



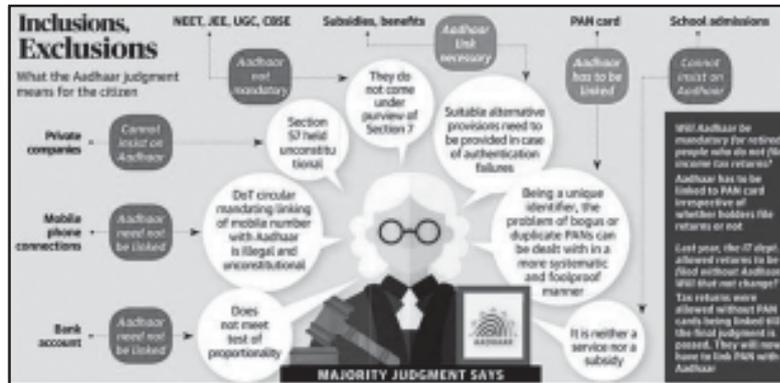
**Study Material for  
UPSC & State PCS Exams**  
***POLITY***

**CONSTITUTIONALLY VALIDITY OF AADHAAR**

- A Constitution Bench of the Supreme Court, led by Chief Justice of India by a 4:1 majority upheld the validity of Aadhaar but with certain caveats.

**Highlights of the Verdict**

- Constitutionality of Aadhaar: Aadhaar scheme passed the triple test laid down in the **Puttaswamy (Privacy) judgment** to determine the reasonableness of the invasion of privacy (under Art 21) i.e. **Existence of a law, A legitimate state interest and Test of proportionality**



- Court has upheld the validity of the Aadhaar Act being passed as a **Money Bill**.

**What is Aadhaar?**

- **12 digit** biometric-based individual identification number managed by Unique Identification Authority of India (UIDAI) under **Ministry of Communications/IT**. 1% Any Resident can get Aadhaar. However, it is not a proof of citizenship.

**Money Bill**

- Money bill is defined under the Article 110 of the constitution.
- It can be introduced only in the Lok Sabha (lower chamber of the Parliament)
- When the bill is placed in Rajya Sabha (Upper chamber of the Parliament) thereafter and Rajya Sabha can return the Bill with or without its recommendations.
- In any case, the Bill has to be returned within a period of 14 days from the date of its receipt by Rajya Sabha. Otherwise it is deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by Lok Sabha.
- A defeat of Money bill in Lok Sabha is deemed political/parliamentary defeat of the government of the day.
- Speaker has unquestionable powers to decide if a Bill is a Money Bill or not. It cannot be questioned in any court.

**DEFINING MINORITIES IN INDIA**

- The Supreme Court recently asked the National Commission for Minorities to take a decision on a plea seeking guidelines for defining the term 'minority' and for their identification State-wise.
- The PIL sought minority status for Hindus in Lakshadweep, Mizoram, Nagaland, Meghalaya, J&K, Arunachal Pradesh, Manipur and Punjab.

**About NCM**

- It was set up under the National Commission for Minorities Act, 1992.
  - It is a quasi-judicial body with powers of a civil court.
  - It consists of a Chairperson, a Vice Chairperson and five Members to be nominated by the Central Government
- The Constitution of India uses the word 'minority' in various articles viz. Article 29, 30, 350 A and 350 B.
  - It recognizes minorities based on religion and language.
  - But it neither defines the term 'minority' nor delineates the criteria for determining a minority.

- **Minority Communities in India:** Six religious communities, viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified as minority communities by the Union Government.

**NATIONAL SECURITY ACT**

- Recently, the Madhya Pradesh Government invoked the National Security Act (NSA) against three men accused of killing a cow.
- The National Security Act was promulgated on September 23, 1980, "**to provide for preventive detention** in certain cases and for matters connected therewith".
- A three person Advisory Board made up of high court judges or persons qualified to be high court judges determines the legitimacy of any order made for longer than three months. If approved, **a person may be held extra-judicially for up to 12 months**. The term can be extended if the government finds fresh evidence.
- It extends to the whole of India except the State of Jammu and Kashmir.

- **Article 22 of Constitution** grants protection to persons who are arrested or detained under a preventive detention law.
- Detention of a person **cannot exceed three months** unless an advisory board reports sufficient cause for extended detention.
- This protection is available to both citizens as well as aliens

**CONCURRENT LIST**

- The CM of Telangana has pitched for more autonomy to the states, suggesting that the concurrent list be done away with.
- The provision of concurrent list is a feature borrowed from the Australian constitution.
- The 42nd Amendment Act implemented in 1976, restructured the Seventh Schedule ensuring that State List subjects like education, forest, protection of wild animals and birds, administration of justice, and weights and measurements were transferred to the Concurrent List.

**Seventh Schedule (Article 246)**

- The Constitution provides a scheme for demarcation of powers through three 'lists' in the seventh schedule
  1. Union List: subjects on which Parliament may make laws
  2. State List: those under the purview of state legislatures
  3. Concurrent List: subjects in which both Parliament and state legislatures have jurisdiction.
- In case of a conflict; a central law will override a state law.
- Provision of concurrent list is a feature borrowed from the Australian Constitution.

### **OFFICE OF PROFIT**

- President dismissed a petition to disqualify 27 Aam Aadmi Party (AAP) members of the Delhi legislative assembly for allegedly holding offices of profit.

#### **What is Office of Profit?**

- Articles 102(1) and 191 (1) mention disqualifications on the basis of Office of Profit in the Parliament and state legislature respectively.
- But it is neither defined in the constitution nor under Representation of People's Act.
- Supreme Court in Pradyut Bordoloi vs Swapan Roy (2001), the Supreme Court outlined the broad framework to determine office of profit

### **BREACH OF PRIVILEGE**

- Claiming they had misled Parliament on the Rafale fighter jet deal issue, a breach of privilege motion was moved against Prime Minister and Defence Minister.
- The concept of privileges emerged from the British House of Commons when a nascent British Parliament started to protect its sovereignty from excesses of the monarch.
- The Constitution (under Art. 105 for Parliament, its members & committees /Art. 194 for State Legislature, its members & committees) confers certain privileges on legislative institutions and their members.
- Currently, there is no law that codifies all the privileges of the legislators in India.
- There are two types of privileges: 1. Individual privilege 2. Collective privilege

### **NATIONAL REGISTER OF CITIZENS (NRC)**

Assam is in process to update its National Register of Citizens (NRC).

#### **What is NRC?**

- It is a list of all bona fide Indian citizens of Assam, the only state with such a document. Other states such as Tripura are also demanding for NRC.
- The NRC is being updated as per the provisions of The Citizenship Act, 1955 and The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.
- It will include persons whose names appear in any of the electoral rolls up to the midnight of 24th March, 1971 or National Register of Citizens, 1951 and their descendants.

#### **Assam Accord 1985**

- It is a Memorandum of Settlement (MoS) signed between representatives of the Government of India and the leaders of the Assam Movement.
- All those foreigners who had entered Assam between 1951 and 1961 were to be given full citizenship, including the right to vote;
- Those who had done so after 1971 were to be deported

### **SPORTS BETTING IN INDIA**

- The Law Commission of India submitted a report to the government stating that the only viable option left is to "regulate" gambling in sports.
- According to Entry 40 of union list of the Seventh Schedule of the Constitution, the Parliament has the power to legislate on 'Lotteries organized by the Government of India as well as the Government of any State'.
- The power of the State governments to make laws on gambling can be traced to Entry 34 of the state list. Thus, the States have exclusive power to make laws on this subject.
- The Lodha committee recommended the legalization of betting, except for those covered by the BCCI and IPL regulations.

**DEPARTMENT OF OFFICIAL LANGUAGE**

- The first review meeting of the Department of Official Language (an independent Department of the Ministry of Home Affairs) took place to discuss the issues related to implementation of Hindi language in official work.
- Part XVII of the Constitution deals with the official language in Articles 343 to 351.
- The Official Language Act (1963) provided for the setting up of a Committee of Parliament on Official Language to review the progress made in the use of Hindi for the official purpose of the Union.
- UAE and Fiji have included Hindi as official language.

**Eighth Schedule**

- As per Articles 344(1) and 351 of the Indian Constitution, the eighth schedule includes the recognition of the following 22 languages.
- Bodo, Dogri, Maithili and Santali were added in 2003 by 92<sup>nd</sup> Constitutional Amendment Act.

**Classical Languages:**

- Government of India has awarded the distinction of classical language to Kannada, Malayalam, Odia, Sanskrit, Tamil and Telugu.
- Classical language status is given to languages which have a rich heritage and independent nature.
- Ministry of Culture laid down clear criteria for Eligibility for this status.

**NO CONFIDENCE MOTION IN LOKSABHA**

- Lok Sabha Speaker recently accepted the no- confidence motion moved by the Opposition parties against the government.
- Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the Lok Sabha can remove the ministry from office by passing a no-confidence motion.
- Rule 198 of the Rules of Procedure and conduct of Lok Sabha specifies the procedure for moving a no-confidence motion.
- It can be moved only in the Lok Sabha and not Rajya Sabha.

**FORMATION OF LEGISLATIVE COUNCIL**

- The Odisha Assembly passed a resolution for establishing Legislative Council, or Vidhan Parishad.
- Procedure for Creation/Abolition of LC
- The Constitution provides for the abolition or creation of legislative councils in states under Article 169. Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect.
- Such a specific resolution must be passed by the state assembly (LA) by a special majority.
- This Act of Parliament is not to be deemed as an amendment of the Constitution for the purposes of Article 368 and is passed like an ordinary piece of legislation (i.e. by simple majority).

**States with Legislative Council:** Currently, seven states have Legislative Councils. These are Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka and Jammu and Kashmir

### **SABKI YOJANA, SABKA VIKAS**

- Recently, the central government launched a campaign, Sabki Yojana, Sabka Vikas on October 2, 2018.
- The campaign will involve people at the grassroots while preparing structured gram panchayat development plans.
- It will also involve thorough audit of the works done in the last few years.
- Under the campaign, which will conclude in December'18, gram panchayats will have to publicly display all sources of funds collected and their annual spending, along with future development initiatives.
- This would help in making the exercise of formulating Gram panchayat development plans more structured which has been largely unorganized till now.

#### **Gram Panchayat Development Plan (GPDP):**

- It is an annual plan of each panchayat where the villagers would decide where the money should be spent.
- The Gram Panchayat Development Plan aims to strengthen the role of 31 lakh elected Panchayat leaders and 2.5 crore SHG Women under DAY-NRLM in effective gram sabha

### **THE 15<sup>TH</sup> FINANCE COMMISSION**

- The Southern states are protesting against the Term of Reference of the 15th Finance Commission (FC-15).
- The Commission may consider proposing measurable performance-based incentives for States in different areas.
- Incentivizing states for "efforts and progress made in moving towards replacement rate of population growth", thus, rendering most states ineligible for incentives.
- The FC-15 was constituted on November 27, 2017 and is headed by former Revenue Secretary and former Rajya Sabha MP N.K. Singh.

#### **About Finance Commission**

- Article 280 of the Constitution of India provides for a Finance Commission as a quasi-judicial body. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.
- The Finance Commission consists of a chairman and four other members to be appointed by the president.
- The recommendations made by the FC are only of advisory nature and hence, not binding on the government.

### **ZONAL COUNCILS**

- West Bengal hosted the 23rd meeting of the Eastern Zonal Council presided over by Union Home Minister.
- The Zonal Councils are statutory bodies established under States Reorganization Act, 1956.
- The act divided the country into five zones (Northern, Central, Eastern, Western and Southern) and provided a zonal council for each zone.
- The main objectives of setting up of Zonal Councils is to bring out national integration and Enabling the Centre and the States to co-operate and exchange ideas and experiences;
- Each zonal council is an advisory body.

**North Eastern Council**

- It is a statutory advisory body established under the North Eastern Council Act, 1971, as amended in 2002.
- It is the apex level nodal agency for the economic and social development of the North Eastern Region.
- It is mandated to function as a Regional Planning Body for the North Eastern Region.
- In case of Sikkim, the Council shall formulate specific projects and schemes for that State.

**STATEHOOD FOR DELHI**

- The Delhi government has decided to give another push to its demand for full statehood to Delhi with a public campaign.
- The 69th Constitutional Amendment Act of 1991 provided a special status to the Union Territory of Delhi.
- The strength of the assembly is fixed at 70 members, directly elected by the people
- The chief minister is appointed by the President (not by the LG). The ministers hold office during the pleasure of the president.
- The Assembly can make laws on all the matters of the state list and concurrent list except three matters of the state list - public order, police and land.
- In case of difference of opinion between the LG and the ministers, LG needs to refer the matter to the President for decision and act accordingly.

**CAUVERY WATER MANAGEMENT SCHEME, 2018**

- Recently, the Union Water Resources ministry notified the constitution of the Cauvery Water Management Authority (CWMA) and the Cauvery Water Regulation Committee (CWRC) under Cauvery Water Management Scheme, 2018.
- Cauvery Water Management Authority (CWMA) is a permanent body under the Union Ministry of Water Resources and its decisions are final and binding on all the party States.

**Cauvery Water Regulation Committee (CWRC)** is technical arm that deals with **collecting data and preparing reports.**

- Constitutional and legislative provisions for inter-state water disputes
- Article 262(2) empowers Parliament to provide by law that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- Cauvery Judgment was admitted by Supreme Court as Special Leave Petition (SLP).
- The Interstate River Water Disputes Act, 1956 (IRWD Act) enacted under Article 262 of Constitution. Under this article the Parliament also enacted the River Boards Act (1956).

**Existing Water Disputes:**

<b>Dispute-Tribunals</b>	<b>States involved</b>
Ravi and Beas Water Tribunal	Punjab, Haryana and Rajasthan
Vansadhara Water Disputes Tribunal	Andhra Pradesh & Odisha
Mahadayi Water Disputes Tribunal	Goa, Karnataka and Maharashtra
Krishna Water Disputes Tribunal	Karnataka, Telangana, Andhra Pradesh and Maharashtra
Mahanadi Water Disputes Tribunal	Odisha and Chhattisgarh

**ARTICLE 35A**

**Why in news?**

- The constitutionality of article 35A is being challenged in the Supreme Court.

**What is Article 35A?**

- It was incorporated into the Constitution in 1954 by a Presidential order issued under Article 370 (1) (d) of the Constitution.
- It empowers J&K legislature to define state's "permanent residents" and their special rights and privileges.
- It protects certain provisions of the J&K Constitution which denies property rights to native women who marry a person from outside the State. The denial of these rights extends to her children also.
- The Article bars non-J&K state subjects to settle and buy property in J&K

**SEPARATE HIGH COURTS FOR ANDHRA PRADESH & TELANGANA**

Recently the separate High Courts for Telangana and Andhra Pradesh came into being.

- Articles 214 to 231 in Part VI of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures and so on of the high courts.
- the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.
- The territorial jurisdiction of a high court is co-terminus with the territory of a state
- At present, there are 25 high courts in the country (including the Andhra Pradesh HC). Out of them, three are common for 2 or more states

**ADR MECHANISMS**

- The New Delhi International Arbitration Centre Ordinance, 2019 was promulgated.
- It was set up by the Department of Legal Affairs as an autonomous body registered under the Societies Registration Act, 1860.

**Other Mechanisms:**

- **National Legal Service authority (NALSA)** - It has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organize Lok Adalats for amicable settlement of disputes
- **Gram Nyayalaya:** mobile village courts in India established under Gram Nyayalayas Act, 2008 for speedy and easy access to justice system in the rural areas of India. the State Governments to establish Gram Nyayalayas in consultation with the respective High Courts.

**ELECTRONIC VOTING MACHINE (EVM)**

Recently, there have been controversies surrounding EVMs regarding their safety feature.

- An EVM consists of a "control unit" and a "balloting unit". The control unit is with the Election Commission-appointed polling officer; the balloting unit is in the voting compartment into where voter casts her vote in secret
- It runs on a single alkaline battery fitted in the control unit, and can even be used in areas that have no electricity.
- They are manufactured by Electronics Corporation of India Limited (ECIL) and Bharat Electronics Limited (BEL).
- EVMs were 1st used in 1982 Kerala Assembly elections (by-election).

**Voter Verifiable Paper Audit Trail (VVPAT) :**

- VVPAT is a paper slip is generated bearing serial number, name and symbol of the candidate along with recording of vote in CU. The printed slip is visible (for 7 seconds) in a viewing window attached to BU in voting compartment.
- In Subramaniam Swamy vs ECI (2013), SC said VVPAT is necessary for transparency in voting and must be implemented by ECI.

**DELIMITATION COMMISSION**

- It is a commission established by the Government of India under the provisions of the Delimitation Commission Act. it's a statutory body, not a constitutional body.

**Delimitation Exercise**

- The representation from each State has been fixed till 2026 on the basis of 1971 census.
- However, the number of SC and ST seats in a state are changed in accordance with the census.
- The present delimitation of constituencies has been done on the basis of 2001 census under the provisions of Delimitation Act, 2002.
- Delimitation in the J&K is done under the state constitution and not by Delimitation Commission.
- The main task of the commission is redrawing the boundaries of the various assembly and Lok Sabha constituencies based on a recent census.
- The Orders of the commission cannot be challenged in a court of law.
- The orders are laid before the Lok Sabha and the respective State Legislative Assemblies. However, modifications are not permitted.
- Chief Election Commissioner of India and State Election Election Commissioners of respective states are its ex-officio members.

**Important Amendments w.r.t. Delimitation Exercise:**

1. The Constitution (84th Amendment) Act, 2001
2. Extended ban on readjustment of seats in the Lok Sabha and the state legislature assemblies for another 25 years (i.e., up to 2026) with same objective of encouraging population limiting measures.
3. The Constitution (87th Amendment) Act, 2003
4. Provided for readjustment and rationalization of territorial constituencies in the states on the basis of the population figures of 2001 census and not 1991 census.

**ELECTRONICALLY TRANSMITTED POSTAL BALLOT SYSTEM (ETPBS)**

- The ETPBS was recently used in Chengannur (Kerala) Assembly bypoll for service voters
- It provides an alternative method of quick dispatch of Postal Ballot paper electronically (earlier delivered by post) to the entitled Service Voters.
- It was developed by the Election Commission with the help of Centre for Development of Advanced Computing (C-DAC).
- It uses QR codes for uniqueness of the Service Voters and the secrecy in transmission is ensured by the use of OTP and PIN.

**123RD CONSTITUTIONAL AMENDMENT BILL**

- The Parliament has recently passed the Constitution (123rd Amendment) Bill. Added a new article 338B which provides for NCBC, its composition, mandate, functions and various officers.
- Added a new article 342-A which empowers the president to notify the list of socially and educationally backward classes of that state /union territory.
- It would also amend article 366 to add a clause 26C providing definition of socially and educationally backward classes.
- This would bring it at par with the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST).
- The NCBC would get constitutional status after half of the states approve it with a simple majority and President gives his nod to the legislation.

**Powers Of NCBC**



NCBC will have all the powers of a civil court



Its powers include summoning and enforcing the attendance of any person from any part of India and examining him on oath



It can ask for production of any document, and receive evidence on affidavits

**RESERVATION FOR ECONOMICALLY WEAKER SECTIONS**

- President gave assent to The Constitution (103rd Amendment) Act, to provide 10% reservation in government jobs and educational institutions to the economically weaker sections.

**YOU ARE ELIGIBLE FOR THE 10% RESERVATION IF YOU:**

 <p><b>1</b> Have household income of less than ₹8 lakh a year At least 95% (127 crore)</p>	<p><b>2</b> Have agricultural land of less than 5 acres 86% land holdings in India fall under this category</p> 	 <p><b>3</b> Have a house smaller than 1,000 square feet At least 80% of households in India have houses smaller</p>	<p><b>4</b> Have a residential plot smaller than 100 yards in a municipality Data not available</p> 	 <p><b>5</b> A residential plot of less than 200 yards in a non-notified municipality NA</p>
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**NORTH-EAST AUTONOMOUS COUNCILS**

- Recently, Constitution (125th Amendment) Bill, 2019 was introduced in Rajya Sabha. The Bill amends provisions related to the Finance Commission and the Sixth Schedule of the Constitution to increase the financial and executive powers of the 10 Autonomous Councils in the Sixth Schedule areas.
- 6th schedule deals with the administration of the tribal areas in four north-eastern states of Assam, Meghalaya, Tripura and Mizoram.
- The tribal areas in these states have been constituted as autonomous districts, each of which has an autonomous district council consisting of 30 members. Currently, there are 10 such councils.
- These autonomous districts are directly administered by the Governor. Article 244A provides for an autonomous state for certain tribal areas in Assam with its own legislature and council of ministers.

**Difference between 5<sup>th</sup> and 6<sup>th</sup> Schedule Areas:**

<b>Fifth scheduled Areas (ARTICLE 244(1))</b>	<b>Sixth scheduled Areas (ARTICLE 244(2) AND 275(1))</b>
<p>The Fifth Schedule being a very important provision of the constitution deals with the control and administration of the Schedule Area.</p> <p>At present there are 10 such states: Andhra, Telengana, Maharashtra, Gujarat, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand, Orissa and Himachal Pradesh.</p>	<p>The Constitution of India makes special provisions for the administration of the tribal dominated areas in four states viz. Assam, Meghalaya, Tripura and Mizoram.</p>
<p>It provides constitution of a <b><u>Tribes Advisory Council</u></b></p>	<p>It provides <b><u>Autonomous District Councils</u></b> with certain legislative and judicial powers</p>

**CITIZENSHIP AMENDMENT BILL**

- The Citizenship (Amendment) Bill 2016 which recently lapsed saw opposition from various quarters of the country.
- The Bill amends the Citizenship Act, 1955 to provide that 'persecuted' non-Muslim minorities (Hindu, Sikh, Buddhist, Jain, Parsi & Christian communities) from Pakistan, Afghanistan and Bangladesh, who have arrived in India on or before December 31, 2014 & living in India without valid travel documents to obtain Indian citizenship, will not be treated as illegal migrants.

**Issue of Call for full citizenship to OCI card holders and merger of Person of India Origin (PIO) and OCI cards**

**What benefits OCI are entitled to?**

- She can inherit ancestral property.
- OCI facilitates lifelong visa-free travel, rights of residency and hassle free participation in business and educational activities.
- They are entitled to general 'parity with Non-Resident Indians in respect of all facilities available to them in economic, financial and educational fields

**What things OCI are not entitled to do?**

- OCI card is not a citizenship card and does not offer dual citizenship/nationality.
- An OCI card holder does not have voting rights in India, nor can contest any elections or hold any constitutional office.
- S/he shall not be entitled to the rights conferred on a citizen of India under article 16 of the Constitution with regard to equality of opportunity in matters of public employment.
- He cannot buy agricultural land.

**ENEMY PROPERTY ACT**

- The Union Cabinet has approved the mechanism and procedure for sale of the enemy shares.
- To administer the enemy property seized during the wars, the government enacted the Enemy Property Act in 1968.

- The act defines "Enemy property" refers to any property belonging to, held or managed on behalf of an enemy, an enemy subject or an enemy firm.
- The Defence of India Acts defined an 'enemy' as a country that committed an act of aggression against India.
- The Enemy Property Act laid down the powers of the Custodian of Enemy Property of India (CEPI) for management and preservation of the enemy properties.
- CEPI has been established under the Ministry of Home Affairs and is empowered to appropriate property in India owned by Pakistani nationals under Defence of India Act.
- A recent amendment to the Enemy Property (Amendment and Validation) Act, 2017, ensures the heirs of those who migrated to Pakistan and China during Partition and afterwards will have no claim over the properties left behind in India.

**FUGITIVE ECONOMIC OFFENDERS BILL (FEOB), 2018**

President recently gave his assent to the Fugitive Economic Offenders Bill (FEOB) ,2018.

- The Act allows for a person to be declared as a fugitive economic offender (FEO) if:
  - an arrest warrant has been issued against him for any specified offences where the value involved is over Rs 100 crore, and he has left the country and refuses to return to face prosecution.
  - It extends not only to loan defaulters and fraudsters, but also to individuals who violate laws governing taxes, black money, benami properties and financial corruption.
  - The Enforcement Directorate (ED) will be the apex agency to implement the law.
  - The Act allows authorities to provisionally attach properties of an accused, while the application is pending before the Special Court.

**PREVENTION OF CORRUPTION (AMENDMENT) ACT, 2018**

- Parliament has passed the Prevention of Corruption (Amendment) Act, 2018, which amends the archaic Prevention of Corruption Act, 1988.

**New Changes**

 <p><b>Bribery</b> What is new = Giving a bribe is now an offence, punishable by a 7-year prison term = Except when one is forced to give a bribe. But it should be reported within seven days = Bribe is termed 'undue advantage', defined as 'gratification other than legal remuneration' What it was = No specific provision, except as abetment</p>	 <p><b>Pre-investigation approval</b> What is new = Police officer cannot begin probe without prior approval of relevant authority or govt (except when caught red-handed) What it was = No such provision in the Act, but a rule similar to it was struck down by Supreme Court</p>	 <p><b>Sanction for prosecution</b> What is new = Sanction needed for prosecuting former officials for offences done while in office = Centre may notify guidelines for sanction = Decision on request for sanction within 3 months, which may be extended by a month" What it was = Sanction was required under PCA for serving officers only</p>	 <p><b>Criminal misconduct</b> What is new = Only be two forms of criminal misconduct. = Misappropriation of property entrusted to public servant = Intentionally enriching oneself illicitly What it was = There were five kinds: omitted ones are taking bribe habitually, getting anything free or at a concession, obtaining pecuniary advantage for oneself or for another without public interest</p>	 <p><b>Forfeiture of property</b> What is new = Section introduced for Special Court under this Act to attach and confiscate property What it was = This was not done under the Prevention of Corruption Act, but under a 1944 ordinance through civil courts</p>
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**WITNESS PROTECTION SCHEME**

- Supreme Court under Article 141/142 of the Constitution of India has provided legal sanctity to the scheme until Parliament/state legislature enacts a law on the matter.

- Art. 141 - law declared by the Supreme Court shall be binding on all courts within the territory of India.
- Art. 142- Under this, SC can grant appropriate relief for doing complete justice

- Although National Investigation Agency (NIA) act provides for witness protection, the scheme has extended it to the witnesses in all other cases as per the threat perception. A Witness Protection Bill is still pending.
- In Zahira sheikh vs. State of Gujarat, SC observed that witness protection is necessary for free and fair trial. About the Witness Protection Scheme
- The scheme aimed to enable a witness to depose fearlessly and truthfully.

#### **YUVA SAHAKAR -COOPERATIVE ENTERPRISE SUPPORT AND INNOVATION SCHEME**

- Union Agriculture Minister launched National Cooperative Development Corporation (NCDC)'s new scheme 'Yuva Sahakar-Cooperative Enterprise Support and Innovation Scheme'.
- **Purpose:** To cater to the needs and aspirations of the youth, attracting them to cooperative business ventures. It would encourage cooperatives to venture into new and innovative areas.
- **CSIF fund:** The scheme will be linked to a 'Cooperative Start-up and Innovation Fund (CSIF)' created by the NCDC with an annual outlay of Rs 100crore and it has special incentive for cooperatives of North Eastern region, Aspirational Districts and cooperatives with women/SC/ST/PwD members. About NCDC

#### **NCDC**

- It is the sole statutory organisation (under Ministry of Agriculture & Farmers Welfare) functioning as an apex financial and developmental institution exclusively devoted to cooperative sector.

#### **MISSION SATYANISHTHA**

- Mission Satyanishtha was launched recently by Ministry of Railways.
- The mission aims at sensitizing all railway employees about the need to adhere to good ethics and to maintain high standards of integrity at work.

#### **DRAFT CAPE TOWN CONVENTION BILL, 2018**

- Recently the Ministry of Civil Aviation released the draft Bill that seeks to implement the Cape Town Convention (Convention on International Interests in Mobile Equipment), and Protocol (Protocol to the Convention on Matters Specific to Aircraft Equipment) in India.
- The Cape Town Convention was adopted in 2001 under the joint auspices of International Civil Aviation Organisation (ICAO) and International Institute for the Unification of Private Law (UNIDROIT).
- The Convention is general in nature and is meant to be applied to three sectors, viz. Aviation, Railways and Space Equipment.

#### **PATHALGADI MOVEMENT**

- In recent times, many Adivasi villages in Jharkhand have put up giant plaques (Pathalgadi) declaring their gram sabha as the only sovereign authority and banning 'outsiders' from their area.
- Pathalgadis proclaim allegiance to the Constitution but reject any authority except their gram sabhas (village assemblies).
- Pathalgadis have their presence in Jharkhand, Chhattisgarh, Odisha and parts of West Bengal and Madhya Pradesh.

**UN GLOBAL MEDIA COMPACT**

- Recently more than 30 organizations from across the world including India's Ministry of Information and Broadcasting have come together to form a global media compact.
- It is an initiative of the United Nations, in collaboration with the UN Foundation.
- It is aimed at advancing awareness regarding Sustainable Development Goals (SDGs) to be achieved by 2030.

**SOME IMPORTANT INSTITUTIONS IN NEWS**

**NITI Ayog**

- It is a Government of India initiative to replace Planning Commission.
- NITI Aayog involves inputs from both the central and state governments in policy-making processes.
- The Prime Minister is the Ex-officio chairman of NITI Aayog.
- NITI Aayog also consists a governing council. Chief Ministers of all the states, chief ministers of Delhi and Puducherry, Lieutenant Governor of all the union territories are members of this council.
- Apart from the governing council, NITI Aayog also consists of two part-time members and four ex-officio members.

**CBI**

- The CBI is not a statutory body. It derives its powers from the Delhi Special Police Establishment Act, 1946. The CBI is the main investigating agency of the Central Government.
- CBI comes under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions.
- In 2014, the Lokpal Act provided a committee for appointment of CBI Director was formed:
- It consists of Prime Minister, Leader of Opposition/ Leader of the single largest opposition party, Chief Justice of India/ a Supreme Court Judge.

**LOKPAL**

- It is statutory body formed under Lokpal and Lokayuktas Act, 2013 to fight corruption in public offices
- the Lokpal should consist of a chairperson and such number of members, not exceeding eight, of whom 50% should be judicial members.
- A search committee will prepare a panel of candidates, a selection committee will recommend names from among this panel, and the President will appoint these as members.
- A selection committee consists of PM, Speaker of Lok Sabha, leader of opposition in Lok Sabha, Chief Justice of India or a sitting Supreme Court judge nominated by CJI. Eminent jurist is to be nominated by President of India on basis of recommendations of the first four members of the selection committee "through consensus".

**CIC**

- The Central Information commission was established in 2005 by the Government of India under the provisions of the Right to Information Act (2005).
- The Central Information Commission consists of the Central Information Commissioner and more than ten Information commissioners.
- President appoints CIC on the recommendation by committee consisting of the Prime Minister as chairperson, the leader of the opposition in the Lok Sabha and union cabinet ministers nominated by the Prime Minister.

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