

## POLITY & GOVERNANCE

### Judicial Pendency

- 3 Crore cases pending in judiciary, 8.6% rise between 2006-18  
**S.C** (0.2%), **H.Cs** (13.8%), & the **Subordinate Judiciary** (86% highest) as of April 2018
- Reasons: - **H.Cs** expansion of discretionary jurisdiction, lack of economic expertise, original jurisdiction. **S.C** broadening S.L.P, recourse to injunction & stays increasing burden, infrastructure problem.
- **Subordinate Judiciary** huge corruption in appointment
- **Impact:** - Liberty & other rights of under trials including mother & children infringed economic Costs & wastage of resources, Suffering Citizenry, Delayed Justice.
- **Others:** - Hostile, confused or disappeared witnesses, repeat offence, Justice system disrepute, disinterest in Judicial careers.

### Judicial Accountability

- **Need:** - promotes rule of law, public confidence, institutional responsibility,
- Prevents concentration of power.
- **Concerns:** - unlimited authority, unquestioned independence & credentials,
- Difficult impeachment process, no intervention of media fearing contempt of court, exemption from RTI

### Post- Retirement jobs for Judges

- **Arguments in favor-** Prevents wastage of talent & experience, retirement earlier than other countries
- **Arguments in opposition-** Doubtful decisions, scar on the independence, conflict of interest,
- Undermines public faith, judiciary and executive to be mutual watchdogs not mutual admirers
- **Global practice-** No retirement in U.S, Jobs allowed in U.K no preventive law.

### Judicial vacancies: -

- **S.C report** recommends doubling of judges, **law ministry data** shows 19 judges per 10 lakh people
- **Reasons-** Poor infrastructure, untimely and low appointment rate,
- **Limited superintendence over lower judiciary, lack of funds, high rejection of names,**
- **Missing co-ordination,** inability to attract best talents
- **Impact-** overburdened judiciary, crippling work, suffering litigants, large pendency, violation of F.Rs, socio-economic costs

### Tribunals reforms

- **Reasons:** - identical & overlapping functions, less independence (also due to appointment system), pendency and vacancy (272<sup>nd</sup> law commission highlighted pendency in CAT)

## SHELL POINTS

- **Impact:** - speedy less expensive resolution, high efficiency, no overlapping, uniformity and coherence also in-service conditions
- **Opposing arguments:** - Overburdening, Executive-Judiciary nexus, conflict of interest, authority and independence compromised, against basic structure

### (CJI) Master of Roaster: -

- **Concerns-** Concentration of power, violates foundational value, ignores conventions, subverts democracy, against collegium system, less transparent, creates suspicion, case allocation based on favoritism
- **Way forward:** - Consultation based on international practices, culture of trust, domain expertise & experience of judges, computerized random allocation, political matters to seniors.

### Fast track courts: -

- **Need:** -speedy trial, to unburden, large number of undertrial cases
- **Problems:** - lack of manpower, legal sanctity challenged, justice hurried is justice buried
- **Benefits:** -Efficient at rape cases, disposal of large number of cases, cases disposed of without risking finality and fairness.

### Reservation in promotions: -

- **Arguments in favour:** - Minimizes discrimination, promotes participatory democracy, social justice, social mobilisation, upliftment, remedial measure to undo injustice, promotes equity & equality
- **Arguments against it:** - right to access is not right to remedy, discrimination to others, unfair competition, tool for political advantages, a temporary measure, dangerous to social unification & harmony, merit undermined

### Section 377

- **Arguments favouring decision:** - Discriminated solely based on sexual orientation, violation of articles -14,15,19,21, harassed in the name of law, right to sexual orientation meaningless without right to choose a partner, neither mental illness nor moral depravity.
- **Arguments opposing decision:** - against natural law, society not ready, more prone to S.T.Ds.
- **International precedents:** - Gay sex legal in 123 countries, adoption by such people legal in many countries, workplace discrimination outlawed in 73 countries, 41 countries pose legal hurdles in registration of organisation by such people, hate crimes against them illegal in 42 nations etc.

### Witness protection scheme

- **Need:** -to prevent witnesses' hostility, disappearance, confusion etc., for fair trial & justice, for rule of law, law-commissions' recommendations.
- **Features:** - Categorisation of witness based on threat perception, creation of state witness protection fund, budgetary allocation, donations permitted, funds from CSR
- **Impacts:** - Will prevents prejudices, boost witness confidence, establish rule of law, restore public confidence, fair & true justice system.

### Live streaming of S.C proceedings: -

- **Need:** - Indian legal system based on open court system, to keep citizens informed of the decision affecting them, partially digitised legal system, internationally practiced (I.C.J), Justice must also be seen, to bring judiciary to grassroots.
- **Arguments in favour:** - Empowers masses, effectuates open court system to full, educates society, minimizes misinformation & misunderstanding, promotes rule of law & understanding of legal governance, instils & inspires public faith, brings transparency & access to justice.
- **Arguments in opposition:** - Judiciary not to be equated with legislature, judiciary accountable only to rule of law, subject to public scrutiny & contempt, hampers objectivity, affects normal proceedings, not suitable to Indian conditions due to overburden.

### Amendment bill (Trade union act, 1926) for trade union recognition

- **Need:** - To ensure fair & equal payment, to provide for decent work environment, to regulate working hours & benefits, to link management & workers.
- **Features:** - Recognition & acceptance of trade unions, authorises union & states to make rules for recognition, resolution of disputes arising thereof & manner of deciding such disputes.
- **Impact:** - Will ensure working class representation, check arbitrary nomination by govts.

### DNA profiling bill

- **Need:** - Crime investigation, identity establishment, immigration disputes, medical research, deciding parentage.
- **Features:** -Constitution of DNA profiling board, DNA data bank at both national & state levels
- **Arguments against it:** - Privacy violation, Poor conviction rate in countries internationally, limited data base, useless against identical twins.
- **Arguments in favour:** -DNA tests already in trend, better to have safeguards & regulations for dedicated & sanctioned institutions.

### Fugitive economic offenders bill

- **Need:** - To prosecute offenders, to curb scams, to compensate for losses, to restore public confidence, to safeguard public interest, to improve financial health of economy, to establish rule of law & prevent wastage of resources.
- **Features:** - Provisional attachment, confiscation, transfer & disposal of property, PMLA (special) courts to act as adjudicators, authorities to act as civil courts, CEIB to prepare list with inputs from other authorities etc.
- **Impact:** - Will force offender to face prosecution, re-establishment of rule of law, higher recovery of resources, improved financial health.

### Citizenship amendment bill

- **Need:** - To relaxe citizenship norms, to provide citizenship to certain illegal immigrants.
- **Concerns:** - Religion based, erodes Assam accord, strikes N.E states

**Domestic violence act (2005) also for divorced woman: -**

- **Context:** - S.C verdict to bring divorced woman within the ambit of Domestic Violence act 2005.
- **Need:** - to empower divorced women, to protect them from exploitation, to materialise equality
- **Features:** - A divorced woman to seek justice under the same law for violence by ex-relatives, defines domestic relationship, brings all relationship between two persons living or lived together.

**Prevention of corruption amendment bill 2018**

- **Need:** -To fill the loopholes, to bring all stakeholders within it's ambit, to make administration more effective, to protect public interest as well as promote good governance, to give effect to UNCAC.
- **Features:** - offering bribe is an offence, stricter punishments, commercial organisations brought within ambit, redefined criminal misconduct, honest public servants protected, time bound trial.
- **Challenges:** - Overburdened judiciary, lawful source of income undefined, procedure to take prior approval not defined, deletion of section 13(1) of the act of 2013, defining providing for valuable things & pecuniary advantages as weapons against corrupt officers.

**Personal data protection bill**

- **Need:** - Personal data regulation, Individual consent for procession, secure privacy.
- **Salient features:** - Provides for regulation, Individual rights, obligation of fiduciaries, exemption to certain data processing, national level data protection authority, data localization.
- **Supporting arguments:** - Prevents sensitive data misuse like UIDAI, protects fundamental right to privacy, data localization is in national interest.
- **Opposing arguments:** - problematic for social media organisation, healthcare institution, educational technology companies.

**Adultery law**

- **Need:** - to eradicate discrimination, to promote right to equality & liberty, many countries disapproved, to scrap draconian legislation.
- **Impact:** - Removes age old discrimination against women, can be used as ground for divorce & civil offence, prevents misuse in divorce cases etc.
- **Supporting arguments:** - promotes gender equality, women is not man's property, to choose sexual partner is essential to human liberty, making it a criminal offence is like going too far, many civilized & modern countries disapproved this.
- **Opposing arguments:-** paves way for more such events, anti-social, marital life compromised, S.T.Ds, children's future compromised, derogation of societal norms.

**The Arbitration and Conciliation (Amendment) Bill, 2018**

- **Need:** - to deal with domestic & international arbitration, to make law for conciliation proceedings, to promote ease of doing business.

- **Impact:** - Reduce burden on judiciary, an exhaustive list to choose an arbitrator, speed up arbitration proceedings, India on par with other countries in terms of arbitration proceeding, restore investors' confidence, promote ease of doing business.
- **Features:** - Arbitration council of India, S.C & H.C to designate arbitral institutions, relaxation of time limit, time bound arbitration, confidentiality clause.
- **Concerns:** - ACI not independent, several situations require disclosure of confidentiality, debars foreign legal professionals, against the basic tenet of arbitration, conflict of interest, exclusion of international commercial arbitration, 6 months extension with consent etc.

#### The protection of plant varieties and Farmers' rights act, 2001(PPV&FR)

- **Need:** -To establish an effective system for protection of plant varieties, farmers' & plant breeders' rights
- **History:** -PPV & FR act enacted in 2001, provisions under UPOV convention adopted in 1991, agreed to implement TRIPS framework.
- **Features of act:** - Farmers are plant breeders, individual right to register varieties, farmers practicing conservation of genetic resources or economic plants rewarded, protects traditional practices of farmers by saving seeds & using in next sowing season.
- **Present concern:** - Pepsico's right, over two potato varieties (FL 1867, 2027, trademark FC-5) registered under the PPV& FR act for 15 years, distorted by Gujrat farmers. Planting a registered variety not an offence as the act allows re-use & sharing but restricts selling of branded seeds.

#### Right to disconnect a private member's bill

- **Need:** - Protection of employees' rights, allowing them some personal space, employee & family welfare, maintain balance between professional & personal life, maintain mental health, strengthening social relations, improving work performance
- **Features:** - Right to not respond, reduces work-stress, strives for balance between personal & professional life, applicable to companies with more than 10 employees, sets up an employee welfare committee, no disciplinary action in the even of no response after work hours.
- **Concerns:** - 24X7 work culture has no space for this, technical support staff, medical professionals, firemen, policemen etc. can't be brought under it's ambit.

#### Commercial courts amendment bill

- **Need**→ Rapid economic development, to lower down number of commercial disputes, to increase FDI, Law commission recommended establishment of commercial court for high value cases.
- **Highlights**→ Value of disputes lowered down to 3 lakhs, less time consuming; promoting ease of doing business, setting up commercial courts at district level, introduction of pre-institution mediation.
- **Advantages**→ more commercial disputes within it's fold, opportunity for out of court resolution, existing judiciary to exercise it's jurisdictions, improvement in ease of doing business rank.
- **Concerns**→ transfer will overburden commercial courts, mandatory reference to PIM, lack of infra & resources.

<b>States' related acts and issue</b>
---------------------------------------

**Assam Witch Hunting Act**

- **Impact**→ Prevent brutality to women, eradicating superstitious & patriarchal belief, reform society, empower women etc.
- **Features**→ every offence cognisable, strict penalty, IPC section 302, fine to the victim or kin.
- **Other important facts**→ Project prahari, Birubala Radha (activist, Assam) instrumental in passage of act, no national law, S.C asked Bihar for special cell (1991).
- **Other states' status**→ Chhattisgarh TonahiPratadnaNivaran Act'05, Bihar prevention of witch practices act'99, Witchcraft prevention act'91 Jharkhand, Odisha prevention of witch hunting act'13, Maharashtra's Act'13, enacted after the death of Narendra Dabholkar.

**Karnataka Good Samaritan bill**

- **Need**→ legal & financial backing with protection, instruction to police & hospitals, hassle free emergency help to victims & helpers, humanitarian step.
- **Features**→ Good Samaritans not examined by police, details to be voluntarily submitted, need not bear medical expenses.
- **Concerns**→ Educating people, law & order, unplanned road designs, road rages.
- **Way forward**→ Advertisements to educate people, police be actively participating, road designs improved, guilty people punished.

**Legislative council in Odisha**

- **Need/utility**→to check hasty legislations, accommodation of election shy talent, reducing work pressure at lower house
- **Criticisms**→ Superfluous or mischievous, backdoor entrance for defeated, heterogenous chamber, doubtful utility
- **History**→ Montague Chelmsford reform provided; constitution does not provide for necessary creation
- **Creation & abolition**→By parliamentary law followed by respective state's resolution by special majority, Article-169.
- **Strength & powers**→ Varies from state to state, not more than a third of assembly membership. Less power than Rajya Sabha, assembly overrides suggestions, can't vote in presidential & vice- presidential elections.

**Manipur people's protection bill**

- **Features**→ to distinguish Manipuris& non-Manipuris, regulate entry & exit of outsiders, to protect netizens' interests, to maintain demographic balance.
- **Why now**→ Citizenship amendment bill, changes in rules to acquire citizenship, overflow of foreign tourists, illegal immigration from Nepal & Myanmar
- **Others**→ ILP mandatory under Bengal eastern frontierregulation,1873 for domestic tourists; issued only for travel, Manipur, Arunachal, Mizoram, Nagaland fall under ILP, issued by GOI for limited time period; into a protected area.

**Punjab's Sacrilege law**

- **Need**→ Prevent sacrilege of holy book, stringent punishment
- **Features**→ Life term for sacrilege, supports blasphemy.
- **Arguments in favor**→ Equal protection to all religion, effectuates Articles 25-28, necessary to maintain peace & public order, suitable to Indian conditions

- **Arguments against**→ Against liberalism, politically motivated, violation of pluralism & acceptance, may sensitize others to raise similar demands, hinders fair criticism, backs up extremists & vigilante groups, majority may dominate minority
- **Flaws**→ Sacrilege undefined, life imprisonment, curtails freedom of speech & expression

#### **Demand for P.M & Sadr-E-Reyasat in J&K**

- **Why**→ restoration of internal autonomy, restoration of pre-1953 conditions
- **Why infeasible**→ Integral part of India, detrimental to unity & integrity, promotes separatist tendencies, not a solution.

#### **Governor's role under President's rule**

#### **Draft information & technology (intermediary guidelines) amendment rules, 2018**

- **Need**→ To curb fake news menace, give wings to cyber security cell, strengthening of security agencies, rule of law, to protect sovereignty, integrity, security & unity of India, to keep international condemnation at bay
- **Features**→ Prohibited information, removal of harmful content, deployment of automated tools, assistance to government agencies, registered physical presence of intermediaries.
- **Concerns**→ Violates constitutional provisions, privacy infringement

#### **Draft rules for e-pharmacies**

- **Need**→ No well-defined law, unchecked misuse of drugs, ingenuine & fake medicine based on fake & false prescriptions, in national interest.
- **Features**→ Registration, customer support, non-disclosure of information, data localization, preservation of basic details, prohibition of drug-specific advertisement, prohibition of narcotics sale, biennial inspection
- **Concerns**→ Replacement of existing brick-mortar chemists, no better mechanism to check genuineness of prescription, health & safety issue of patients (especially abled)
- **Other important facts**→ Existing brick-mortar shops account for 99% of supply; e-pharmacies only 1%, only 60 % of medicinal demand fulfilled, Delhi & Madras HCs banned online medicines, in contravention to Drugs & cosmetics act.

#### **Draft charter of patients' rights**

- **Need**→ a uniform document on patients' rights.
- **Impact**→ Protection of patients' rights, non-discrimination, easy to get second opinion, easy alternative treatment.
- **Concerns**→ No legal backing, unbearable treatment costs, power imbalance favoring hospitals.
- **Other important facts**→ Drafted by NHRC, some states have their own regulations; others adopted National clinical establishment act, 2010

#### **Draft policy on Software products 2019**

- **Objectives**→ Robust business ecosystem, single window platform, classification of products, tax incentivization, promotion of IPR & entrepreneurship, incubation of start-ups, software product development fund, pool of intellectual property with budgetary allocation, dedicated challenge grants, future skills program, 20 sector-specific Indian software product clusters, talent accelerator program
- **Significance**→ Level playing field to companies, ease of doing business, conducive environment for innovation, R&D & I.P creation & protection etc.
- **Challenges**→ Longer gestation period, tough pricing, competition from behemoths like Huawei, skill gap, lack of success stories for inspiring youth.

#### **Draft E-Commerce policy**

- **Need**→ Consumer protection, data privacy, maintenance of level playing field

- **Features**→ Data control, domestic presence of e-companies, data localization, FDI in e-commerce, export promotion, e-consumer courts, no separate regulator.
- **Significance**→ In line with digital India, data protection cornerstone, segregation of FDI to provide level playing & competitive field to MSME's, data localization to restore faith.
- **Challenges**→ Jeopardizes commercial interests, detrimental to e-commerce business, punitive mandatory disclosure, storage of data sets to bring other problems such as data breaches.

**National policy on electronics**

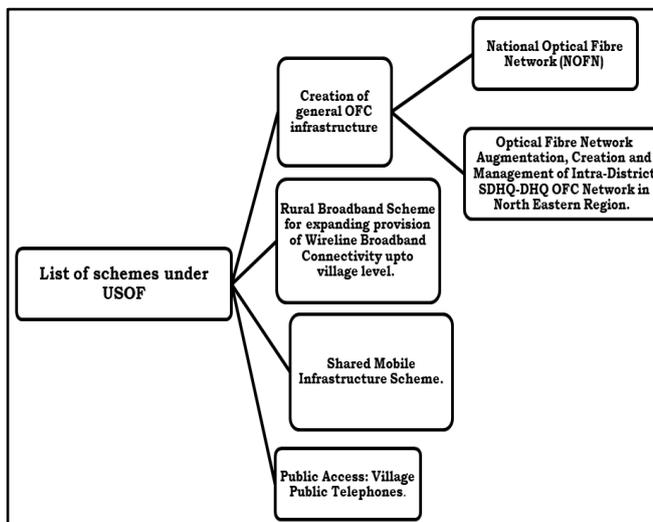
- **Need**→Growth of ESDM industry, rising demand, reduce forex outflow, raise manufacture of electronic items, to minimize import.
- **Benefits**→ inflow of cutting-edge technology & investment, conducive environment, higher value addition, increased hardware manufacture, high- export, employment generation, syncs with Make in India.
- **Concern**→ Robust R&D unavailable, credit guarantee & interest subvention inadequate, increasing & sustainable deficit burden.
- **Miscellaneous:** - Imports hardware nearly half of domestic production, \$37 billion 2014-15 & \$53 billion in 2017-18.

**Draft on re-integration policy for J&K militants**

- **Need**→Uproot or minimize terror attacks, diversion of youth to nation building, Well-being of people, constructive approach
- **Highlights**→ encouragement to quit arms, monthly stipend, not covering heinous criminals, reformative measures & livelihood, improved form of earlier initiatives.
- **Past initiatives**→ Rehabilitation policy 2004, Surrender policy 2010
- **Reasons for militancy**→Discontented due to offensive policy, no place for dissent, shrinking political space, marginalized youth, crimes against locals & exploitation.
- **Significance**→ 25,000 rehabilitated earlier, one successful rehabilitation motivates others, increases faith in democracy, governments will to reach out, restoring peace, growth opportunities, strong message to Pakistan.

**Universal service obligation fund**

- **Features**→Bridging rural-urban divide, market & access gap reduction, telecom services to backward remotely, sparsely populated areas with low income, absent infra in difficult terrain etc.
- **Objectives**→Access to ICT, greater income generation, prevent migration, creation of BPOs & KPOs in rural areas, citizens participation in politics & civil society, improved standard of living, more govt services, equitable & sustainable development to alleviating poverty.
- **Achievements** → Increased tele-density, Introduced competition,



mobile services in  
57,000 N.E villages & LWE areas,  
NOFN gram panchayats,  
accurate & timely  
subsidy.

- **Challenges** → Civil infra, regulating towers, multiple authorities, power availability.

### Articles & Acts in new

#### Central civil services conduct rules 1964 & restriction of FR of civil servant

- **Need** → Maintenance of integrity, reputation, confidence & dignity of public office, regulating behaviors of public servants, curb abuses, maintaining political neutrality, keeping public controversies away, inculcate highest level of loyalty.
- **Restrictions** → No engagement in any family members' business, no right to contract, govt. approval for sale purchase of properties beyond certain limits, no freedom of expression against govt, politics or matter of public controversy, no right to strike for non- industrial civil servants.
- **Concerns** → Curbed freedom of expression, biased research & pro-political teaching, Allahabad H.Cs ruling about their status.

#### Enemy property act

- **Utility** → Public purposes, generates revenue, end of disputes with heirs.
- **Status** → (CEPI) Custodian of enemy property of India, Schedule-7, enacted in 1968, amended in 2016
- **Latest amendments** → To end disputes, definition of enemy widened, permanent status to CEPI; to sell, dispose & evict unauthorized, law of succession **N.A.**

#### Section 151-A of Representation of People Act (RPA)

- **Utility** → 151-A mandates filling of vacancies in L.S & S.As within 6 months
- **Conditions** → Remainder more than a year, E.C certifies N.A if less than a year in consultation with Central govt.

#### POCSO Act

- **Objective** → Protection from sexual assault, harassment, pornography, set up special courts, speedy trial.
- **Features** → Definition of children, gender neutral, complete & partial sexual penetration, stalking, pornography, mandatory reporting of offence, robust child-friendly measures, role of police, severe punishment to persons in trust, child friendly trials,
- **Other initiatives** → POCSO e-box, NCPCR to harmonize all programs with child rights.
- **Present scenario** → 1.6 lakh cases pending in 31 states & UTs, 12,609 rapes registered under POCSO, many districts have no POCSO courts, NCPCR to mandatorily monitor implementation of POCSO, 620 special courts under POCSO in India.

#### Anti-Defection Law

**Objective** → Prevention of horse-trading, unethical practices, ensuring stable government.

**Ground**→ Voluntary quitting, vote against party whip, nominated member joining party after 6 months, independent joining a party.

**Exceptions**→ 2/3<sup>rd</sup> members defect together, presiding officer voluntarily quitting & re-joining party.

**Other grounds**→ Office of profit, mentally unsound, insolvent, disqualification under RPA 1951

**Benefits**→ Stable govt, discipline, corruption reduction, democratic realignment of parties.

**Drawbacks**→ Undermines intraparty democracy, biased opinion of presiding officer, Right to freedom of expression restricted, irrational distinction between individual & group defection.

### Section 126 of RPI-1951

- **Features**→ Ban on meetings during 48 hours ending with hour fixed for poll conclusion 126(1) election silence, Penalty→ 126(2).
- **Umesh Singh Panel**→ Further extension of ban on cover print, social media, cable channels, internet etc.
- **Why Social media ban**→ Hostile neighbors, impact by fake & paid news, one third voters active users, social media platforms biased at times, less regulation of contents.
- **Challenges**→ Spreading awareness, control of such vast set of info, no way to verify content, fake news, concern of social media about regulations, getting staff to monitor is hard.

### Legislature

#### Falling productivity in Rajya Sabha

- **Status**→ Productivity; L.S-118%, R.S-68%
- **Reasons**→ Oppositions discontent, scrutiny of bills, turning down scrutiny demand, disagreement over short duration discussion, adjournment motion.
- **Implications**→ Lack of participation, L.S without opposition leader, ordinance making, disagreements, decreasing public opinion, lack of working hour.

### Election & elections reforms

#### Issues in elections in India

- **Issues**→ Money, Muscle, Misuse of govt machinery, criminalization of Politics, non-serious candidates, use of corrupt practices.
- **Initiatives Taken**→ Use of state-owned electronic media, Checking criminalization, EPIC, streamlining registration, strict compliance to MCC, limiting size of CoM, reduction in campaigning cost, election candidate to reveal income & tax returns details.
- **Other facts**→ JPC on amendment to election law 1971-72, The constitution bill 1994, RPA (second amendment) bill 1994, Indrajit Gupta committee were all related to electoral reforms.

### Model code of conduct

- **Need**→ to maintain democratic discipline & ensure fair election, good conduct, ethical & moral practices & behavior etc.
- **Provisions**→ Related to general conduct, meetings, processions, polling day, polling booths, observers, party in power, and election manifestos.
- **Recommendations**→ Law commission; to restrict govt sponsored advertisements up to 6 months before date of expiry of house exceptions: - poverty alleviation & health schemes.

- **Status**→ Not legally binding yet some provisions enforced by IPC, CrPC, RPA etc.

#### **Electoral Bonds**

- **Need**→ Transparency in & clean-up of, electoral system.
- **Arguments in favor**→ Leak proof, curb unaccounted money, donation only to registered parties, no alternative to store wealth, restricted donations
- **Arguments against it**→ flood gates to unlimited corporate donations, to be misused by lobbyist, anonymity of political donations, discloser clause removed, exempt from IT act section 13A, statutory limit on corporate donations gone

#### **VVPAT**

- **Need**→ High level transparency, voter's confidence restoration, to verify that votes are cast as intended.
- **Challenges**→ Increases the cost of electronic voting system, requires specialized external hardware, more prone to malfunctioning, prone to glitches.

#### **Regulation of social media in Elections**

- **Need**→ to curb fake news, monitor political party's behavior.
- **Challenges**→ Existing data protection law not fully applicable to political parties or data brokers.

#### **Unequal representation in Indian democracy**

- **Associated problems**→ Severity of malapportionment, inequality of votes, skewed representation, burden on representatives raised, representation crisis.
- **Challenges to equal representation**→ States with efficient family planning will get less representation than others with high population, difficult for presiding officer to manage, matters of urgent importance will be subject to unnecessary strain.

#### **Rule 49MA**

- **Issue**→ Criminalization of reporting of malfunctioning EVMs or VVPATs, against Right to freedom of expression (Art-19), violative of article 20(3) no person to be witness against himself
- **Rule 49MA**→ Penalty for furnishing false information about malfunctioning in EVMs & VVPATs.
- **Challenges**→ Elector the only witness.

#### **Election Commission form 26**

- **Need**→ To acquire correct info, to restore public faith in the election process & democracy, to prevent criminals joining politics,
- **Features**→ Form 26 to furnish info of a candidate, affidavit with nomination to be sworn before an oath commissioner or Magistrate,
- **Info Required**→ IT returns of last five years, details of offshore assets, same details of spouse etc.
- **Recommendation**→ 170th Report of the Law Commission, S.C directions 2002

#### **Representation of people act amendment bill**

- **Need**→ Proxy voting for overseas citizens, improve scope of election of a well-deserved candidate, to materialize constitutional ideals.
- **Features & significance**→ Permits proxy voting for overseas citizens, gender neutral, equal opportunity to every citizen to cast vote.

#### **Regulatory Statutory & other bodies**

##### **Central bureau of Investigation**

- **Role**→ Combat corruption, evolve effective system for investigation, fight cyber-crimes, assisting state police
- **Concerns**→ Can't investigate central govt., authorization of states, lack of transparency in appointment of CBI, corruption

### Politics & Political system in India

#### Feminization of Indian politics

- **Need**→ Equity & equality, remove biasness, gender neutrality, women empowerment etc.
- **Challenges**→ lack of political will, low status in society, lesser exposure to education, lack of financial autonomy
- **Initiatives taken**→ Ratification of Beijing declaration and CEDWA, 33% reservation in Panchayati raj act, recognizing woman participation as millennium development goals, highest representation in 17<sup>th</sup> Lok-Sabha
- **World trends**→ The feminist foreign policy of Sweden

#### Criminalization of Indian Politics

- **Why parties allow**→ Round trip of money, rising expectations, increasing competitiveness
- **Why people vote**→ Redistribution, coercion, social insurance, dispute resolution
- **Policy implications**→ Paradoxical state, slow justice, outmoded laws, politicized prosecutor, police shortfalls, opaque public finance.

### Governance & reform issue

#### Internet Shutdown by Government

- **Need**→ Maintenance of law & order, to curb fake news, restrict malpractices in exams, to protect national security, public interest
- **Citizens' rights**→ Right to expression, life & liberty violated.
- **What law says**→ should be within the ambit of section 5(2) of telegraph act & section 69 A of IT act, CrPC section 144, Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017,
- **Consequences**→ fundamental rights violated, loss to banking & e-commerce, discourages digital economy & digital India, disruption of Aadhar authentication.
- **ICRIER report**→ 16,315 hours of intentional internet downtime between 2012 and 2017 cost the Indian economy a whopping \$3.04 billion
- **Criticism**→ Section 144 of the CrPC is not appropriate, no public consultation, civil society and industry not consulted.
- **Miscellaneous**→ India reported the highest number of internet shutdowns in the world

#### Reservation for economically weaker section

- **Objective**→ Level playing field to EWS, indiscrimination.
- **Conditions**→ Income less than Rs.8 lacs per annum, land less than 5 acres etc.
- **Concerns**→ 50% limit breached, technical loopholes, private institutions, shrinking jobs, lack of level playing field, challenging implementation, large populations, no reservation only on economic background.

#### Common service centers

- **Significance**→ Digital India promotion, web enabled e-governance services etc.

- **CSC 2.0 features**→ Service delivery-oriented entrepreneurship, 1 CSC in each of 2.5 lakh Gram Panchayats, a large bouquet of services (SWAN, SSDG, e-District, SDC, and NOFN/BharatNet)
- **Objectives**→ Seamless access of e-services to rural India, Expansion of self-sustaining CSC network, Increasing sustainability of VLEs
- **Advantages**→ Transparent and timely delivery, reducing citizens' efforts and resources in availing services, Integrated framework for delivery and dissemination, skill development, education and trainings, financial inclusion and indirect employment generation, acting as last mile distribution units, encouraging more and more participation of women, rural citizens to get digitally empowered.
- **Evaluation**→ incorporated under the National E-Governance program in 2006, 3.5 lakh CSCs operating in across India, about 2.20 lakh are in the rural areas, Aadhaar-enabled payment system etc.

### Overcrowding of Prison

- **Report**→ (NCRB)'s Prison Statistics India reports 4.2 lakh inmates in 1401 facilities, average occupancy rate of 114% in 2015
- **Reasons**→ Large number of under-trials and detainees, incapacity to spend on prison, reforms of prison to be a negative exercise, overburdened judiciary, poorly paid & overburdened lawyers.
- **Concerns**→ Lack of space, improper ventilation, poor sanitation & hygiene, staff shortage, psychological & physical torture, corruption in prison, worse condition of women prisoner
- **Reforms since independence**→ Transfer of Prisoners act 1950, legal service authority act 1987, Repatriation of prisoners' act 2003, model prison manual 2016
- **Related cases & committees**→ Maneka Gandhi case 1978, Sunil Batra 1&2 vs. Delhi admin 1979, Ramamurthy vs state of Karnataka 2002, Mullah committee 1983, Krishna Iyer Committee 1987

### Dissolution of MCI (Ordinance re-issued)

- **Reason**→ Maladministration & Corruption, excess concentration of power, inadequate number of Doctors, no emphasis on ethical medical education, rising cost of education, lack of manpower etc.
- **Objectives of NMC**→ frame policies, regulation of medical industry, recognition to medical qualifications, determine seats in private colleges etc.
- **Concerns**→ Autonomy, inefficiency, fee cap, less diverse stakeholders, opinion of states undermined, health is state subject, no need for periodic license renewal.
- **Significance**→ increased access to medical education, transparency in license permission, quality medical education, skilled health work-force.

### Lokpal&lokyukta

- **Provisions**→ Jurisdiction, institutional structure, appointment, anti-corruption statutory body.
- **Key concerns**→ Delayed appointments, multi-layered arrangements, no uniform powers, toothless tiger
- **Limitations**→ Restricted jurisdictions, does not cover day to day corruption, loop holed laws, multiple regulating channels, efficacy questioned, difference of opinion with govt.

## Constitutional amendments

### 125<sup>th</sup> amendment bill

- **Features**→ Villages & municipal councils, power to governor to make rules, review of financial position of districts, villages & municipalities, augmentation of funds, elections, disqualification
- **Significance**→ Participatory democracy, woman empowerment, financial autonomy.

## Committees & Commissions

### Family law reforms

- **Need**→ Diversity, failure in implementation of UCC, to uplift weaker sections, to deal with discriminatory laws
- **Debates**→ Marriage & divorce, custody & guardianship, adaptation & maintenance, succession & inheritance
- **Features**→ Universal age for marriage, gender neutrality, Muslim law of inheritance to be gender just, expansion of Juvenile Justice (care & protection) act, 2015

### Legalization of sports betting

- **Arguments in favor**→ Higher revenue for govt, employment opportunities, tourism booster, black money curb.
- **Arguments against**→ Jurisdictional issues, betting through proxies, social evils, spoiling the spirit of sports.
- **Law commission's recommendation**→ Cashless gambling, pan & aadhar linking, match fixing & fraud to be criminal offences.

### Telecom commission on Net Neutrality

- **Need**→ Equal access to all lawful content, level playing field, non-discrimination.
- **Supporters**→ large internet companies, civil liberty groups, special interest groups, internet pioneers.
- **Opposers**→ large broadband providers, network equipment providers, free-market think tanks, special interest groups
- **TRAI's recommendations**→ Strongest net neutrality protections, non-discriminatory treatment of content, IoT not excluded, policy on traffic management, multi-stakeholder not for profit body.
- **Exceptions**→ Emerging & critical services; separate committee to examine such services.
- **Significance**→ Protects small entrepreneurs, free internet, strongest neutrality regulations, democratized internet, promotes equality, important for start-ups & small businesses, essential for innovation & employment, promotes freedom of speech.

### Companies amendment ordinance

- **Need**→ Curbing irregularities, improve governance, tackling present issues & loopholes
- **Features**→ Re-categorization of offences, transferring functions from NCLT to Central Govt., grounds of disqualification, strict provisions, punishment for issuing shares on discounts.

### Right of first refusal

- **Features**→ Similarity to option contract, on request of an individual or company, customization to create variations
- **Advantages**→ an insurance policy in case of loss
- **Disadvantages**→ hinderance for property owners
- **Utility**→ Joint venture situation, opportunity to existing shareholders