld the supremacy of the CJI-headed collegium. But now the SC had underscored the need for a revised MoP to make the process of appointments more transparent.
- The proposed MoP, finalized by the Centre and sent to the collegium in **March 2016**, besides other clauses, had also clipped the **discretionary powers** of the top judiciary which was so far free to choose any candidate to be **elevated** to the higher judiciary.
- The new MoP had proposed that names for judges' appointments could be suggested by all judges of the bench **as well as by the AG and the bar**.
- Then Chief Justice of India (CJI) T S Thakur had **sent back the MoP** in **May 2016** with a point-by-point rejection of the Centre's proposals.
- The government has decided to confront the higher judiciary by sticking to its proposed **Memorandum of Procedure** (MoP) that will guide the collegium on the appointment of judges to the apex court and high courts, notwithstanding the top judiciary rejecting almost all major suggestions made by the Centre.
- The deadlock further worsened the government-judiciary row that has derailed the appointment process to the higher judiciary, with over 40% judges' positions lying vacant in HCs. It may further delay **filling vacancies in HCs**.
- The collegium had disapproved of many rules, including the one where the government reserved the **right to reject any recommendation** on the grounds of 'national interest' and another on the involvement of the AG in suggesting a list of suitable candidates.
- Another proposal envisages that the list of candidates brought before the collegium will first be **vetted by a committee** of two retired judges and an eminent person.

In August 2016

- The Central government **accepted some recommendations of the Supreme Court** collegium on draft MoP for appointment of judges, while reinforcing its views regarding certain other key clauses on which the collegium had earlier raised objections.

- The government agreed to **lift the proposed cap** on the number of jurists and lawyers for appointment as judges in the Supreme Court. The draft sent to the Chief Justice of India in March had recommended that up to 3 judges from among jurists and lawyers could be appointed.
- While the government had earlier proposed merit-cum-seniority as the criterion for elevation of judges, however, **only seniority** is now being considered to be the main condition.
- However, the government has not changed its stand on the proposed clause under which it will have **powers to reject any candidate** recommended by the collegium on grounds of **public interest and national security**. The collegium had earlier rejected the proposal. The revised draft proposes that the government will communicate to the collegium the reasons for rejecting any name recommended by it.
- The **latest MoP** draft widened "**the zone of consideration**", and wants all Supreme Court and High Court judges to be able to **recommend names** to their respective collegiums. Chief Ministers should also have the right to recommend names to the respective High Court collegiums. Similarly, the Attorney General should be allowed to recommend the names of judges to the Supreme Court at the Centre and Advocate-General of States to their respective State High Courts.
- The draft also details a mechanism for an elaborate **vetting process** of names recommended for High Court judgeship through **appraisal committees** to be set up in High Courts. The government wants these appraisal committees to be made up of sitting or retired judges, jurists and academicians. The appointments to these appraisal committees would be made by the Chief Justice of the High Court.
- These **High Court committees** would screen the names of the candidates, their backgrounds, the number of cases they have argued as lawyers, etc., before forwarding them to the High Court collegium.
- Once the High Court collegium clears certain names, they would be sent to a similar **appraisal committee at the Supreme Court**. This apex-level committee would again sift through the names before they are finally referred to the **SC collegium**.
- The government reasons that the **two-fold vetting process** – one by the respective High Court appraisal committee and then by the Supreme Court committee – would ensure **transparency** in judicial appointments.
- The government has further asked the judiciary to fix an **age** for High Court judgeship and make it "non-flexible." It also wants the mechanism for redressing **complaints** against judges to remain within the judiciary.

In November 2016

- The Supreme Court collegium **rejected** certain suggestions the government had made on revising the MoP for appointing and elevating judges to the higher judiciary.
- The Centre had suggested a **separate secretariat** to deal with the process of appointments and/or transfers; **veto** powers for the Union government to reject a candidate on the ground of national security, and a **screening committee** of retired Supreme Court judges to vet the names.
- The collegium also rejected the Centre's plea for **"reconsideration" of 43 names** recommended for appointment as judges in various high courts and sent the files back to the government.
- Government sources said the Centre had sought the reconsideration following **"adverse" Intelligence Bureau findings** against some of them. The Centre is also said to have considered issues such as perceived proximity to some judges.

- Today, appointments and transfers are now conducted in **utmost secrecy**. The initial selection from the bar and from the lower judiciary is done by the collegium. The names are then sent for IB verification. After the IB verification the government sends back the names with its recommendations. It is for the collegium to accept or reject the recommendations. If the collegium sticks to the candidates it has chosen, the government has to appoint them.
- The collegium, however, felt that appointing a **separate secretariat** and a screening committee to vet the names would "not only impinge on the independence of the judiciary, but could also lead to prospective names being leaked".
- On the government's plea for a **screening committee** of three retired Supreme Court judges to vet the names cleared by the collegium, the court felt that "If we are to accept the government's argument for a separate screening committee, then we would be in breach of the two earlier constitution bench judgments." The 1993 and 1998 judgments - both by nine-judge benches - had accorded primacy to the collegium alone.

Collegium system remains in news very frequently. In this regards, which one of the following statements is incorrect?

a. The collegium system is unique to Indian judiciary
b. The collegium system was evolved by the Supreme Court in three of its own judgments which are collectively known as the Three Judges Cases
c. The 98th Amendment and NJAC Act were enacted by the Parliament to do away with the collegium system
d. The Supreme Court considers the collegium as part of the basic structure of the constitution

Ans. c

SPEAKER FACING THE AXE CAN'T DISQUALIFY MLAS, SAYS SC

The Background

In **Arunachal Pradesh**, 21 (of the total 47) Congress MLAs led by former finance minister Kalikho Pul had been revolting against chief minister Nabam Tuki. Kalikho Pul with the support of BJP legislators were eyeing the chief minister's post.

⇩

11 BJP and two independent MLAs served **impeachment motion notice by against speaker** Nabam Rebia under **Article 179**. Governor JP Rajkhowa called the winter session of the House to take up the motion.

⇩

The speaker, a day ahead of the session, disqualified 14 rebel Congress MLAs from Arunachal Pradesh assembly under 10th Schedule to alter the **composition of the House** in the favour of his party (congress).

The Judgement

- A **Constitution Bench** for the first time led by Justice J.S. Khehar **restricted the Speaker's power to disqualify** members of Parliament and assemblies for defection under the **10th Schedule** of the Constitution if he himself is facing the prospect of removal.
- The ruling was a safeguard against a Speaker using the disqualification proceedings of legislators for his **own political ends**. A Speaker, under the threat of losing his position, may choose to disqualify the MLAs to alter the **composition of the House in his favour**.
- The five judge bench held that the speaker had to **first pass floor test** to prove that he enjoyed confidence of the house before taking decision against member of the legislative bodies.
- The apex court said that there was real possibility that Speaker decided disqualification application on political consideration **to save government of the day** and there was a need to curb the power of the captain of the House to ensure that the **MLAs are not victimized**.
- Emphasizing the need for a **politically impartial speaker**, the apex court said that a person was not eligible to head the house if he could not put aside partisanship. The Speaker is expected to have a **sense of elevated independence**, impeccable objectivity and irreproachable fairness and above all absolute impartiality.
- This expectation is the constitutional warrant, not a fond hope and expectation of any individual or group, the court said. It is required that his conduct should not only be impartial but such **impartiality should be perceptible**. It should be beyond any reproach. It must reflect the trust reposed in him under the Constitution
- **Article 179(c)** provides that a Speaker (or Deputy Speaker) "may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly".
- The judgment points to the phrase "**all the then members of the Assembly**" to conclude that the **composition of legislators should remain the very same** while deciding whether a majority in the House wants the Speaker to continue or not.

- Further, the court said MLAs so disqualified by the Speaker would be subsequently **deprived of the opportunity to participate** in the motion against the Speaker himself under Article 179(c).
- Even a court judgment later, overturning their disqualification, would be of no help to them as the opportunity to participate in the motion against the Speaker would have passed.
- "The office of Speaker, with which the Constitution vests the authority to deal with disqualification petitions against MLAs, must surely be a Speaker who enjoys the confidence of the Assembly," the court said.
- Placing hope in the Supreme Court judgment on Arunachal Pradesh, the nine legislators, who were **disqualified by Uttarakhand Assembly Speaker** Govind Singh Kunjwal, filed an application in the apex court seeking ouster of the Speaker and re-entry into the State Assembly.

Expected Question – Mains

"The Speaker is expected to have a sense of elevated independence, impeccable objectivity and irreproachable fairness and above all absolute impartiality." Analyze the statement in the light of recent controversies related to speakers of various legislative assemblies.

Consider the following statements

1. Speaker of an Assembly can be removed by a resolution passed by a majority of all the then members of the House. Such a Resolution needs support of 40 members for consideration by the House.
2. A vote of no-confidence against the Government is also admitted by him.

Select the correct answer

a. Only 1 is correct
b. Only 2 is correct
c. Both 1 & 2 are correct
d. None is correct

Ans. b

SC TO LAY DOWN LAW ON LG'S POWER

Background

There has been a continuous tussle between the Delhi government and the Lieutenant-Governor LG on matters of governance. The tussle is because of Delhi's special status as National Capital Territory wherein central government must have significant say and Delhi as a state wherein it has a legislative assembly. One region has two centres of power. If there's an understanding between the central and state government, such issue do not erupt; but as the political interests of the two governments are very different, the conflict has become the rule of the day.

The current issue

- The conflict began when the Delhi state government began taking matters in its own hands and began making decisions for Delhi independently without consulting the LG.
- The matter went to the Delhi HC. In a setback to Delhi government, the HC upheld the **administrative powers of the L-G** in matters of public order, land, police and services—including the power to appoint civil servants—in the national capital. It held that the Lt Governor, being the administrator of the national capital, had the **final say** in all the decisions.
- The HC said that Delhi **cannot be equated with a Union territory** (UT) like Puducherry because those places can still have a different model for governance with a governor. But Delhi, which happens to be the **capital of the country**, there are certain things that the central government needs to retain control over.
- The high court emphasized the administrative capacity of the L-G while ruling that Delhi continues to be a Union territory under the Transaction of Business Rules despite **Article 239 AA** of the Constitution making some special provisions with respect to Delhi. Article 239AA simply says that Delhi as a capital will remain a UT; therefore, it **cannot be a full-fledged state**. It holds that now Delhi will have its own council of ministers & except for certain subjects in which they will not have any legislative power.
- Delhi government **moved the Supreme Court**, seeking a stay on the Delhi high court's proceedings. The Bench however, refused to stay the HC judgment, feeling that the verdict "affects all future governments and all future relationships between the Centre and the State".
- The Supreme Court **agreed to lay down the law** on whether the Lieutenant Governor (LG) can unilaterally administer the National Capital without being bound by the "aid and advice" of the elected government.

In the context of National Capital Territory of Delhi, which one of the following statement is incorrect?

a. 69th Amendment Act 1991 inserted two new articles 239 AA and 239 AB and created a Legislative Assembly for the NCT of Delhi
b. Legislative Assembly was given the power to make laws for the NCT w.r.t. any of the matters enumerated in the State of List or in the Concurrent List except matters w.r.t. Entries 1, 2, and 18 of State List.
c. It took away the powers of Parliament to make laws with respect to any matter for the NCT of Delhi.
d. Article 239AB empowered the President to suspend the operation of article 239 AA on receipt of a report from the Lieutenant Governor or otherwise that a situation has arisen in which the administration of the NCT cannot be carried on in accordance with the Provisions of article 239AA.

Ans. c

JALLIKATTU: THE BANS AND BEYOND

The background

Jallikattu, as we know, is a bull taming sport of Tamil Nadu practiced since centuries. The modern Indian laws do not allow animal cruelty. The present case demonstrates a struggle between the culture & emotions of a society and the prevailing laws of the country. And we don't know who will win in the end!

The developments

- Jallikattu is a bull taming sport played in Tamil Nadu as a part of Pongal celebrations on **Mattu Pongal day**. It is a Tamil tradition called 'Yeru thazhuvatha' in Sangam literature (meaning, to embrace bulls), popular amongst warriors during the Tamil classical period. Jallikattu is based on the concept of "flight or fight". All castes participate in the event. The majority of jallikattu bulls belong to the **pulikulam breed** of cattle.

1960 – Prevention of Cruelty to Animals Act
2009 – Tamil Nadu Regulation of Jallikattu Act allowing Jallikattu
2014 – SC judgment banning Jallikattu
2016 – Centre's notification allowing Jallikattu (January)
2016 – SC bans Jallikattu in TN citing 1960 Act
2017 – TN promulgates ordinance for changes in 1960 Act specific to State (January)
2017– Centre clears ordinance (January)

- In **January 2016**, Centre had issued a notification lifting the ban on Jallikattu in Tamil Nadu with certain restrictions. The Centre allowed the **'sport'** in Tamil Nadu and Maharashtra. Supporting the tradition, the Centre has said that it could ensure that bulls are not tortured or subjected to alcohol before the sport.
- The central notification was **challenged** in the apex court by the Animal Welfare Board of India, the People for Ethical Treatment of Animals (PETA) India, a Bengaluru-based NGO, and others.
- The **Animal Welfare Board** of India countered that "festivals cannot celebrate cruelty. It argued that the 2009 State law was "repugnant" to the 1960 Central law.
- The Supreme Court put Jallikattu on hold. It issued notices to the Centre and other states asking them to file their responses, to petitions challenging the central government's notification allowing Jallikattu and bullock-cart races.
- The state government of TN filed a **Review Petition** to 2014 SC judgment banning Jallikattu.
- Questioning the need to tame a domestic animal like the bull, the Supreme Court dismissed a plea by Tamil Nadu to review a **2014 apex court judgment** banning jallikattu. The Supreme Court had banned Jallikattu in May 2014. At the time it said bulls could not be used as performing animals, either for **Jallikattu or for bullock-cart** races.
- The SC said that the event had nothing to do with the exercise of the **fundamental right of religious freedom under Article 25** of the Constitution and runs counter to the concept of welfare of the animal, which is the basic foundation of the Prevention of Cruelty to Animals Act of 1960.

- The State has countered that the event was defined as an act of "**taming**" of bulls under the Tamil Nadu Regulation of Jallikattu **Act of 2009** and did not amount to **cruelty**. Tamil Nadu has been arguing that Jallikattu – the mostly southern bull-racing sport – should be permitted as it showcases a **cultural tradition** that has been part of the custom and culture of people of the state for 5,000 years.

The new ordinance by TN government

- Jallikattu was under a judicial ban in Tamil Nadu following the Supreme Court's verdict in May 2014. An **amendment to the relevant law**, the Prevention of Cruelty to Animals Act, 1960, was needed to remove the basis on which the judgment was passed. As the Assembly was not in session and a volatile atmosphere prevailed in the State, the State government promulgated an **ordinance**.
- The Union government did not amend the Act for the same purpose because it is currently defending a January 2016 notification it had issued to enable the conduct of jallikattu. The Supreme Court has reserved its judgment on the validity of the notification. As the **matter was sub-judice**, the Centre did not want to promulgate an ordinance for the same purpose.
- **Legal status of the ordinance**: the ordinance is a **'State amendment' to the Central Act**. This means that in its application to Tamil Nadu, some provisions will be different from what they are for the rest of the country. PCA falls under Entry 17 (Prevention of Cruelty to Animals) in the **Concurrent List** of the Constitution. This means both the Centre and the States have concurrent power to enact laws on the subject.
  - Subject to some restrictions and a prescribed procedure, State governments may **amend central laws** or have their own laws on the same subject in which the Union government has its own law. This may be done by the Legislative Assembly in its usual course or it may be promulgated as an ordinance if circumstances warrant such recourse.
  - This ordinance to amend the PCA was brought after **prior 'instructions' from the President under Article 213** of the Constitution. The draft of the ordinance was sent to the Union government, which examined it and gave its consent on behalf of the President to its promulgation by the Governor.
  - This is necessary because the Constitution says that **where there is 'repugnancy' or 'conflict' between a Central law and a State law**, the provisions of the Central law will prevail. However, if the State law obtains the President's assent, it will prevail over the Central law.

- The ordinance defines jallikattu, and amends some sections to the effect that those provisions do not apply to the conduct of jallikattu. Its overall purpose in **protecting jallikattu from legal challenge** is to promote and follow tradition and culture, and to ensure survival and continuance of **native breeds of bulls**. In particular,
  a. It **defines 'jallikattu'** as an event involving bulls conducted with a view to following tradition and culture between January and May every year in Tamil Nadu, and which includes 'manju virattu', 'vadamadu' and 'eruthu vidum vizha'.
  b. It **amends Section 3 of PCA** so that notwithstanding its provisions, jallikattu may be held subject to rules and regulations.
  c. It amends Section 11 to add **'the conduct of jallikattu'** as another exception to the list of actions that do not amount to cruelty.

d. It amends Section 22, which relates to **restrictions** on some animals being used for performances, to make this clause inapplicable to jallikattu.
e. It adds jallikattu as another item in a **list of 'exemptions'** from the rule against using some animals as performing animals. The original list contained use of animals by the police and military after training them and for use for scientific and educational purposes.
f. It adds Section 28A to say nothing in the Act would apply to jallikattu.

- The ordinance seeks to address the **specific grounds** on which the SC held jallikattu illegal. In particular, the court had held jallikattu to be violative of Sections 3, 11 and 22 of the PCA. So, the new law amends or adds to the relevant sections.
- Moving swiftly, the **Centre cleared an ordinance** on Jallikattu, paving the way for Tamil Nadu government to promulgate it in an effort to end the protests that have paralyzed the state. This will ensure that provisions of Prevention of Cruelty to Animals Act **will not apply to the bull**.

Expected question – mains

"Age old customs may not fit in the values of the modern world and the principles enshrined in the Indian Constitution." Discuss in the light of recent developments related to Jallikattu.

SC WIDENS AMBIT OF DOMESTIC VIOLENCE ACT

The background

The verdict came on an appeal against the Bombay High Court judgement, which had resorted to the literal construction of the term 'adult male' and discharged four persons, including two girls, a woman and a minor boy, of a family from a domestic violence case on the ground that they were not "adult male" and hence cannot be prosecuted under the Domestic Violence Act.

The judgement

- The Supreme Court has widened the scope of the Domestic Violence Act by ordering deletion of the words "adult male" from it, paving the way for **prosecution of women and even non-adults** for subjecting a woman relative to violence and harassment.
- The apex court has ordered striking down of the two words from **Section 2(q)** of the Protection of Women from Domestic Violence Act, 2005, which deals with respondents who can be sued and prosecuted under the Act for **harassing a married woman** in her matrimonial home. These words do not square with Article 14 of the Constitution of India. The term "adult male" contained in the Act was "discriminatory".
- The bench resorted to the "**doctrine of severability**" and struck down only that part of Section 2(q) that created a distinction based on gender relating to offenders under the Act. "Application of the aforesaid severability principle would make it clear that having struck down the expression 'adult male' in Section 2(q), the rest of the Act is left intact and can be enforced to achieve the object of the legislation without the offending words," it held.
- Referring to earlier verdicts, the apex court said "the **microscopic difference** between male and female, adult and non-adult, regard being had to the object sought to be achieved by the 2005 Act, is neither real or substantial, nor does it have any rational relation to the object of the legislation".
- Section 2(q) of the Act reads: "'respondent' means any **adult male person** who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under DV Act."
- Dealing with the term **'adult'**, the bench said "it is not difficult to conceive of a non-adult 16 or 17-year-old member of a household who can aid or abet the commission of acts of domestic violence, or who can evict or help in evicting or excluding from a shared household an aggrieved person.

Expected question – mains

The judicial proceedings must establish the spirit of a law over its letter especially in case of misused laws. Discuss in the light of Domestic Violence Act in India.

APEX COURT SLAMS CENTRE OVER LOKPAL

The background

Lokpal as a statutory institution to curb corruption was expected to come into existence in 2014 after a long struggle that Indians fought thru various forums especially a campaign by social activist Anna Hazare. However, a minor technical issue that erupted after the 2014 Lok Sabha elections, that is absence of a Leader of Opposition (LoP) in House (as the largest opposition party, Congress, even failed to get 10% seats as required to have the LoP) has led to postponing the creation of Lokpal Institution. The SC has rightly taken a stringent stand on the issue. Let's hope that Lokpal will see the light of the day soon.

The court ruling

- The Supreme Court has pulled up the Centre over the **delay in appointment** of an Ombudsman or Lokpal, saying it should not allow the law to become a "dead letter".
- The Supreme Court said that it **could very well act on its own** if the government and Parliament fail to pass an amendment to the 2013 law which would allow the selection of the Lokpal chairperson and members. Parliament amended other laws to facilitate the leader of Congress in the Lok Sabha to participate in the selection process for CBI director, chief information commissioner and chief vigilance commissioner.
- "The bill is not being taken up for a long time. The Lokpal institution must become functional. Whether or not Parliament wants it, the court can make it functional. The court order will not be contrary to Parliament-enacted amendments to other laws." The court said.
- The appointment of the anti-corruption ombudsman has been hanging in balance since the **Lokpal and Lokayuktas Act, 2013** which received Presidential assent in January 2014 on the ground that the legislation provides that the Leader of Opposition (LoP) has to be in selection committee, but there is no Leader of Opposition in the present Lok Sabha. In Lok Sabha, the largest opposition party – Congress has only 45 members and lacks the requisite 10% of total 545 seats.
- So, the government moved an amendment to the law to enable the leader of the single largest party to be part of the selection committee. However, the opposition called for closer scrutiny of some **other provisions** the government included in the amendment. The tweaked bill then went to a **parliamentary committee** which gave its suggestions. The government is yet to make a decision on this.
- The legislation has also been not amended to bring in the **leader of the largest opposition party** in the selection panel. The hiring of the Lokpal is held up on a technicality.
- The law provides the selection of chairperson and members of Lokpal shall be through a **selection panel** consisting of the Prime Minister, Lok Sabha Speaker, LoP in Lok Sabha, Chief Justice of India or a sitting SC judge nominated by the CJI, an eminent jurist to be nominated by President of India on the basis of recommendations of first four members of selection committee.
- Referring to the key pre-requisite that LoP has to be there in Lokpal selection panel, the court has said the Leader of Opposition is "**dispensable**" and things can proceed even without LoP who can be replaced by the leader of the largest opposition party in the committee.

- The Supreme Court has also expressed disappointment when the Centre said the amendment to replace LoP with the leader of the largest opposition party in the proposed selection committee of Lokpal is **pending with Parliament** and asking it to clear would amount to "judicial legislation".

Expected question – mains

The institution of the Lokpal is the result of public agony and long struggle of Indians against corruption. Do you think that the judicial legislation would be an appropriate step in the absence of Parliament not able to execute its core responsibility in this regards?

SC ENDS IMPUNITY FOR ARMED FORCES IN DISTURBED AREAS

The background

Armed Forces (Special Powers) Act 1958 was enacted to give special powers to armed forces in disturbed areas to deal with the situation and the forces were exempted from enquiries for the killings so done. It's a logical Act as the armed force personnel fighting in such areas is to protect the integrity & security of the country. However, like any other Act, this act has also been misused by personnel in these forces. Debates have been going on whether such Act should remain in India or not. The SC judgement is a step forward in this direction.

The judgement

- The verdict came on the plea by the Extra Judicial Execution Victim Families Association (EEVFAM) which has sought a SIT probe into the killing of 1,528 persons by the Manipur Police and security forces since 1978.
- In a setback to the government and the armed forces, the Supreme Court ruled the army cannot use **excessive force** during counter-insurgency operations in areas declared disturbed under the Armed Forces (Special Powers) Act 1958 and **criminal courts** do have the jurisdiction over cases of alleged excesses by security forces. It holds that enquiry into encounter deaths is a **must**.
- Every death caused by the armed forces in a disturbed area, **whether the victim is a dreaded criminal or a militant** or a terrorist or an insurgent, nor does it matter whether the aggressor was a common person or the state, should be thoroughly enquired into, the Court held.
- A thorough enquiry should be conducted into "encounter" killings in disturbed areas because the "alleged enemy is a citizen of our country entitled to all fundamental rights including under **Article 21** of the Constitution."
- The bench, said: "When the state uses such excessive or retaliatory force leading to death, it is referred to as an **extra-judicial killing** or an extra-judicial execution or as it is called **'administrative liquidation'**."
- In a significant conclusion, the court said that "merely because a person is **carrying arms** in a disturbed area, he does not ipso facto become an enemy. There has to be something much more to brand such a person as an **enemy**. That a person is not a mere law-breaker but an enemy can be determined only by a thorough **enquiry**".
- Rejecting the government's contention that Manipur was faced with "**unconventional war**" like situation, the judgment said: "Be that as it may, we need to be clear that the situation in Manipur has never been one of a war or an external aggression or an armed rebellion that threatens the security of the country or a part thereof."
- Taking note of **National Human Rights Commission's** submission that it was a "toothless body", the court sought the government's response as to whether it was bound by their recommendations and announced it proposed to consider the nature of guidelines issued by the NHRC and "whether they are binding or only advisory".

The AFSPA Act

- Afspa, which was enacted in 1958 amid the nascent **Naga insurgency**, gives powers to the army and state and central police forces to shoot to kill, search houses and destroy any property that is "**likely**" to be used by insurgents in areas declared as

"disturbed" by the home ministry. Security forces can "**arrest without warrant**" a person, who has committed or even "about to commit a cognizable offence" even on "reasonable suspicion".

- It **protects them from legal processes** for actions taken under the act.
- It is **in force** in Assam, Jammu and Kashmir, Nagaland, and Manipur (except the Imphal municipal area). In Arunachal Pradesh, only the Tirap, Changlang and Longding districts plus a 20-km belt bordering Assam come under its purview. And in Meghalaya Afspa is confined to a 20-km area bordering Assam.
- The state or central government considers those areas as 'disturbed' "by reason of differences or **disputes** between members of different religious, racial, language or regional groups or castes or communities." Section (3) of the Afspa empowers the **governor of the state** or Union territory to issue an official notification in The Gazette of India, following which the Centre has the authority to send in armed forces for civilian aid.
- Once declared 'disturbed', the region has to maintain **status quo** for a minimum of 3 months, according to The Disturbed Areas (Special Courts) Act, 1976.
- The **state governments** can suggest whether the act is required to be enforced or not. But under Section (3) of the act, their opinion can be **overruled** by the governor or the Centre.

Expected question – mains

"Merely because a person is carrying arms in a disturbed area, he does not ipso facto become an enemy. Alleged enemy is a citizen of our country and is entitled to all fundamental rights including under Article 21 of the Constitution." Discuss in the light of recent judgement of the Supreme Court on Armed Forces (Special Powers) Act, 1958 (AFSPA)

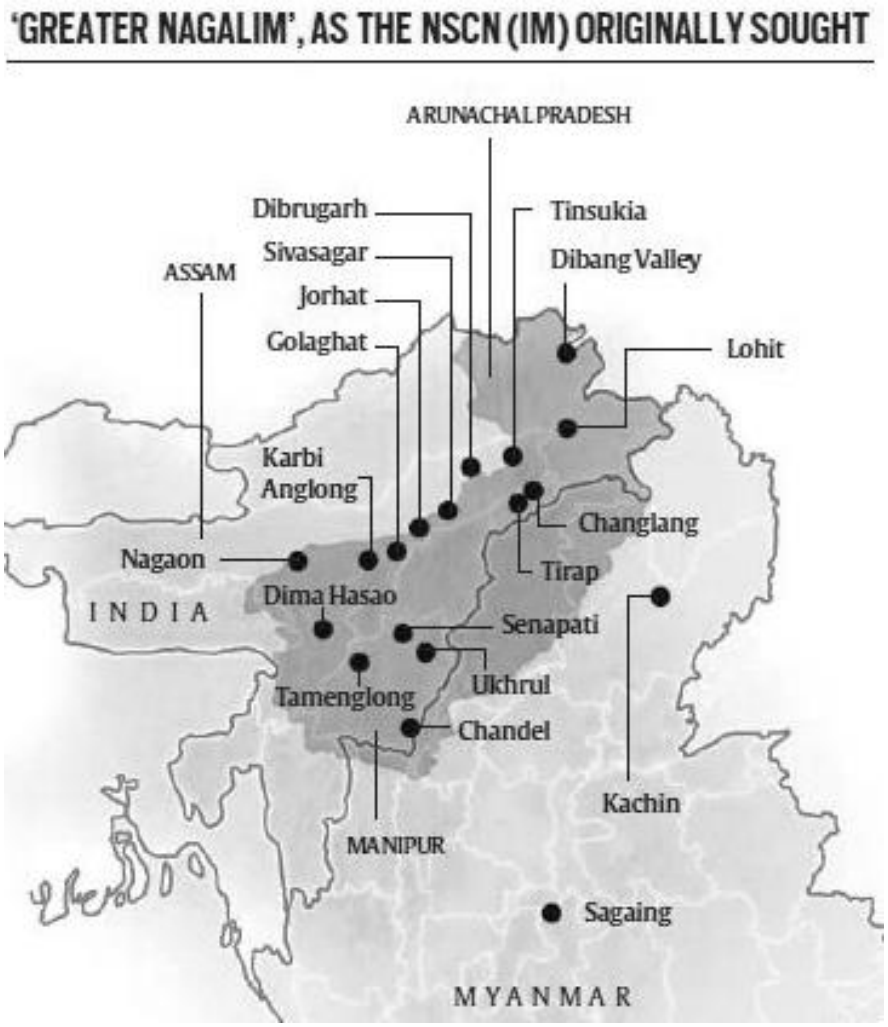
CENTRE EXTENDS AFSPA TO CHECK NAGA FACTIONS

The background

AFSPA is a strong act available with the government to control a disturbed situation in any part of the country. Recently it was extended to some areas of Nagaland which is also one of the disturbed states.

The issue

- The Centre has decided to extend the Armed Forces Special Powers Act (**AFSPA**) in **three districts** of Arunachal Pradesh. One of the primary reasons cited by the Centre is "**extortion and intimidation**" by the cadres of National Socialist Council of Nagaland (Isak-Muivah), who are "contriving to dominate areas hitherto occupied by NSCN (Khaplang)."
- The notification has been issued even after the NDA government signed a **'framework agreement'** with NSCN-IM in September 2015 to find a final solution to the six-decade-old Naga issue.
- The Home Ministry's latest notification said the AFSPA was being extended in the districts of **Tirap, Changlang and Longding**, all bordering Assam, as the NSCN-IM was desperate to regain control from the NSCN-K.



- The latter was banned last year after its alleged involvement in an ambush on an Army convoy in Manipur's Chandel district. Its leader S.S. Khaplang is said to be in Myanmar. The previous notification, issued in May 2016, did not mention that NSCN-IM was regaining areas from NSCN-K. The Home Ministry **revises its notification** every six months. The notification further said, "**security scenario** [in three districts of Arunachal Pradesh] remains vitiated by the spillover of the Naga insurgency."
- After decades of violence, the NSCN-IM had entered into a **ceasefire agreement** with India in 1997. The largest group representing the Nagas has demanded a "**Greater Nagalim**" or a contiguous land for the Nagas, across the States of **Nagaland, Arunachal Pradesh, Manipur and Mizoram**.
- The government said, "The ceasefire signed with NSCN-IM is only for **Nagaland**; it does not include Arunachal Pradesh and Manipur. This notification has been issued after much consultation between the security agencies."
- The order said the three districts were being declared as "**disturbed area**" under Section 3 of the AFSPA as "Naga underground factions including NSCN-IM and NSCN-K continue to indulge in extortion, area domination, recruitment of locals and inter-factional rivalry."
- NSCN-K had **unilaterally abrogated the ceasefire** in March 2015 but NSCN-IM continues to be in a ceasefire pact with the Government of India.

AFSPA Act

- AFSPA was enacted in **1958**, it gives powers to the army and state and central police forces to **shoot to kill**, **search** houses and **destroy** any property that is "likely" to be used by insurgents in areas declared as "disturbed" by the home ministry.
- The Act provides army personnel with **safeguards** against malicious, vindictive and frivolous prosecution.
- Security forces can "**arrest without warrant**" a person, who has committed or even "**about to commit** a cognizable offence" even on "reasonable suspicion".
- It is in force in Assam, Jammu and Kashmir, Nagaland, and Manipur. In Arunachal Pradesh, only the Tirap, Changlang and Longding districts plus a 20-km belt bordering Assam come under its purview. And in Meghalaya Afspa is confined to a 20-km area bordering Assam.
- The state or central government considers those areas as '**disturbed**' "by reason of differences or disputes between members of different religious, racial, language or regional groups or castes or communities."

Expected question – mains

How far India's internal security challenges in northeast are linked with border management, particularly in view of the long porous borders with Myanmar?

SAGARMALA PROGRAMME

The background

An integrated Ports development is the core to the industrial development of any country. India initiated the Sagarmala project which seeks to develop a string of ports around India's coast. It aims to develop access to new development regions with enhanced connectivity through rail, inland water, coastal and road services.

The projects

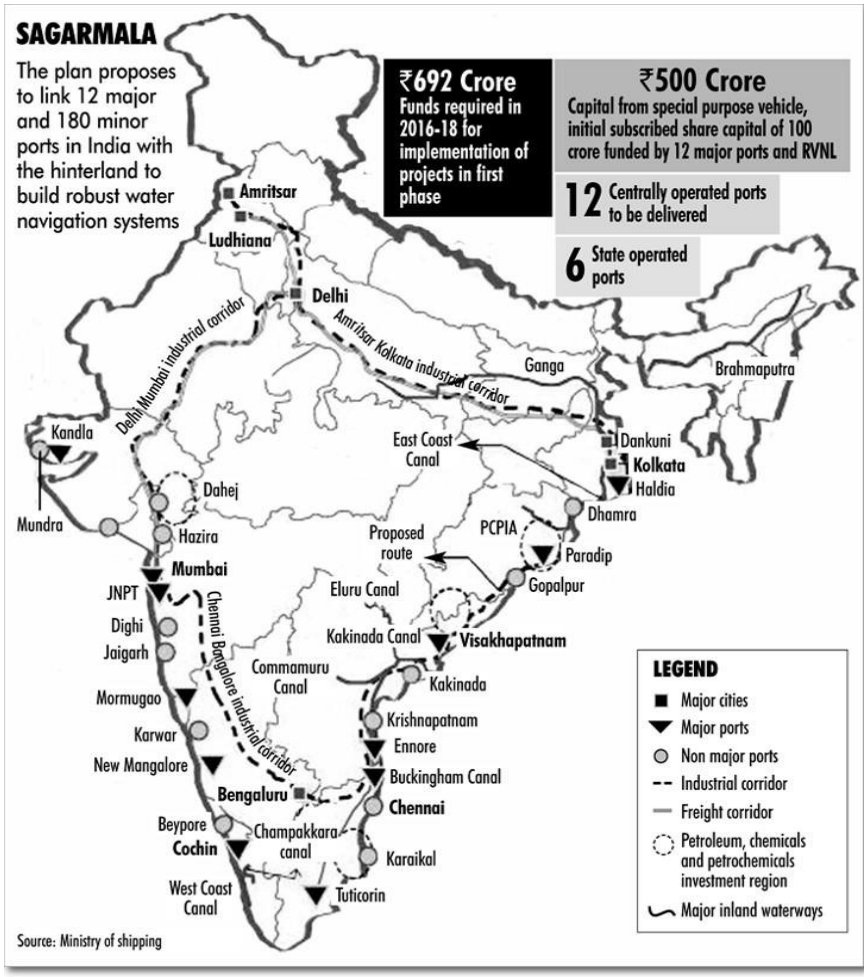
- Sagarmala is the flagship programme of the **Ministry of Shipping** for promoting **port-led development** in India. Sagarmala is a series of projects to leverage the country's coastline and **inland waterways** to drive industrial development.
- **National Perspective Plan** for Sagarmala Programme identifies projects under the **4 major objectives** of the programme - i) Port Modernization & New Port Development, ii) Port Connectivity Enhancement, iii) Port-led Industrialization and iv) Coastal Community Development.
- More than 150 projects have been identified which will **mobilize investment** of more than Rs. 4 lac crore and generate approximately 1 crore new jobs, including 40 lac direct jobs, over a period of 10 years.
- These projects are expected to generate annual **logistics cost savings** of close to Rs 35,000 crore & provide boost to India's merchandise exports by $110 billion by 2025.
- The Ministry of Railways will be taking up **21 port-rail connectivity projects**, at an estimated cost of more than **Rs. 20, 000 Crores** including development of heavy haul rail line from Ib Valley/Talcher to Paradip. The project will help in transportation of thermal coal from Mahanadi Coalfields Limited (MCL) to various coastal power plants in southern India via coastal shipping.
- These projects are aimed at **strengthening the rail evacuation network** and the last mile connectivity to the ports.
- The Indian Port Rail Corporation Limited (IPRCL), which has been **incorporated by the Ministry of Shipping**, would take up the projects after prioritizing them.

The SDC

- The **Sagarmala Development Company** (SDC) has been incorporated under the Companies Act, 2013 under the administrative control of the Ministry of Shipping.
- SDC will Identify port-led development projects and assist the project SPVs in project development and other activities. SDC will also work as the **nodal agency** for coordination and monitoring of all identified projects.
- SDC will undertake the preparation of the detailed master plans for the Coastal Economic Zones (**CEZs**).
- It will manage the coastal **community development scheme** and fund coastal community development projects. The projects considered would be specific time-bound local interventions and innovative in nature.
- It will also be **raising funds** by leveraging resources provided by the Government of India and from multi-lateral and bilateral funding agencies.

Sanctioning the Capital Dredging Project

- As part of promoting coastal shipping in the country under Sagarmala programme, the Ministry of Shipping has sanctioned the **Capital Dredging Project** for Ro Pax Ferry Services between Gogha & Dahej, in Gulf of Cambay in Gujarat. The total project cost is estimated to be Rs 234 Crore and of which 50% will be funded by Centre Government under the Sagarmala programme.
- The project would result in **reduction in motorable distance** of 231 kms between Gogha & Dahej to mere 31 kms and reduce the travel time from 7 hours to 1 hour only by crossing the Gulf in Cambay in 17 Nautical Miles. The initiative would not only reduce the travel time but also result in savings in fuel, reduction in CO2 emission and reduction in road congestion.
- The project is first of its kinds in India as it will be executed in the area of **world's 2nd highest tidal range**. The project would open up new avenues in coastal shipping & tourism and help in socio-economic development of proximate areas. It would also help in utilisation of inland waterways through River Narmada for shipping goods from industries located upstream.



Expected question – mains

"Ports constitute an inseparable component of an integrated national development, yet they present an ecologically sensitive zone on the earth." In the light of this statement, explain how the newly proposed Sagarmala programme of the government would address the twin objectives of development and conservation?

GOVERNMENT PLANS 27,000KM ECONOMIC CORRIDORS

The background

Roads are the backbone of any economy; and the growth trajectory that India has taken, we need to have seamless highways. The present governments understands this well and is undertaking this ambitious plan.

The plan

- The government will make **44 highway stretches** totaling 27,000 km to be developed as "economic corridors" for **seamless movement of cargo vehicles**, cut delays, deepen economic activities and create jobs. Another 15,000 km will be developed as 40 **feeder routes** to these economic corridors.
- This will be the biggest highway expansion plan since the rolling out of Golden Quadrilateral and North South East West Corridor, totaling 13,000 km during the Vajpayee regime.
- It will help in **decongesting 30 top cities** in the country by building ring roads and logistics hubs along these corridors.
- These stretches pass through and connect major **hubs of economic activities** such as manufacturing clusters and ports, and have been identified as "economic corridors". The new plan is expected to be completed in **6 years**.
- The government is exploring several **funding** options, including road development cess, loans from agencies and also private investment. These are likely to require at least 6 lakh crore investment.
- This network will carry **80% of the country's freight**. The government will also **rebrand national highways** as national corridors, economic corridors and feeder roads, a move aimed at helping in navigation and identifying the roads.
- The corridors have been identified using **satellite imagery**.
- Work of expanding these stretches will be carried out under the **'Bharat Mala'** programme, a highway project that will link ports, logistic hubs, border areas to boost cargo movement, exports and their overall growth.
- Some of the identified corridors are Mumbai to Kolkata, Pune to Vijayawada, Jaipur to Indore, Tuticorin to Kochi and Bengaluru to Nellore. The main aim is to provide wider roads for cargo vehicles and necessary facilities and also to equip them with 100% **electronic tolling** system.
- All these identified stretches will be made into **4-6 lanes** with facilities such as truck lay-by, parking lots and logistics parks. There will be **no congestion point** throughout the stretches.

Which one of the following is the main objective of the Economic Corridors planned by the central government?

a. Seamless movement of cargo vehicles
b. Decongesting cities
c. Enabling 100% electronic tolling system
d. Enabling farm growth

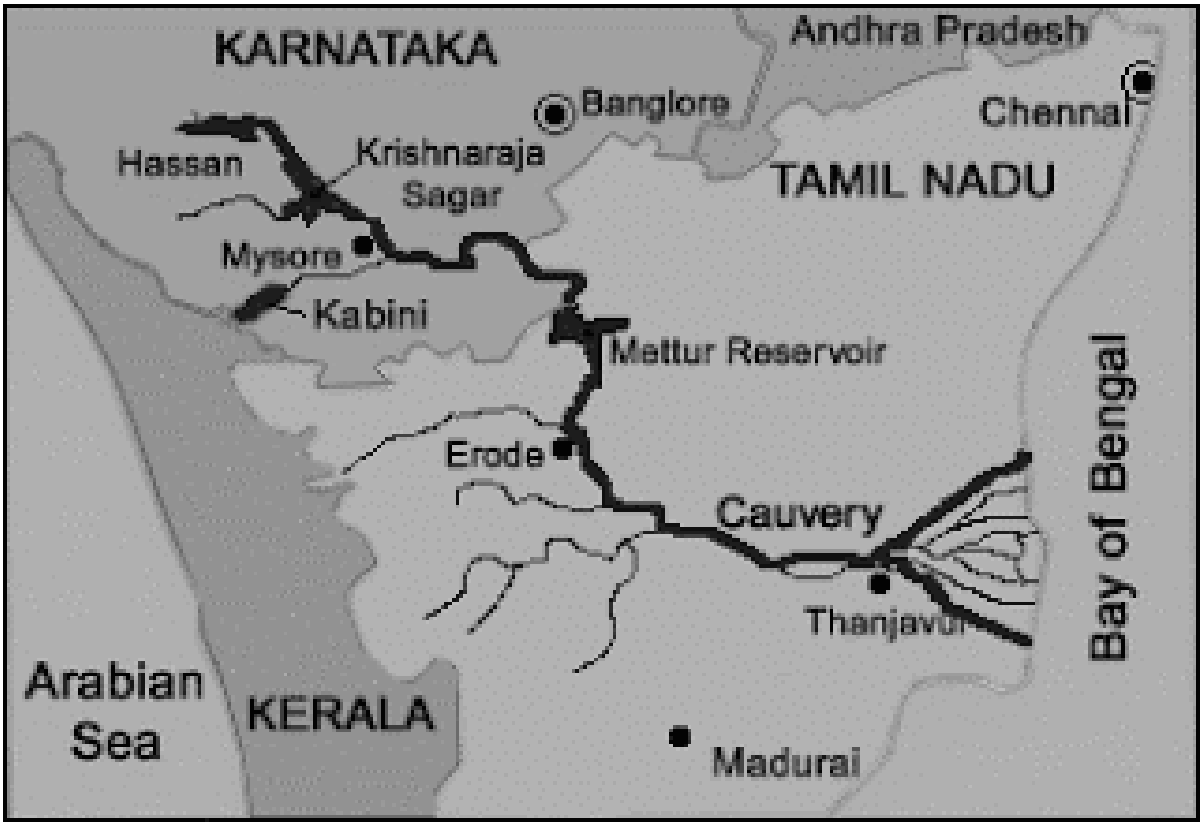
Ans. a

CAUVERY DISPUTE

The background

River water disputes in India are very common among states. The poor management of our rivers coupled with lack of inter-linking at local levels, non-conservation and wastage have led to serious water problems in the country. The problem escalates when monsoon fails as there is lesser water to share, and so do the intensity of dispute. Our governments have failed to understand that getting more water at the cost of other states' people is not the long-term solution to the problem. Conservation and right practices is the solution!

- The Cauvery water dispute, which has been a bone of contention between Karnataka and Tamil Nadu for decades now, has again led to violence in Karnataka after Supreme Court pronounced its modified order recently. The **Supreme Court has modified the amount of water Karnataka has to release to Tamil Nadu**, to 12,000 cusecs a day from the earlier ordered 15,000 cusecs a day. Since its earlier order, Karnataka had been seeing often-violent protests against the apex court's order.
- Cauvery River **originates in Karnataka's Kodagu district**, flows into Tamil Nadu and reaches the Bay of Bengal at Poompuhar. Parts of three Indian states – Tamil Nadu, Kerala, and Karnataka – and the Union Territory of Pondicherry lie in the Cauvery basin. There is century old dispute between Karnataka and TN regarding sharing of its water.



THE TIMELINE OF THE DISPUTE	
1892	Agreement between Madras Presidency and Mysore for arbitration
1924	Under supervision of British Government, agreement was signed for – ▪ Both Madras Presidency (75%), Mysore (23%) & Kerala (2%) to use water ▪ Construction of Krishnarajsagar dam (Mysore) & Mettur dam (Madras) ▪ Restrictions put on the area that could be safely irrigated by both states using the Cauvery water ▪ Agreement was for 50 years
1974	Agreement period was over, Karnataka (Mysore) argued that – ▪ Not obligated to follow the agreements made by the maharaja of Mysore under a colonial government ▪ Since the river originated there, it was entitled to use the water as it deemed fit ▪ 1924 agreement was highly skewed in favour of Tamil Nadu; water should be divided in **equal portions** ▪ However Tamil Nadu wanted to stick to 1924 agreement
1990	Cauvery Waters Tribunal was established under Inter-State Water Disputes Act, 1956
2007	Tribunal announced its final order. It concluded – ▪ Water availability in Cauvery stood at 740 tmc ft, of which, Tamil Nadu to be allocated 57%, Karnataka 36, Kerala 4% and Puducherry <1% approx. ▪ Both Tamil Nadu and Karnataka filed a review petition before the Tribunal
2012	▪ **Cauvery River Authority** (chair PM) directed Karnataka to release 9,000 cusecs of water daily. Supreme Court slammed state government as it failed to comply with the order ▪ The government started release of water leading to widespread violent protests
2013	Centre set up a **Supervisory Committee** comprising officials from the Union government & Central Water Commission and representatives of both States
2016	▪ **Rainfall was less than normal**; Karnataka says it cannot release water to TN for agriculture as it needs it for drinking water purposes; Tamil Nadu received 50 tmc ft deficit water against the min. limit directed by CDWT ▪ SC ordered Karnataka to **release 15,000 cusecs of water** a day for 10 days leading to widespread protests in Karnataka; and asked TN to approach the **Supervisory Committee** to decide on further releases

An analysis

- The reason for this endless cycle of sporadic litigation and ad hoc adjudication is that both Karnataka and Tamil Nadu continue to avoid any **mutual engagement** to share the shortfall during distress years. And there is no permanent, independent mechanism to ensure this. The Cauvery Water Disputes Tribunal, which gave its award in 2007,

has asked the parties to **share the deficiency on a pro rata basis**. However, a major problem in implementing this aspect is the absence of a 'Cauvery Management Board' and a Regulatory Authority, which the Tribunal had wanted created to oversee implementation.

- Ideally, any distress-sharing formula should come from a **technical body**. It would have helped if the Centre, which dilly-dallied for six years before notifying the final award under a judicial direction, had set up the Cauvery Management Board and Regulatory Authority.
- In a world of depleting water resources, fewer crop seasons and lower acreages, a resort to less water-intensive crops and better water management hold the key. Non-political initiatives, such as the **'Cauvery Family'**, a body formed a few years ago covering farmers of both States, could help disperse the clouds of hostility that gather over the border whenever the Cauvery crisis erupts. Politics and passion should not be allowed to hold sway.
- Karnataka, Tamil Nadu, Kerala and Puducherry need to shed their present **regional approach and plan collectively** for the whole river basin. Farmers in Karnataka and Tamil Nadu need to understand each other's needs and fears and collectively seek solutions.

Consider the following statements regarding the River Cauvery:

1. Cauvery River traverses through only two states of Karnataka and TN
2. Cauvery water dispute is the oldest in the country
3. PM is the chairman of Cauvery Water Authority

Which of these statements are correct?

a. 1 and 2
b. 1 and 3
c. 2 and 3
d. 1, 2 and 3

Ans. d

Samples from

INDIA YEAR BOOK

INDIA YEAR BOOK 2017

LAND AND THE PEOPLE

- **10**th most **industrialized** country in the world and the **6th** nation to have gone into **outer space**.
- Covering an area of more than 32 lakhs Sq. km, India is the **7th largest** country in the world. It has a **land frontier** of about **15,200** km. The total length of the **coastline** of the mainland and Islands (Lakshadweep and Andaman & Nicobar Islands) is **7,516** km. It ranks **second in population**.
- **Countries having a common border with India are** Afghanistan, Pakistan, China, Bhutan, Nepal, Myanmar, and Bangladesh. Sri Lanka is separated from India by a narrow channel of sea formed by the Palk Strait and the Gulf of Mannar. **Total 7 countries** have common border with India.

Longitudinal Extent (mainland)	$8^{o}4'$N - $37^{o}6'$ N	3,214 km
Latitudinal Extent (mainland)	$68^{o}7'$E - $97^{o}25'$ E	2,933 km
India lies **entirely** in the **northern** hemisphere		

- **Jelep** La and **Nathu** La lie on the main **Indo-Tibet trade route** through the **Chumbi Valley** (north-east of Darjeeling), and **Shipki** La lies in **Sutlej** Valley (North-east of Kinnaur).
- Garo, Khasi, Jaintia & Naga Hills run almost **east-west**, join the chain to Mizo & Rkhine Hills **running north-south**.
- Mountain wall extends for about **2,400 Km** with a varying width of **240-320 km.**
- The plains of the Ganga and the Indus, about 2,400 km long 240 to 320 km broad, are one of the world's greatest stretches of flat alluvium and also one of the **most densely populated** areas on the earth, are formed by river Systems of Indus, Ganga & Brahmaputra.
- Between Yamuna at Delhi and Bay of Bengal, nearly 1,600 km away, there is a drop of only 200 m in elevation.
- **Desert** region can be divided into two parts: Great Desert the Little Desert.
- The **great desert** extends from the edge of the Rann of Kachchh beyond Luni River northward. The **little desert** extends from the Luni between Jaisalmer and Jodhpur up to the northern wastes. Between the great and the little deserts lies a zone of absolutely sterile country, consisting of rocky land cut up by limestone ridges.
- **Peninsular Plateau** consists of various ranges including Aravalis, Vindhya, Satpura,
- Maikala & Ajanta. Peninsula is region of relative stability & occasional seismic activity.
- **Western Ghats** have average elevation varying from 915 to 1,220 meters, while Eastern Ghats have average of 610 meters. The southern point of plateau is formed by the **Nilgiri** Hills **where** the **Eastern and Western Ghats meet**. The Cardamom Hills lying beyond may be regarded as the continuation of the Western Ghats.
- Between the Western Ghats and the Arabian Sea lies a **Narrow coastal strip,** while between Eastern Ghats and the Bay of Bengal, there is a **broader coastal area.**
- Where the Himalayan mountains stand today, the region was under marine conditions about **60 crore years ago**. On the other hand, **Peninsula** dates back as far as **380 crore years**. The **geological regions** may be grouped into **three regions:** the Himalayas the Indo-Ganga Plain and the Peninsular Shield.

RIVER SYSTEMS

- Himalayan Rivers are formed by melting snow and glaciers and flow throughout year.
- **Deccan** Rivers are **rain-fed** and therefore fluctuate in volume. Many of these are non- perennial. Coastal streams, especially on the **west coast** are **short** in length and most of them are **non-perennial**.
- The streams of inland drainage basin of western **Rajasthan** are few and far apart. Most of them are of an **ephemeral character**.
- Bhagirathi and Alkananda join at **Dev Prayag** to form the River Ganga. Ganga traverses through **Uttarakhand**, **Uttar Pradesh**, **Bihar** and **West Bengal**. It enters Bangladesh with the name of **Padma/ Ganga**.
- Yamuna, Ramganga, Ghaghara, Gandak, Kosi, Mahananda and Sone are its important tributaries. Chambal and Betwa are important tributaries of Yamuna.
- **Indus** rises near **Mansarovar** in Tibet and finally falls in Arabian Sea near Karachi. Its important **tributaries** flowing in the Indian side are Sutlej, Beas, Ravi, Chenab and Jhelum.
- The Brahmaputra rises in Tibet, where it is known as Tsangpo. It crosses over into India in **Arunachal** Pradesh under the name of **Dihang**.
- **Near Passighat**, the Debang and Lohit join the river Brahmaputra crosses into Bangladesh downstream of Dhubri.
- **Principal tributaries of Brahmaputra** are Subansiri, Jia Bhareli, Dhansiri, Puthimari, Pagladiya and the Manas. **Tista** meets it in Bangladesh.
- **Barak** River, the **Head Stream of Meghna**, rises in the hills in Manipur. It continues in Bangladesh till the combined Ganga - Brahmaputra joins it near Bhairab Bazar. Its tributaries include Makku, Trang, Tuivai, Jiri, Sonai, Rukni, Katakhal, Dhaleshwari, Langachini, Maduva and Jatinga.

Lengths of Different River Basins (in decreasing order) →

Ganga > Godavari > Krishna > Mahanadi > Narmada = Cauvery

- The basins of the Narmada and of the Kaveri are about the same size.
- **Godavari** has the **2nd largest** river basin covering 10 per cent of the area of India. Next to it is the Krishna Basin, while Mahanadi has the 3rd largest basin.
- A few rivers in Rajasthan do not drain into the sea. Few of them drain into the Salt lakes while others like Luni, Machhu, Rupen, Saraswati, Banas and Ghaggar are lost in the desert.
- The entire country has been divided into **20 river basins/** group of river basins comprising 12 major basins and 8 composite river basins. The 12 major river basins are (1) Indus, (2) Ganga-Brahmaputra-Meghna, (3) Godavari, (4) Krishna, (5) Cauvery, (6) Mahanadi, (7) Pennar, (8) Brahmani-Baitarani, (9) Sabarmati, (10) Mahi, (11) Narmada and (12) Tapti. Each of these basins has a drainage area exceeding 20,000 sq. km.

FLORA AND FAUNA

- The climate of India is broadly described as **Tropical Monsoon Type**. It has 4 seasons including a post-monsoon i.e. **north-east monsoon** in southern peninsula **(October- December).** The other 3 are: winter, summer and Monsoon.
- The vascular flora in India comprises of 15,000 species.

- From about 70 per cent geographical area surveyed so far, over **46, 000 species of plants** have been described by the Botanical Survey of India.
- **Ethno-botanical study** deals with utilization of plants and plant products by ethnic races.
- More than **800 plant species of ethno-botanical interest** have been collected.
- About 1336 plant species are considered vulnerable and endangered. About 20 species of higher plants are categorized as possibly extinct as these have not been sighted during the last 6-10 decades. BSI brings out an inventory of endangered plants in the form of a publication titled **Red Data Book**.
- India can be divided into **8 distinct-floristic-regions**, namely, the western Himalayas, the eastern Himalayas, Assam, the Indus plain, the Ganga plain, the Deccan, Malabar and the Andamans.

Botanical Survey of India	Kolkata	Surveys floral resources in India
Zoological Survey of India	Kolkata	Surveys faunal resources in India

- India has great variety of fauna numbering over **92,000 species**. Largest no. of species belong to anthropoda group followed by other invertebrates, mollusca, pisces etc.
- The **mammals** include the majestic elephant, the ***gaur*** *or* Indian bison-the largest of existing bovines, the great Indian rhinoceros, the gigantic wild sheep of the Himalayas, the swamp deer, the thamin spotted deer, ***nilgai***, the four-horned antelope, **Indian antelope or black-buck–** only representatives of these genera.
- **Himalayan Fauna** includes wild sheep & goats, markhor, ibex, shrew and tapir; with panda and snow leopard in higher reaches.
- Amongst the crocodiles and gharials, the **salt water crocodile is found along the eastern coast** and in the Andaman and Nicobar Islands. A project for breeding crocodiles which **started in 1974** has been instrumental in saving the crocodile from extinction.

DEMOGRAPHIC PROFILE

- Census 2011 is the 15th census of India since 1872.
- It was held in 2 phases: House Listing and House Census (April to Sept. 2010), and Population Enumeration (9 to 28 Feb 2011).
- Reference date was 0.00hrs of 1st March 2011.
- **Population**: Persons- 1210 Million; Males: 623 million; Females 587 million. The **change in decadal growth** over 2001 is highest at -3.85 since 1921 (-6%)
- **Density** in 2011: **382** (17.5% difference in 2001 and 2011 Census, 325 in 2001). India accounts for a meager **2.4% of the world surface area** of 135 million sq km. Yet, it supports and sustains a whopping **17.5% of the world population**.
- The population of India, which at the turn of the twentieth century was around 238 million, increased to reach 1,210 million by 2011. The population of India as recorded at each decennial census from 1901 has grown steadily except for a decrease during 1911-21.
- The **density of population** increased in all States and Union Territories between 1991 and 2011. Among major states, **Bihar** is the **most thickly populated** state with (a population density of) 1,102 persons per sq. km. followed by **West Bengal** 1,028, **Kerala** 860. Among UTs, Delhi (11320) precedes Chandigarh (9528) and Puducherry.

- The **sex ratio** in the country has always remained **unfavourable** to females. It was 972 at the beginning of the 20th century and thereafter showed continuous decline until 1941.
- **Sex ratio** increased by 7 points since 2001 to reach **940 at Census 2011**. This is highest sex ratio since 1971, and a shade lower than 1961.
- Child sex ratio has declined to **919** per thousand male.
- Sex ratio in India is **highest** for **Kerala** (1084) followed by Puducherry (1038), Tamil Nadu (995), Andhra Pradesh, Chhattisgarh, Manipur and Meghalaya.
- In UTs, Sex Ratio is lowest for Daman & Diu (618), followed by Dadra & Nagar Haveli (775) and Chandigarh (818). Among states, it is lowest for Haryana (877), bettered by Punjab (893), UP and Bihar.
- **Literacy rate** is **74%,** 82.2% for males and 65.5% for females. This is the first time since 1951 that male-female literacy gap is lowest at 16.7%.
- **Kerala retained its position** by being on top with a 94 per cent literacy rate, closely followed by **Lakshadweep** (91.8%), Mizoram, Goa, Tripura and Daman & Diu.
- **Bihar** with a literacy rate of 61.8 per cent ranks last in the country which is bettered by Arunachal Pradesh (65.4), Rajasthan (66.1), Jharkhand, Andhra Pradesh and J&K.
- **Kerala also occupies the top spot in the country both in male literacy** with 96.1 per cent and female literacy with 92.1 per cent. Bihar is lowest in both.
- On the contrary, **Bihar has recorded the lowest literacy** rates both in case of males (71.2 per cent) and females (51.5 per cent).
- Literacy rates since 1981 census are for 7+ ages while in earlier census, these were 5+ ages.

NATIONAL SYMBOLS

SYMBOL	DESCRIPTION	ADOPTED ON
National Flag	Its design is that of the wheel which appears on the abacus of the **Sarnath Lion Capital** of Ashoka. Central wheel contains **24 spokes** & is of navy blue colour. The ratio of width to length of the flag is 2:3.	22 July 1947
State Emblem	The State emblem is an adaptation from the Sarnath Lion Capital of Ashoka. It has bull on right and a horse on left. The words '**Satyameva Jayate'** from '**Mundaka Upanishad'**, inscribed below the abacus in **Devanagari** script.	26 January 1950
National Anthem	The song Jana-gana-mana, composed **originally** in **Bengali** by **Rabindranath Tagore**, was adopted in its Hindi version as India's National Anthem. **First** sung on 27 December **1911** at **Calcutta Session** of INC. Consists of 5 stanzas sung in 52 seconds.	24 January 1950
National Song	Composed in **Sanskrit** by **Bankimchandra** Chatterji. Enjoys equal status with Jana-gana-mana. Sung first at 1896 session (President: Sayani) of INC at Calcutta.	
National Calendar	Based on **Saka Era**, with **Chaitra** as its **first month** and a normal year of 365 days. 1 Chaitra falling on 22 March normally and on 21 March in leap year.	22 March 1957 along with Gregorian calendar
National Animal	Panthera Tigris. Out of the eight races of the species known, Indian race, the Royal Bengal Tiger, is found throughout the country except in the north-western region and also in the neighbouring countries.	
National Bird	The Indian **peacock, Pavo Cristatus**. Male of the species is more colourful than the female.	
National Flower	**Lotus** (Nelumbo Nucipera Gaertn)	
National Tree	**Banyan Tree (Ficus benghalensis);** having widest reaching roots of all known trees. One tree is a tangle of branches, roots and trunks.	
National Fruit	**Mango (Manigifera indica)**; rich source of Vitamin A, C and D; grown in all parts except hilly areas	
National Aquatic Animal	**Dolphin**	

:: Flag code of India, 2002 takes effect from 26 January 2002. It places no restriction on the display of the National Flag by members of general public, private organizations, educational institutions, etc. except to the extent provided in the **Emblems and Names (Prevention of Improper Use) Act, 1950** and the **Prevention of Insults to National Honor Act, 1971** and any other law enacted on the subject.

THE POLITY

(Many parts of this chapter of India Year Book have been covered in crackIAS Booklet on Polity. Therefore, to avoid duplication, they have been omitted from here)

- Constitution was adopted by Constituent Assembly on 26 November 1949 and came into force on 26 January 1950.
- **Citizenship Act, 1955** deals with matters relating to acquisition, determination and termination of Indian citizenship after the commencement of the Constitution.

HOUSE OF PARLIAMENT	MAXIMUM POSSIBLE STRENGTH	PRESENT STRENGTH
Lok Sabha	**552** (530 from states + 20 from UTs + 2 nominated from Anglo-Indian community)	**543** (530 directly elected from states, 13 from UTs & 2 nominated by President)
Rajya Sabha	**250** (238 from states & UTs + 12 nominated by President)	**245** (233 from States & UTs + 12 nominated by the President)
84th Amendment Act, 2001 freezed the **total number of existing seats** as allocated to various States in the Lok Sabha (on the basis of the **1971 census**) till the first census to be taken after the year **2026**		
16 Lok Sabhas have been constituted so far		

PARLIAMENTARY COMMITTEES

- The time at the disposal of Parliament is limited. It cannot make very detailed scrutiny of all legislative and other matters that come up before it. A good deal of Parliamentary business is, therefore, transacted in the committees.
- Both Houses of Parliament have a **similar committee structure**, with a few exceptions. These are regulated under Rules made by the two Houses under **Article 118 (1).**
- Broadly, Parliamentary Committees are of two kinds – **Standing Committees and ad hoc Committees**.
- While the Standing Committees are elected or **appointed every year** or periodically and their work goes on a continuous basis, the ad-hoc committees are appointed as need arises and they cease to exist as soon as they complete task assigned to them.
- **Committee on 'Private Members' Bills and Resolutions** of the Lok Sabha allocates time to Bills introduced by private members, recommends allocation of time for discussion on private members' resolutions and examines Constitution amendment bills before their introduction by private members in the Lok Sabha. The Rajya Sabha does not have such a committee. **Business Advisory Committee** of that House which recommends allocation of time for discussion on stage.
- Committee on Absence of Members from the Sittings of the House of the Lok Sabha considers applications for leaves. There is no such committee in the Rajya Sabha.
- In **1997**, a **Committee on Empowerment of women** with members from both Houses was constituted.
- **Ethics Committee of Rajya Sabha** was constituted in the same year. Ethics Committee of the Lok Sabha was formed in 2000.

- While members of the Rajya Sabha are associated with Committees on Public Accounts and Public Undertakings, the members of the **Committee on Estimates are drawn entirely from the Lok Sabha.**

IMPORTANT FINANCIAL STANDING COMMITTEES

- **Estimates Committee** reports on
  - **What economies**, improvements in organization, efficiency or administrative form **consistent with policy** underlying the estimates may be effected
  - Whether the money is well laid out within limits of the policy implied in the estimates
  - Suggests the form in which estimates shall be presented to Parliament
- **Public Accounts Committee scrutinizes:**
  - **Appropriation and finance accounts** of Government
  - Reports of the CAG
  - Ensure that public money is spent in accordance with Parliament's decision and calls attention to cases of waste, extravagance, loss or nugatory expenditure.
- **Committee on Public Undertakings examines:**
  - Reports of the CAG on PSUs, if any.
  - Whether public undertakings are being run efficiently and managed in accordance with sound business principles & prudent commercial practices

- **17 Department Related Standing Committees** were set up on **1993**. In **July 2004**, rules were amended to provide for the constitution of **seven more** such committees, thus raising their number to **24**. The functions of these Committees are:
  - To consider the **Demands for Grants** of various Ministries.
  - To examine such Bills as are referred by the Chairman, Rajya Sabha or the Speaker, Lok Sabha.
  - To consider **Annual Reports** of ministries.
  - To consider **policy documents** presented to the Houses, if referred by the Chairman, Rajya Sabha or the Speaker, Lok Sabha.

Leaders of Opposition in the Rajya Sabha and the Lok Sabha are accorded statutory recognition

- **Minister of Parliamentary Affairs constitutes**:
  - The Minister of Parliamentary Affairs, being the **Government Chief Whips** is entrusted with the responsibility of coordinating, planning and arranging Government business in both Houses of parliament.
  - **Consultative Committees** of Members of both the Houses of Parliament, which are attached to various Ministers to provide a forum for informal discussions between Government & Members of Parliament. Their membership varies from **10-30**. Their life co-exists with the life of Lok Sabha.
  - **Nominates Members** of Parliament on Committees, Councils, Boards and Commissions etc. set-up by the Government in various Ministries.
  - Organizes **All India Whips' Conference** from time to time with the purpose of **establishing suitable links** among the whips of various political parties at the Centre and the states who are concerned with the practical working of the legislatures to discuss matters of common interest and to evolve high standards to

strengthen the institution of Parliamentary Democracy. 17 Conferences have been held so far. Last one held in 2015 at Visakhapatnam, Andhra Pradesh.
  - It lays periodically in both Houses, Statements showing **action taken** by Government in implementation of assurances given by various ministers in Parliament.
  - Organizes **Youth Parliament Competitions** (Youth Parliament Scheme first introduced Schools in Delhi in 1966-67)

- Government of India (allocation of Business) Rules 1961, are made by the President of India under **Article 77**. The Ministries/ Departments of the Government are created by President on advice of Prime Minister.
- The Cabinet Secretariat is under the direct charge of the Prime Minister. **Cabinet Secretary** is the **ex-officio Chairman** of the Civil Services Board.
- **National Authority, Chemical Weapons Convention** was set up by a resolution of Cabinet Secretariat in 1997 to fulfill the obligations enunciated in the Chemical Weapons Convention initially signed by 130 countries in a conference which concluded in 1993. Its purpose was to prohibit development, production, execution, transfer, use and stockpiling of all chemical weapons by Member-States is a non-discriminatory process.
- National Authority has been **awarded ISO 9001-2008 certification**, making India India's National Authority first ISO certified National Authority among 188 state Parties to the Convention.

LIST OF IMPORTANT MINISTRIES

1. **Ministry of Defence**
   (i) Department of Defence.
   (ii) Department of Defence Production
   (iii) Department of Defence Research and Development. (iv) Department of Ex-Servicemen Welfare.

2. Ministry of Finance
   (i) Department of Economic Affairs. (ii) Department of Expenditure.
   (iii) Department of Revenue.
   (iv) Department of Disinvestment.
   (v) Department of Financial Services

3. Ministry of Home Affairs
   (i) Department of Internal Security. (ii) Department of States.
   (iii) Department, of Official Language. (iv) Department of Home.
   (v) Department of Jammu and Kashmir Affairs. (vi) Department of Border Management

4. Ministry of Human Resource Development
   (i) Department of School Education and Literacy
   (ii) Department of Higher Education

5. Ministry of Science and Technology
   (i) Department of Science and Technology
   (ii) Department of Scientific and Industrial Research
   (iii) Department of Bio-Technology

6. Ministry of Personnel, Public Grievances and Pensions
   (i) Department of Personnel and Training.
   (ii) Department of Administrative Reforms and Public Grievances. (iii) Department of Pensions and Pensioners' Welfare.

7. Ministry of Health and Family Welfare

(i) Department of Health and Family Welfare
(ii) Department of Ayurveda, Yoga-Naturopathy, Unani, Siddha & Homoeopathy (AYUSH) (iii) Department of AIDS control
(iv) Department of Health Research

8. Ministry of Law and Justice

(i) Department of Legal Affairs
(ii) Legislative Department
(iii) Department of Justice

9. Ministry of Rural Development

(i) Department of Rural Development
(ii) Department of Land Resources

10. Apex/Independent Office

(i) Planning Commission (now Niti Aayog) (ii) Cabinet Secretariat
(iii) President's Secretariat
(iv) Prime Minister's Office

11. Independent Departments

(i) Department of Atomic Energy
(ii) Department of Space

PUBLIC SERVICE

- **Article 312** for creation of one or more **All-India Services**.
- The Indian Administrative Service and the Indian Police Service are deemed to be constituted by the Parliament in terms of Article 312, of the Constitution. A new All India Service, namely, the **Indian Forest Service**, was created in **1966**.
- Ministry of Personnel, Public Grievances and Pension is the cadre controlling authority for the IAS.

INTER-STATE COUNCIL

- On recommendation made by the **Sarkaria Commission** on Centre-State Relations, the Inter-State Council was set up in **1990** through a **Presidential Order**.
- The ISC is a **recommendatory** body and has been assigned the duties of investigating and discussing such subjects, in which some or all of the States or the Union and one or more of the States have a **common interest**, for **better coordination of policy** and action with respect to that subject. It also deliberates upon such other **matters of general interest** to the States as may be referred by the Chairman to the Council. **Council also considered other public policy and governance issues:**
  1. Contract Labour and Contract Appointments,
  2. Blue Print for an Action Plan on Good Governance,
  3. Disaster Management
  4. Atrocities on SCs & STs

- All questions, which come up for consideration of the Council are decided by **consensus**, and the decision of the Chairman as to the consensus is final. The Council has not been assigned the duty envisaged in clause (a) of Article 263 of the Constitution, i.e. enquiring into & advising upon disputes between States.

- **Prime Minister** is the **Chairman** of the Council. The meetings of the Council are held **in-Camera.** It has held so far 10 meetings
- The **Standing Committee** of the ISC was constituted in the year 1996 for continuous consultation and processing of matters for the consideration of the Council. **Home Minister** is the **Chairman** of the Standing Committee, and has 5 Union Cabinet Ministers and 9 Chief Ministers as members.
- **ISC Secretariat** was established in **1991** to service the Inter-State Council. The Secretariat has also been entrusted with servicing of the **Commission on Centre-State Relations** set up in **2007**.

ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES

- Department of Administrative Reforms & Public Grievances is the **nodal agency**.
- The Department set up a **Second Administrative Reforms Commission** in **2005** under the Chairmanship of **Shri Veerappa Moily** to prepare a detailed blueprint for revamping the public administrative system.
- In all, the Commission has presented the following **15 Reports** to the Government:
    1. Right to Information-Master Key to Good Governance
    2. Unlocking Human Capital- Entitlements and Governance-a Case Study
    3. Crisis Management- From Despair to Hope
    4. Ethics in Governance
    5. Public Order- Justice for each, peace for all
    6. Local Governance
    7. Capacity Building for Conflict Resolution- Friction to Fusion
    8. Combating Terrorism
    9. Social Capital- A Shared Destiny
    10. Refurbishing of Personnel Administration - Scaling New Heights
    11. Promoting e-Governance- The Smart Way Forward
    12. Citizen Centric Administration- The Heart of Governance
    13. Organizational Structure of Government of India
    14. Strengthening Financial Management Systems
    15. State & District Administration

- A group of Ministers has been constituted to review the pace of implementation of recommendations of ARC as well as to provide guidance to the concerned Ministers/ Department in implementing the decisions.
- The Department also instituted in **2005**, "**Prime Minister's Awards for excellence in Public administration**" to recognize the extraordinary and innovative work done by the officers of the Central and State Governments. The Awards are given away on the occasion of **Civil Service Day** being celebrated every year on **April 21**.
- The Department has developed a model for Branch Marking Excellence in Service Delivery (**SEVOTTAM**) by Government departments. The main objective of the project is to improve **quality of service delivery** from Citizen's perspective.

INTERNATIONAL EXCHANGE

- The **Ministry of Personnel** (Department Administrative Reforms) is an institutional member of the International Institute of Administrative Sciences (**IIAS**) since **1998**.
- CAPAM (Commonwealth Association for Public Administration and Management) with its headquarters at Ottawa, Canada, is an organization dedicated to **strengthening**

public management and consolidating democracy and good governance throughout the commonwealth. It was formed in 1994.

- The Ministry became an institutional member of CAPAM in **1997**. The membership enables the Government of India to **keep pace with the latest developments** in the field of public administration, through participation in various programmes of CAPAM.
- The Department has initiated a project '**Modeling Best Practices'** under DFID assisted programme on Capacity Building for Poverty Reduction.

PERFORMANCE MANAGEMENT – RESULTS FRAMEWORK DOCUMENT

- Pursuant to the announcement made in the President's address to both Houses of the Parliament of June 2009, the Prime Minister approved the outline of the **Performance monitoring and Evaluation System** (PMES) for Government Departments in September 2009. Performance Management Division in the **Cabinet Secretariat** is responsible for this activity through the mechanism called **Results-Framework Documents** (RFD).
- At the beginning of each financial year, with the approval of the Minister concerned, each Department is required to prepare a Results-framework Document (**RFD**) consisting of the priorities set out by the Minister concerned, agenda as spelt out by the Government from time to time.
- The RFD seeks to address **3 basic questions**; (a) what are department's main objectives for the year? (b) What actions are proposed to achieve these objectives? (c) How would someone know at the end of the year the degree of progress made in implementing these objectives, i.e. what are the relevant success indicators and their targets?
- **Performance Management Division** has, in collaboration with NIC, developed powerful software called RFMS (Results-Framework Management System).
- Maharashtra and Punjab have already adopted the RFD (Results Framework Document) mechanism. Punjab has gone ahead and introduced the RFD at district level.
- All departments preparing RFDs have been advised to adopt the paperless office system called E-Office.

- Performance Management Division (PMD), **Cabinet Secretariat**, has already organized workshop on RFD policy in Bhutan and Sri Lanka. Pakistan has approached through the **SAARC Secretariat** for a similar workshop in Pakistan.
- In its efforts to move towards a paperless office, the day to day working of the Cabinet Secretariat is being carried out through the e-Office system developed by the NIC.
- **Cabinet Secretariat** is regularly bringing out a quarterly Newsletter titled "Performance Matters" since April, 2009.

ADMINISTRATIVE TRIBUNALS

- Administrative Tribunals Act in **1985** for administering justice to the **aggrieved government servants**. Article **323-A** of the Constitution empowers Central Government to set-up by an Act of Parliament, Administrative Tribunals for adjudication of disputes and complaints with respect to recruitment and **conditions of service** of persons appointed to the public service and posts in connection with the affairs of the Union and the States.

- Appeals against the orders of an Administrative Tribunal shall lie before the **Division Bench of the concerned High Court.**
- Today, it has **17 regular benches**, 15 of which operate at the principal seats of High Courts and the remaining two at **Jaipur and Lucknow**.
- The members are drawn both from legal and administrative spheres. Earlier the Tribunal consisted of a Chairman, Vice Chairman and Members.
- With the amendment in Administrative Tribunal Act, 1985 in 2006 the Members have been given the **status of judges of High Courts**.

NATIONAL DISASTER MANAGEMENT

- **Disaster Management Act, 2005** was enacted to provide institutional mechanism for drawing up and monitoring the implementation of the disaster management.
- **The National Policy on Disaster Management (NPMD), 2009** envisages building a safe and disaster resilient India by developing a holistic, proactive, multi disaster oriented and technology driven strategy through a culture of prevention, mitigation, preparedness and response.
- **National Disaster Management Authority NDMA** was formally constituted in accordance with Section-3 (1) of the DM Act on **September 27, 2006**. NMDA has been mandated with laying down policies on disaster management and guidelines which would be followed by different Ministries, Departments of the Government of India and State Governments in taking measures for disaster risk reduction.
- **National Institute of Disaster Management (NIDM)** was established at the **Indian Institute for Public Administration (IIPA) in 1995**. The Centre was upgraded and designated on October 16, 2003. It has now achieved the status of a statutory organisation under the Disaster Management Act, 2005.
- **National Disaster Response Force** NDRF was **constituted under Section 44 of the DM Act, 2005** by up-gradation/ conversation of **ten standard battalions of Central Para Military Forces** to build them up as a specialist force to respond to disaster or disaster like situations. The ten battalions (1 battalion comprises of nearly 1000 persons) of NDRF consist of **144 specialized** teams trained in various types of natural, manmade and non- natural disasters.

MISCELLANEOUS

- **Home Guards** is a **voluntary force,** first raised in India in December**, 1946,** to assist the police in controlling civil disturbance and communal riots. The role of Home Guards is to serve as an auxiliary force to the police in the maintenance of law and order and internal security situations, **help the community in any kind of emergency** such as an air-raid, fire, cyclone, earthquake, epidemic, etc. help in maintenance of essential services, promote communal harmony and assist the administration in protecting weaker sections, participate in socio-economic and welfare activities and perform Civil Defense duties.
- There is a **general ban on de-reservation of vacancies** reserved for SCs, STs and OBCs in the matter of direct recruitment. If some vacancies reserved for them could not be filled in the recruitment year, these are kept vacant and are treated as backlog reserved vacancies.
- The **Central Secretariat has three services**, namely: (i) Central Secretariat Service (CSS), (ii) Central Secretariat Stenographer's Service (CSSS) and, (iii) the Central Secretariat Clerical Service (CSCS). Central Secretariat Service Division in the

Department of Personnel & Training is cadre controlling authority in respect of these services.

- **National Academy of Customs, Excise and Narcotics (NACEN), Faridabad**.
- National Academy of Audits and Accounts, **Shimla.**
- Indira Gandhi National Forest Academy, **Dehradun.**
- A web-based **Centralized Public Grievances Redress** and monitoring System (CPGRASM), was initiated in June 2007 and the System was established by June 2008.
- **E-Office Mission Mode Project**: the project launched in 2010, is aimed at significantly improving the **operational efficiency** of the central government departments through workflow automation, knowledge management systems and management information systems that enable quick access & sharing of information **across various government levels**. Department of Administrative Reforms & Public Grievances DARPG has been made the Nodal Department for implementation of e-Office Mission Mode Project. The National e- Governance Plan NeGP has **31 Mission Mode Projects** (MMPs). e-Office is one of the MMPs.
- The 17th **National Conference on e- Governance** was held in January 2014 in Kochi, Kerala. The theme of the Conference was "e- Governance-Vision to Implementation" and focus sector was Health. It is held every year since 1997. The 18th National Conference on e- Governance is scheduled to be held in Gujarat in 2015. The theme of this Conference is "**Digital Governance- New Frontiers"** and focus sector is "Skill Development and Employability".
- The DARPG is an institutional member of the International Institute of Administrative Sciences (IIAS) since 1998. IIAS with its headquarters at **Brussels**, Belgium.
- The Biennial **Conference of Commonwealth Association for Public Administration and Management (CAPAM**) was organized from 24-28 October, 2012 in New Delhi with the theme "A Public Service Fit for the future".
- The "**Sugarcane Information System**" of India won the overall Gold medal of CAPAM International Innovation Award, 2012.
- DARPG signed a Project Document "Strengthening Public Administration and Governance" with **UNDP** in 2014 as part of Country Programme Action Plan (CPAP).
- **Governance Knowledge Centre:** DARPG has taken up an initiative to design & develop a **web based repository of good governance** initiatives & best practices.
- The **Indira Gandhi Rajbhasha Awards Schemes** have been in operation since 1986-87.
- Shields are given every year to Ministries/ Departments, Banks and Financial Institutions
- **Public Sector Undertakings** and Town Official Language Implementation Committees for outstanding achievements in the implementation of the Official Language Policy of Union.
- Under the **Indira Gandhi Original Hindi Book-writing Scheme**, cash awards are given to the working/retired employees of the Central Government, banks, Financial Institutions, Universities, Training Institutions and Autonomous Bodies of the Central Government for writing original books in Hindi.
- **Rajiv Gandhi National Awards Scheme** is for original Book-writing on Science and Technology in Hindi for promoting writing of books in Hindi on all branches of modern Science/ Technology and contemporary subjects.
- **Inter-cadre deputation** is permissible to All India Service officers on completion of their **9 years of service** and before attaining promotion to super-time scale in his/her own home cadre. And is permissible for a maximum period of 5 years in

the entire service career of the officers and the period at a time thereof normally do not exceed 3 years.

- **Staff Selection Commission** (SSC) with Headquarters at **New Delhi** initially known as Subordinate Service Commission was set up on 1st July, **1978**. It has been entrusted with the work of **making recruitment** to (i) all non-Gazetted Group 'B' posts in the various Ministries/Departments of the Government and their attached and subordinate offices. (ii) All non-technical Group 'C' posts.
- The Central Secretariat has three services namely,
  a. Central Secretariat Service
  b. Central Secretariat Stenographer's Service
  c. Central Secretariat Clerical Service
- The **Civil Services Day** – To rededicate and recommit ourselves to the cause of the people, April 21 has been declared as Civil services Day and is being celebrated every year since 2006. This date coincides with the date when the first Home Minister of Independent India Sardar Vallabhbhai Patel addressing the **first batch** of Indian Administrative Services officers at Metcalf House, New Delhi.
- The **Sevottam framework** was studied by the Second Administrative Reforms Commission which was of the view that this model is a step in right direction. The Commission also recommended that the Union and State Government should make the **'Seven Step Model'** recommended by it as mandatory for all organizations having public interface.

RIGHT TO INFORMATION

- Act gives all citizens' **right to seek information held by & authority** or body or institution of self-government established or constituted by or under the Constitution.
- The **procedure for seeking information** under the Act is very simple. Whoever wants any information from any office of the Government has to simply make a request to the public Information Officer of the office. The request can be sent either **by post or submitted** in person. It can be made in **Hindi or English** or in the official language of the area and can also be sent through e-mail.
- If the applicant does not get the information within **30 days** or the applicant is not satisfied with the reply given to him, he can make an appeal within 30 days to the **appellate authority** appointed by the authority who is an officer superior to the Public Information Officer. The appellate authority has to decide the appeal within 30 days of the receipt of appeal. If the applicant is not satisfies even with the decision of the appellate authority, he can file a second appeal with the **Central Information Commission or State Information Commission**, as the case may within 90 days.

PROVISIONS FOR OFFICIAL LANGUAGE

- **Committee of Parliament on Official Language** periodically reviews use of Hindi as official language. Consists of **20 Members of Lok Sabha & 10 of Rajya Sabha**.

ARTICLE	PROVISION
Art 343 (1)	Hindi in Devanagari script to be the Official Language of the Union
Art 343 (2)	Continuing use of English in official work of Union for a period of 15 years

Art 343 (3)	Empowered Parliament to provide for continued use of English for official purposes even after 25th January 1965
Official Languages Act, 1963 provides for both Hindi and English shall compulsorily be used for certain specified purposes	

- **Kendriya Hindi Samiti 1967** chaired by the **Prime Minister** lays down the guidelines for the propagation and progressive use of Hindi as Official Language of the Union.
- **Indira Gandhi Rajbhasha Awards Scheme** 1986-87. For outstanding achievements in the implementation of the Official Language Policy of the Union.
- National Awards Scheme for Original Book writing on Gyan-Vigyan since 2000-2001.
- **Kendriya Hindi Prashikshan Sansthan** 1985. A subordinate office of the Department of Official Language.
- **Department of Official Language** brings out 'Rajbhasha Bharati', quarterly magazine, dedicated to encourage writings in Hindi.
- **Central Translation Bureau** was set-up in 1971 for translation of different types of non- statutory literature of various ministries, PSUs etc.

THE STATES

- If President on receipt of a report from governor or otherwise is satisfied that it is no longer necessary for Governor to have special responsibility with respect to law and order, he may so direct by an order.

SPECIAL RESPONSIBILITIES OF GOVERNOR		
ART/ SCH.	**STATES**	**RELATES TO**
371 A	Nagaland	Law and order
371 H	Arunachal Pradesh	Law and order
6th Schedule	Tribal areas of Assam, Tripura, Meghalaya, & Mizoram.	Sharing of royalties between district council and state government.
6th Schedule	Mizoram and Tripura.	Almost all functions.
371 F	Sikkim	Peace, Social & Economic development

- **Bihar, Jammu & Kashmir, Karnataka, Maharashtra and Uttar Pradesh** have **two Houses**, that is, these states have a Legislative Council also.
- Parliament by law provides for abolition of an existing legislative council or for creation of one where it does not exist, if proposal is supported by a resolution of the **legislative assembly** concerned.
- Legislative Council consists of **not more than one-third of total number of members in legislative assembly** of the state and **in no case less than 40 members** (Legislative Council of **Jammu and Kashmir has 36 members**).
- Legislative Assembly consists of **not more than 500 members** and **not less than 60 members** (Legislative Assembly of **Sikkim has 32 members**).
- **Demarcation of territorial constituencies** is to be done in such a manner that the **ratio between population of each constituency and number of seats allotted** to it, as far as practicable, is the same throughout the state.
- Legislative assembly **alone has power to originate money bills**. Legislative council can make only recommendations in suspect of changes it considers necessary **within a**

period of fourteen days of the receipt of money bills from Assembly. Assembly can accept or reject these recommendations.

RESERVATION OF BILLS

- Following Bills should **necessarily be reserved by Governor** for consent of President:
  - Relating to subjects like compulsory acquisition of property
  - Measures affecting powers and position of High Courts
  - Imposition of taxes on storage, distribution and sale of water or electricity in inter- state river or river valley development projects
- No Bills seeking to impose restrictions on inter-state trade can be introduced in a state legislature without previous sanction of the President.

COMPOSITION OF LEGISLATIVE COUNCILS	
% OF MEMBERS	**FROM**
1/3	Elected by **members of legislative assembly** from amongst persons who are not its members
1/3	By electorates consisting of **members of municipalities**, district boards and other local authorities
1/12	By electorate consisting of persons who have been, for at least three years, **engaged in teaching in educational institutions** within in the state not lower in standard than secondary school
1/12	By **registered graduates** of more than three years standing.
Remaining	**Nominated by Governor** from among those who have distinguished themselves in literature, science, art, cooperative movement & social service.
Legislative councils are not subject to dissolution but 1/3rd of their members retire every second year.	

UNION TERRITORIES

- Administrators of Andaman and Nicobar Islands, Delhi and Pondicherry are designated as **Lieutenant Governors**. Governor of Punjab is concurrently the Administrator of Chandigarh. Administrator of Dadra and Nagar Haveli is concurrently the Administrator of Daman and Diu. Lakshadweep has a separate Administrator.
- NCT of Delhi and UT of Pondicherry each has a legislative assembly and Council of Ministers.
- Legislative assembly of UT of Pondicherry may make laws with respect to matters enumerated in List II or List III in the Seventh Schedule of the Constitution
- Legislative Assembly of National Capital Territory of Delhi has also these powers with the exceptions that Entries 1, 2 and 18 of the List II. Certain categories of Bills however, require the prior approval of Central Government for introduction in Legislative Assembly.
- Some Bills passed by Legislative Assembly of Delhi and Pondicherry are required to be reserved for consideration and consent of the president.

LOCAL GOVERNMENT

- **First Municipal Corporation** was set-up in Madras in 1688 followed by Bombay and Calcutta in 1726.
- Constitution did not make the local self-government in urban areas a clear-cut constitutional obligation. While DPSP refer to village Panchayats, there is no specific reference to Municipalities except the implicitly in **Entry 5 of the State List**, which places the subject of local self-governments as a responsibility of the states.
- Parliament enacted **Constitution (74th Amendment) Act, 1992** relating to municipalities in 1992. Act received the assent of the President on April 20, 1993. A new part IX-A relating to the Municipalities has been in corporate in the Constitution to provide for three types of Municipalities, i.e., Nagar Panchayats for areas in transition from a rural area to urban area, Municipal Councils for smaller urban areas and Municipal Corporation for large urban areas.
- **All States/ UTs** have set-up their state election commissions and Finance Commissions.
- A new **Part IX** relating to the Panchayats has been inserted in the Constitution to provide for among other things, Gram Sabha in a village or group of villages; constitution of Panchayats at village and other levels.

ELECTIONS RELATED FACTS

- Till October **1989**, the Commission functioned as a **single member body** when 2 more Election Commissioners were appointed on account of reduction in **voting age from 21 years to 18 years** and consequent increase in work load. However, these two posts were abolished in 1990. Again in 1993, President appointed 2 more ECs.
- Simultaneously, the **Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991** was amended to provide that the Chief Election Commissioners and other Election Commissioners will enjoy equal powers and will receive equal salary, allowances and other perquisites as payable to a judge of the Supreme Court.
- The Act further provided that in case of difference of opinion amongst the Chief Election Commissioner and/ or 2 other Election Commissioners, the **matter will be decided by the Commission by majority.** Act was renamed as Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991
- Article 324 (5) provides that CEC shall not be removed except in the manner and like on the grounds as the judge of the Supreme Court. The other Commissioners cannot be removed except on the recommendation of the CEC.
- **Election Laws (Amendment) Act, 2003,** those service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act applies have been provided the facility to opt to vote through proxy.
- Election and Other Related Laws (Amendment) Act 2003 provides for contribution by any person or company other than a Government company to political parties, subject to the condition that any contribution in excess of Rs. 20,000 shall be reported to the Election Commission for any claim for Tax relief.
- **Delimitation (Amendment) Act, 2003,** provides that the Delimitation be held on the basis of the 2001 Census figures
- **Representation of the People (Amendment) Act, 2003** whereby **open ballot system** was introduced at elections to the Council of States. An elector who belongs to a political party is required to show the ballot paper after marking his vote to an

authorized agent of that political party. Requirement that a candidate contesting an election to the Council of States from a particular State should be an elector in that particular State was also dispensed with.

- **EVMs** were used for the **first time throughout the country in General Elections 2004** making the elections go fully electronic.
- In **Kushra Bharat Vs. Union of India and Others case, 1988** the Delhi High Court directed that information relating to government dues owed by candidates to the departments dealing with Government accommodation, electricity, water, telephone and transport (including aircrafts and helicopters) should be furnished by the candidates and this information should be published by the election authorities in at least two newspapers having local circulation, for information of electors.
- There are **6 National Parties, 45 State Parties**.
- Celebration of 25th January, its Foundation Day, as the **National Voters Day** every year.
- On NVD 2014, around 2.71 crore citizens were enrolled and became proud electors, of which 1.27 crore were from the newly eligible voters in the 18-19 years of age group.
- **Election Commission of India** has launched the "India International Institute of Democracy and Election Management" (IIIDEM).
- The **Turnout for LS 2014** stands at the record high **of 66.4%** against 58.19% in 2009. Highest turnout was recorded earlier in 1984 at 64.01%.
- Electorate in LS 2014 is 83 crore (including service electors) as against 71 crore in 2009.
- **55.38 Crore voters cast their vote in LS 201**4, 41.73 crore votes were cast in LS 2009. This is an increase of voters by 32.71 % over voters in 2009.
- **Female turnout (a major SVEEP objective) stands at 65.63% in** current LS against 55.82% in 2009. (Male turnout at 67.09% in 2014 and 60.24% in 2009).
- The **gender gap now stands reduced** at 1.46 percentage point against more than 4 percentage points in 2009.

LOK SABHA	SPEAKER NAME
First Lok Sabha	Ganesh Vasudev Mavalankar M. Ananthasayanam Ayyangar
14th Lok Sabha	Somnath Chatterjee
15th Lok Sabha	Meira Kumar
16th Lok Sabha	Sumitra Mahajan

NO. OF SEATS IN PARLIAMENT		
State	**In Lok Sabha**	**In Rajya Sabha**
Uttar Pradesh	80	31
Maharashtra	48	19
Jharkhand	14	6
Chhattisgarh	11	5
Uttarakhand	5	3
NCT of Delhi	7	3
Mizoram, Nagaland & Sikkim	1 each	1 each
Only UTs of Delhi (3) and Pondicherry (1) have seats in Rajya Saba because these have Legislatives Assemblies.		
▪ Bal Ram Jakhar was the **longest serving Speaker of Lok Sabha (1980-1989)** ▪ 5 **Persons served more than 1 Lok Sabha Term.**		