

General Studies Notes By

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UPSC CSE 2023

Polity & Governance

GS 2

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Articles about Institutions

Pres - Art. 52

Gov - Art. 153

Parliament -

Lok Sabha
Leg. Assembly - Art. 81

RS
Leg. Council - Art. 80

~~State leg.~~ -

● Leg. Assembly - 170

● Leg. Council - 171 (Abolition 169)

● Council of Min - 163/164

SC - 124

SC - 124
HC - 217

HC - 214 → 231

ECI - 324

FC - Art. 280

Speaker - Art. 93

● UPSC - 315 to 323

● GST Council - 279A

CAG - 148

Attorney Gen - 76

Advocate - 165

This is a time to engage US, manage China, cultivate EU, reassure Russia bring Japan into play - S. Jaishankar

Neighbours

"One can change one's enemies, but not neighbours" - Rajiv Gandhi

Basic feature

Federalism/secularism - SR Bommai

Judicial Review - IR Coelho

Separation of Powers - Kesava Bhandari

Speaker anti-defection - Kihoto Hollohani

Pardoning power - Manu Ram

AK Roy Ordinance - AK Roy vs UOI + DC Wadhwa

Rameshwar Prasad - Art 361

(Gov. + Pres + Immunity)

Custodial death

- DK Basu guidelines

- Underjeet vs state of UP

↳ Punishment which has element of torture is unconstitutional

- Prem Shankar Shukla - against compulsory handcuffing of prisoners

The consolidaⁿ of EU, reassertion of Russia & rapid rise of China, substantive lift. of Japan & slower emergence of India → multipolar world

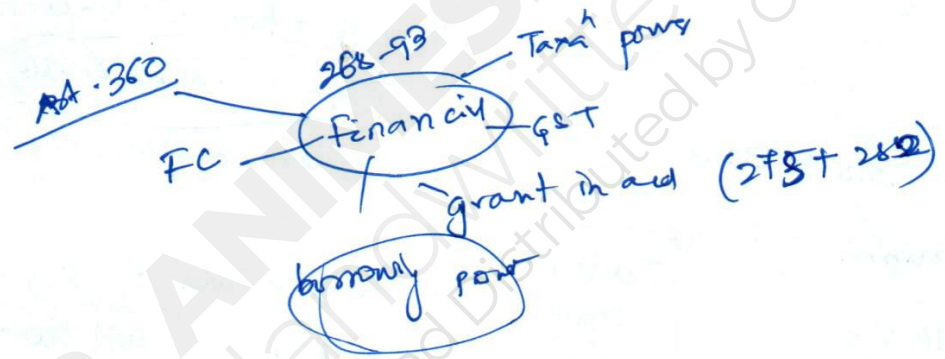
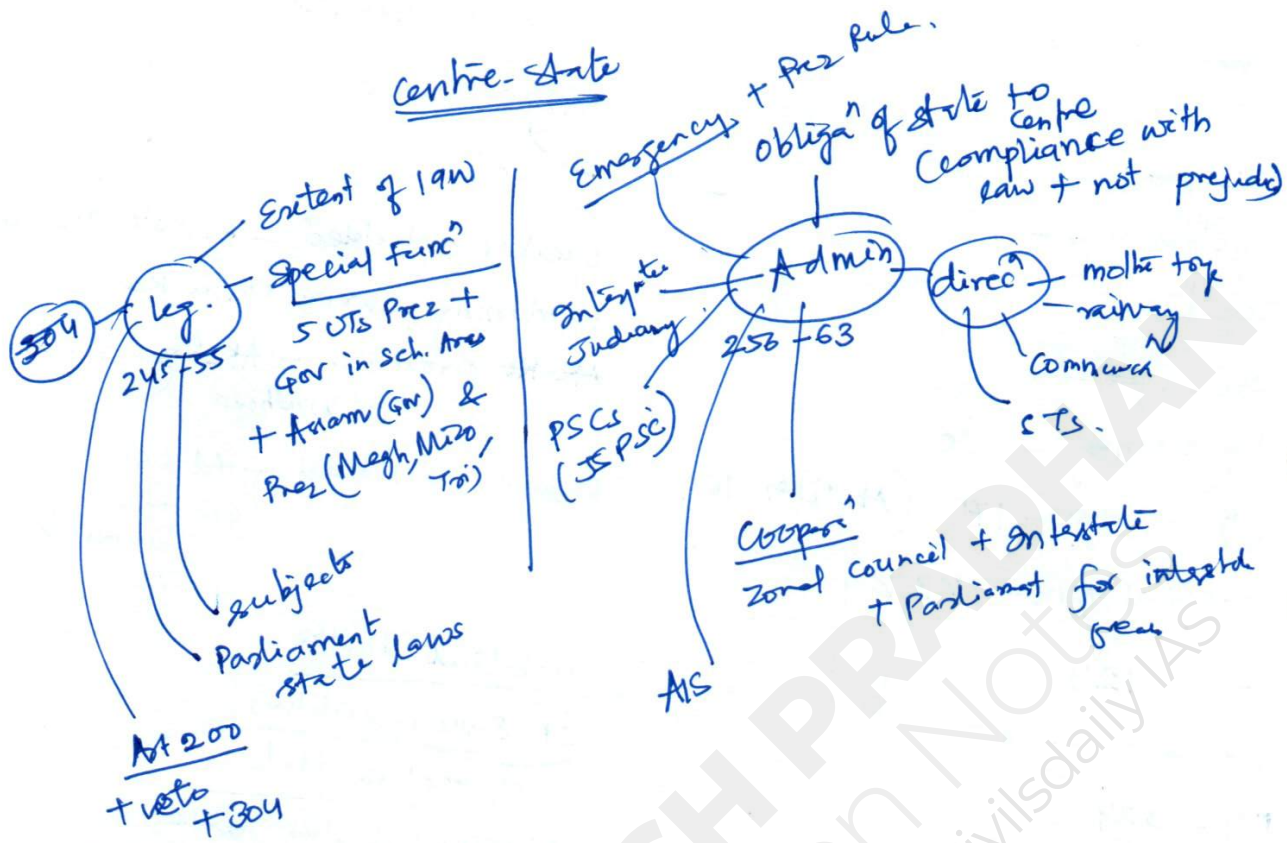
C Raja Mohan

3C's - Conflict
- cooperation
- competition

Realpolitik

strategic ambivalence

Centre-State



Q20

Modi - Pledge to make global table larger, ensuring that every voice is heard & every country contributes

50/mill - 19/2
222/1000 - 192/1000

Judiciary

- 1) Masrur of Rosli - Shanti Bhushan vs SC of India (2018)
- 2) Swaran Singh - AIJS
- 3) Judicial Rev - IR Coelho
- 4) Timpati Balaji Developes RA Ltd vs State of Bihar - Mutual Respect b/w SC & HC

PIL locus standi

- 6) Abdul Thai Case - unregistered worker associaⁿ could initiate writ petⁿ under Art. 32
- 7) Hussainara Khatoon vs State of Bihar -> undetrials
- 8) SP Gupta vs UoI - 32/226
- 9) Mc Mehta vs UoI
- 10) Vishakha vs State of RJ
- 11) India Bank Associaⁿ vs Devkala Consultants -> private interest -> public interest
- 12) State of Uttaranchal vs Balwant Singh Chauhan

Reservaⁿ

- 13) Mukesh Ku vs state of Uttarakhand - Reser. not a FR but enabling provision
- 14) Andra Sathney -> Nagraj -> Jan Abhiyan
- 15) Jarnail Singh vs Lechmi Narain Gupta -> data for SC/ST x

Seeⁿ 77 RPA 1972 mms on candidate

- 16) Chandra Ku. Case - Tribunals.
- 17) Vineet Narain Case - 2 yr. security to CBI Director.

Ordinate

- 18) DC Wadhwa vs State of Bihar - exceptional cases
- 19) AK Roy vs UoI - subject to JR

Comm

- 1) Swaran Singh - AIJS
- 2) Malimeth
- 3) PN Bhagwati - Indiraⁿ
- 4) NV Ramana - NJ Infr. Authory.
- 5) BN Srikrishna - ADR
- 6) Ranbir Singh - Criminal laws
- 7) Madhav Menon - separate auths at national level for national security cases.
- 8) AN Mulla - At Prison Service
- 9) Goswami & Vohra - criminalisation of politics.
- 10) Umesh Sinha Comm - Sec 126 & social media (exit poll)
- 11) Indrajit Gupta - state funding of pol. parties.
- 12) Jeevan Reddy - total ban on splits & merges
- 13) Tankunde - votes council for free & fair elecⁿ + TV/radio under control of auto. statutory corp.
- 14) Padmanabhaiah Comm on Police Reforms
- 15) Ahmadia Comm - NHRC
- 16) CRangrahn Com - FC take into account tax/non tax rev + GST
- 17) Justice Rohini - OBC subcategories
- 18) Vinod Rai - CAG Reforms
- 19) Bezbaruah Comm -> Hate Speech + TK Vishwanath
- 20) S Vijaykar (N 40)

See

Mahan

"Those who control the see, control the world"

Parliamentary Power

20) Manu Ram case → JR

21) Shatrughan Chauhan vs UoI
Inordinate delay ground to convert death penalty → lifetime imprisonment

Separation of Power (Aristotle + Montesquieu)

22) Delhi laws Act case, 1957

23) Kesavananda Bharati Case 1973

24) Indira Gandhi vs Raj Narain 1975

25) Madhu Holmagi vs UoI - PIL against Indo-US nuclear treaty

MCC

26) UoI vs Harbans Singh Jktl - MCC (53/154)

Governor - Art. 153 (Prez - 52)

27) BP Singhal vs UoI - fixed tenure

28) SR Bommai - floor test

29) Nebam Rebia (2016) - 163 limited, not fanciful

30) Rameshwar Prasad vs UoI - Art 361 under JR + Puri + Sarkaria

Elections

31) Manohar Lal Sharma vs UoI - accused can contest but not file

32) Anukul Ch. Pradhan vs UoI - undertrial no right to vote

33) ADR vs UoI - publish assets/liab., cases during nomination

34) PIF vs UoI (2020) - pol. parties to publish criminal antecedents + reasons

35) Lily Thomas Case - repealed sec 2(4) of RPA, 1951

36) caste based rallies - Allahabad HC (2013)

37) Subramaniam Swamy vs ECI - VVPAT indispensable

38) PUCI vs UoI - NOTA

39) Epuru Sudhakar vs AP → Par. Power (JR)

39) Common cause vs UoI - govt. adv.

40) Ramesh Dalal vs UoI - Disqualification if he is convicted & sentenced > 2 years.

41) PIF vs UoI (2014) - 1 year (SAG) MP/MLA case

42) Lok Prabhari vs UoI (2018) - Source of Income.

43) Resurgence India case (2013) - RO reject nomination paper with incomplete/blank affidavit.

44) Abhiram Singh case (2017) - Election is a secular exercise & an appeal for votes during election on basis of religion, caste, race, community/lang → corrupt practice.

45) Anoop Baranwal case - EC secular

46) INC vs Institute of Social Welfare
↳ ECI can't penalise registered parties for violating inner party demo.

47) Subramaniam Balaji vs State of Balaji - SC directed ECI to frame guidelines to check freebies.

48) Ashok Kumar vs Delhi Admin Case → PD to afford protect to society

49) AK Gopalan Case - justified

50) Shambhu Nath Shankar vs WB → draconian & infringes FR but ok for Nat. Ea

51) Bachan Singh Case - rarest of rare

52) Macchi Singh - socio-psycho

53) Shatrughan Chauhan vs UoI - undue inordinate delay → torture & ground for commutation

54) Huain & Anr vs UoI - Jail ~~excep~~ / Bail ~~non~~ / Ordinance

Online Justice

55) Swapnil Tripathy vs SC - live tele
- cast of court proceedings part of
right to access justice under Art. 21

Art. 142

56) Prem Chand Gang Case

57) Union Carbide Corp vs UoI - widened scope

58) Supreme Court Bar Assoc vs UoI
power under 142 supplementary, should
not override substantive law

Separation of Power - Keravanandi + IR Coelho

59) Ram Jawaya Kapoor vs State of Punjab
no absolute rigidity but sufficient
differentiation

60) PLR Projects vs MCL Pvt Ltd (2021)
reco. by collegium must be cleared
by Centre within 3-4 weeks to avoid
any deadlock.

DL

61) Kerala State Electricity Board
delegated legisⁿ should not supplant
but supplement parliamentary statute

Pad. Privi

62) Narasimha Rao vs State - members
need wider protecⁿ

63) MSM Sharma Case
Art. 194 vs FR → FRK.

64) Kilbato Hollahan - Free & fair elecⁿ - Banz
direct.

Contempt of Court - Art. 129/215
Speakers - 93

65) RC Cooper Case - can be challenged on
grounds that no immediate req.,
bypassing debate

66) DC Wadhwa

67) Krishna Ku. Singh → under JR

Freedom of Press

68) Romesh Thapar vs State of Madras
freedom of speech has free. of press

69) Brij Bhushan vs State of Delhi
cannot be curtailed unless public safety

70) Indian Exp. N/w vs UoI

71) Siddhartha Vashist Case - distincⁿ
b/w trial by media & informative media

72) Manohar Lal Sharma vs UoI

Breach of privacy → self-censorship;
fear of surveillance is an assault
on press

73) Vinod Dua vs UoI

criticism of govt. applies not
sedition

Half speech

74) Amish Dargan Case

75) Pravasi Bharatiya Sangathan
guidelines.

76) Selvi vs State of KA - narcoanalysis
w/o consent - invalid

77) KK Oghad Case - obtain photograph,
sign, finger/thumb print → not violate.

Speaker

78) KM Singh Case (Manipal) - antidoteⁿ
within reasonable prod +
permanent tribunal

79) Kilbato Hollahan - JR.

Quote

80) Dr. Pradeep Jain case → legisⁿ for
soil of soil unconstitutional

81) Sunanda Reddy vs State of AP -
strike down policy that gave additional
5% wt. to Telugu students.

82) K Krishnamurthy vs UOI
Gawali vs State of MH → Triple test
- comm. for empizent
- propⁿ
- not 50%
for OBC reserve in local bodies

Secⁿ (seeⁿ 124A)

83) Kedarnath Case

84) P. Atavi vs State of Kerala

slogan/critique of Par/Judi → X

85) Balwant Singh vs State of Punjab

Raising some logos →

Custodial
death

86) DK Basu guidelines (Right against
torture)

87) Inderjeet vs State of UP

Punishment with torture element
↳ unconstⁿ

88) Prem Shankar Shukla - against
compulsory handcuffing of prisoners.

89) Unni Krishnan vs State of Andhra

Right to Edu

90) Common Cause vs UOI - passive
euthanasia

91) Navtej Johar

92) NALSA

93) Buddhadeb Karmakar

96) Sucheta Srinivas

94) Hadiya

95) Devika Biswas

Global Hunger Index - 107/121

Gender Gap - 127/146

Press Freedom - 161/180

HDI - 132/191

DBT - 300 Cental

2000 state shares

IMF logical marvel

96) Kailash Thankam Case - justice

quote
Preamble

* Mexico - 50% reserveⁿ to women @
all levels

Competition - Raghavan Committee

Bijoe Emmanuel Case X

Dctrine of Harmonious Constrⁿ
" Reasonable accommodⁿ

Bill Gates - "seeds of development
are planted in soil of an educated pop"
- Gate

Health - Antonio Guterres

"On the symphony of dev., health plays
the transformative melody"

Transgender - Justice Indu Malhotra

"History owes an apology to
transgender people"

SCO

Shyam Sharan - must not
let SCO become defunct like
SARC

'defining partnership'
of century.

Indo-US

Censorship - moral, religious, civil, political ✓

- laws**
- ① CBFC - Cinematography Act, 1952
 - ② IT Rules, 2023 - MeitY
 - ③ Cable TV N/W Regulaⁿ Act, 1995
 - ④ PCI (Press Council of India)
 - ⑤ Secⁿ 95 of CrPC.

fake News → 3x [2020 → 1500 | 2019 → 500]

① Reputaⁿ of company → 'Arctic Ready' hoax against shell

Govt. steps

- PIB - Fact checking Unit
- IT Rules, 2023
- IPC Secⁿ 505
- Delhi Declaraⁿ of UNSC Counter-Terrorism Comm

"Fact Shala" → for media literacy ✓

EU - Digital services Act ✓

Internet Shutdown → Internet Freedom Foundaⁿ

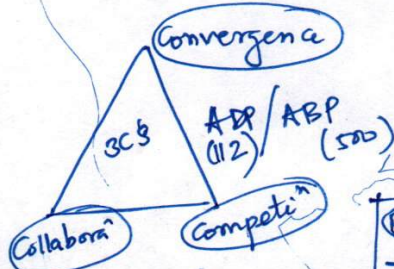
~45% Internet shutdowns in response to protests

Temporary suspension of Telecom services, 2017 (Indian Telegraph Act, 1885)

- Worldwide (\$20 Bn loss - (2019-21))
Impacts (health/polity/edu/journalism/freedom)

Mayor → Direct elecⁿ of 5 years.
↳ Mayor appts. Mayor cabinet

"Kolkata Model" - Mayor-In-Council form of city governance



Best practice

→ Germany - Pol. Parties Act

→ France - Business houses prohibited.

① **Aadhar** → 2019 survey - 2.5% of respondents experienced exclusion from a welfare service.

periods of req (4 → 3 mo)
MSCS, 2022 - Cooperative Elecⁿ Authority

- ↳ Board of Dir^s - 20 (1 SC, 1 ST, 2 women)
- ↳ Amalgamaⁿ of Coop. soc^s
- ↳ Coop. Rehab, Reconstructⁿ & Devⁿ fund

- Coop. Ombudsman
- Increase monetary pendⁿ
- Coop. Info. Office

- Concurrent audit of MCEAS.
- veto power with centre/state over redempⁿ of their shareholding (issue)

[Seed - Export - Organic]

Electoral Funding

① **SBI** - since 2018, 10K Crore by election funding

② **Secⁿ 77 of RPA, 1951** & Conduct of elecⁿ Rules, 1961
↳ limit on candidate, not pol. party

③ **0.96%** of registered unrec^d
- need parties filed their contribuⁿ report to ECI

④ **Unknown sources** (FY'22) - 68%

Comm - independent body

* Election & Tech

- ① Brazil - electronic voter reg. system
- ① Electronically Transmitted Postal Ballot system - sense voters
- ① Social Media
- ① Awareness
- ① CVIGIL Application - for filing MCC violation
- ① Suvidha Portal
- ① GARUDA - coordinate booth level officers.
- ⇒ Blockchain
 - ① EPIC
 - ① Sugam - permission
 - ① Samadhan - monitor complaints
- ① GIS → EVM

① Anoop Baranwal case - PM
- LEO of LS
- CBI

- * RPA - Secⁿ 29(A), 1951 → Reg. pol. parties
- Germany - consti status to parties.

* INC vs Institute of Social Welfare for
↳ ECI can't penalise registered pol. parties for violating inner party demo.

Freebies

- ↳ Telangana - 35% of revenue receipt on populist scheme
- ↳ Raj - 56% of all rev. pensions & salaries.
- ↳ Electricity subsidy

* Subramaniam Balaji vs State of Tamil Nadu → SC directed ECI to frame guidelines to check freebies

* Part 8 of MCC - guidelines on freebies

Delimitation Commission

↳ 4 times: 1952/52/73/2002

24th CAA, 2002 - freeze till 2026

Art. 82 | 170 ←

① voter Turnout - 67.4%

Preventive Detenⁿ

Ashok Kumar vs Delhi Adminⁿ Case (1982)

↳ PD to afford protecⁿ to society

laws
1st PD Act (1950) → MISA

PUTA ← TADA ← 44th CAA repealed

⊙ Art. 22(3) mentions preventive detention ⇒ 60/1st does not enjoy protecⁿ against arrest/detenⁿ under Art. 22(1) & 22(2).

⇒ CoPC, NDPS & UAPA → PD

⊙ NCRB → 1.1 lakh under PD in 2021

⊙ ~80% of all detenⁿ under Nat. Security Act (2018-20) ⇒ incorrect

→ Pending cases.

→ Advisory Board - purely executive.

→ victimisaⁿ of detainees.

⊙ AK Gopalan case (1950) ⇒ Court justified.

⊙ Shambhu Nath Shankar vs WB
↳ draconian & infringes FR but required for national security.

Death Penalty Against Art. 21

↳ Mercy (Pardon) Power Art. 72 Art. 161

Criminal law & Cr. Proc - Concurrent list

(So, Navy Act, Army Act, IPC, Prevenⁿ of Absentees Act)

⊙ 113 countries abolished

⊙ Principle of Federal Supremacy

⊙ State of WB & Ors 1963

↳ Centre > state

⇒ ITC Ltd vs APMC
M. Kamranidhi vs UoI 2002 } in

Concurrent list Centre > state

⊙ Harmonious Construcⁿ

Hindustan Bulk Carriers Case

(2000)
↳ 5 Principles of Harm. Constr.

⊙ Calcutta Gas Company RA Ltd vs WB

↳ there is bound to be overlapping but harmonious harmonise them.

⊙ Bachan Singh vs State of Punjab (1980)
↳ rarest of rare cases

⊙ Macchi Singh - socio-psychological analysis impt.

⊙ Shatrughan Chauhan vs UoI
↳ undue, inordinate & unreasonable delay in death penalty execuⁿ amounts to torture & ground for commutaⁿ.

⊙ Pardoning power (72)
↳ limited OR

⊙ Epsara Sudhakar vs Govt of Andhra

Judicial Majoritarianism

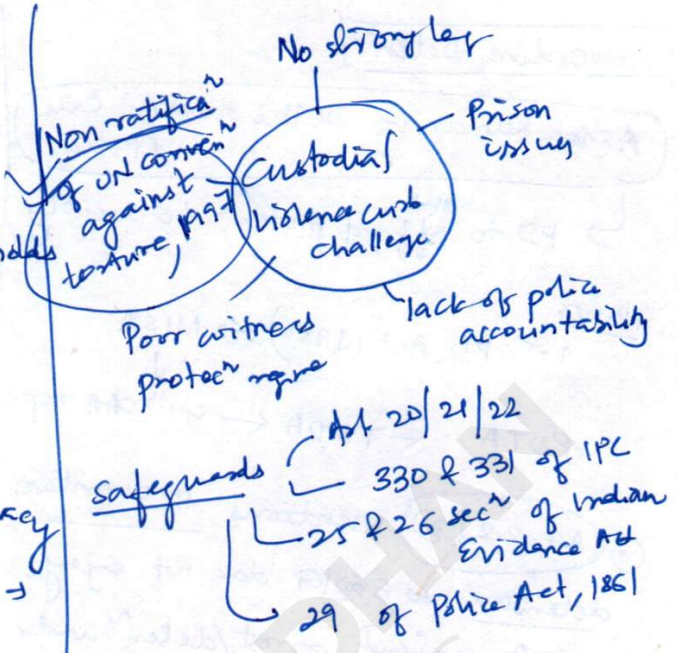
AA. 145 (5)

Merits of dissent

Shivkant Shukla (1976) case → upholds right to life & personal liberty even during situations of constitutional exceptionalism.

Kharak Singh (1962) → right to privacy

Way F. - Supermajority decision (7 bench → 6-3/7/2/8-1/9-0)



Safeguards - Art 20/21/22
 330 & 331 of IPC
 25 & 26 sec of Indian Evidence Act
 29 of Police Act, 1861

Women in Judiciary - 12.5% (SC), 13% HC, 35% (sub const)

- only 3 times all women benches (2013, 18, 22)
- 1st women CJ in 2027
- only 1 woman judge in collegium ever

Lawyers need 7 years of continuous legal practice & age of 35-45 → District Judge

Prisons

Criminal Procedure (Identification) Act - 2022
Malimath Com + 1980 LC

Prisons - 77% undertrials, 119% capacity reached, Highest deaths in police custody (175) (2021-22)

State list - Model Prison Act (2003) → rephrasing 1894 law

- SC - need for separate bail act.
- 60% vacancies in UK, Ch, Bihar, Jharkh.
- Repressive to Retributive

Measure - Criminal Proc (Identified) Act, 2022

- Fast Track courts
- e-courts
- Modernisation of police science
- e-Prison project

AN Mulla Com → AI Prison Service

Hussain & Anr. vs UOI (2019)

Jail is excepⁿ, bail is norm.

Right to vote for Undertrials - Anukul Ch. Pradhan vs UOI

CrPC 436A ⇒ > 1/2 of imprisonment - max period (except life sentence), can avail bail with/ w/o surety.

Speaker - Art. 93

↳ disqualified [Manipur Speaker in 2000 pending petⁿ for 3 yrs]
↳ money bill (Aadhar Bill as money bill)

(KM Singh case)
* Manipur Speaker case (2020) →
antidefecⁿ within reasonable time period

* Kichoto Hollahan - J.R.

→ Britain - relinquishes party membership

↳ permanent tribunal for antidefecⁿ

Page Comm → allow speaker to continue in next Parliament if they exhibited impartiality & efficiency

* Judiciary, Armed forces, employees of state gov → not covered under Lokpal

↳ No consti backst
↳ after 7 years of conduct of corrupⁿ cannot complain

Lokpal → 1st Lokpal in 2019 (after 6 years)

↳ infra & staff
↳ growing public-trust deficit
(1500 case in 2019) (2020-21 (110))

↳ Conflict of interest - parliamentarian
in appointing com

↳ ambiguity in 'eminent person'
& a person of integrity
Director of Inquiry & Prosecuⁿ not appt.

Federalism

→ Interstate Council Secretariat
with MHA → lack of independence

* NCI of Delhi (Am.) Ordinance

- National Capital Civil Service Authority

- LG has full discretionary power either to accept/reject

* 7th schedule → Art. 246

- Sarkaria - Residuary to centre, state consulted

- Venkatachali

- Rancho - transfer only those to concurrent that requires uniformity

- River Basin Management Bill (2016)

only state River - Dam Safety Act

- Interstate W Disput (Am) Bill 2019

Art 262

↳ fixed timelines

- Venkatachali

↳ comprehensive central leg.

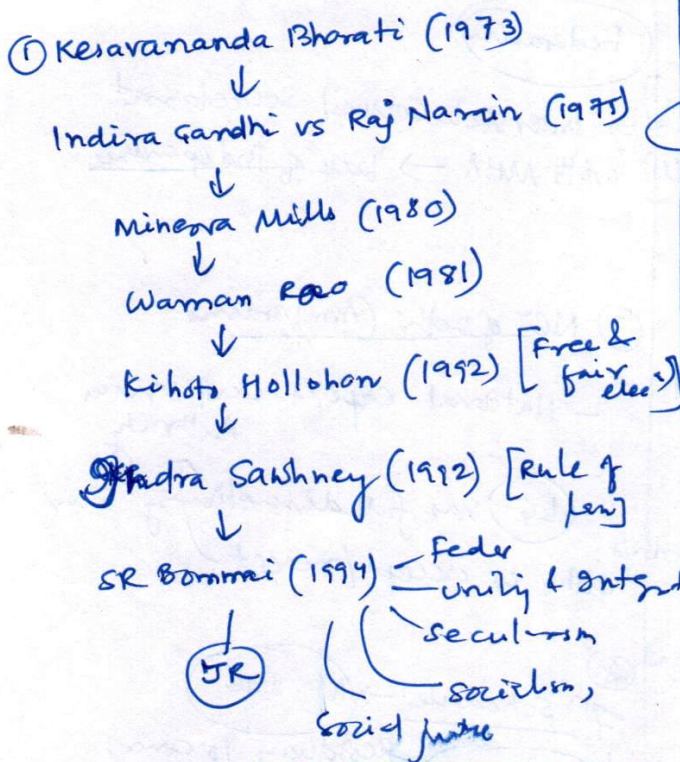
- Social Justice

↳ part of dispute resolution

* Census 2011

→ 19,500 matter scope

Basic structure



Ordinance Art. 128 | 213

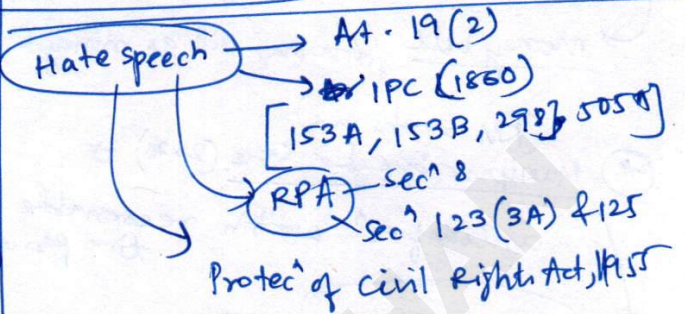
① RC Cooper case - Prez decision can be challenged on grounds that 'immediate action' was not reqd & ordinance had been passed primarily to bypass debate

② DC Wadhwa - exceptional
 ③ Krishna Ku. Singh - under JR

Freedom of Press

- 1) Romesh Thapar vs State of Madras (1959) - freedom of speech has free. of press
- 2) Brij Bhushan vs state of Delhi (1958) - cannot be curtailed unless imminent danger of public safety
- 3) Indian Express Newspaper vs UOI (1985)
- 4) Siddhartha Vashisht v state of NCT of Delhi (2016) - distinct b/w trial by media & informative media
- 5) Manohar Lal Sharma vs UOI (2021) - Breach of privacy → self-censorship; fear of surveillance is an 'assault' on the press.

* Contempt of court punishable under Art. 129 & Art. 215



④ Amish Dargan case
 ⑤ Pravasi Bhalai Sangathan → guidelines with regard to politicians making inflammatory speeches.
 ⑥ Bezbaruah + K Viswanathan case

Rights Against Self Incrimination

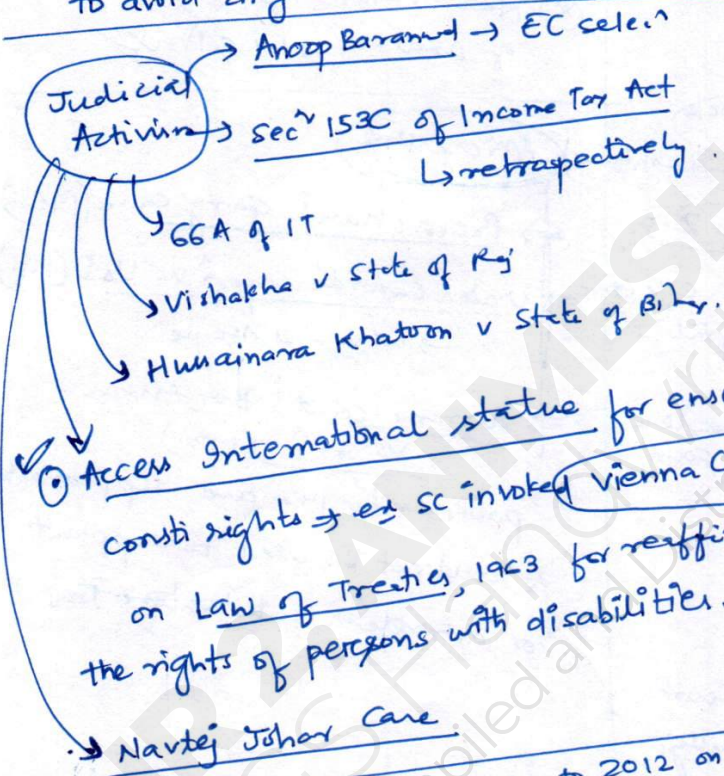
⑦ Selvi vs state of KA → narcoanalysis test without consent of accused → violⁿ
 Kathi Kalu Oghad case → obtaining photograph, sign, fingerprints & thumb imp. → not violate.

⑧ Vinod Dua vs UOI (2021) - Criticism of govt. & its policies is not seditious & extends to press.

Separation of Power

121 211
122 212 53 154
361

- Kesavananda Bharati case
↳ basic structure
- IR Coelho - judicial review
- Ram Jawaya Kapoor vs State of Punjab
no absolute rigidity but sufficient differentiation
- PLR Projects vs MCL Pvt Ltd (2021)
↳ SC - reco. by collegium must be cleared by Centre within 3-4 weeks to avoid any deadlock.



Delegated legislaⁿ → From 2009 to 2012 only
100 pieces of delegated leg. scrutinised by comm.
70%

- ★ Kerala State Electricity Board case → should not supplant but supplement parliamentary statute
- ★ Demonetisaⁿ Case → upheld validity of DL.

Parliamentary Privilege

105
199

- Code of Civil Proc., 1908
- ★ PV Narasimha Rao vs State
→ members need wider protecⁿ of immunity against all civil & criminal proceedings that bear nexus to their speech/wrte.
- ★ MSM Sharma Case
194 vs FR, FR supreme
- ★ strengthens 'Comm. of Privilege'
- Parliament Productivity**
Winter Session → LS (47%)
↳ RS (42%)
- Absence of scrutiny
NaBFID Bill, 2021 & Insurance (Amend) Bill 2021.
- Parliamentary Comm refused
27% in 16th LS, 11% in 17th.
- Reducing attendance
71% (LS) & 74% (RS)

★ NCRWC → LS min 120 & RS min 100 days

① Commonwealth Human Rights Initiative

Per capita spending on legal aid
 ↳ ₹ 0.75

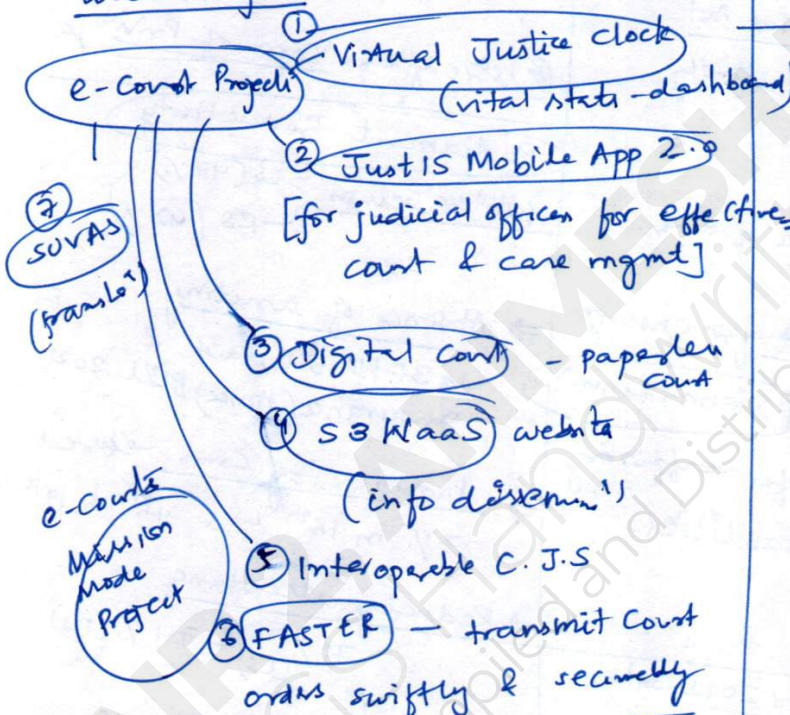
② Fast Track Courts 850/1800 functional (Jan'23)

↳ 40% pendency ↑ since 2020

In FT Special Court - (~21 lakh) pendency

Online Justice Delivery

⇒ Swapnil Tripathy vs SC → live telecast of court proceedings part of right to access justice under Art. 21.



TRIBUNALS

CAT ⇒ ~15K pending

323A | 323B

↳ 42nd CAA, 1976

[Swaran Singh Com.]

→ natural justice + civil court.

vacancy ⇒ 27/64 post vacant

non uniformity in appb.

lack of independence

pending case - separaⁿ of power?
 judicial infra.

③ L Chandra Kumar Case

④ Nat. Federatⁿ of Info. Com. of India (NFIC) Act

Article 142

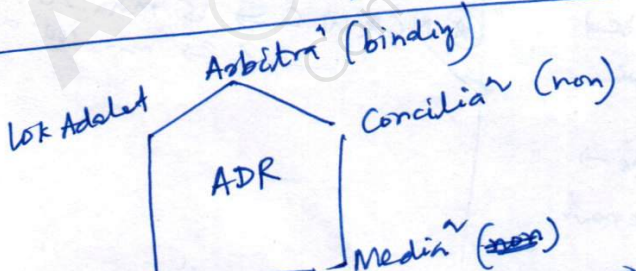
→ Prem Chand Garg case (1962)

→ Union Carbide Corporⁿ vs UoI (1991)

↳ widered scope

→ Supreme Court Bar Assocⁿ vs UoE (1998)

powers under 142 are supplementary & could not be used to supplant or override a substantive law.



Negotiatⁿ (non) [no 3rd party]

⑤ New Delhi Internatⁿ Arbitratⁿ Centre (Am.) Act, 2022

Reservaⁿ - 15(4), 15(6), 16(4), 16(4A) & 16(4B), 16(6)
 AA-46 ⇒ DPSP
 Art. 243 D in Panchayat
 AA 330 & 332

⇒ Indra Sawhney case (1992)

⇒ Nagaraja case (2006)

⇒ Janhit Abhijan case (2022)

15(6) & 16(6) → reasonable classification
 → Doctrine of Harmonious Construction
 103rd CAA → 52% is feasible.
 Sinho Comm

Quota in Private sector

1) Dr. Pradeep Jain case (1984)
 ↳ legislaⁿ for "sons of the soil" would be unconstitutional

2) Ananda Reddy vs state of Andhra
 strike down policy that gave ^{additional} 5% weightage to Telugu students.

* K Krishnamurthy vs UOI & Gawali vs state of MH ⇒ Triple Test for reservaⁿ of OBCs in local bodies

Triplet test - committee for empirical study specify proportion not 50%.

Sedition - IPC 124A

1) Kedarnath case

2) P. Atai vs state of Kerala
 sloganeering, criticism of Parliament/Judicial setup → "not sed"

3) Balwant Singh vs St. of Punjab
 Raising some slogan (Khalista Zindabad) that neither evoked any response or any reactⁿ from public does not amount to sedⁿ.

Sedⁿ in UK, USA, Nigeria (Gone)

→ violate international covenant on civil & pol. rights (ICCPR)

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Federal structure & Devolution of Power

Federal features

- 1) Dual polity
- 2) Rigid Constituⁿ
- 3) Supremacy of Const.
- 4) Written constituⁿ
- 5) Division of Powers
- 6) Bicameralism
- 7) Independent judiciary

Unitary features

- 1) Strong centre
- 2) States Not Indestructible (states change)
- 3) Single Const
- 4) Integrated Judiciary
- 5) All India service (Art. 312)
- 6) CAG
- 7) Emergency
- 8) Parliament powers on state list
- 9) Single citizenship
- 10) Flexible Const.
- 11) Veto over state bills
- 12) Appt. of Governor
- 13) Integrated election Machinery

KC Wheare - "Indian Union is a unitary state with subsidiary federal features rather than federal state with subsidiary unitary features".

SR Bommai vs UoI - Federalism, like secularism is basic feature of constituⁿ.

* Parliament can legislate on ^{state} subjects

- i) RS request (Art. 249)
- ii) Nat. emergency (Art. 352)
- iii) Prez Rule (Art. 355)
- iv) International treaty (Art. 253)
- v) States request (Art. 252) → Money Bill (Art. 360)

Other → Art. 200 (Gov. reserve bills) → Bill imposing restricⁿ on freedom of trade & commerce - Prez approval (Art. 304)

Article 254 → Rule of repugnancy
Concurrent list - Central over state

Article 169 → abolition of Leg. Council
by Union Parliament

Leg. Relat ⁿ	- 245 - 255 (Part 11)
Admin. "	- 256 - 263 (")
Financial "	- 268 - 293 (Part 12)

* Interstate River water Dispute
Act 262 - River Boards Act, 1956
Interstate River water Dispute Act, 1956
- Tribunals like Cauvery & Ravi-Beas - 26 & 30 years old
- 3/8 tribunals have given awards accepted by states

Statutory grants (275)
Discretionary grants (282)

Sarkaria Commission

- 1) Interstate Council (Art. 263)
- 2) Zonal council to be setup afresh & reactivated
- 3) Prez Rule (Art. 356) sparingly use
- 4) Art. 312 more strengthened
- 5) Procedure for consulting CM while appt. gov in constiⁿ itself.
- 6) Gov. cannot dismiss council so long as majority
- 7) Gov. 5 years not disturbed unless very compelling
- 8) 3-language formula

Punchhi Com.

- 1) Prez decide on assenting/withholding state bill within 6 months.
- 2) Governor - fixed tenure
 (outside the state)
 ↳ impeachment
 ↳ Art. 163 - discretionary power
 cannot be arbitrary.
- 3) Zonal Councils at least twice a year
ISC - thrice a year
- 4) New AIS for health, educatⁿ, engineering, judiciary
- 5) Equality of states in RS ✓
- 6) Inter-state Trade & Commerce Comm. (Art. 307) GST Reves.

270(A) & 270(C) - GST levies allocated in manner decided by PC, not GST Council
15th Finance Comm. - 41% of tax devolⁿ to states.

Special Category Status

* Radgil Formula → Hilly terrain, low pop density, tribal, border neighbour, economic backwardness
 non-viable nature of state finances

Raghuram Rajan Comm. (2013) → Aboliⁿ of SCS & introducⁿ of 'least developed states'

NITI Aayog | ISC | Zonal Council | GST
Sarkaria Comm - CSS mn

* NCTC (Nat. Counter Terrorism Centre)

- GST Council - 2/3rd members from state

→ States & Foreign Policy

- Look East Policy
- Teesta River : WB
- Srilankan Tamil : TN

Inter state Council (Art. 263)

- 10 meetings in 22 years
- Punchhi Com. → at least thrice a year
- should have advisory body/technical expert
- Sarkaria Comm - permanent

Inter-state River Water Disputes (Amendment) Bill, 2019 Dispute Resolⁿ Com

→ Dispute Resolution Comm. (DRC) to be established by the Central before tribunal

Art. 371 to Art. 371 J → special provision for state

- 6th Schedule for - Assam, Meghalaya, Tripura, Mizoram

AA. 282 - concerns have emerged over the use of AA. 282 as a means of authorizing CSS for inhibiting state

Cess & surcharges → share in gross tax revenue of Centre 22 to 20% from 10.4% in decade

* 323-AB Tribunals

Judiciary

Vacancy in HC: 10% women, 38% vacancy

- Appl. process to be initiated before 6 months of vacancy : Standing Comm (2021) → not followed

Judicial Review : IR Coelho Case → basic feature of constn.

2) Vishakha Case (1997) - SC gave guidelines for protection of women leading to POSH Act, 2013

3) Prakash Singh (2007) - Police Reforms

4) IT Act section 66A struck down on ground of Article 19(2)

5) SC struck down National Tax Tribunal Act, 2005 as it encroaches power of judiciary.

6) SC rejected National Judicial Appointments Comm. Bill

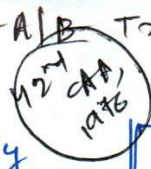
→ Lily Thomas Case

- Banning diesel vehicles older than 10 years in Delhi - NCR
- Banning of sale of liquor at Retail outlet along highway

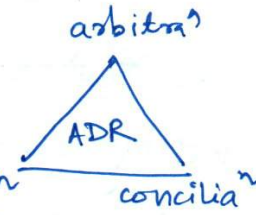
High Court - Art. 214 to 231

- Gram Nyayalayas Act, 2008 (both criminal & civil courts)

- Only 11 states taken steps
- 208 Gram Nyayalayas against 2500 "



ADR



Justice BN Srikrishna Report on Institutionalization of arbitration mechanism

1) set up Arbitration Pwms Council of India
2) Revamp Int. Centre for ADR
New Delhi Intl. Arbitration Centre

Art. 39A → free legal aid to poor & weaker

Criticism of Lok Adalat
✓ Justice hurried is justice buried

✓ Swaran Singh Comm. & Law Com. Report
↳ AIJS

Judicial Activism

- Lily Thomas case
- SC (2012) → only sitting/retire CJ of HC / SC can head Centre or state Info. Comm.

- SC (2013) → directed Centre & States to set up a Civil Services Board (CSB) for mgmt of transfers, postings, inquiries etc.

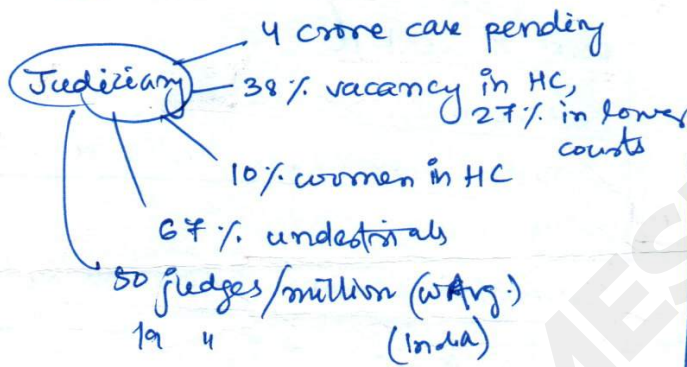
- NOTA, VVPAT (Subramanian Swamy vs Eel)

- Stay on caste based rallies

- SC (2014) → inordinate delay in deciding on mercy plea of a death row convict is sufficient ground for commutaⁿ of death sentence to life. (Satrughan Chakran vs UP)

- SC (2013) ruling on acid sale

- SC directives on Police Reform
Prakash Singh vs UoI, 2006



Supremacy of SC

Art. 139-A: SC can transfer any case pending before one HC to another HC or itself (142)

Art. 141 - law declared by SC binding on all courts, including HC

Art. 144 - all authorities, civil & judiciary (including HC) - act in aid of the SC.

Transparency in Appt

- Strengthening tribunals, fast track courts
- Judicial complaints comm.

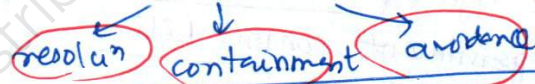
Mutual respect b/w HC & SC

Tirupati Balaji Developes Pvt. Ltd & ors. Vs State of Bihar, 2003

Gram Nyayalas Act, 2001

Lok Adalats → Legal Service Auth. Act, 1987

- not appropriate for complex cases
- lack of confidentiality
- diminished party autonomy
- need consent of both parties
- wastage of time/money if not resolved
- limited Judicial Review
- lack of power to establish legal precedents
- no educational or deterrent effect on public
- Online Dispute Resolution



Judicial Reforms

- NV Ramana - National Judicial Infra Authority

- Indianizⁿ of Judiciary - need to promote local languages (PN Bhagwati in MC. Mehta case)

- Malimath Com. highlights issue of litigaⁿ explosion, hasty & imperfect drafting of leg; inadequate judges

- Technology In fusion EX SUPACE

- ADR Law Com → Judges must deliver judgments within a reasonable time

- Legal Educaⁿ

Judiciary

Issues

- 1) Collegium system - MOM not made public
non-constitutional, unrepresentative
- No appt. from category of distinguished
just (Art. 124) ✓
- 2) Masters of Rosters - Only CJI → can be
influenced by Central Gov.
* Shanti Bhushan vs SC of India (2018) →
plea that MoR be interpreted as
collegium → rejected.
- 3) In-house enquiry system - CJI
constituting panel for complaint against CJI
- 4) Vacancy - SC : 3/34, HC : 38%;
subordinate > 20%.
* Appt. process to be initiated bef
- one 6 months of vacancy -
* Standing Comm (2021) → not followed
- 5) Large pendency - 4.1 crore in subordinate,
60L in HC, 77K in SC
- 6) Uncle Judge Syndrome - 230th LC report
Judicial Standards & Accountability
* Bill, 2012 → Judges whose
Kith & kin practicing
in HC, should not be appt. in same HC
- 7) Conflict with Exec - exe delays
in judicial appt., Tribunalisaⁿ
of justice etc.

Judicial activism & overreach

- 9) Past retirement benefits -
✓ RS Member - CJI Ranjan Gogoi
- 10) Corrupⁿ in lower courts -
2013 study - 36% citizens ✓
- 11) low representⁿ of women - 10%.
- * Swaran Singh Comm → AIJS
+ Punchⁿ
- * 50 Judges/million (World avg)
19 Judges/million (India)
- * 67% under trials.

Reforms

- 1) NV Ramana - National Judicial
Infra Authority
- 2) Indianizaⁿ of Judiciary - need
to promote local languages
(PN Bhagwat in MC Mehta case)
- 3) Malimath Com - Litigaⁿ explosion,
hasty/imperfect drafting of leg,
inadequate judges.
- 4) Public disclosure of income by judges
- 5) Retirement age same should.
✓ HC (62), SC (65)
- 6) AIJS → LIMBS (web portal)
- 7) Technology Infusion ex SUPACE,
e-courts
- 8) Improve legal educⁿ
- 9) ADR - via NALSA

10) Enactment of the Commercial Courts → ensure speedy disposal

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Criminal Justice System in India

- IPC, 1860; CrPC, 1973, India Evidence Act, 1872

Fault lines

1) Colonial legacy - ex sedition law (124A), extradition treaties ($\frac{1}{3}$ rd success rate)

2) Police issue - low accountability, political interference, low infra

192 police personnel / 1 lakh, UN \rightarrow 222 / 1 lakh

\rightarrow Only 14% fund utilized for

Modernizaⁿ of police forces

3) Adjudiceⁿ courts

- 4 crore case pending

- 38% vacancy in HC, 22% in lower court

- women - 27.6% in lower courts,

10% in HC

- 19 million judge; 50 would avg

4) Prisons

- NCRB: 67.2% undertrials

- NCRB: 118.5% prisons capacity

5) Repressive laws & loopholes -

ex marital rape, cybersecurity/harassment

Steps Taken

1) Reforming criminal laws - MHA

established Ranbir Singh Comm

to modernise & update laws

2) Police reforms - Modernizaⁿ of Police Forces

3) Empowering stakeholders

- Witness Protecⁿ scheme, 2018

- National Legal Aid Helpline (15100)

- Nyaya Bandha (Pro Bono Legal Serv)

4) Modernize judiciary

- Infra development

- Digitizaⁿ: SUPACE, SUVAS,

National e-Governance plan, 2006

- Prison development

5) skill development of prisoners

- literacy campaigns in Odisha,

Aashayin - jail shop (Jaipur)

Way Forward + class by Doc

1) Malimath Comm. Report

- Code be translated in 9 regional languages

- Increase judges, witness protecⁿ

- Victim compensaⁿ

2) Madhav Menon Comm

- separate authority at nat. level

to deal with national security crimes

3) Prakash Singh vs UOI, 2006

- state security comm & Nat. security comm

\rightarrow eliminate political interference

4) AN Mulla Comm - All India Prison Service

5) New types of punishment like community services, restituⁿ order

- 6) Improve prison infra, courts infra, more judges
- 7) Use AI, digitization

Digitization of Judiciary

- Nat. e-Gov. Plan (NEGP), 2006

- 1) Use of AI → SUPACE - extract various objective facts from files
- SOVA AS - translates judgments & legal doc to regional lang.

2) Interoperable CIS - transfer of data among diff. pillars

3) Telelaw - legal services at Common Service Centre

4) Online FIRs

CCTNS

5) Crime & Criminal Tracking Net. System (CCTNS) - 'Mission Mode Project'

6) e-Courts → e-filing & e-hearing

PIL - Background (Locus Standi)

1976 - Mumbai Kamgar Sabha vs Abdul Trai Case
 → unregistered worker
 assocⁿ could institute writs petⁿ under Art. 32

1979 - Hussainara Khatun vs State of Bihar
 → inhuman prison conditions

1981 - SP Gupta vs UoI

- SC landmarks on PIL
- 1) SP Gupta vs UoI (1981) → can invoke writ under 32/226 ✓
 - 2) MC Mehta vs UoI (1997) - Ganga water pollⁿ ✓
 - 3) Vishaka vs State of Raj. (1997) - sexual harassment violⁿ of FR 14, 15, 21 ✓
 - 4) India Bank Assocⁿ vs Devkani
Consultancy → private interest case can also be treated as public interest case (✗)

- Puri Jagannath delay due to this

* State of Uttarakhand vs Balwant Singh Chauhan
 → SC guidelines on PIL

PN Bhagwati

Reservation in Public Employment

✓ Art. 16: Equality of opportunity in the matter of public employment
 ✓ Art 46: State shall promote with special care the educational and economic interests of the weaker sections of the people (SCs & STs)

- Art. 16(4) & 16(4A) - reservation in promoⁿ to SCs & STs respectively.

✗ Mukesh Kumar vs State of Uttarakhand (2020) - Reservation not a fundamental right but enabling provision vs stat. Mukesh Kumar

7) Dr. Jaishri Patil vs Chief Min. (2021)

- struck down Maratha reservation Law
 - upheld 50% ceiling

Timeline

1) Mandal Comm. (1980) - 27% OBCs implemented by VP Singh Govt (1990)

2) Indra Sawhney Judgement (1992)
 - upheld 27% reservation
 - ceiling of 50% unless exceptional circumstances
 - exclusion of creamy layer

3) 77th CAA, 1995
 - Reservation in promotion to any class or classes of posts cap.

4) Nagraj Case (2006)
 - collectⁿ of quantifiable data showing backwardness of the class & inadequacy in representation

5) Jarnail Singh vs Bachhmi Narain Gupta (2018)
 - invalidated requirement to collect quantifiable data (in relⁿ to SCs & STs)

6) 103rd CAA, 2019
 - 10% to EWS

Caste census

Art. 340 - appt. com. to investigate condⁿ of SEBC

Sachar com

- National Data Bank

Justice Rohini com - look into

subcategorizaⁿ of OBC

Jaishri Patil vs CM (2021)

Mukesh Kumar

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ECI - Art. 324

- power to disqualify a candidate, who has failed to ledge an account of his election expenses → SC guidelines
- advises Prez on whether elecⁿ can be held in a state under Prez rule

Success of ECI

- 1) Voter Educaⁿ (67.11% turnout)
 - SVEEP - systematic voters' education and electoral participation
- 2) Credibility of voting - no mismatch b/w EVM count & VVPAT
- 3) Action taken against politicians
 - i) money power - cancelled in Vellore constituency

Issues

- No power to de-register pol. parties + no own secrets
- No qualificatⁿ
- Appt liable to politicization
- Security - no mention of term, EC can be removed on reco of CFC no court backing
- Post-retirement appt.
- Financial autonomy - CFC → no qualifca & hon

Law Com

- reco a collegium of PM, Lo & CJ
- Reducing ECI's dependence on DPPT, law & Home Ministry. Independent secretariat
- expenditure on CFI
- Others: set up GoM, Guidance Redressal Comm. at Zonal/ state levels

NC-SC

- Art. 338
- NC-ST - Art 338 A
- NC-BC 102nd CAA, 2018 Art. 338 B

Special Officer for Linguistic Minorities

Art. 350 B Part 17

CAG - Art. 148

- removal → judges of SC
- CAG can only 'bank', not 'bank'
- * CAG Act of 1971 be amended to provide punitive powers to the CAG in case of delay in submitting info by govt agencies

Attorney Gen - Art 76

Advocate Gen - Art. 165

GST Council (279A)

- Impact → 1.67 lakh crore
- Rationalizaⁿ of tax rates
- Simplificaⁿ of compliance burden - Composⁿ scheme
- Relief measures for MSME sector - increase in registraⁿ threshold limit, composⁿ scheme for small taxpayers etc.
- Boost to real estate sector reco. reducⁿ in the rate of GST for underconstructⁿ property @ 1% (affordable housing) and 5% (non affordable segment)

Quasi Judicial

Tribunals - 323A | 323B 14th Part
42nd Act, 1976

- Chandra Kumar case (1997) - appeals against CAT to HC.

Issues

- lack of independence ✓
- Jurisdiction of HC
- Administrative concerns - Non-uniformity in appt. process, qualificaⁿ, resources
- Pendency - 272nd Law Comm → 44, 333 case pending
- Vacancy 44, 333

Suggestⁿ

Parliamentary standing Comm → NTC (Nat. Tribunal Comm.)

Nat. Green Tribunal

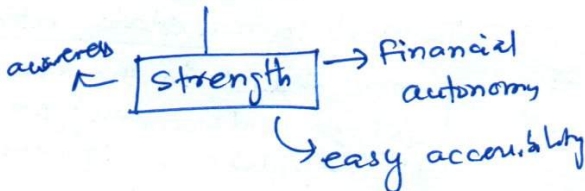
- 3rd country after Australia & NZ
- 5 yrs, not eligible for reappointment
- chairperson: By Central Gov. in consultⁿ with CJI

No suo moto

Natural Justice

NHRC - 1993

- Protecⁿ of Human Rights Act, 1993
- not enquire into any matter after 1 yr
- suo moto (5 months) selecⁿ proc.



Central vigilance comm (CVC)

1969 - Santhanam Com.

CBI

- Director of CBI - security of 3yr by CVC Act, 2003 (Vineet Narain Case)

CBI as 'Caged Parrot' remedies

- CBI director appt. by a collegium comprising PM, CJ, LoD
- removed due to misbehavior by an order by Pres after enquiry
- Accountability comm.
- Success: Satyam case, Bhanwari Devi missing case, Noida double murder case (Aashu Talwar)

Not under RTI

- Develop own cadre
- Annual social audit

CIC - RTI Act, 2005

- not eligible for reappt.

Lok pal Lok Pal & Lokayukta Act 2013

Issues

Timeframe - not → 7 days para

No suo moto

Lokayukta not in state

state leg free to determine power of

Evolution of Union Territories (Art. 239-240) 239-240

UT during 1956 - A&N, Ladakh, Delhi, HP, Manipur, Tripura (Chief Comm. Provinces) ✓

1) Dadra & Nagar Haveli And Daman & Diu
→ 10th CAA, 1961

12th CAA → UT
Police action in 1961

Merged on 26 Jan, 2020

2) Abrogation of Art. 370, 2019
J&K and Ladakh ✓

3) Puducherry (+ Karaikal, Mahe, Yanam)

in 1962
Pondicherry (Admin.) Act, 1962 →
under Art. 239A Leg. Assembly

4) Delhi
Art. 239AA and 239AB
69th CAA 1992 + GNCTD Act

Kamachandra Guha - creation of linguistic states has safeguarded the unity of India (X)

Presz Imp. Articles (143) - Powers to conduct

- Art. 52 - Presz ✓
- Art. 54 - Elecⁿ of Presz
- Art. 66 - Impeachment
- Art. 72 - Pardoning power ✓
- Art. 74 - Council of min. to aid & advise the Presz
- Art. 123 - Ordinance (Govt 213)

185 Parliamentary privileges

36/53-154

Maru Ram case (1980) - Power under Art. 72 under judicial review

Shatrughan Chauhan vs UoI (2014)
- Inordinate delay ground for death penalty → Lifetime imprisonment

Deo Wadhwa vs State of Bihar, 1987

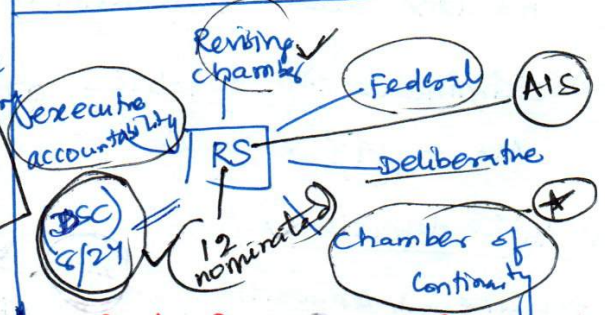
Ordinance making power in exceptional cases
AK Roy vs UoI → Ordinance making subject to Judicial Review

* Delhi HC (2017) - office of Attorney Gen does not come under ambit of RTI.

Art Devices of Parliamentary proceedings

- question hour
- Zero Hour
- Motions
 - substantive
 - substitutive
 - subsidiary
 - Ancillary
 - superseding
 - Amendment

- Closure Moⁿ
- Privilege moⁿ | Calling Attenⁿ Moⁿ |
- Adjournment Moⁿ | No confidence



- Rights of Transgender Persons Bill, 2014, J&K Reorg. B. II, 2019 originated in 2019. + Data Privacy Bill revised

Issues concerning Indian Parliament

- 1) Frequent adjournment of Parliamentary Session - For past 10 years, RS - < 25% scheduled time
2021 Monsoon - LS sat only for 21 hours (21%) ✓
 2020 - India (33 days), USA (113 days)
- 2) Less scrutiny of Bills/govt. policies
 In 2021 Monsoon - except for 12th CA, rest bills avg. of 8 minutes
SUBSTANTIVE LEG
 - Quillotine closure / Kanganoo
 * RTI Amv end 2019, UAPA, 2019 without SC.
- 3) less no. of bills sent to comm. for scrutiny (Only 12% in 17th LS, 27% in 16th LS, 71% in 15th)
- 4) Respect to money bill
- 5) low rep. of women - 14% in 17th LS
 USA (32%), Bangladesh (21%)
- 6) legislation through Ordinances
 → Australia codified in 1987
- 7) Codifying Parliamentary Privileges
 not done leading to uncertainty
- 8) Criminalization of Politics
 ADR - 19% of legislators
- 9) Anti-defection ✓
- 10) Weakened opposition *

Contempt
 2017
 Karnataka
 Speaker ordered imprisonment of 2 journalists

Suggestion 2-VIDHAN

- 1) NCRWC reco. set up of Nodal standing Comm. on Economy
 - 2) Building a better image of Parliament
 - 3) set up constitutive Comm for CA
 - 4) Codifying Parliamentary privileges
 → tenure increase from
 - 5) Strengthen departmental Comm. & improving accountability
 - 6) Reforms in anti-defecⁿ law
 - 7) Reducing expenditure
 - 8) legislative Impact Assessment through Leg. comm set up.
 - 9) statutory Reforms - simultaneous elecⁿ, Hybrid system of voting (Law Comm → 25% seats by proportionate rep).
 - 10) Strengthen opp. - Shadow cabinet
- Speaker - Controversies regarding declareⁿ of Aadhar Bill, 2016 as money bill by speaker.
- Anti-defecⁿ by Speaker
Kihoto Hollohan case → SC: Judicial review

Separation of powers ^{50, 122 & 212, 121 & 211, 361, 53 & 154}

- Art. 50 : state shall take steps to separate the judiciary from executive
- Art. 122 & 212 - proceedings in Parliament & the state leg. cannot be called into question in any court
- Art. 121 & 211 - Judicial conduct of a judge in se/HC cannot be discussed in Parliament & state leg.
- Art. 53 & 154 - executive power of Union with & state with Prez & Gov. and they enjoy immunity from civil and criminal liability.
- Art. 361 - declared that the Prez/Governor shall not be answerable to any court for the exercise & performance of the powers & duties of his office.

Overlap between leg. and Judiciary

- leg. exercises judicial powers in cases of breach of its privileges, impeachment of Prez & removal of judges.

leg. ex. Judiciary (HC & SC) can declare a law as ultra vires ^{Art. 142, 131, 226}

Overlap b/w exec. & leg.

- Ordinance making power of Prez (123) and Governor (213)
- Exec. part of legislature
- Prez gives \Rightarrow Subordinate legislation

Overlap b/w exec. & Judiciary

- Tribunals & other quasi-judicial bodies which are a part of the exec. also discharge judicial functions.
- Executive in appointing CJ & judges

Judicial pronouncements

- re Delhi laws Act case, 1951 reaffirmed separⁿ of power
 - Kesavananda Bharati case, 1973 - 'separation of power' \rightarrow basic feature
 - Indira Gandhi vs Raj Narain, 1975
- In Indian constⁿ, there is separⁿ of power in a broad sense only. No const. can survive without a conscious adherence to its fine check & balance.

* Madhu Holmagi vs UoF : penalized petitioner for PIL against Indo-US nuclear treaty saying it is job of Parliament & not Judiciary

Aristotle & Montesquieu

advocated SoP. ^{Montesquieu} Conclusion

Anti-defection - 10th schedule - 1985 (52nd CAA) - Merged. now 2/3rd of elector member (91st CAA, 2003) - earlier 1/3

Issues

- Legislators accountable to political party.
- Role of speaker
- No recognition of split, but of merger
- No time frame for speaker to decide

Disqualification - Art. 102 & Art. 191

Gov. as per ECI - Bangladesh - neutral body - Singapore - Parliament

Disqualification - Art. 102 & Art. 191

Issues

- Legislators accountable to political party.
- Role of speaker
- No recognition of split, but of merger
- No time frame for speaker to decide

Suggestⁿ

- Elecⁿ Com. should decide -> Dinesh Goswami
- SC: independent tribunal
- restrict to only those laws where the defeat of govt. can lead to loss of confidence.

RPA

Elections (Part 15) - Art. 324 - EC

325 - Universal suffrage 326 - Adult suffrage

328 - Elecⁿ petition & Delimitatⁿ Com.

Under Art. 327

- RPA, 1950 - Delimitatⁿ Comm., 1952
- RPA, 1951 - Presidential & vice-presidential elecⁿ Act 1952

RPA (Amend) 2003 -> to be chosen as representative, elector for parliamentary constituency, not in state/territory

Harbans Singh Jalal

- discourage via social media by amending Act.
- increase quantum of punishment - create awareness - use of whip office in parties

Should MCC be given legal status (Model code of conduct)

Parliamentary Standing Comm. on Law & Justice (2013) -> Yes because:

- 1) Most of the provisions of the MCC are already contained in various laws & are therefore enforceable.
- 2) It will help ECI to exercise its power which is residuary in nature (Art. 324)
- 3) Instrucⁿ/orders by ECI sometimes encroach upon legislative power of Parliament. Such orders should be incorporated with statutory back.
- 4) Absence of an immediate appeal mechanism against the decision of the returning officers to cancel the nominⁿ of a candidate.

Arguments against

- Judiciary will take time in dealing cases of violⁿ of MCC.
- Legal codificaⁿ is nightmare, lead to various litigⁿ.
- complicate election process

DoI vs Harbans Singh Jalal

SC: legalizing MCC not desirable but:

- increase quantum of punishment
- create awareness
- use of whip office in parties

Governor

Art. 153

BP Singhal vs UoI: Fixed tenure, not implemented

Reco. → fixed tenure + Impeachment + outside state + Art. 163 not arbitrary

Punchi Com: Provision for Impeachment of Gov. by state leg.

- Sarkaria Com - 356 in very rare case (Centre consult CM before appt. of Governor) cont.

● SR Bommai Judgment - No arbitrary dismissal of state Gov by Governor, floor of the assembly as the only forum

- Nabam Rebia Judgment (2018)
Gov. discrⁿ under 163 is limited & should not be farciful

● Rameshwar Prasad vs UoI
Immunity granted by Art. 361(1) is subject to judicial review

prohibits courts to take acⁿ against Governor or Pres for any acⁿ done in exercise of ^{their} powers.

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Simultaneous elecⁿ (SM 43)

83 | 172(1)

Art. 83 and 170(1) - 5 years tenure

Reco. by - EC (1983), 11th Report (170) of lawcomm, Parliamentary Standing Comm (2015), NITI Aayog (2017)

Exit poll - Sec 126(A), RPA 1951

2010 restrcⁿ
→ 2019 guidelines → results after final phase

Social Media & Elections

Omresh Sinha Comm. on section 126

- SM agencies label political advertisements separately, maintain account of expenditure incurred for ads.

- work with EC to flag content

violating electoral law

Common cause vs CoI
govt. ads

Electoral Bonding

Finance Act, 2017: eliminates 7.5% cap on company donatⁿ, so loss-making companies can make unlimited donatⁿ.

- no requirement for company to be in existence for 3 years ⇒ shell companies

- companies no longer need to declare the names of the parties to which they have donated

Transparency

- Assocⁿ of Democratic Reforms - 69% from unknown sources

- 25th law comm → opa city in political funding lead to 'lobbying & capture' of govt.

suggⁿ
- CCE S. Y. Quraishi - National Electoral Fund

- bring political parties under RTI

- exclude candidates against evidence of black money

- Indrajit Gupta Comm. → State funding of pol. parties

2nd ARC report

- Italy/spain/ Aus/Israel - EVM's good because

care study of US-found ineffective (2003)
- did not reduce elecⁿ expenditure

- Non-reprogrammable - consists of an integrated circuit (IC) chip that is one time programmable

- No external communication (standalone machines)

- Secure source code

- one vote per elector - next vote recorded only after presiding officer enables the ballot on control unit

- Time stamping of votes - Secure against post-manufacture tampering

- Procedural checks & balances

Sec 61A
h of RPA
1951

EVM prototype for migrants

Election judgements (324 to 329)

1) Manohar Lal Sharma vs UoI - an accused can contest the elecⁿ but cannot vote
→ UoI vs ADR, 2002 - ^{during filing nominⁿ} paper, ^{criminal assets/} ^{loans,} ^{cars etc}

2) Lily Thomas vs UoI ^{declared}
section 8(u) of RPA, 1951 unconsti.
So, MPs, MLAs to be disqualified on date of criminal conviction.

3) Public Interest Foundaⁿ vs UoI, 2020
sc directed political parties to publish criminal antecedents of contesting candidates along with reasons for filling each of these candidates.

* 15. (2019) - 49% declared criminals
29% - serious criminal cases.

→ Goswami Report & Vohra Comm. Report
criminalizaⁿ of politics in India

* Ramesh Dabhi vs UoI (2008) → disqualified paper

4) VVPAT - Subramanian Swamy vs ECI, 2013 → SC told VVPAT is indispensable for free & fair elecⁿ

5) stay on caste based rallies in UP
2013 - HC : (Judicial Activism)
because A.A(1)(b) → FR

6) Ruling on Nominaⁿ Papers
SC in (2013) - ruled that the returning officers can reject nominaⁿ papers if for non-disclosure & suppression of informⁿ.

15 - electoral system RPA-2
7) Right to vote for undestricted

Anukul Chandra Pradhan vs. UoI, 1997 → no right to vote for undestricted

* Hate speech - section 123(3A) & 125 of RPA - bars promotion of animosity on grounds of race, religion, community, caste, language.

→ Section 8 of RPA - prevent person convicted of illegal use of freedom of speech from contesting elecⁿ.

Issues w/ Elecⁿ Commission
- No constitutional protection for all 3 of its members
- Expenditure not 'charged' upon CFI

- No independent secretariat for ECI, so depend on govt to appoint its officers

- EC urged law ministry to amend election laws to enable EC to use contempt of court Act against parties making unfounded allegaⁿ.

- no qualificaⁿ & term of members mentioned
- not debarring from further appt. after retirement

→ Use of Totalizer machines -
clusters of EVMs connected for
counting (ECI memo. / law comm
recd.)

grounds a people's representative
can be disqualified

Section 8 → charged with
criminal charges + illegal use
of freedom of speech.

Section 8(1) - ends

Section 153A - offence of
promoting enmity (cast, race, religion, comm)

171E - bribery → undue influence
171F - ~~rape (376)~~

505 - hate speech

376 - rape

→ on Convⁿ for violation
other offences under

- Protecⁿ of Civil Rights, 1955
- Section 11 of customs Act, 1962
(export/import of prohibited goods)
- UAPA members
- Narcotics Drugs & Psychotropic
Substances Act, 1985
- Prevenⁿ of Corrupⁿ Act, 1988

Lily Thomas vs UoI, 2013 - MP/MLA/MLE
sentenced for crime & granted at
least 2 years imprisonment → loses

membership immediately
★ 2019 IS → 88% are competitive

ECI digitalizaⁿ

Political Parties Registration Tracking
Mgt. system - track progress
of his/her applicaⁿ.
e-VIDAN system

Seeman Reddy Comm

- total ban on split & merge

Taskforce Comm

- TV & Radio under control of
autonomous statutory corp.
- formaⁿ of lots' council
in each consti for free &
fair election

National Honors Act,
1997

6 years

Taskforce Comm

✓ RPA

Criminalization of Politics

Ramesh Dalal vs UOI

- Disqualified if he is convicted & sentenced > 2 years

1) Manohar Lal Sharma vs UOI - accused can contest but not vote

2) UOI vs ADR - filing nomi. even - liability

3) Lily Thomas

+ Padmanabhaiah Com. on Abuse Reforms

Vohra Goswami Report

88% Congress

49% - 29%

+ PIF vs UOI

⊙ A convicted indi disqualified under RPA, 1951 can hold influ pos in PP.

⊙ Narrow interests over religion/caste > crime

4) Public Interest Foundation vs UOI 2020

5) PUCI - NDTA (2013)

Pub. Inter to public criminal antecedents of contesting candidates along with reasons for felony each of these candidates

Electoral Bonds

Malimath Vohra / Padmanabhaiah Goswami

⊙ Lok Pradhan vs UOI (2018) - source of income

⊙ PIF (2014) - 1 year @ 50% MP/MLA core.

Steps taken by ECI

Anukul Chandra Pradhan vs UOI (1997) - No Right to Vote for convicted

⊙ RDs can reject nomination who stand convicted on the day of filing

⊙ flying squads.

Malimath Com
Speedy trials

2017 Centre - fast track court 1581 MPs-MLAs

29A → reg. of pol. parties by EC.

Anti party demo - Indrajit Gupta + Dinesh Goswami + Tarkunde

→ Law Comm → regulatory framework

→ NCRWC → comprehensive leg. regulatory

reg + functioning

- change in antidefec

↳ party dissent

- Draft PP Act, 2011

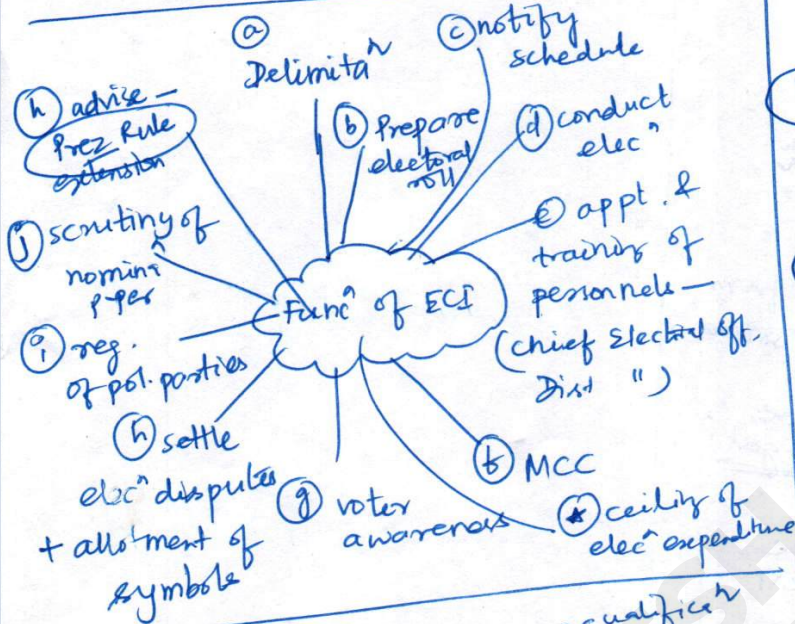
- Exec. Comm for every PP formed by direct elecⁿ by local comm. who appt. PORS.

Everything About elections

Art. 324 → ECI | 325 - Universal suffrage

326 - Adult suffrage | 327 - Powers of Parliament to make prov. for elec to leg.

329 - Bars courts to interfere in elec matter.



Concerns = CFI + Other ECs no Conti backy & security + no qualification

+ does not bar for further employment + no independent staff + MCC no statutory backy

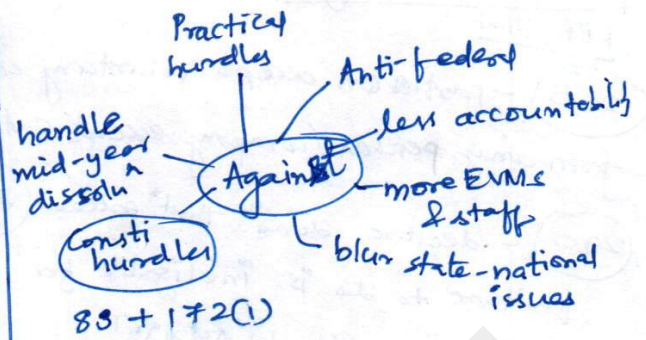
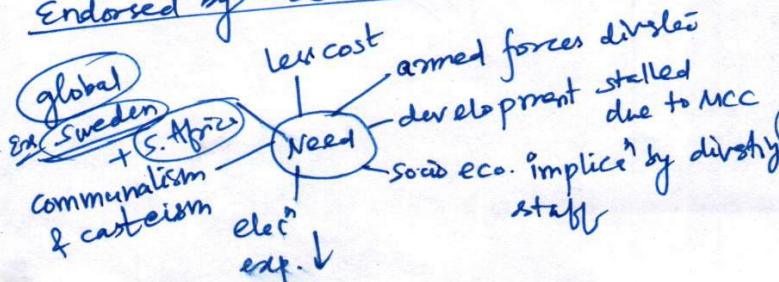
+ cannot deregister parties + political interference

NGO's National Elecⁿ watch club + SVEEP

Read Electoral Reforms

One Nation - One Elecⁿ

Endorsed by EC + LC (ITG) + PSC + NITI



Law Comm - 2 phase elecⁿ - scheduled bye elecⁿ for all vacant

EC - in state, no-confidence + simultaneous confidence to maintain continuity

NOTA - [RUL vs UOI], 2013

2019 GE 1.04% voters

SC → will pressurize parties to put forward deservⁿ cand.

MCC

- 1960: Kerala
- 1962: LS + state leg.
- 1991: ECI for pol. parties
- 2013: NOTA

Challenges = digital eye + subjective + limited scope (campaign finana) + lack of enforcement + loophole.

of enforceable **PSC**

clarity + Rule of law + determent + more truth + accountability + codified (constancy)

Harbans Singh Jaisl

→ IT Act → whip → harsher punishment

Election Funding

RPA, 1951

29 B - parties can accept voluntary contribⁿ from any person/company except Govt. company

29 C - declare done^s that exceed (20K), failure to do is ineligible for tax relief under IT Act, 1961.

Issues

7.5% cap + new companies (Byes) + foreign done^s
 ↓ ↓ ↓
 loss making share + ADP → 69% from unknown sources.

25th LC → opacit^y → lobbying & capture of govt

Arvind Kejriwal + Sy Suresh + CIC (RTI)

+ expenditure cap on pd. post e.

+ digital transacⁿ +

limit anonymous done^s

Constitution - Comparison

GOI Act, 1935 - Federal, Judiciary, PSCs, office of Gov., Emergency, Administrative details

British - Parliamentary govt., bicameralism, cabinet, rule of law, prerogative writs, legislative proc, single citizenship, parliamentary privilege

- ⇒ Sovereignty of Parliament
- ⇒ Role of Conventions ✓
(ex: In India, Dy. speaker to Opposⁿ)

* Maneka Gandhi vs UoI (1978) -

'procedure established by law' under Art 21 should be 'right & just'; and not arbitrary/fanciful.

⇒ Importance of King
 ↓
 but in India Art. 18 prohibits such titles.
 warn
 Right to be informed
 encourage prohibits

'PM as moon among stars'

- British PM - only froms Lower House
 ↓
Flexible Amendment - no difference b/w ordinary and constitutional law
- British speaker - neutral & resigns from party
 - have casting vote
- US speaker - not neutral
 - disciplinary paws with House
 - can vote in beginning

India

America - FR, Independence of Judiciary, Judicial review, impeachment of Prez, removal of judges, office of VP

Federalism
 - Dual federalⁿ (USA)
 - Symmetric federal
 - Cooperative federal (India)
 - Asymmetric federal

USA - Indestructible union of indestructible states.
 destructible (India)

⇒ USA constituⁿ provides a role to states in ratifying the int. treaties through senate.

Presidential form of Gov

- Qualified veto
- Indian Prez Pocket veto more powerful because no time limit
- In case of death, resignⁿ, impeachment, VP - office.
- Impeachment - reasons (bribe, treason, high crimes of misdemeanors)

Committee system

- In USA, bill introduced and then directly referred to comm, before 1st reading.

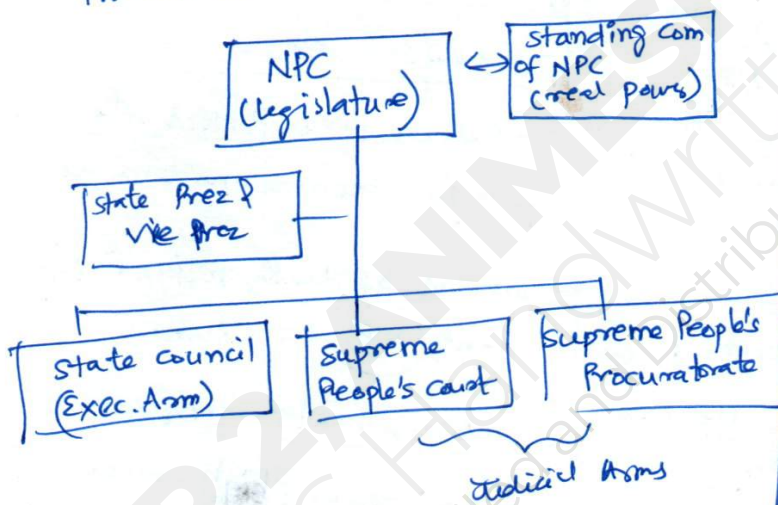
Pigeon Hole - In USA, bill may be killed at comm. stage.

- Governor elect
- Separation of powers - complete (vs)
- None of the member of the legislature can be a member of the executive

- Separation of subject - more to states
- Amendment of consti - can be proposed by states
- ↓ only 27 times
- Residual power
- 3/4th ratification states

China

- Socialist ideology - 'Democratic Centralism'
- One Party system
- Acts of Congress cannot be challenged in the SC.



- Duties - justiciable

French - Republic & the ideals of liberty, equality & fraternity

- France - 'Laboratory of Political exp.'
- Unitary
- Semi-Presidential

- Powers of Prez - dissolve Assembly (vs Prez No)
- Cohabitation - prez & PM diff. pol. parties
- Follow second Ballot system (absolute majority of the total votes polled is needed)
- Prez - for fixed term
- Impeachment is ambiguous
- Bicameral
- Organic law - 'like basic feature'
- High council of Justice - for nomination of judges
- Rigid Amendment - 3/5th both houses

Germany's Const.

- Suspension of FR during Emergency
- Chancellor
- Follows Mixed Member Proportional Rep. (MMPR) instead of FP TP

Japan

- Procedure established by law
- Constitutional monarchy
- PM is elected by both the Houses of Japanese Parliament (Diet)

AA-9 - renounces policy of war

Canada

Federaⁿ with strong centre, advisory funcⁿ of SC, residuary power with Centre, appt. of state governors by the Centre

Australia

Concurrent list, joint sitting and freedom of trade
 - like US federaⁿ: residuary power with states, Governors of states elected

by people

Procedure of amendment - only with the approval of the electorate through a national referendum in which all adults participate

Triple majority rule - national majority of electors, majority of states

↳ those states affected, their votes.

Council of Australian Govt. (COAG)

is a forum to initiate, develop and implement national policy reforms with cooperⁿ from govt. across 3 levels.

Switzerland

- Direct Democracy

Indian	Swiss
Exec vested in Prez	in Federal Council
Prez by electoral college	by Federal Assembly
Party Govt.	Absent
States cannot conclude treaties	Cantons can
supremacy of judiciary	cannot invalidate federal law
No referendum	✓

Referendum | Plebiscite | initiative | Recall

Treaty Making

Art 246 - Treaty making under Union list

Art 253 - Parliament can leg. on state item for implementing treaty

NCRWC - Parliament should pass a law to regulate the treaty-making power of govt.

Punchhi com - financial obligatⁿ & its effect on state finances arising out of treaties - permanent term of reference to FC

Parliamentary standing Com

Personal Data Protecⁿ - Joint Com.

→ Fiscal Prudence
Ex: PSC on defence → 35% lower allocⁿ on defence impairs the Armed forces' weapon acquisiⁿ plans

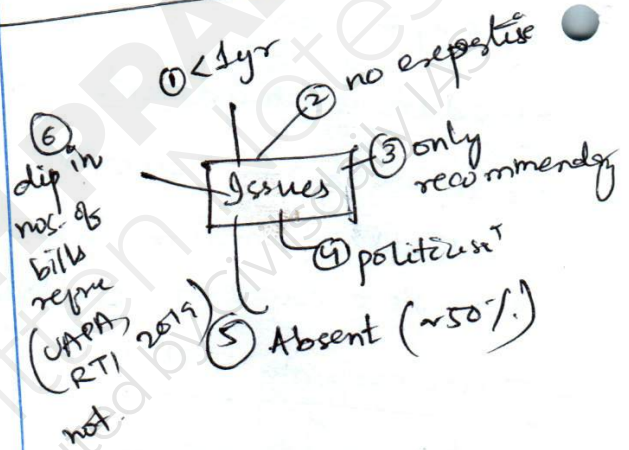
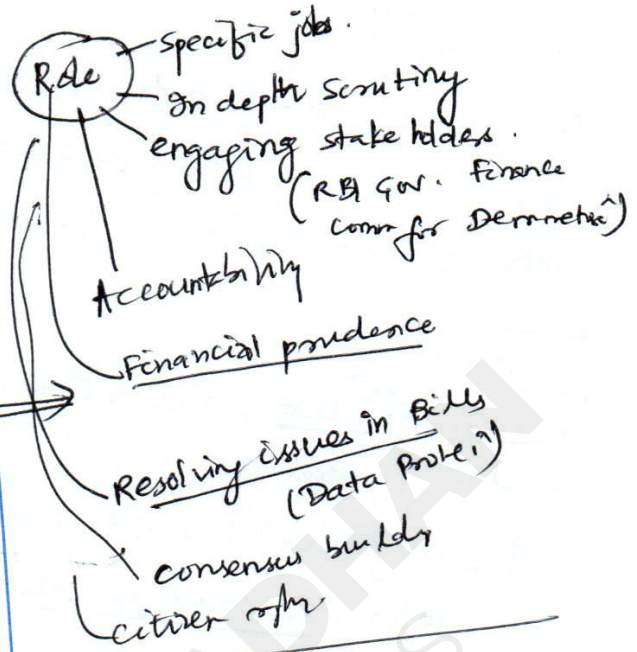
→ Free & non-partisan debate
→ citizen's rights: PSC on (T) → grilled 2 Twitter rep. about safeguarding people's rights &

→ Several stakeholders included →
Ex: Net neutrality & Surrogacy Bill

Reco
NCRWC → Period review

Pramab Mukherjee - PSC should scrutinize ministers not audited by PAE

→ Periodic review + objective criteria to refer + increase tenure + institutional Research support.



RPA under Art 327

Disqualifications

① 8(1) → convicted on acts of IPC, Protection of Civil Rights Act, 1955, UAPA 1967, PCA, 1988, Prevention of Terrorism Act 2002 (fine/imprisonment) → 6 yrs can't fight elecⁿ

② 8(2) → guilty of violating law prohibiting stockpiling/profitable

- (b) Adulteration of food/medicine
- (c) Prevention of Downy Pests Act, 1961

③ 8(3) → convicted on any offence [Ramesh] → 2 years → 6 years (Rahul Gandhi)

④ 8(4) Lily Thomas Case Sec 123

Corrupt =

- (a) Bribery
- (b) Undue influence
- (c) Religious appeal

Other offences

- engage in corrupt practices
- dismissed from govt post due to corrupt/dishonesty
- contract with govt.
- person is manager / Secy where govt. owns ≥ 25%
- if failed to file an account of elecⁿ expense.

Disqualify¹ from voting

IPC 1860 - Bribery → Undue influence/personsⁿ in elecⁿ

RPA 1957 → enmity b/w classes in connecⁿ with elecⁿ, destroy polling staⁿ

ADR vs UoI, 2002 - Criminal antecedents, edu + assets

PUCI vs UoI

Resurgence India Case 2013 Returning Off. ~~reject~~ nominal paper with incomplete/blank affidavit

Lok Pradhani vs SCI, 2018 → candidates to add 'source' of income of themselves + spouse & dependents.

Elecⁿ Petiⁿ → GG vs Raj Narain Case → Gandhi's election invalidated

Abhiram Singh case - 2017: "Elecⁿ is a secular exercise & an appeal for votes during elecⁿ on basis of religion, caste, race, community / lang → corrupt practice"

Secⁿ 77, RPA 1951 → max. elecⁿ amount

⊛ Paid news → Law Comm (2015) → made an electoral offence.

Remedy

- ECE of Secⁿ 11 → except corrupt
- SC under Secⁿ 116A - due to an elecⁿ petⁿ filed in HC

Innovⁿ by ECI

- Proxy votes
- Electronically Transmitted Postal Ballot system

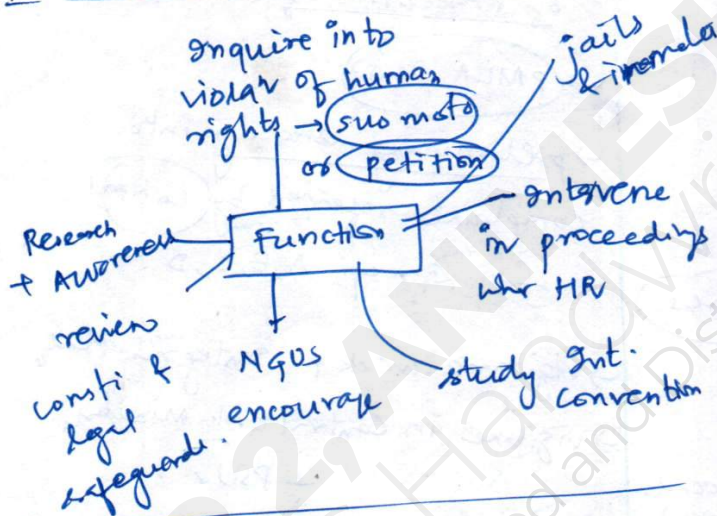
Attorney Gen → Art (76) (165)

Constituⁿ no — removal
 — term of office
 — remuneration

— Rep. in SC (+)

Rep in Prez Reference - AG represents
 Govt in any reference made by Prez
 to SC under Art. 143

NHRC - "statutory body"
 Protecⁿ of Human Rights Act, 1993
 → "watchdog of human rights"



Challenges

- Absence of investigaⁿ mech - dependent on state & central govt.
- Non binding
- Lack of funds
- Lack of infra 1995-2005 (1450%) ↑ case but strength ↓ by 16%.
- Case pending → 10K

→ Staff - mostly on deputaⁿ
 + investigating officers from same dept. → conflict of interest.

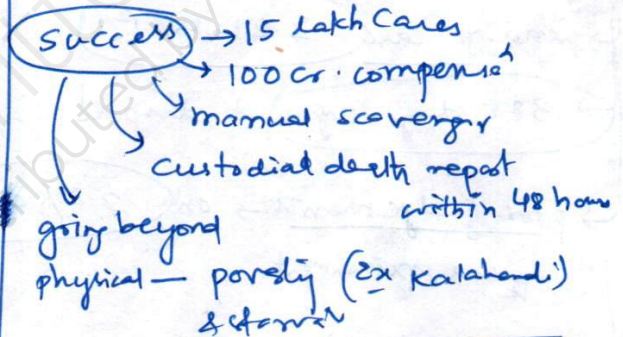
→ Int. org criticized

- political interference
- lack of diversity in staffs
- civil society +
- involving police in probes
- insufficient to protect marginalised people.

⇒ 1 year thing

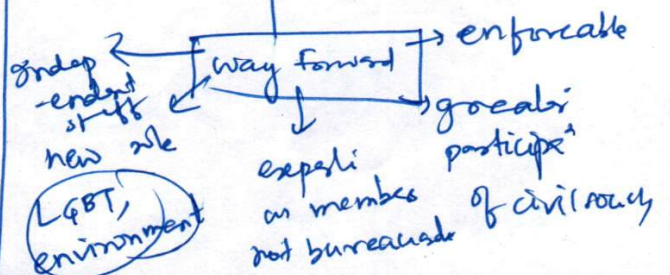
⇒ Armed & paramilitary forces

⇒ No on ground study - mostly based on media reports.



"toothless tigers" → SC

Ahmedaⁿ Comm → 1 yr X + paramilitary ✓



State & Central Info. Comm

- statutory, (RTI Act, 2005)

- **Power** - suo moto power
- civil court
- examine any record
- strengthen RTI
- good gov.
- enquiry into complaints against disciplinary officers.

Challenges

- ↳ Removal of fixed term
- ↳ service condⁿ by Central Gov.
- ↳ delayed appt. + vacancy
- ↳ bureaucratic
- ↳ pending case (2.2 lakh RTI)
- ↳ 338 days avg. to dispose
- ↳ poor judgements → only 2-2% cases faced punishment
- ↳ no centralized DB
- ↳ poor filing & maintenance of records. (Public info off.)
- ↳ lack of training of PIOs & First Appellate Authority

CVC → 1964 (Santhanam Comd)
statutory, CVC Act, 2003

PM + HM + LoD is

- 4 years/65 + no further
- fixed salary (UPSC chair)
- independent staff
- removed by Pres

Function

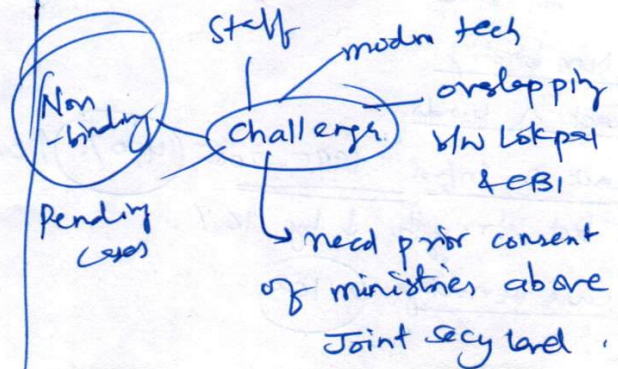
- ↳ **POCA, 1988**
- ↳ CBI guide & direct
- ↳ involved in selectⁿ of Director of Enforcement + Director of Prosecution of CBI

↳ **PMLA, 2002**

- ↳ preliminary enquiry into complaints referred by **Lokpal** for Group A, B, C, D.

- ↳ vigilance week + integrity pldg
- ↳ vigilance in Central Govt. Ministries + PSU's

↳ competent authority for whistle blower prote^c Act, 2014



Finance Comm - consti body (Art 280)

Funcⁿ (280(3)) :-

- 1) Decide on net tax proceed distribⁿ and lays down principle
- 2) grants in aid
- 3) extend state consolidati fund to boost resources of panchayats & muni
- 4) As a Civil Court → code of Civil Procedure (1908) → call witness, ask for producⁿ of public docu or record from any office/court (Quasi-judicial body)
- 5) Any matter in interest of sound finance referred by Pres.

- non binding
- Rangarajan

↳ take into account tax/non tax rev + GST.

- term of ref →

decided by Centre only
- tax devolⁿ - 42 to 41% (15 to 15.5%)
- included populⁿ, ecology + demographic perform + tax reforms

Income distance	(45%)
Pop-2011	(15%)
Area	(15%)
Forest & Ecology	(10%)
Demo. perf.	(12.5%)
Tax efforts	(2.5%)



CAG - 148

149 - empowers Parliament to prescribe duties + powers

- guardian of public purse
- head of Indian Audit & Accounts Dept.

Ambedkar = "one of the bulwarks of the democratic system of gov"

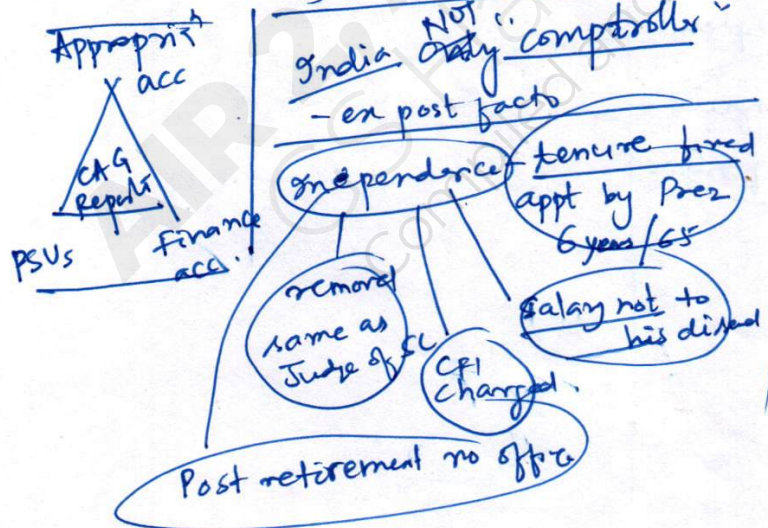
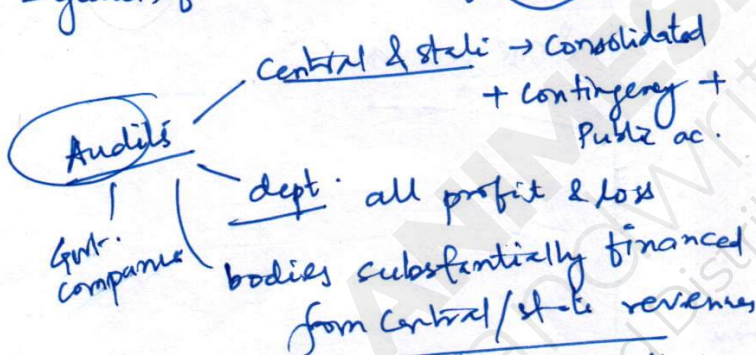
148, 149, 150 → advise Prez about the prescripⁿ of the form in which accounts to be kept

151 - report to Prez

279 - certifies "net proceeds" of tax

- Compiles & maintains the acc. of state gov.

- guide, forward, philo. of PAC



Limitaⁿ

- Appointment
- No qualificaⁿ critics
- post facto
- recommendⁿ advises
- usually former Secy appt.
- limited staff
- Secret Expenditure → CAG cannot ask for particulars of exp. in some matters, has to accept a certificate from competent admin. authority

- Reductive pricing → Rafale Deal → govt.
- Withheld particulars
- Discourage risk taking

Vinod Rai Recom

- Bring all PPP, PRIs & govt funded sources under
- collegium type (CVC) for appt.
- Amend CAG Act 1971 to keep up with the changing time.

NCSC / NCST / NCBC

338 338A 338B (102nd, 2018)
(89th, 2003)

Chair + vice chair + 3
Special funcⁿ by NCST

- confer ownership of minor forest produce
- shifting cult. reduce → eliminate
- rehabilitatⁿ
- PESA → safeguard right
- dev. of tribals

STs → 342

① liason officers & special SC & ST
cells in all central min^{is}

② 60% of NCSE complaints - atrocities in public places

③ 20K cases pendency

④ Delayed appt. + vacancy

⑤ Delays in enquiry

⑥ Irregularity in reports

⑦ lack of results - Rohit vema
Tribal emp^{ty}
eco. backwardness
FRA, 2006 not upheld.

⑧ 250 tribal lang. disappeared → Peoples Linguistic Survey of India

Delimitatⁿ Com.

- statutory body (Delⁿ Act, 2002)
- appt by Pres.

Art. 82 - Delimitatⁿ of par. consti.
after every census by DC

170

84th CAA → freezing delimitatⁿ
till 2026

Comp. → retired SC Judge
→ EC / CEC
→ respective state ECs.

→ cannot be challenged in court

→ modification not allowed in Par / SL

① Seat allocaⁿ for SC / ST → 330
332

"One vote. one value"

Educaⁿ - 74% / 82% / 65%

SDG-4 + 21A + 45 +

"What is really needed to make demo. funcⁿ is not knowledge of facts, but right educaⁿ" - GANDHI

Small window of demo divided

70% in govt. school

68% have smart phone (ASER)

ASER - 41% of CI-1 could reco. 2 digit no.

90% females (14-18) did housework too

8.15% graduates

GER - 27%

SE 24 / ST 18

No. of colleges/skhs 28 (7 in Bihar)

R&D ⇒ 0.63% of GDP

4 Uni in QS Rank

45% employable - ISR

5% (FYP) → vocatⁿ

10kth SDK → Brain drain

3% on GDP (Bhuku 7%)

Computers/laptop 4.4% (rural) / 23.4% (urban)

Patent filed - 2K (India) / 53K (China)

Kasturba Balika Vidyalaya Gandhi

ICT Nat. e-library + SHIYAM + E-Pathshala + DIKSHA (teachers) + Sugamya Pustakalaya

Schemes

Beti Bachao, ..

High Ed. girls = GATI + CURIE + KIRAN + UDAAN

Funding RUSA + HEFA

Institute of eminence

Sarva Shiksha Abhiyan + NISTHA (School Head) + PM SHRI + Samagra Sik. Abh. + NEAT

Nat. Dig Edu Arch & Nat Edu Tech Forum

Google - 'Internet Saathi'; M.S. 'Cyber Siksha'

Molhu Torpu - 350 350A NEP 2020 RTE

local lang 100 foreign uni in India - (SOFT POWER)

NEP GER 100% by 2032 35% hi-tech edu. 4.5% - 6% GDP

5+3+3+4 model

Academic bank of credit system

Multiple exit opⁿ in UG

Research cult + voca

+ Entrepreneurship

Thinking Labs + [FTB]

UGC-coopern hostel

CBSE - Udaan

Online resource to 8M students (X-XI)

R&D PURF IMPRINT IMPRES SAKSHAR BHARAT

SPARC

Midday Meal

RTE

GIAN

NIRP

Minister = Padma Pradeb

Nai Udaan/Roshni

NE Isham Uday Isham Vikas

Disability - Saksham

Sugamya Pustakalaya

NIPUN Bharat Mission

Best practices

Adarsh schools

Shala Darpan MIS

Odisha School Monitoring App

Delhi Model

Commission

Kothari 5% of GDP 3 language

Anil Borddio

Equity & access

gender concern

Narayan Murthy Com

Corporate sector

Participate + infra

Research + talent pool

NITI Aayog

Autonomy + vocatⁿ

JS Verma + Poonam Batra

Teacher Edu → public investment ↑ + multidisciplinary

TSR Subramanian

6% GDP + IES + Teacher Entrance test

Midday meal to Secy

Top 200 foreign uni in India

Medical Educaⁿ

Bhore Com + Bajaj Com

1e 5c - context, 8b - sub pt
4a 5a 5d 8c - broad dimension
4b 5e 7a - thinker
5a, b, e, 7b, 8c - context
1b, 7b - structure
1d, e 5d, 8a - intro
5d - conclud
1d - cram

AIR 2, ANIMESH PRADHAN
CS Handwritten Notes
Compiled and Distributed by Civildaily IAS

Mental Health

- 14.8% mental health help
- WHO highest no. of teenage suicide India
- NCRB - 6% rise top killer (15-29 years)
- 11.8 lakh deaths
- 22% over 18 years substance abuse
- one student dies every 55 mins by suicide
- WHO - COVID 25% ↑
- Per 1 lakh 0.3 psychiatrist 0.07 psychologist
- Manodhasan + KIRAN Helpline + Mental Healthcare Act, 2017 + MH Prog, 2022 + SAHYOG + NEP 2020 + Nat. suicide Prev. strategy - reduce mortality by 10% (2030)

Substance Abuse 17% suicides

- \$360 Bn drugs trade
- Golden + Δ
- NDPS, Nasha Mukta Bharat Campaign + Project Sunrise (NE) + opiaⁿ farms (CBI) + UN convenⁿ on illicit drugs of NDPS

NCDs

Nat. Health Policy 2017 - 25% reduce deaths by 2025

Diabetes → 2nd - 1/10 (~10%)

- 17% global in India
- Type 2 (90-95%)

Cancer

Mortality incidence ratio - 0.68 very high

- Hub & spoke model (Punjab)
- PPP (Amrit, Faridkot)

TB → 27% of world

- TB eliminate by 2025
- NIKSHAY Portal
- TB Hareg, Desh Jitoge
- Tumor Diagnostic
- Kiosk Model

Schemes

- PM Jan Arogya Yojana / Ayushman Bharat
- Universalisⁿ → 52/100 cr
- Nat. Health Mission
- PM Swasthya Suktakhe
- Matsari → Janani Suraksha
- LaQshya
- Berma strategy (marriage age delay + delay in 1st child + spacing)
- Vatsalya - Matni Amrit Kosh (Human milk bank)
- PM Surakshit Matritva Abhyan
- SUMAN - Surakshit Matritva Arohan
- Kilkari App

Health for All

- Alma Ata Declo^{re} 1978
- One Health Approach
- Lifeline Express "Hospital on wheels"
- [Indian Railway + Impact India Foundⁿ]

Digital Health

- Britain - Aleda
- EVIN
- esanjeevani
- Nat. Digital Health Blueprint (Ayushman Bhat)
- eDantseva
- Integrated Disease Surv. Progr.
- India Health Stack
- Rakt Kosh
- Pneumonia - SAANS
- Nat. Program for Prevenⁿ & Control of Cancer, Diabetes, Cardio Dis, Stroke

Immunizeⁿ → Indradhanush → EVIN

HIV/AIDS - Mission Sankat + Nat. AIDS control Prog.

Engage Private → Santushti (Private gynocology) → JEET (for TB)

Karyakalp - samiteⁿ & cleanliness award

Family Planning → Mission Parivar Vikas + Presna

Ayush Nat. Ayush Mission

- Voluntary Certificaⁿ AYUSH Green
- Global Centre for tradi Med - Jaipur
- Traditional Knowledge Digital Lib
- Ayush wellnes Gate
- Int. Day of Yoga
- CoCoⁿ (NITI)
- Ayush GRID
- e-AUSHADHI
- Mission Madhureha
- Promoⁿ of IEC
- TKDL
- Ayush Sanjeevani App
- NAMASTE Postu

Engage Private → Santushti (Private gynocology) → JEET (for TB)

Karyakalp - samiteⁿ & cleanliness award

Family Planning → Mission Parivar Vikas + Presna

Health (SDG 3) + (DPSP 47) + state of Purys vs Mahinder Singh Chauhan
 Bandhua Mukti Morcha case - Right to health under Right to Life
 (SDG 2) - 0 Hunger (107/121 ends)

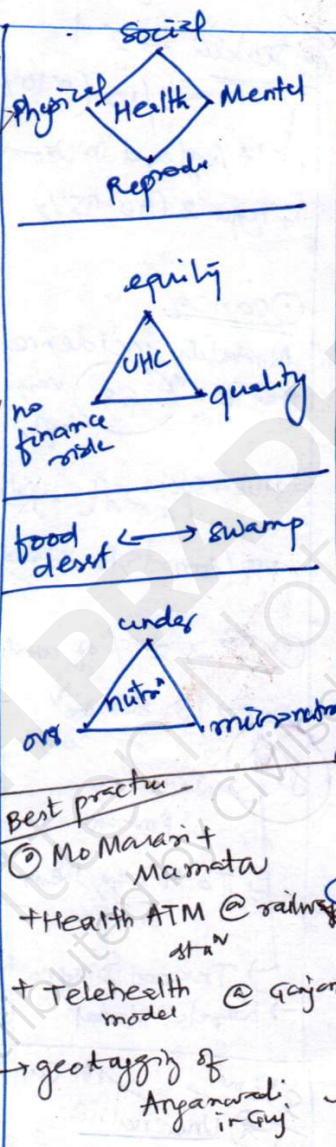
General
 → exp. - 3.2% of GDP (US-14)
 → Hospital (\$132Bn) → Medical Tower (\$13Bn)
 ○ OoPE - 48% (Avg 18%)
 ○ 1:1655 / 1:1K (WHO) doc
 ○ NCD → 62% (40% - 1990)
 ○ 30% bed govt (90% load)
 ○ MMR - 97/1Lakh
 IMR - 28/1000
 Stunting - 35%
 Wasting - 19.3%
 Underwt - 32%
 ○ Urban - rural (doc) 4:1
 ○ 80% w/o insurance
 ○ 7% on preventive only

Nutrition
 ICDS + ICDS Common App software
 Assam gooseberry + Iron
 Poshan Mah
 Anaemic Malt Bhact
 ↑
 50% women | 25% men
 state funded canteen (Anna, Akshar)
 Nutri gardens - MHRD
 Rice fortifica

Fitness
 → <10% follow WHO's weeks 150 min light / 75 min rigorous
 ICMR - 54% physically inactive; <10% engage in recreational physical

AMR - Man made disaster
 → globally mortality 1Cs + 3.5% GDP
 → AMR Industry Alliance
 → 43% rivers contaminated

Food waste
 Harvest 14% retail 17%
 loss → 8-10% GHG
 → 0.6% GDP loss
 → 40% due to supply change
 SDG 12.3 → responsible produc & consum
 PM Gaithe Kalyan Extreme per <1% (IMF)

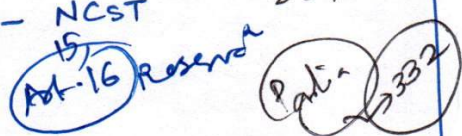


Committee
 Bhore - Public health cadre
 NITI Aayog
 → Code of Ayurveda
 → 20% of med college link with dist. hospitals
 → PPP model for dist hosp.
 → Nat. Health stack
 Ranjeet Roy Choudhury
 → Nat Med Comm
 Sajanarayan
 → Nat. Digital Health Mission
 Katoch - API

Success is being achieved where policies focus on PEOPLE, not on DISEASES & communities are engaged in designing/shaping/implementing the same
 ② sectoral/segmented → comprehensive
 ③ Hunger is the most lethal weapon of man designed
 ④ Famines are not caused by shortage of food but inadequate access to food
 ⑤ Modi - Fitness is 0% investment with 0% return

Protecting Tribes (literacy - 59%, child marriage GER-18) poverty > 50%

- 8.6% of population (11 Core)
- Identified under Article 342
- Dhebar Comm (1973) - Particularly Vulnerable Tribal Groups (PVTGs)
- Article 339 - NCST



Civil Rights

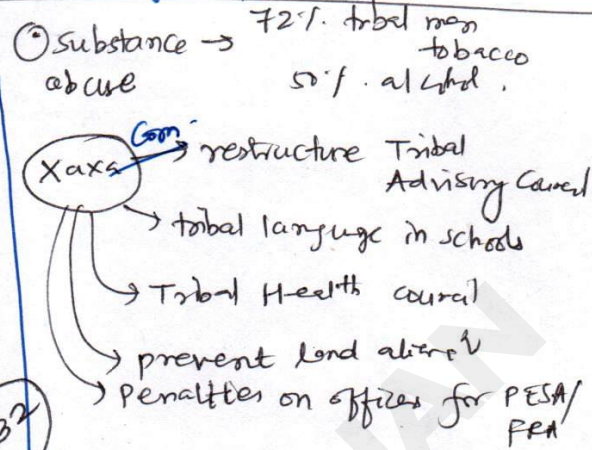
- 1) Protection of Civil Rights, 1955
- 2) Prevention of Atrocities Act, 1989
- 3) PESA, 1996
- 4) FRA, 2006

Political rights

- 1) Reservation - Art 332, 243D
- 2) 5th & 6th schedule

Welfare Schemes

- 1) Vanbandhu Kalyan Yojana (VKY)
- 2) Minor Forest Produce through MSP & development of value chain MSP
- 3) Van Dhan Vikas Karyakram - improve tribal income through value addⁿ
- 4) Eklavya Model - scholarship
- 5) PM Van Dhan Yojana
- 6) "Go Tribe Campaign" - handicrafts
- 7) TRIFEDs CSR
- 8) Adivasi Mahila Sahaktikaran Yojana (loans upto ₹50K)
- 9) Tech for Tribals Prog → entrepreneurship



Best practices

- Jharkhand's Tribal Empowerment & Livelihood Project → 1.36 Cr households
- Tribal dev. Plan in Raigarh dist (CH)
- Arogya Kunji (Jharkhand) accessibility ↑
- Odisha govt. - textbooks in 21 tribal languages
- Microsoft → AI translatⁿ - Santal

10) Swasthy Patel

1) Educaⁿ

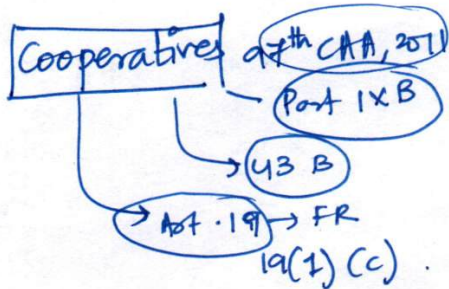
- Samagra Sikshya Abhiye
- Kasturba Gandhi Balika Vidyalaya
- EKavya
- Nat. Fellowship & Scholarship for Higher Edu of ST students
- Nat. Overseas Scholarship
- Pre Matric / Post Matric schlarshp

2) Nehru's Tribal Panchsheel Policy

- TKDL
- Birsa Munda Museum
- SEED Scheme

(Faint handwritten notes, mostly illegible due to bleed-through and watermark)

AIR 2, ANIMESH PRADHAN
GS Handwritten Notes
Compiled and Distributed by Civildaily IAS



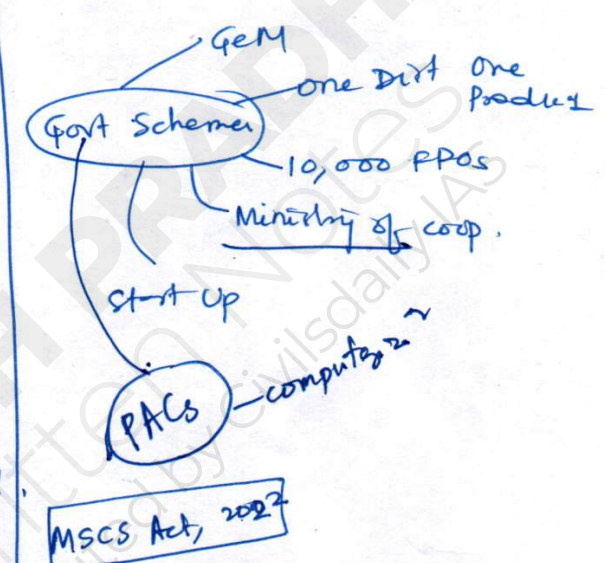
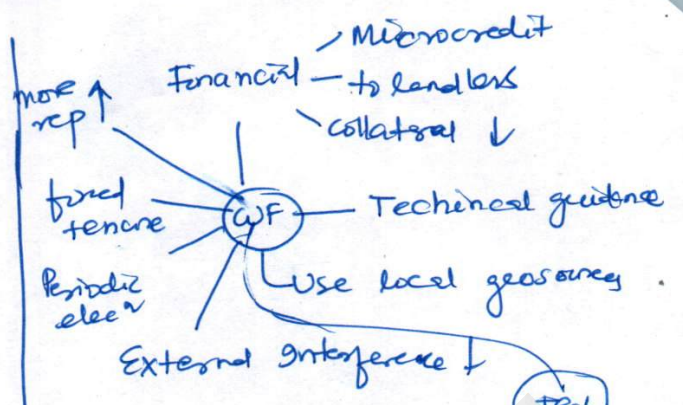
⇒ Ministry of Cooperatives (2021)

Benefits

- ① Easy set up, less legal implicatⁿ
- any 10 members
- ② Limited liability - upto their capital contributⁿ
- ③ promotes saving
- ④ Formaliseⁿ of economy
- ⑤ removal of middlemen ex: FPOs
- ⑥ promote equality & transparency
'one man, one vote' + surplus equidly distributed.
- ⑦ Promotes scientific agri
- ⑧ Credit promotⁿ in rural areas
- ⑨ Social Benefits

Issues

- ① internal conflicts - caste, class
- ② lack of expertise
- ③ Politicizⁿ
- ④ limited resources
- ⑤ Overlapping regulⁿ
- ⑥ Corruptⁿ → Punjab & Maharashtra Coop Bank (PMC)
- ⑦ Governance ↓
- ⑧ Capital Adequacy ✓
- ⑨ Credit Risk Mgmt ✓
- ⑩ lack of tech



SHGs

India has **1.2 cr SHGs** - 88% all women
 (6.7 cr members) (Eco Su - 2022-23)

Deen Dayal Antyodaya Yojana mobilized **8.7 crore** poor women into **81 lakh SHGs**

SEWA - Odisha Mission Shakti
Best Practices - Jeevika " in Bihar
Solar MAMAS by SHG in Jharkhand
Kudumkhal
Maize procurement by SHGs in Andhra

Disaster Mgmt - Risk Mgmt + Awareness in Latur (MH)

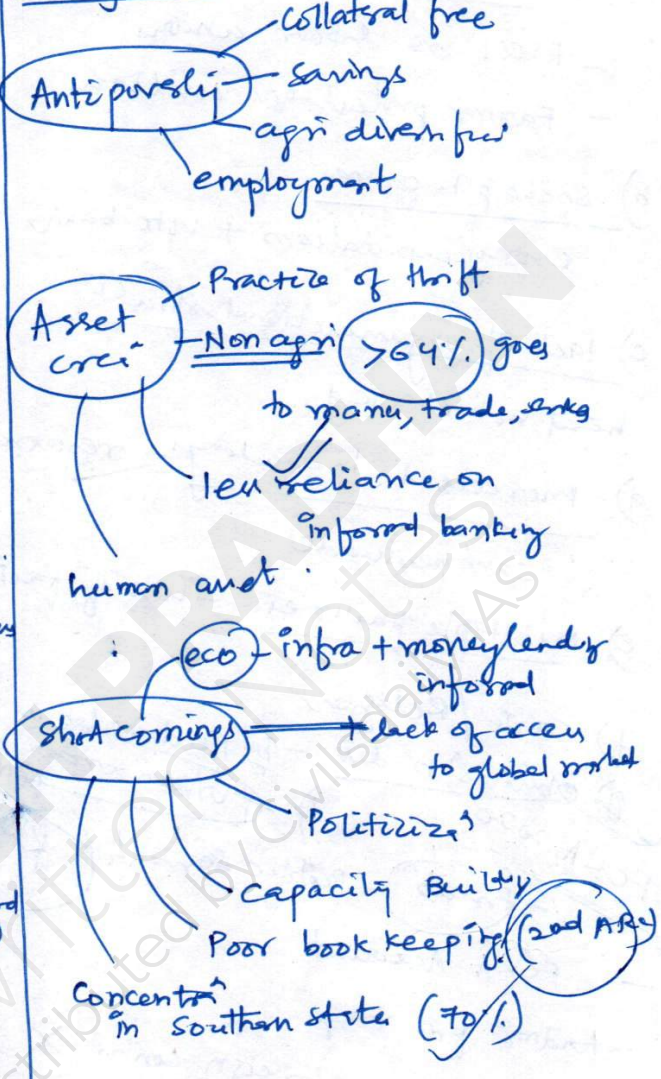
Schemes

- Deen Dayal Antyodaya Yojana ✓
- Aajeevika Grameen Express Yojana ✓
 (operate public transport in backward areas)
- **VISVAS** Scheme - interest subvention
- **ManamIndhu** (TN) - SHGs trained as mental health counsellors ✓
- **Sakhimandals** in Guj ✓
- **SARAS Aajeevika Mela** * **NFLM** ✓

Intro SHGs are untapped powerhouse of **enterprise** and highly potential vehicles to deliver **social good**

Conclu SHGs have expanded their mandate from following only the **Panchasutra** of good savings & borrowings to **Dasasutra** that encompasses access to **public service**, **education**, **health** & **well being** of poor households

Microfinance



Govt. Measures

- Swarna Jayanti Swarnajgar Yojana
- NABARD - Bank linkage
- Deen Dayal
- Mahila Kisan **Shashakti Kera** Paryojana
- Mahila e-Rakt
- **e-shakti**

ISSUES of PG

- a) Pluralist & contradictory
 - FICCI vs labour unions
 - Farmers protest on civilians
- b) Socio pol. crimes
 - Crony capitalism + vote bank
- c) lack of organisational strict
 - head not elected
- d) Increased inequality - resourceful
 - can persuade
- e) Multiple failures → loss of faith

f) Caste / Religion

- g) obstruct to dev - 9th Neutrality in TN
 - Urban areas
 - Concentration
 - Khadija
- FCRA, 2020
 - Prohibⁿ - Public servants
 - FCRA Account
 - Audits for rep.
 - Transfer of foreign contriⁿ X
 - Reduce in admin. rep. (20% from 50%)
- SC - upheld: receiving foreign aid is not FR so parliamentary control

Examples

1. Business groups - FICCI, CI, ASSOCHAM
2. Trade Unions - AITUC, BMS, HMS
3. Agrarian - AIKS, Bharatiya Kisan Union
4. Student - ABVP, NSUI, AISF
5. Religious - RSS, VHP, Bajrang Dal, Jamaat-e-Islami

6. Caste - Harijan Sevak Sangh, Nadar Caste Astro
7. linguistic - Tamil Sangh, Andhra Maha Sabha
8. Tribal - HSCN, United Mizofedyn
9. Professional - Chartered Acc. + Bar Council + IMA
10. Ideology - India Agr. Compⁿ, Nammo Baches, Chipko

32 lakh NGOs registered X

Important NGOs

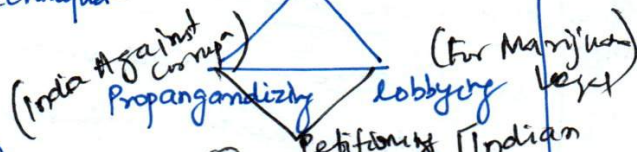
- Common cause - Euthanasia 'Right 2 Die'
- Shakti Vahini - Honour killing
- Independent thought - Sex with minor wife - case
- ADR - Criminalize of politics + PIF
- MKSS - RTI
- Ambedkar ent - Human Rights
- NAZ Foundⁿ
- Akshay Patra
- ASER + Kailesh Satyarthi Children's Foundⁿ
- CRY
- HelpAge
- BHIS + Centre for Sc. & Env.
- Tribals - KISS + MRIDA + Rashtriya Bal Kalyan Samiti + Parivaar Edu Society + Atigiri Wayanad Tribal welfare

NGO scheme Assistance for Skill Dev of OBCs/DNT/EBEs

Pressure groups

Techniques -

(Trade unions)
Electronary



Examples

- women's org like SEWA, NCU - Indian Lawers Assocⁿ for women's entry in Sbarinaba
- Protecⁿ of women from Domestic violence Act, 2005
- NE - (1) Just Peace - people's grievance
- (2) Mazdoor Kisan Shakti Sangathan
- RTI

(1) Based on certain interests
Ex Republic Party (US) influenced by industrial pressure groups to ban imports & promote exports

(4) Inadequacy of Pol. Parties
Ex Humsafar Trust + Naz (LGBT+)

Characteristics
(3) Results out of deprivaⁿ
Ex H. 'Just Peace' in NE

(2) Use of modern + traditional means
Ex (M) - Tractor Rally + Social Media
(T) - Blockade + Mahapanchyat + Market close

- (5) Changing consciousness
↳ Mazdoor Kisan Shakti Sangathan
- (6) Class/group interest
- (7) Anomiz interests
- (8) Upliftment of certain secⁿ

Types (a) Institutional → chartered Acc. + Bar Associaⁿ + FICCI

- (b) Specific interests → Gorkhaland + protest against BT Brig^d
- (c) Associational → Trade unions (AITUC)
- (d) Anomic (ULFA) (e) Non-Anomⁿ - caste/lang. group

BENEFITS

- a) Interest articulaⁿ (IAC)
- b) Encourage legislaⁿ for obsolete law removal (FICCI)
- c) Political socializaⁿ (Harjiam Serak Singh)
- d) Improve administraⁿ (Ex Indian lawyer Anorⁿ in Assam. who have not found their name in NRC by working with officials of foreign embassy)
- e) Improved governance (BNBS) Debate - Discussion - Deliberate - Dissent
Ex farm bills (AI Kisan Sabha)
- f) Catalyst for social change
'Akshara' against sexist Bollywood
- g) Fair rep. (minorities/vul. secⁿ)
Just Peace
- h) Advocate demo → SEWA + NCU for Protecⁿ of women from D.V Act, 2005
- i) Last minute delay
Bernard Barber → "carriers of democracy"
- j) Political training
Safety valve + communication gap + provide expertise

PRIs and ULBs (1/2)

AA-40 - Set up village Panchayats

PRI - 243 to 2430 [2439-29 funcⁿ]

ULB - 243P to 243Z9 [243W-18 "]

2nd ARC reco. 3 million rep.

- Panchayat should have power to recruit personnel ~~at~~ ^{at} own bureaucratic cadre

- Broadening & deepening of revenue base

On Urban governance

- Mayor elected directly
- limits of borrowing set by sfc.
- land banks for generating resources
- Citizens Charter

- Balwant Rai Mehta (1957) - Community Dev. Program (3-tier)

- Ashok Mehta (1977) - 2-tier & power of taxⁿ to PRI

- GVK Rao (1985) - elect regularly

- LM Singhai (1986) - Consti status

Issue

- Parallel scheme MPLAD, District Planning Com - violates in many states

Success stories

1. Hiware Bazar (MH)

drought prone → model village with water harvesting + watershed dev

Mawlynnong

2. Kudumbashree

3. Mawlynnong village (Meghalaya)

↳ 'Asia's cleanest village'

4. Atwar Model - established Village Dev. Committees + Cluster Resource Centres → edu + health

5. Kachchh Dist → rehab post earthquake in 2001.

ULBs Mangalore + Kucknow

6. Pune MC - Pune BRTS - Transport

7. Indore MC - cleanest city

8. Ahmedabad MC - Sabarmati Riverfront Dev. Project

9. Surat - plague prone to smart city

10. Ahmedabad Municipality

Shubanshu - 'Mobi'

PRIs & ULBs 2 1/2

↳ Read Evernote

ARTICLE 40

2nd ARC - 3Fs

Eco survey (2017) - 44% of ULB revenue own sources but 5% (more)

1. RASHTRIYA GRAM SWARAJ ABHITAN

2. e-Gram Swami (e-Gov)

3. Mysuru Declatⁿ on Service Delivery

4. Sansad Adarsh Gram Yojana

5. Sabki Yojna Sabka Vikas

↳ GPDP. Plan

6. ISRO - Bhuvan Panchayat web

Portal 3.0 → planning/

monitor govt. projects

Water success story → Elapully Panchayat & PPP (Palakkad)

PESA → Scheduled Areas 244 (1) (disempowerment of govt + Politician)

- diluⁿ of power of TACs + Gov. not being involved + overlap between MoTA & MoPR + not effective (6 states/10) + no legal defⁿ of minor water/minor bod.

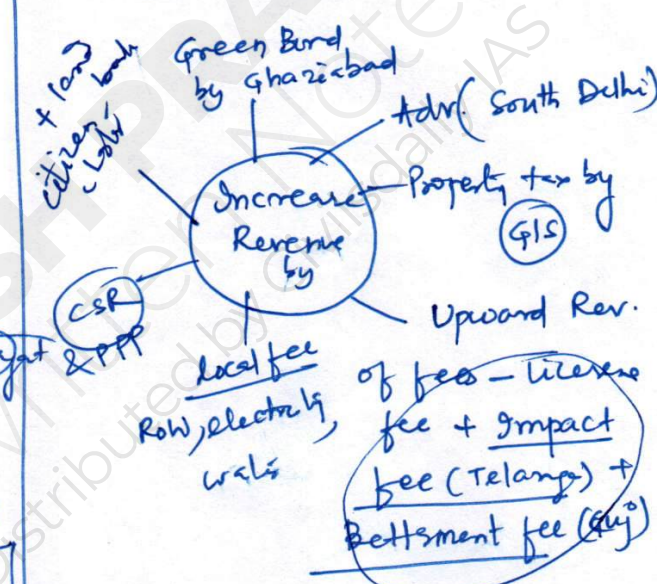
PESA dismal → 6th Report of 2nd ARC
Balchandra Mungekar

* Statue of Chilly → 121 villages reserved. Comm. Rept.

ULBs - 3Fs
lack of funds
multiplicity of roles (SPVs for smart city)
poor devtn
politicizeⁿ
urban issues + CC + slums
infra
lack of master plan.

Municipal Revenue: at least 1% of GDP < 0.5%

Property tax - 0.15% of GDP
developing - 0.6 | developed = 1%



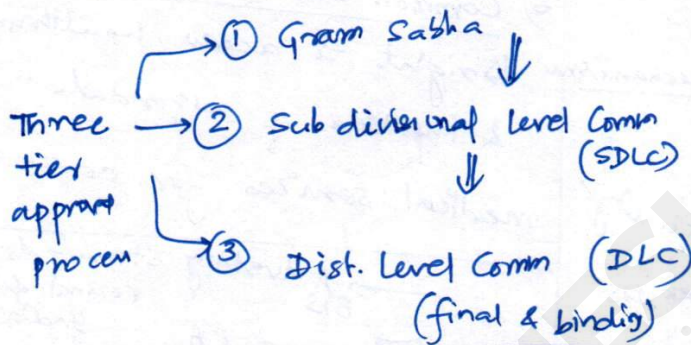
- Pune (Special day for public info)
- Amandur
- Bangalore (scrappers forward pickers)
- Mangalore.

Sch. 4 → 244
Balachandra Mungekar

Forest Right Act, 2006

Nodal Agency - state / UT

- ① Dongria Kondh Adivasis used FRA in 2013 to protect sacred lands in Niyamgiri forest against vedanta Bauxite mining.
- ② Odisha Mining Corporation vs UOI → SC directed Gram Sabha of region will decide about the project.



Concerns

- ① Document of Proof ⇒ Indi. Forest Rights (IFR) claims rejected due to lack of doc.
- ② Inconsistency in acreage claimed & allocated - Ex WB report - in Narmada Dist (Guj) → 70% claimants reported lesser acreage.
- ③ low awareness of GS - of Gram Sabha, Ex In J&K (2021-23) ⇒ 92.5% claims rejected by GS only.
- ④ Illiteracy among locals

⑤ Forest land encroachments - Misuse of GS for approval of ineligible claimants

⑥ Long judicial battles - rejected applicants drag cases

⑦ Violaⁿ of FRA provisions - Titles randomly issued in name of Panchayat bodies instead of Gram Sabha,

Ex Community forest titles to 10 villages in Deori taluk (MH) → DLC issued titles to panchayat, not GS.

⑧ lack of coordinⁿ among Dept. of Revenue - forest - Tribal

⑨ Destructⁿ of forests & wildlife

Odisha → "Mo Jungle, Mo Jami Yojana"

Consumer Protecⁿ

Pendency in Consumer Commissions - 5.45 Lakh

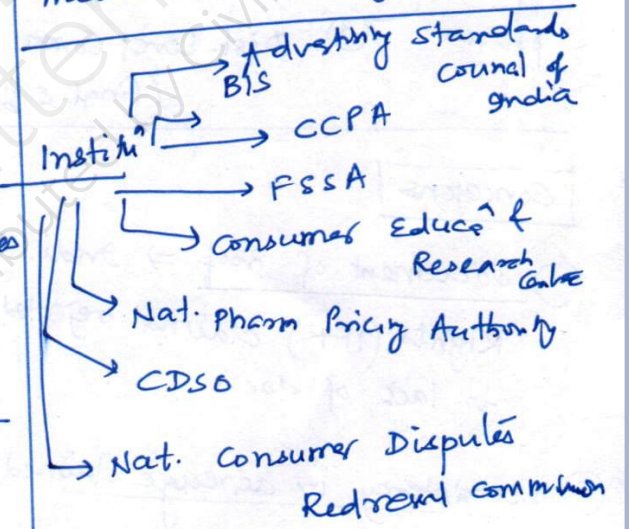
Measures

- 1) Consumer Protecⁿ Act - 2019 - Central consumer protecⁿ Authority
 - 2) Consumer Protecⁿ Rules - 3 tier quasi judicial machinery @ Nat./state & Dist levels
 - 3) ConfoNet Project - ICT in Consumer Redressal mechanism
 - 4) Integrated Grievance Address Mechanism (INGRAM) portal
 - 5) E-Daathi Portal
 - 6) Certifikaⁿ marks - ISI, AGMARK, BIS - safety & quality
 - 7) Codes on Advertisements
- * Jamaica ⇒ recognises both rights & duties of the consumer.

Cases

- 1) Vishnu Agencies vs Commercial Tax Officer (1997) → consumer's right to be 'informed' about quality & price of goods
- 2) MC Mehta vs UoI (2004) - right to safe env as part of consumer's right to life.
- 3) Lucknow Dev Authority vs MK Gupta (1994) established builders' liability for structural defects & poor workmanship in constructⁿ

- * Flipkart Internet Private Ltd vs Anish Juneja
- 4) Cadbury India Ltd. vs Consumer of Calcutta - food safety & quality
- 5) UoI vs Hindustan Dev. Corporaⁿ (1993) ⇒ consumers have the right to seek compensaⁿ for deficient services
- 6) Common Cause vs UoI (2018) → right to access healthcare & importance of affordable medical services for consumers.



Committee → LP Singh
→ Katoch

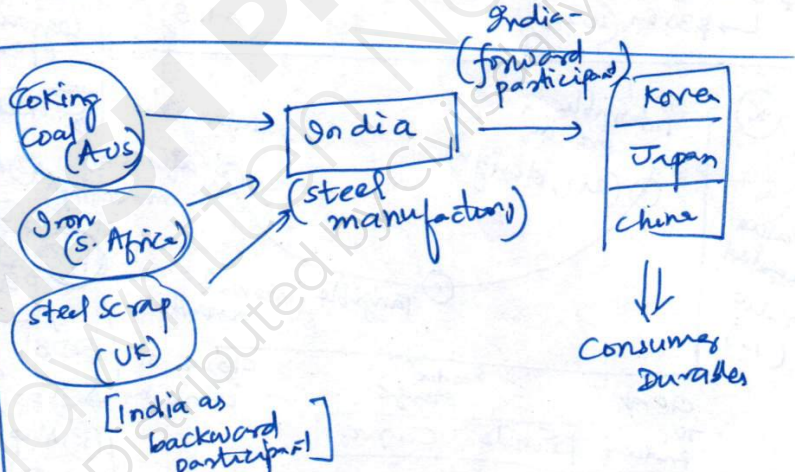
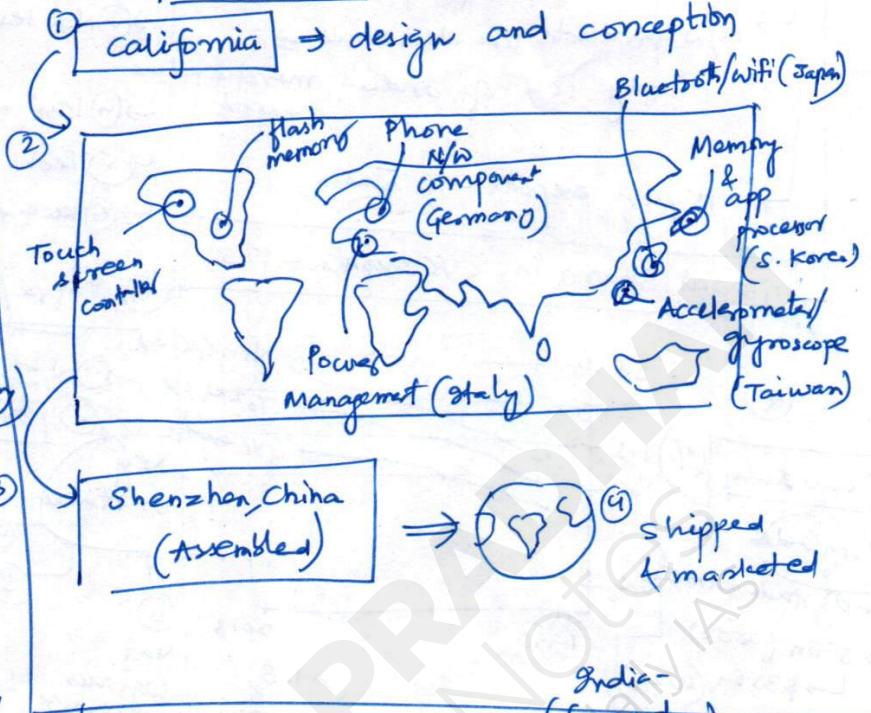
Global Value Chains

Creates value in each step

* 75% of global trade involves GVCs.

- Benefits**
1. Raise productivity
 2. Increase employment
 3. Structural shift in eco (Primary → secondary) ex Ethiopia
 4. Poverty Reducⁿ (ex Bangladesh)
 5. Greater scope of specialisaⁿ
 6. Knowledge sharing & R&D
 7. Strengthens local firms

iPhone GVC



- Risks**
1. Unequal share in profit
 2. Loss of tax revenue (govt. reducing to attract FDI)
 3. Risk to small exporters
 4. Propagating shocks
 5. Climate change (ex EU's Green Deal affect countries involved in carbon intensive GVCs like chemicals)

Key determinants

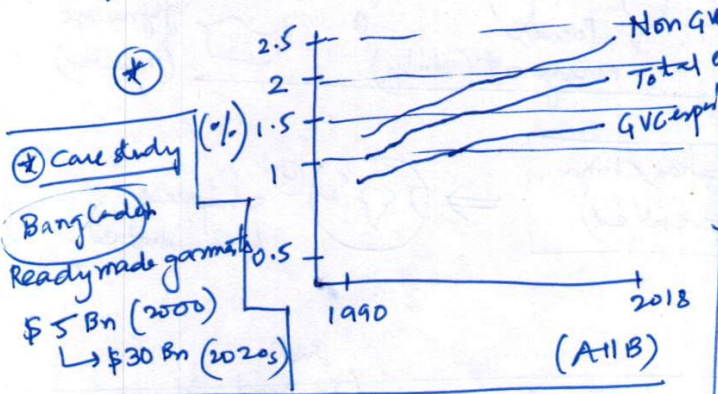
- Non-Policy**
1. Labour - low skilled labour (↑) ⇒ back (↑)
 2. Natural Resources - High ⇒ forward (↑)
 3. Market size ⇒ High ⇒ forward (↑)
 4. level of dev ⇒ High ⇒ both f & b (↑)
 5. Industrial structure ⇒ % of many GDP (↑) ⇒ back (↑)
 6. locaⁿ ⇒ distance from hub (↑) ⇒ forward (↑)

- Policy factors**
- openness to FDI
 - Trade policy & tariffs
 - Institutional (EoDB, corrupⁿ)
 - Intellectual Property
 - Logistics

India → Forward linkage mostly (lack of raw material)
 → N/w products like electronics → only 10% of India's merchandise export
 → 75% of exports - 6 states
 → Global share in GVC exports - 1.3%

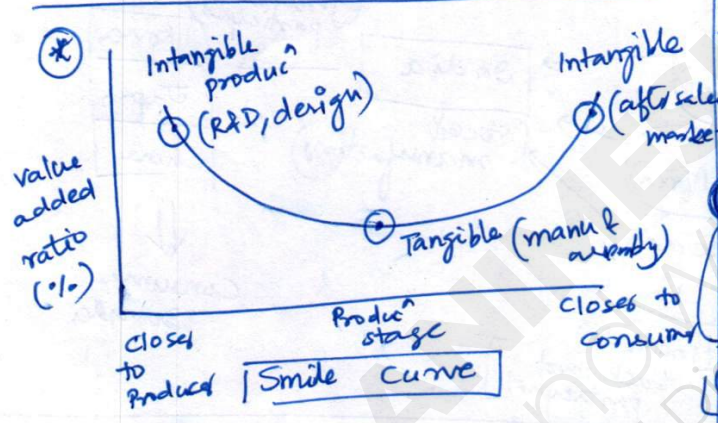
Roadblocks to India

- ① Inward looking Policy (license Raj, import substitⁿ)
- ② limited lead firms
- ③ Not leverage MSMEs (weak innovⁿ, finance & infra)
- ④ less regional integratⁿ
- ⑤ Tech shifts
- ⑥ lack of quality
- ⑦ Policy vacuum
- ⑧ lack of info



Key Initiatives

- ① PLI
- ② Labour Reforms
- ③ Infra - Bharatmala, Sagarmala, NIP, Gati Shakti
- ④ FDI
- ⑤ Foreign Trade Policy, 2023
 - Advance Authorisation Schemes
 - Export Promoⁿ of Capital Goods
 - Towns of Export Excellence
- ⑥ Nat. Logistics Policy



Key Initiatives

- ① Skill
- ② Sectoral diversifⁿ
- ③ MSME
- ④ Infra - Physical, Digital
- ⑤ Business Env - Dispute settlement, Predictable tax
- ⑥ PPP
- ⑦ Tech
- ⑧ Map for critical goods
- ⑨ Logistics & transport

Sustainability

- Transportⁿ (3.5% of total energy)
- global energy footprint ↑
- Int. C Leakage (shift to less stringent country)
- Waste & dumping
- Poll

Recent shifts (McKinsey)

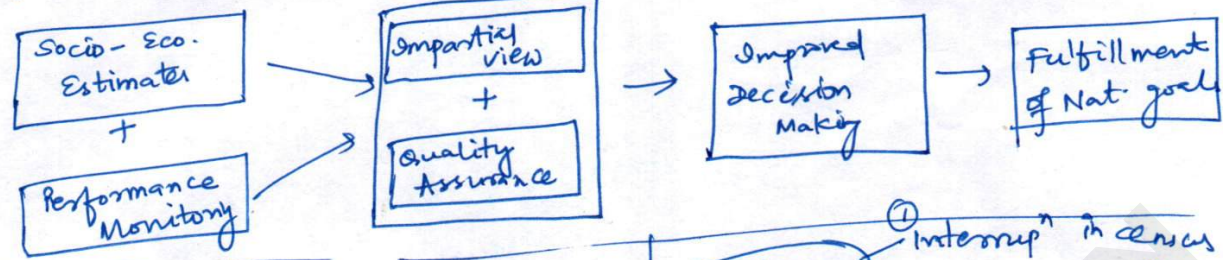
① Trade Intensity = $\frac{\text{Gross exports}}{\text{Gross OIP}}$

in goods-producing value chains fallen
 (→) development of china & emerging eco as they are consuming more of what they produce
 ② Services - growing but undervalued; Trade in services 60% faster than goods in last decade
 ③ Trade based on labour cost arbitrage (↓)

④ GVCs are growing more knowledge intensive.
 ⑤ VCs are becoming more regional & less global ⇒ intraregional share of global goods trade 2.7% (↑)
 ↳ Rise of emerging-market consumⁿ
 ⑥ China Plus one strategy
 ⇒ 18% of goods trade depends on us we move from labour intensive manu to capital int. manu

Indian Statistical System "Without data, you're just another person with an opinion" - Deming

Significance



Structure

I. **Central Gov** : MoSPI
 ↳ Nat. statistics office (NSO) ↳ CSO ↳ NSSO
 ↳ in ministries/dept.

II. **State** - Directorate of Eco. & statistics

III. **Nat. Statistical Comm (NSC)** → 2006 (Rangarajan Comm)

IV. **7th Sched** → Union List
 ↳ Conc. List

V. **Legisla** - census Act, 1948 ; Regⁿ of Births & Deaths Act, 1969 ; the Collecⁿ of Statistics Act, 2009

CSO	NSSO (Fisher Comm)
- IIP	- Annual survey of Ind. (ASI)
- CPI (U) for Non Manual Emp.	- PLFS
- Nat. Income Account	- Debt & investment survey.

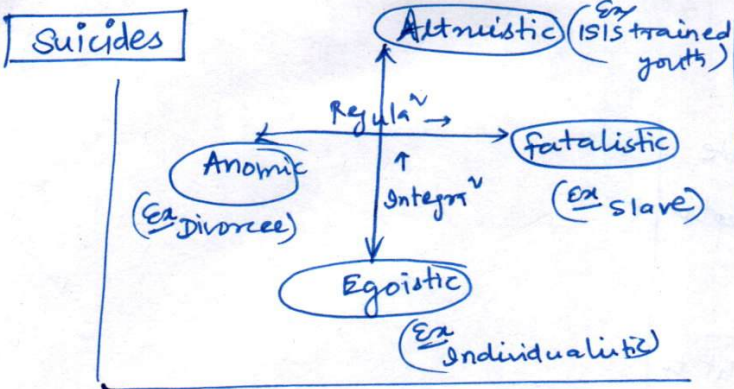
VI. **Other** - ASI
Indian Statistical Service
 Commissioners - (1925) → Visvesvaraya Comm

- Mahalanobis Model
- Narain-Bhatnagar Comm (1979)
- Khurshid (1984)
- Rangarajan (2000)

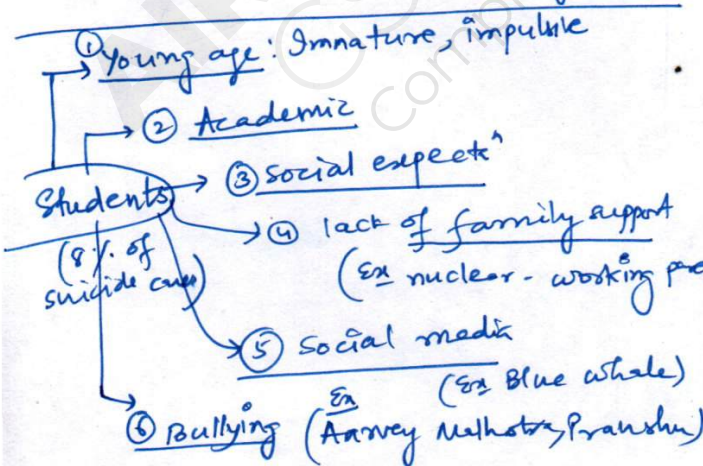
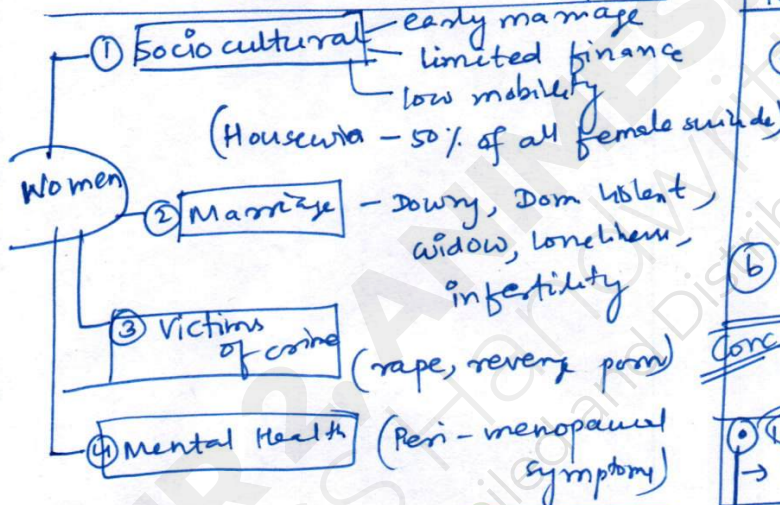
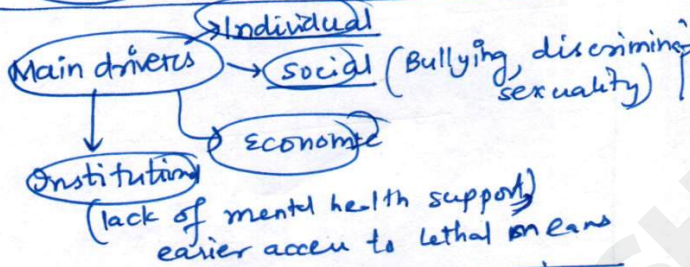
- Challenges**
1. Interrupⁿ in census
 2. Inferior quality of datasets (Consumer exp. data (2017-18) discredited by MoSPI)
 3. Outdated key datasets
 4. Scrapping surveys (NSSO's emp-unemp. survey)
 5. Contraventional data
 6. Limited power of NSC (no statutory)
 7. Skilled labour
 8. Issues of survey (Ex NFHS-4, women que. 73 pages)
 - ↳ Personal questions
 - ↳ data quality
 - ↳ lack of finance

- Initiatives**
1. Increase data availability (more granular)
 2. Standardisaⁿ (Ex Metadata for Nat. Indicator Framework docu by MoSPI)
 3. Digital India
 4. Adopⁿ of global standards (UNFPOs, 2516)
 5. NDAP (NITI Aayog)
 6. Digital Data Protecⁿ Bill
 7. Data Governance Quality Index of NITI Aayog

- Reforms Comm**
1. Form statistical infra
 2. Strengthen statistical infra
 3. Tech
 4. Capacity building of field agencies
 5. Better integr/coordiⁿ
 6. India Data Mgmt Office



- ⇒ 4.2% suicide increased in 2022 as comp. 2021
- ⇒ Male : female suicide victims ⇒ 72:28
- ⇒ suicide ⇒ No 1 cause of death (15-29)
- ⇒ India contributes ⇒ (25%) to world suicides
- ⇒ Lancet ⇒ Indian women 2x than global avg



Steps (A) Policy

- 1) National suicide preven^ strategy
↓ suicide mortality by 10% by 2030
- 2) Nat. Mental Health Policy - 2014
- 3) Nat. Palliative Care Prog
- 4) Ayushman Bharat (mental disorders too)
- 5) Rashtriya Bal/Kishore Swasthya Karyakram
- 6) KIRAN
- 7) Manodarpan
- 8) UMMEED by Min. of Edu

B. legal → IPC - 309 → punishable offence
 → Bharatiya Nyaya Samhita (BNS) Bill - decriminalise

Judicial

- a) P. Rathinam vs UOI (1994) ⇒ 'Right to life' under Art. 21 also includes 'right not to live a forced life' (So, IPC 309 unconstitutional)
- b) Gian Kaur vs state of Punjab (1985) ⇒ (opposite)

Core: REDS path → Reinforce, Enhance, Develop & strengthen
 (100-140) since 2001
 → 436 from CAPF in last 3 years.

- 1) Service cond^ ⇒ lack of job satisfact^
- 2) Worky cond^ - extended hours

Indian Army
 3) Personal - issa^, domestic issues
 4) Steps ⇒ Mansik Sahayata Helpline
 ⇒ Aa of living courses.
 ⇒ Projects MILA & SAHYOG
 ⇒ Psychological counsellors.

Euthanasia \Rightarrow 'die with dignity'

① Anura Shanbaug vs UOI - passive euthanasia permissible in exceptional circumstances.

② Common Cause vs UOI - 'Right to die with dignity' \Rightarrow part of Art-21



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RTI Intro **Thomas Jefferson** - information is the currency of democracy & critical to the emergence and development of a vibrant civil society.

genesis - **Kulwal vs Jaipur Municipal Corp.**

(1986) SC **Art. 19** freedom of speech implies Method

- RTI**
- Objectives
- empower citizens
 - transparency & acc.
 - constrict corrupⁿ
 - people participaⁿ

Section 4 of RTI Act : suo motu disclosure of info by each public authority

Appl. | Salary | Tenure - by central govt.

Success - CWC scam, coal block, 2G spectrum

Issues

1) Backlog of cases - On June 30, 2021, 2.56 lakh appeals pending with 26 Information Comm.

2) CICs downgraded rank - RTI applicaⁿ requires intervenⁿ of >1 govt. dept, but PIOs from junior rank who attend hearings.

Delays - Avg 388 day/case

3) vacancies → 4 SIC absent in states

4) Threat to RTI activists - Commonwealth Human Rights Initiative → 99 RTI activists

lost lives

5) Misuse of RTI Act

6) low public awareness

7) Excessive power with Central Govt - RTI AA, 2019 regarding tenure and service condⁿ

8) Issue of Enforceability - ICs can give directions to public authorities to take steps necessary to comply with the Act.

9) Secrecy - various legislations restrict → Official Secrets Act, 1923

Way Forward

1) Training of officials

2) Code of conduct - separaⁿ of ICs from govt.

3) Constitutional status ✓

4) awareness campaigns

5) Protecⁿ to RTI activists ✓

6) Balance RTI with Privacy & Official Secrets Act

7) Open data policy - suo motu

8) Compiling of similar RTI Appⁿ - prevent duplicaⁿ

2nd ARC → "Master Key to Good Governance"

Case Study 2nd ARC - suo motu disclosure of Raj

★ JAN SOCHNA Part - Raj TRANSPARENCY



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Child Marriage

Current status

UNICEF → each year, at least 15 lakh girls under 18 married in India
 ✓ 1/3rd - largest global child brides

NFHS-5 → 23.3% women before 18yrs (26.8% in 2015-16)
 → A girl with 10 years of educatⁿ - 6x lower chance

→ Rural areas - 8%; urban - 17%
 → Teenage pregnancies → 7.9 to 6.8%

Reasons

1) Role of poverty - Richest quintile 8%, lowest quintile >30%

2) Social norms & patriarchy

✓ Kerala (6.3%)
 10yrs - 6x ↓

3) Educⁿ - NFHS-5: Illiterate females avg 17 years; 12yrs. of schooling - 22yrs

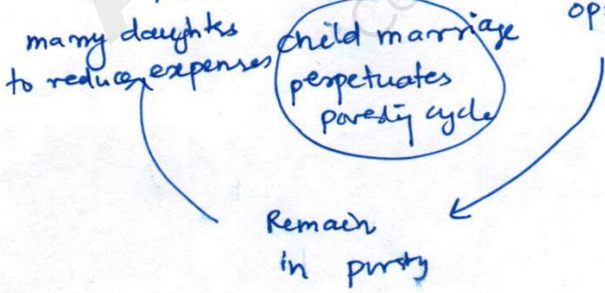
4) Seen as a burden - Downy 39%

5) Social background - higher prevalence in SCs & STs

6) Weak law enforcement

7) Trafficking

7) Pandemic - 5000+ CM in Jan-April (2020) - Young brides lack edu/econ opp



Issues

1) Social Implicⁿ

- a) Impacts girl's child more
- b) Deprivⁿ & exclusion
- c) Academic loss

2) Health Issues

- forced pregnancy; maternal mortality rate
- Child borne → stunted/wanted

3) Economic Issues

- unskilled, uneducated pop. ↑
- labour force participatⁿ ↓
- poverty cycle ✓
- estimated costs 1.7% of GDP
- increases fertility rate by 17%
- high pop. growth → burden

STEPS TAKEN

1) Legislative → Prohibitⁿ of child Marriage Act, 2006

- Protection of children from sexual offence Act, 2012 - POCSO (2012)
- Prohibition of child Ma. (Amendment) 2021

2) Schemes

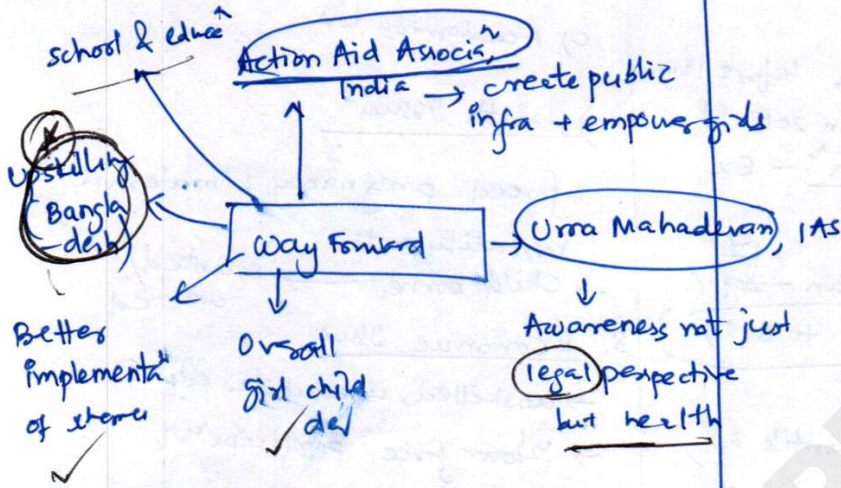
Beti Bachao, Beti Padhao, Sabla Prag
 WB: Kanyashree, Rupashree

3) Intⁿ → Convenⁿ on the eliminatⁿ of All Forms of Discriminatⁿ Against Women (1993) → Art. 16

Case study

'ALIVA' in Odisha (Nayagarh) -

Anganwadi centres registers all adolescent women - track



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Digital Personal Data Protection Bill, 2022

(*) lack of writ against corporate

2017 KS Puttaswamy case - Right to Privacy
 BN Justice A Srikrishna Comm

Previous draft DPB, 2019

1) Applicability - governs the processing of personal data by the govt, companies incorporated in India & foreign

2) categorizeⁿ of data - into sensitive personal data (financial/biometric/caste/religions/political)

3) Data fiduciary & his obligⁿ
 ↳ entity who decides means & purpose of processing personal data.

4) Rights of individual (data principal)
 → obtain confirmⁿ on whether data processed
 → seek correction of personal data
 → Have personal data transferred to other fiduciary
 → disallow consent

5) Grounds for processing personal data
 → mandatory consent except certain circumstances

6) Data protectⁿ authority

7) Transfer of data outside India
 ↳ if explicitly consented
 ↳ certain critical personal data only be processed in India

8) Exemptions to a govt agency

Data Protecⁿ authority - no accountability

subsumed personal & non-personal data

exempⁿ to state

data-localisⁿ

Issues

Key Features

1) Data Principal & fiduciary

2) Defining personal data & its processing

3) Individuals informed consent

4) language of info - specified in 8th schedule

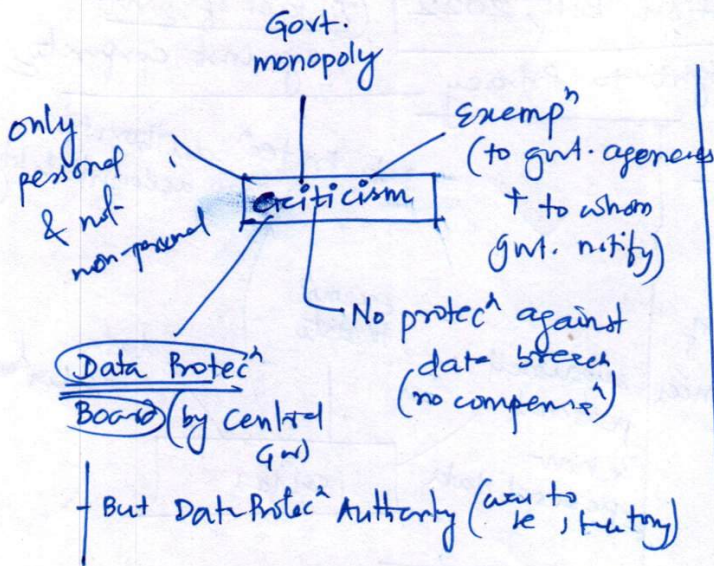
5) Data protectⁿ officer (grievance redressal) + Data auditor (independent)

6) Right to erase data, right to nominalis

7) Cross-border data transfer to certain notified countries & territories.

8) Financial penalties as high as ₹250 cr

→ gender neutral (she/he)
 → global best practices incorporated
 → comprehensive
 → special emphasis for child protectⁿ



WF

- compensation on data breach
Ex EU's GDPR
- Data Protecⁿ Board - selecⁿ

Fiscal Federalism

268-293

- GOI Act 1919 - dualism - divided sources of revenue b/w the center and provinces
- GOI Act 1935 - federal system revenue diff.

Article 268-293

268-293

Fiscal Federalism not followed

- ↳ Planning Comm
- ↳ 7th schedule encroachments
- ↳ Shifting to Concurrent list
- ↳ ex forest and educaⁿ
- ↳ Encroachment by entitlement driven legislations - ex MGNREGA, RTE, NFSA, 2013

→ Art 282: CSS - inhibit states from exercising policy priorities

→ Cess & surcharge - 2x 19.9% (2020-21) from 10.4% (2011-12)

→ GST

way forward

- Inter state Council
- rationalizaⁿ of CSS & central outlays

Sarkaria, Punchi - no. of CSS schemes

- minimum
- Sarkaria
- 1st ARC

- Permanent ISC
- Union govt. should not take responsibilities that under states domain

→ General purpose transfers vs Conditional transfers

→ ✓ role as a monitoring agency of the states performance goes against its constitutional role

→ vertical imbalance - Union with ^{greater domain} 60% of total tax, 40% of total public expenditure

→ GST → subsumed 44% of states own tax, 28% centre.

★ Centre still power to levy additional excise duty on products like tobacco, spirit (which under GST)

way forward

- states with right to modify the SGST within a narrow band to introduce some level of federal flexibility into the GST.

SC Judgment → equal power

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Smart Policing / Modernization of Police force (MPP) scheme extend for next 5 years.

Issues with police system

Prakash Singh

Colonial legal : Indian Police Act, 1861

ii) Politization of police : highlighted in 2nd ARC

iii) Slow Progress - Even after 15 years of Model Police Act, 2006 only 17 states have enacted revised laws

iv) Overburdened police - 20% vacancy
UN : 222 police/lakh persons, India has 137 police/lakh persons

v) Infrastructural

a) weapons - Rajasthan (75%), WB (71%) shortages of arms & ammunition

b) Police vehicles - shortage
CAG noted the custodial death 26/17/27

c) connectivity - without telephones or proper wireless connectivity

vi) use of tech - Punjab, Raj., Goa, Assam
no cyber-crime cell

vii) Public percepⁿ

Interpoll CS 5 2 3000s.

Suggestions

1) SMART Policing

- S - sensitive & strict
- M - Modern & Mobility
- A - Alert & Accountable
- R - Reliable and Responsive
- T - Trained & Techno savvy

Interoperable Criminal Justice System (ICJS) → 23500cr under A.I (CCTNS)

2) Central Police Comm

Crime and Criminal Tracking New System

3) Model Police Act, 2006 replacing Police Act, 1861 - professional police 'service' in a democratic society

4) Incorporate technology - CCTV, forensic, GPS etc.

5) Vacancies & women representaⁿ

SC suggestions in Prakash Singh vs UOI, 2006

i) talks about fixed tenure, constituting a state security com. to prevent political pressure

ii) Police complaint authority to hear complaints against police

Advantages

- a) citizen friendly policing
- b) leverage social media
- c) crime detection & prevenⁿ
- d) improve efficiency : lessen administrative work
- e) Real time integrⁿ with other pillars of criminal justice (court, prosecⁿ, jail, forensics)

PTO

Concerns

- Privacy (K. Puttaswamy case)
- fear of mass surveillance
- Biases in AI/ML models - bias against nomadic tribes - Criminal Tribes Act, 1871

Way Forward

- Police reforms
- Personal Data Protecⁿ Bill 2019 and DNA Technology (Use and Applicⁿ) Regulaⁿ Bill, 2018.
- Digital Trust framework.

Melimath Comm - separation of the investigatⁿ wing from the law & order wing in police staⁿ

NITI Aayog

- Model Police Act, 2015
- outsource non core
operⁿ - pass post / job
verification
- women sep.
- Police & public order
in concurrent list
due to intrastate crime
& terrorism

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Higher Education

For Individuals

- Develops personality
- creates valuable connections
- social mobility
- enhance standard of living
- Improves job prospects
- prepares student for world

For Society

- Higher level of civic management
- Drives innovaⁿ for social good

For Nation

- Encourages demo. culture
- Pathway to Tech advancement
- Creasⁿ & diffusion of knowledge
- Creates leaders

Evolution **Ancient** - Takshashila, Nalanda, Vallabhi (multidisciplinary)
Medieval - Maktab - Madarasa system **Colonial** - 3 official uni at Bombay, Calcutta, Madras
 - Then Jamia Milia; Bengal National Uni, Kashi/Bihar/Gujarat vidyapeeth

- Post Independence**
- 1) Sarkar Comm (1945) - five IITs
 - 2) Radhakrishna C. (1948) - creaⁿ of UGC
 - 3) Kothari C. (1966) - National Policy on Educaⁿ

- 4) Nat. Policy on Higher Edu (1986) & Revised Nat. Policy of Edu. (1992) - 5 goals for HE → a) Greater Access b) Equal Access c) Quality & Excellence d) Relevance e) Value based
- 5) TSR Subramaniam (2016) & K. Kasturirangan C. (2019) → NEP 2020

No. of HEI	799	→	1043
Gross Enrolment Ratio	24.5	→	27.1
Gender Parity Index	0.92	→	1.01

(2015-16 to 2019-2020) imp. stats

Challenges

A. INSTITUTIONAL & STRUCTURAL

- 1) Low student Enrolment - 27.1 (Global Avg - 36.7; USA - 88.2; China - 49.1)
- 2) Inadequate Infra & facilities
- 3) Faculty shortage & high student/teacher ratio
- 4) Inability of HEIs to attract & retain well qualified teachers
- 5) Substandard teacher educaⁿ institaⁿ (TETs)
- 6) Suboptimal research - low citaⁿ - 0.69% of GDP on R&D; 2.8% in US / 4.3% in Israel / 4.2% in S. Korea
- 7) Lack of female leadership - 7% VCs women
- 8) Brain Drain (2020) ⇒ >10 lakh abroad 49,348 from abroad
- 9) Commercializaⁿ of educaⁿ
- 10) Social Inequality - SC GER ⇒ 23.4, ST ⇒ 18 Nat. ⇒ 27.1 %
- 11) Women in STEM (rev.)

B. GOVERNANCE / REGULATORY

- 1) Over-centralizaⁿ, Mechanistic & rigid bureaucratic structures of regulatory system
- 2) Lack of professional management, accountability & transparency of HEI
- 3) Inadequate capacity of accreditaⁿ bodies
- 4) Low investment in higher educaⁿ (<10%)
- 5) Ineffective rating system

C. QUALITATIVE & ACADEMIC ISSUES

- 1) Outdated syllabus → lack of multidisciplinary; no regular updaⁿ
- 2) Low focus on vocational educaⁿ; arts, sports, extra curriculum
 → 12th five yr Plan (2012-17) → <5% of Indian workforce (19-24 year) received formal vocational edu; 52% in USA & 75% in Germany
- 3) Low Industry collaboraⁿ → India skills Report 2021: employability of graduates across disciplines at 45%.
- 4) Death of globally reco. insti → Only 3 in Top 200 QS World Rank 2022
- 5) Unhealthy comp → mental health
- 6) Covid impact on exams

Schemes

Digital Educaⁿ → SWAYAM (MOOC),
SWAYAM PRABHA, Nat. Digital Library (NDL)
e-YANTRA

Financing → Rashtriya Uchchatar Shiksha
Abhiyan (RUSA) → 2013
→ Higher Educaⁿ Financing
Agency (HEFA), 2018: joint venture of
MoE & Canara Bank to leverage fund from
market, donaⁿ & CSR

↳ Institute of Eminence ₹1000 Cr. ^{for} 5 years

Research → PMRF (PM Research Fellow)
→ IMPRINT (IMPacting Research INnovatⁿ
Tech)
→ IMPRES (IMPactful Policy Research
in social scⁱ)

Quality Improvement - NIRF, 2015

For women - Dept. of S&T → KIRAN,
GATI (Gender Advancement for Transforming Insti^t)
CURIE (Consolidaⁿ of Uni Research for Innovatⁿ
& excellence) in women Uni

Int. Collaboraⁿ - GIAN (Global Initiative
of Acad. N/W)

Financial support
to students - scholarship like Central
Sector scheme of scholarship

Reforms & way forward | By NEP, 2020

- 1) Institutional Restructuring → All HEIs into
a) Research Insti^t b) Teaching uni c) Autonomous
degree-granting
- 2) Regulatory Reforms - set up Higher Edu.
Comm. of India (HECI)
- 3) Equity & Inclusion - HEIs in aspirational
dist^r HEIs to mitigate opportunity costs, no-discrimin^a,
anti-harassment policy
- 4) Holistic Multidisciplinary Edu - a) Acad.
Bank of Credit b) National Research Foundⁿ
(NRF)
c) Multidisciplinary Edu & Research Uni (MERU)
d) Nat. Comm. for Integraⁿ of vocational
Edu (NCIVE)

5) Internationalized of HEIs

- Int. Students office at each HEI
- Int. collab

c) others

- Motivated faculty
- curbing commercializⁿ of educaⁿ
- Promoting of Indian lang in HEI

Way forward

- set up Taskforce to streamline
process & procedures for recognⁿ
of accreditⁿ.
- Campus Diversity Policy
- Adopt Global citizenship approach
- Alumni connect ✓
- Student/Faculty exchange
programme ✓
- MOOCs promote ✓

entreprene^r
(BITS PILANI)

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NITI Aayog (National Institution for Transforming India)

Composition

- 1) PM (Chairperson)
- 2) Governing Council: CM + Lt. Governors of UTs
- 3) Regional Councils - fixed term - summoned by PM - CM + Lt. Governors
- 4) Special Invitees - by PM
- 5) full time org. - PM chair
 - i) Vice chair nominated by PM
 - ii) Members - full time
 - ↳ Part-time - max 2 from academic/research
 - iv) Ex officio members - Max 4 from Council of Min - nominated by PM
 - v) CEO - by PM - fixed tenure - rank of Secretary of Govt.

Changed the fundamental nature of planning

- 1) Change in Policy making - technical advice to states & centre ex Medical Education Reform
- 2) Bottom-up Approach - Cooperative Federalism
- 3) New Innovations - Team India
 - Hub + Knowledge & Innovation Hub
 - ex Atal Innovation Mission
- 4) Strategic programs & monitoring ex Educational & water management
- 5) Coordination among diff. departments
 - ex Atal Mission for Rejuvenation and Urban Transformation (AMRUT)
- 6) Use of Advanced Tech - ex IndiaChai
 - Blockchain in e-Governance

7) Digitization - Digital India

8) Indices - ex SDG India Index, Composite Water Mgt. Index

9) Interference of Technocrats ex Swachh Bharat Abhiyan, Nat. Mission for Clean Ganga

Achievements

- Cooperative federalism
 - ex: Hosted 3 subgroups of CM on revamping CSS, Swachh Bharat & skill Dev.
- New Initiatives - Roadmap for digital payments, Operational district program, SDG monitoring
- ZBNF, Bharatya Prakritik Krishi Paddhati, Monitoring & Analyzing Food & Agri Policies (MAFAP), Model land leasing Act, 2016

Challenges

- no role in influencing public-private investment
- ↳ inadequate resources
 - Inequality is on rise, women labour force participation decreasing
 - just recommendatory body
- ↳ Uncritical praise

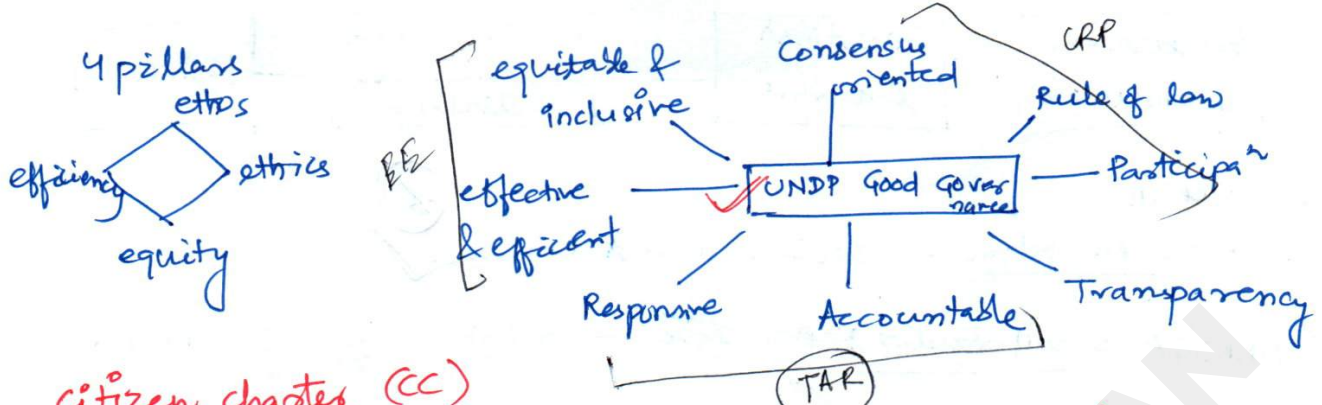
Way Forward

- decentralisation
- work with NGO, CS
- bureaucracy from generalist to specialist
- requirable legal powers
- non-partisan ship

Good gov → 2nd ARC - provision of public services in an efficient & equitable manner to citizens that creates an env. where all classes of citizens can develop to their fullest potential.

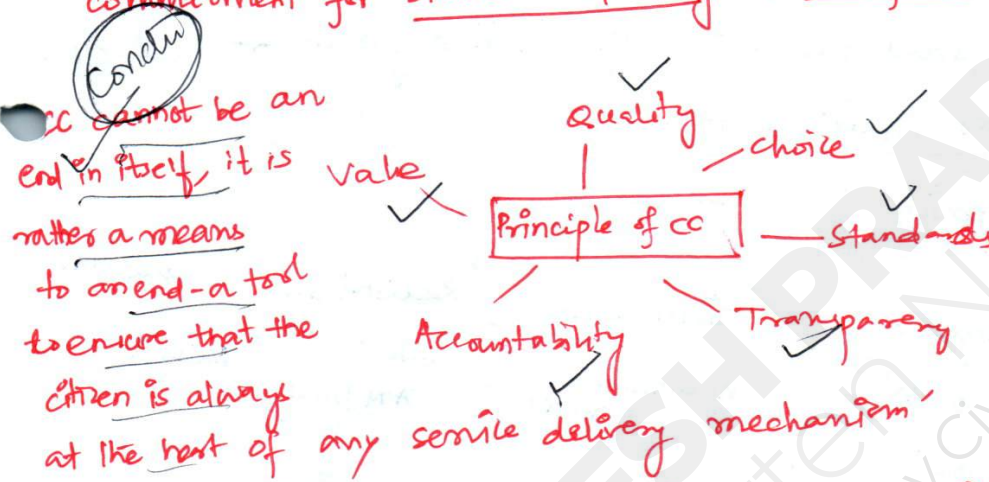
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Governance



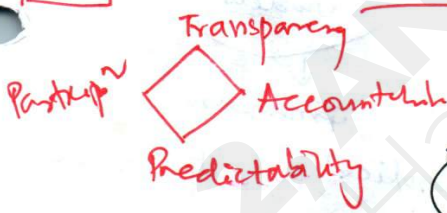
Citizen charters (CC)

commitment for standard quality + time frame + grievance redressal



⊛ Centralized Public ~~Service~~ Grievances Redress & Monitoring system

RTI - 2nd ARC : "Master Key to Good Governance"



(Official Secrete Act, 1923 against ethos of RTI)

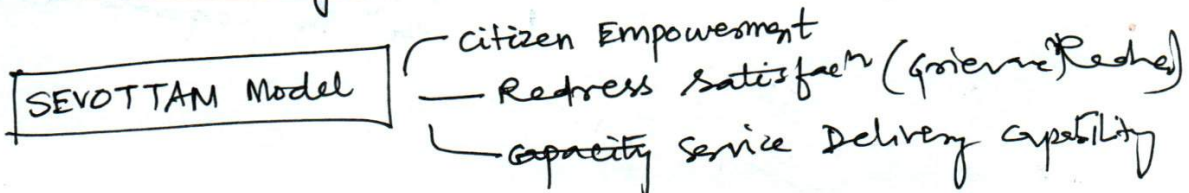
2nd ARC - sumo to ~~disclosure~~ disclosure of info (JAN SOOCHNA Postal - Raj.)

⊛ 2.2 lakh RTI cases pending under CIC & SIC

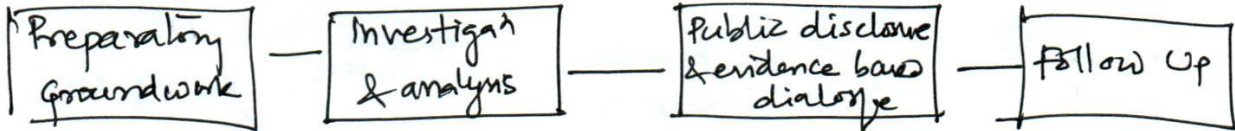
Delays - CIC on avg. 388 days for 1 appeal/complaint

Penalties - only in 2.2% cases

Reduced Capacity - 4 CIC absent in state long period



Social Audit



- MNREGA

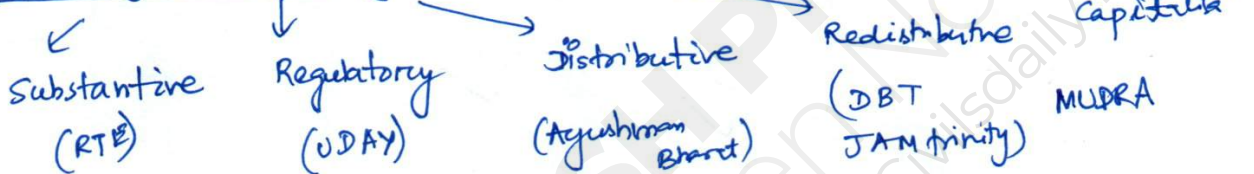
- 2017 - Meghalaya - social audit legislaⁿ

* MNREGA Social Audit Report 2020 - 3 lakh cases of financial misappropriation (₹658 cr)

- Shankhand - formal mechanism of inviting prominent CS rep.

Mazdoor Kisan Shakti Sangathan

Types of public policy



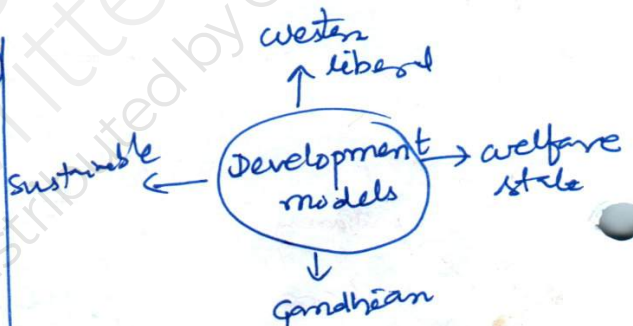
Achievements

- Eco. Infra (PM Gram Sadak Yojana)
- Social Infra (IMR 86.5 (1991) → 28.7 (2001))
- National Income
- Growth

Shortcomings

- Unemployment
- Inequality
- Agri growth (3.4%)
- Standard of living (23.5% slums urban)

18%



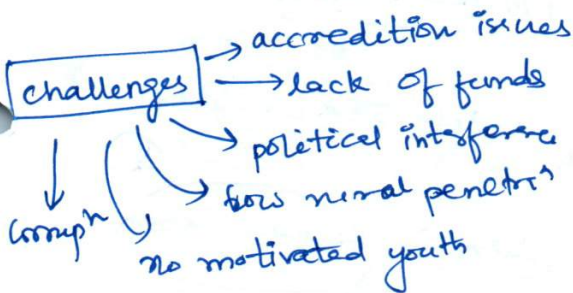
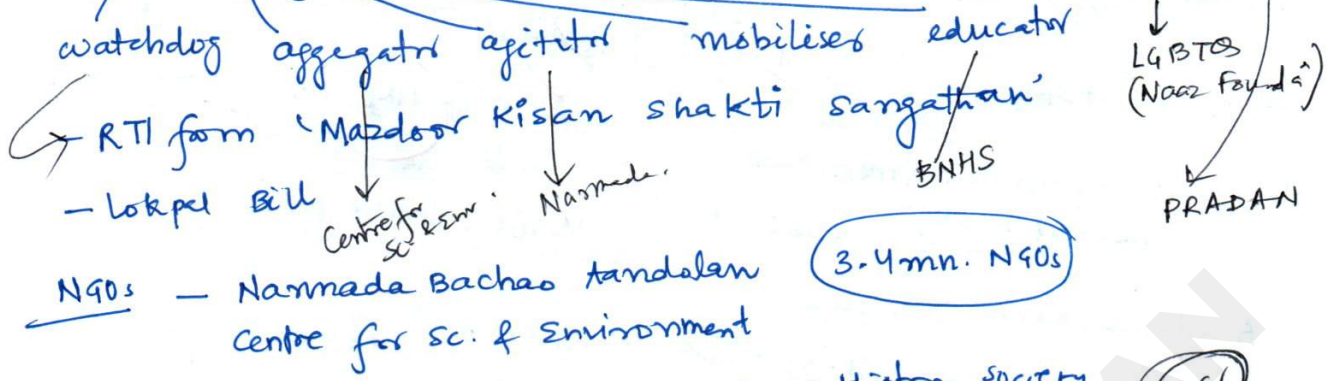
* Eco. implicaⁿ of data breach increased by 12%.

(5th FC) → Total grant to local govt. ₹4.36 lakh Cr

states lost their share of 65,000 Cr. due to reducⁿ in corporate tax

$$\frac{68 \text{ Cr.}}{65,000 \text{ Cr.}} = \frac{1}{1.36 \text{ lakh Cr.}}$$

Civil Society



- FCRA registratn of 19,000 NGOs x 2019

S. Vijay Kumar Com - reco. to ensure 'light regulatn' of NGOs

SHGs (4.6%) 16 million rural poor women

SHG - Bank linkage (1992) - NABARD

SHG - Corporate Model

Success Story - Kudumbashree (Kerala) - microcredit, entrepreneurship, empowerment

- Lijjat, Bhai Bhaurai (Odisha)

* Priyadarshini scheme
Mahila Kisan Sakshatikaran Pariyojana

Micro Finance - NB: 300 mn benefited by MFIs.

Issues
High interest rates - (12-30%)
overdependence on banking sector

Success story SEWA Coop. Bank

Human Resource (28)

2022: Median age 28
Eco Survey 2019 - Demographic window of 2 decades

Skill India - 40 Cr. by 2022

Apprenticeship Pratsahan Yojana
India Int. Skill Centres

Shanada Prasad Comm (2016)
rationalise & improve the sector
Skill Councils (SCCs)

Educaⁿ SDG 4

86th CAA, 2002 - Art. 21A

NEP 5+3+3+4

89.71/271

Highes Ed - Gross Enrolment Ratio to be increased to 50%. → now 25%.

- Academic bank of credits HEFA 1 lakh crore

Primary educaⁿ GER → 89.7 %.

- Parliamentary Standing Com (2020-21) - 50% do not have electricity/playground

TSR Subramaniam Comm - Increase spending to 6% of GDP

PM e-Pathshala

elearning → PRAGYATA

NPTETA, TN Seshan V Sanyam, Civil Services, e-Pathshala, Micro Acad^{nt} vc of JNU, LITE, Lateral Entry

- Baswan Com. highlighted overall shortage leading to delay in service, burden on existing staff, etc.

2nd ARS 2 reviews - 14 + 20 CSB

Hota Com - civil service Board. ↳ insulate civil servants from pol. pressure

Surochra Nath Com - emphasized domain knowledge for Joint scy & agne - mid career training

8

Parliamentary SC → facilitate entry of NRB into foreign service

Mission Karmayogi

MGNREGA - 11 crore people worked

PM Awas Yojane - 2.95 Cr. by 2024

(Only 55% completed)

adisha - Mamata shaha

Mission Karmayogi - Governance, Performance & Accountability

- Alternate system of Promoⁿ from pool of four to five batches
- Expand lateral entry
- Central Talent Pool

Aarambh - Foundⁿ 3mo. Act. Secretaryship Training Reform - Mission Karmayogⁱ iGOT → integrated folk online training + 360° review

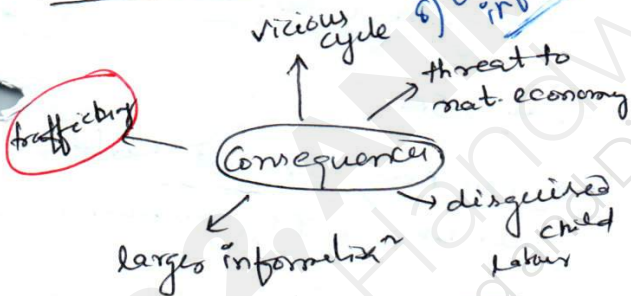
NERA - "need to specialise some of the generalists & generalise some of the specialists"

Child Labour ILO - 13 million CL (ILO) 7-17 years

Act-23: prohibits forced labour
 Act-24: child under 14 years not in hazardous work
 Act-39 - health & strength of workers, tender age of children not abused
 - child labour Act (Prohibition & Regulaⁿ), 1986

Reasons

- 1) Poverty - rural + urban migrⁿ
- 2) Adult employment/underemployment
- 3) Illiteracy & ignorance of parents
- 4) lack of access to educaⁿ (Ex during covid)
- 5) Demand for 'cheap' child labour
- 6) Cultural factors - limit social mobility, traditional occupⁿ
- 7) Social factors - mostly Dalits, large informalization



International Safeguards

- 1) ILO conventions - Min. age Convenⁿ & worst forms of child labour Convenⁿ
- 2) Declaration of Rights of child, 1959
- 3) UN Convenⁿ on the Rights of child, 1989

India's measures

- 1) child labour (Prohibition & Regulaⁿ) Act, 1986 - Gurupadaswamy Commⁿ (1979)

2) Amendment in 2016 - CL completely banned below 14 yrs; 14-18 not in hazardous
 - cognizable offence

3) National Policy on child labour (1987)

5) Nation CL Project Scheme (NCLP)
 - rehabilitaⁿ
 - CL Monitoring, tracking, reporting system

6) PENCIL platform - effective enforcement

7) Juvenile Justice Act 2000, Act - 2006

8) RTI to Free and compulsory Educaⁿ Act

9) NGOs - Bachpan Bachao Andolan, ChildFund, RID India, CARE India - MGNREGSA, RTE, Midday Meal!

Challenges

- 1) 2016 Amend. - hazardous industries minimized (battery recycling, brick kilns, cotton farms, chemical mixing)
- 2) family enterprise - agrarian India
- 3) definitional issue
- 4) lack of age identifier
- 5) weak enforcement

* SDG - 8.7

PwD

- 2.68 Crores → 2.21% of populatⁿ
- Literacy - 53%
- Only 5% graduate
- 36% of PwD employed

Current Disability draft

- 1) Expansion of causes - malnourishment, medical negligence, socio-cultural, disaster
- 2) Prevenⁿ - 1/3rd of most disabilities in children were preventable
- 3) Permission/recognition to educational insti - states & UT
- 4) Module on disability - in MBBS and other courses
- 5) Accessible vehicles - Min. of Road Transport
- 6) Comprehensive dev.

Challenges

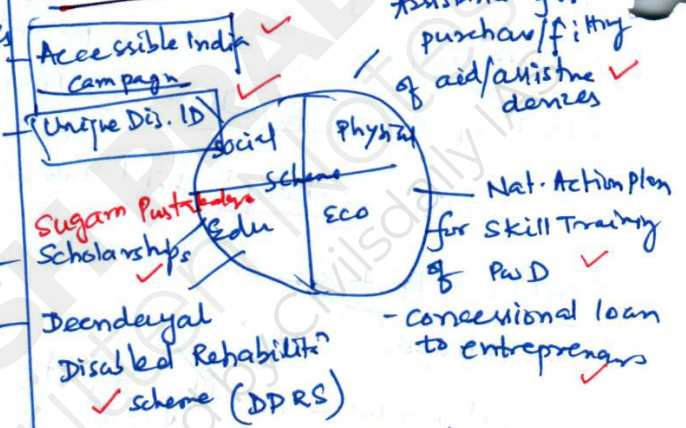
- 1) Political empowerment - barriers in participⁿ in party politics, no rep.
- 2) Inaccessibility in voting - Braille voting machines not widespread
- 3) low educaⁿ & employability
- 4) Infra hurdles
- 5) stigma

Parity inst

Efforts

- 1) National Policy for Persons with Disabilities (2006)
- 2) (2007) - India part of UN Convenⁿ on Rights of Persons with Disabilities
- 3) Rights of PwD Act, 2016 - 21 Cat.
- 4) Incheon Strategy for Asia Pacific Decade for PwD (2013-22)

3) Unique disability ID



→ Sugamya Pustakalaya

→ use CSR

→ Under AIC, 5% govt building accessible, 8.73% govt bldgs accessible

→ Mental Health Care Act 2017

→ Financial - National fund for PwD

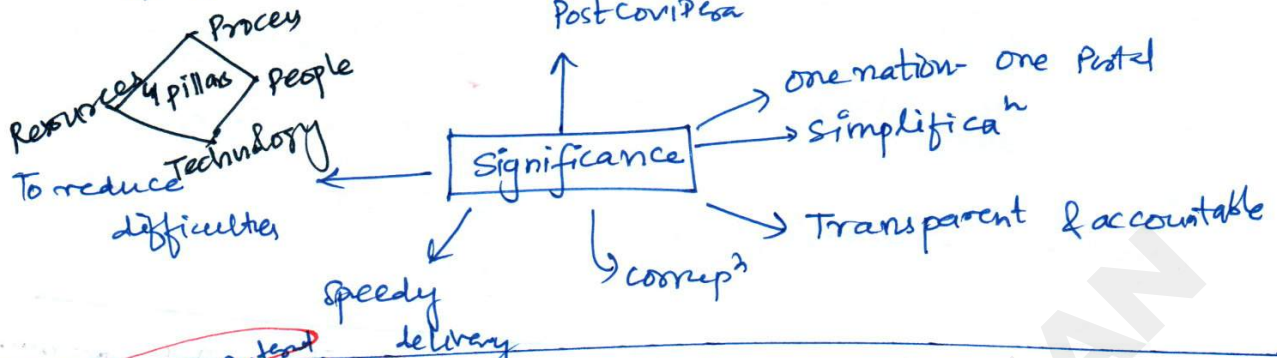
→ Institutional - separate Dept for Empowerment of Persons with Disabilities

→ Research - Indian Sign language

charity based → rights based

E-Governance

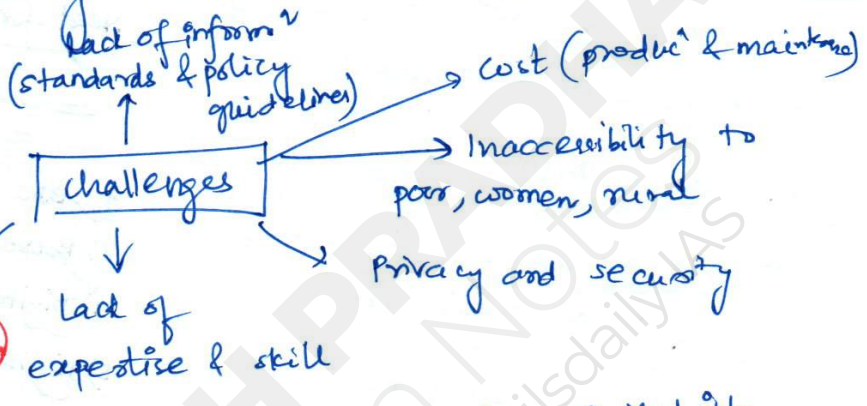
↳ 75 crore Smart phones, 133 crore Aadhar, 80 crore Internet users, lowest data tariffs.



30% no access to internet
42% female, 62% male use
Digital divide

Local language

Lack of interoperability



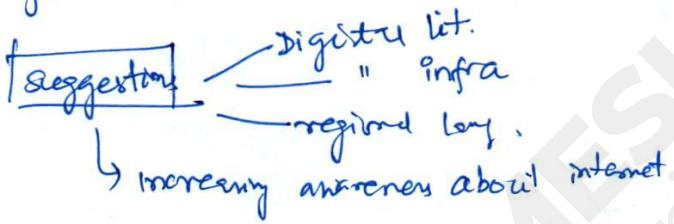
Various initiatives

- Aadhar - biometric use
- myGov.in
- DigiLocker
- UMANG is a Unified Mobile Application - access to services like Aadhar, Digital Locker, PAN etc.
- PayGov - online payments to all public and private banks
- Mobile Seva : m-App store has over 200 live applications which can be used to access various govt. services
- Computerisation of land Records (SvAMITRA) (BHoomi-KA)
- National Data and Analytics Platform (NITI Aayog)
- India's stack - set of APIs allowing govt. businesses, startups and developers

- to utilize unique digital infra
- PRAGATI (Pro-Active Governance & Timely Implementation)
- Achievements → UPI: 5 Billion
- Digital India : cashless transaction
- Jan-Dhan - Aadhar - Mobile (JAM) trinity : Rs. 23 lakh Cr. DBT / 8 years
- ↳ savings of ₹ 2.22 lakh crore
- Digital land records (SvAMITRA Yojana)
- BharatNet - high-speed broadband to all villages, optical fibre in 1.83 lakh Gram Panchayats
- Common Service Centres - 4 lakh
- Fintech Innovation (1.5 lakh)
- UPI : crossed ₹ 7 billion transactions in a month in March '22.

State level

- E-seva (AP) - issue of certificate, licenses & permits
- Khajane Project (Karn.) - digitalized treasury.
- FRIENDS (Kerala) - single window to pay tax
- Lokvani Project (UP) " handling grievances, land record maintenance etc.
- Gyandoot (MP) - informⁿ about 'mandibhar', income cert, public grievance, BPL family list.



2nd ARC reco.

- Evaluaⁿ of e-projects by independent agencies
- Gram Panchayat help in monitoring CSCs
- Develop a national e-Governance enterprise archi. framework
- Capacity Building & creating awareness
- PPP
- Protect critical informaⁿ infra Assets
- State Data Centre maintained by NIC

- Mission Mode Project on Computerisaⁿ of land records

- Govt. (state + Centre) → set up Knowledge Management system.

Need for digital global governance

- 1) Rights of platform workers
- 2) CBDC
- 3) Base Erosion & Profit Shifting
- 4) Digital tax
- 5) Digital sovereignty
- 6) Minimize uncertainty for companies
- 7) Cyber security
- 8) ONDC

G2G - PRAKATI & CCTNS + smart city

G2C - UMANG, DigiLocker, Aadhar, UPI, e-Sewa, M-Sarkar

G2B - MCA 21 portal e-procurement

GeM Portal

e-NAM

ONDC

+ e-Samakhya to more Govt to self-help of ministry

Sex Work as a Profession

SC: "Police should neither interfere nor take criminal action against adult and consenting sex workers"

- 8.25 lakh sex workers, -60% (12-16 years)

Issues

1) various violence — physical
— sexual
— mental

2) Lifetime Issues

- Marginalizeⁿ → Adhar → food insecurity
- Exclusion & denial of basic services → safe environment → basic educⁿ
- Identify crisis
- Lack of access to justice

3) Human rights abuse

- police extortion
- forced consume of drug/alcohol
- forced sterilizⁿ, abortion, STI testing

4) Sexually transmitted disease, hygiene, sanitizⁿ issues.

Policy moves

1) Ujjwala scheme — rehabilitative homes,

prevention of trafficking

2) Immoral Traffic (Prevention) Act, 1956

3) Constitutional safeguard

Art 23 — Prohibiⁿ of human trafficking & forced labour.

way forward

- Decriminalizⁿ
- sensitiz^e public & police
- NHRC / Nat. Women's Comm - SUD noto case
- No forced rehabilitatⁿ
- Access to justice — free legal services (39A)
- Civil society org. in policy making
- leverage media

global best practices

- New Zealand
- ~~Israel~~ Greece
- ~~UK~~, Germany, France

Canada.

Judgements

Crime → 40% ↑ women, 111% ↑ cybers, 24% ↑ suicide (daily wage less - 25%)
amend

State of UP vs Ram Babu Mishra (1920 Prisoner law)

Romila Thapar vs UOI, 2018
→ police not share sensitive info about investigation

Sadhana Halder vs NCT → use of facial recog tech

Animal Welfare Board of India vs Nagaraja - Make amendment to 1960 law

Selvi vs State of KA
→ Lie detector machine with consent only

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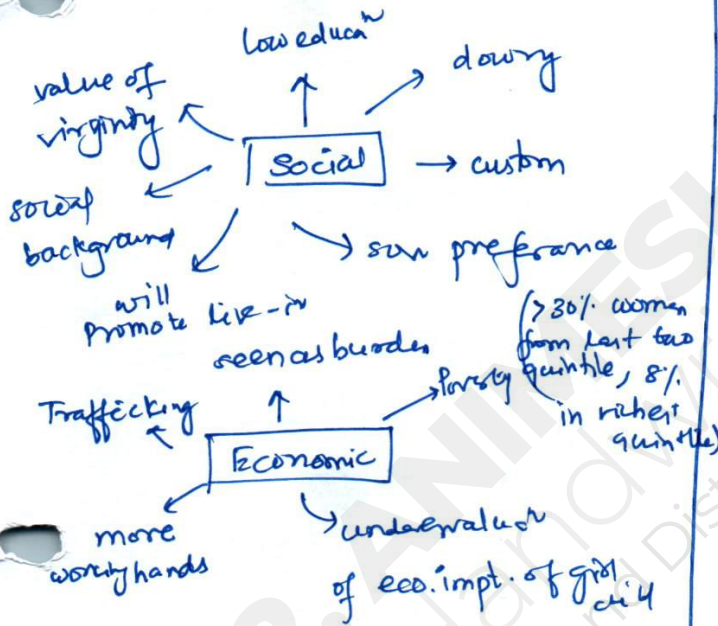
Child Marriage

Jaya Jaitley
combn

Stats

- 1) 50% women (20-24 yrs) in 6 states before 18 years
 - 2) Every third child bride in world Indian
 - 3) A girl with 10 years of educaⁿ - 6x low chance
 - 4) NFHS - 26.8% brides child marriage
 - 5) - 31.3% among Hindus 30.6% Muslims
- * Females doing 'previdua' → 9.8%

Factors



* Dhannu Lal vs Ganeshram - live in

→ Teenage pregnancy - 1/3rd who married b/w 15-19.

SABLA scheme

Indices (HDI)

- Corruptⁿ Perceptⁿ
- gender gap - 135/146
- Hunger index -
- Press freedom -

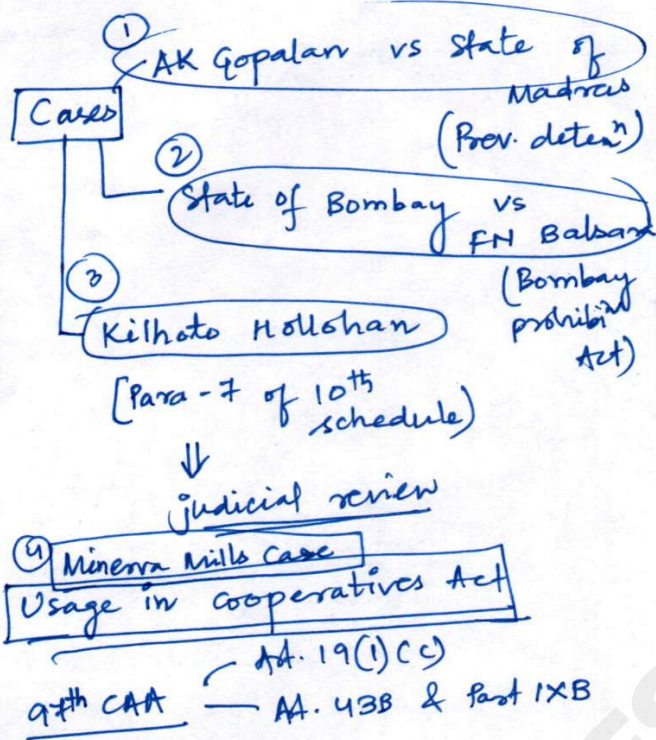
Governance Conclusions

- Civil services - Rule based to Rule based
- Genery - Panch Pran @ 76th Independence day

⊙ Dev. is not just economic growth but removal of all unfreedoms - A. Sen

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Doctrine of Severability refers to the judiciary declaring void that part of the statute which is in contravention of the constitution instead of entire statute.



⇒ Impacted federal rights (state list)
↳ would have required 50% ratificaⁿ

*
⑤ SC opined that ~~certain~~ struck down those provisions which encroached upon state's leg. powers while upholding other provisions (like multistate coop.)

Doctrine of Laches

- helps to stop unreasonable delay in filing cases.

"equity aids the vigilant, not the ones who sleep over the rights"

① Case Haryana State Handloom & Handicrafts Corpⁿ Ltd Case
↳ unreasonable delay of 22 years.

② State of MH vs Digambar

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