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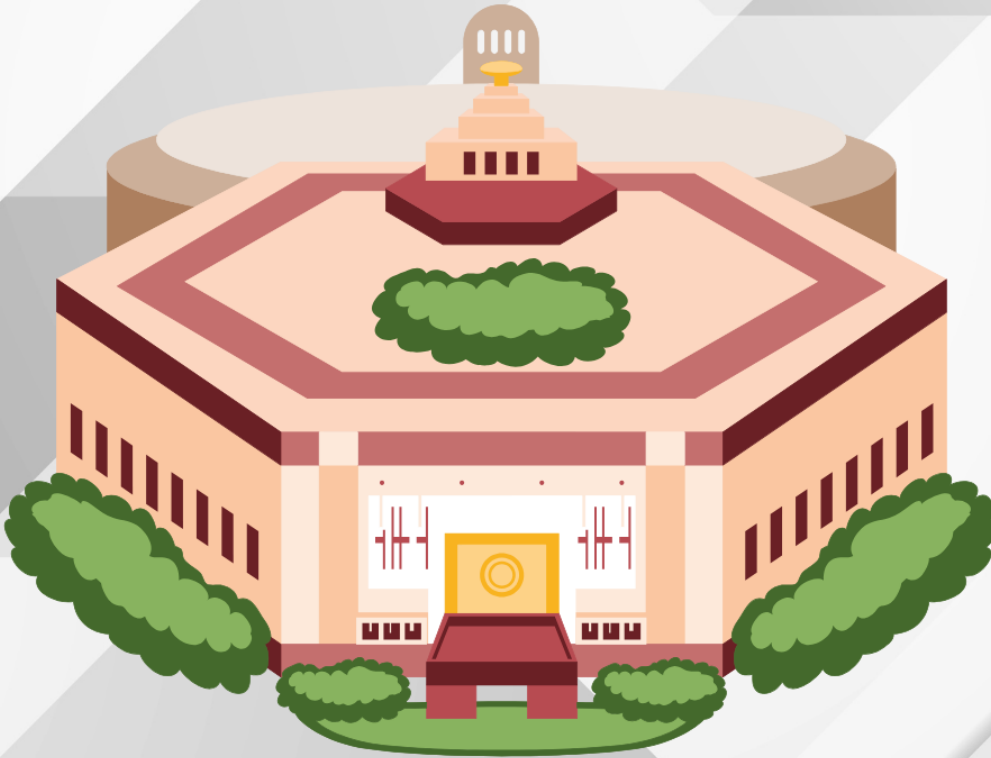
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"Nothing is better than a life dedicated to people's service"
"To be able to serve without expecting anything in return, is the beauty of humanity"

UPSC CSE - 2025

CURRENT AFFAIRS



POLITY AND GOVERNANCE

POLITY AND GOVERNANCE

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POLITY AND GOVERNANCE CURRENT AFFAIRS

UNIFORM CIVIL CODE (UCC)

GS Paper II – Indian Constitution | Directive Principles of State Policy | Secularism | Gender Justice

Context:

During his Independence Day speech, the Prime Minister reaffirmed support for the implementation of a **Uniform Civil Code (UCC)**, arguing it would promote **equality, national integration**, and a **secular, modern legal framework** that replaces **religion-based personal laws**.

What is the Uniform Civil Code (UCC)?

- The **Uniform Civil Code (UCC)** refers to a **common set of civil laws** applicable to **all citizens of India**, irrespective of their religion, caste, or tribe, particularly in matters such as:
 - **Marriage**
 - **Divorce**
 - **Adoption**
 - **Inheritance**
 - **Maintenance**
 - **Succession**
- The objective is to replace the existing **plurality of personal laws** (e.g., Hindu Law, Muslim Personal Law, Christian Law, Parsi Law) with a **single, secular legal framework** that ensures **equal treatment and gender justice**.

Constitutional Provision:

Aspect	Details
Article 44	Directive Principle of State Policy (Part IV) – “The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India.”
Legal Nature	Not enforceable by any court (non-justiciable), but guiding principle for policymaking.
Fundamental Rights Connection	Seen as complementary to Article 14 (Right to Equality) and Article 15 (Non-discrimination) .

Present Status of Personal Laws in India:

India follows a system of **religion-based personal laws**, governed by community-specific codes. Examples:

Community	Governing Law
Hindus, Jains, Sikhs, Buddhists	Hindu Marriage Act (1955), Hindu Succession Act (1956), Hindu Adoption & Maintenance Act (1956)
Muslims	Shariat law governed by the Muslim Personal Law (Shariat) Application Act, 1937
Christians	Indian Christian Marriage Act (1872), Indian Divorce Act (1869)
Parsis	Parsi Marriage and Divorce Act (1936)

These laws differ significantly on issues such as:

- **Minimum marriage age**
- **Divorce rights**
- **Polygamy**
- **Adoption**
- **Inheritance rights for women**

Exceptions / Existing UCC Models:

- Goa:**
 - **Only Indian state** that follows a **common civil code**, based on the **Portuguese Civil Code, 1867**.
 - Applied uniformly to all religions, but with **exceptions** (e.g., Catholics and Hindus have different inheritance rules).
- Uttarakhand:**
 - Became the **first Indian state** to **enact its own UCC** in 2024.
 - Covers **marriage, divorce, maintenance, succession, adoption**, and aims to ensure **gender neutrality and equality**.

Law Commission's Stance:

Commission	Position on UCC
21st Law Commission (2018)	UCC is “ neither necessary nor desirable ” at present. Instead, recommended reform of personal laws to ensure gender justice and equality within religious frameworks.
22nd Law Commission (2023–24)	Invited public comments and expert views on UCC; yet to issue a final report.

Arguments in Favour of UCC:**1. Equality and Gender Justice:**

- Many personal laws **discriminate against women** in matters of divorce, maintenance, and inheritance (e.g., triple talaq, polygamy, unequal inheritance).

2. National Integration and Unity:

- A uniform law strengthens the **secular character** of the state and **national identity**.

3. Constitutional Vision:

- Enacting UCC would fulfil the **Directive Principles (Art. 44)** and uphold the **spirit of Article 14 (Equality)**.

4. Simplified Legal System:

- Multiple laws create **confusion and legal complexities**. UCC will streamline and **reduce litigation**.

5. Progressive Society:

- A common civil code reflects a **modern, democratic, and progressive society**.

Arguments Against UCC:**1. Threat to Cultural and Religious Freedom:**

- **Article 25 guarantees freedom of religion**. UCC may be perceived as an attempt to **override religious customs**, especially of minorities.

2. Minority Fears of Majoritarianism:

- Critics argue that UCC might **impose majoritarian values**, especially Hindu norms, on minority communities.

3. Lack of Consensus:

- Deep-rooted religious beliefs and **absence of political and societal consensus** hinder uniformity.

4. Practical Challenges in Drafting:

- Enormous diversity within religions, regions, and tribes makes it difficult to **formulate a one-size-fits-all code**.

5. Tribal and Customary Laws:

- UCC may conflict with **customary tribal laws**, especially in the Northeast and Adivasi communities.

Model UPSC Mains Question (GS Paper II):

- ❖ “The Uniform Civil Code is a constitutional vision aimed at promoting equality, but its implementation must balance the rights of individuals and the cultural pluralism of Indian society.” Discuss. (250 words)

NAKSHA Initiative

(National geospatial Knowledge-based land Survey of urban HAbitations)

Context:

The Ministry of Rural Development launched Phase II of the NAKSHA programme, aiming to modernize and digitize urban land surveys using geospatial technologies under the Digital India Land Records Modernization Programme (DILRMP).

Objectives:

- Standardize land record-keeping across the country.
- Promote transparency, accuracy, and efficiency in urban land transactions.
- Enable dispute-free ownership, reduce litigation, and boost urban planning and climate resilience.

Implementation Phases:**Phase I: Pilot Implementation**

- **Announced:** Union Budget 2024–25.
- **Coverage:** 152 Urban Local Bodies (ULBs) in 26 states and 3 UTs.
- **Target:** Cities with < 2 lakh population and < 35 sq. km area.
- **Goal:** Cover all urban areas within 5 years.
- **Technology Use:**
 - Drone surveys, aerial imagery
 - Web-GIS platforms
 - High-precision digital cadastral mapping

Phase II: Capacity Building

- 304 officers nominated from 157 ULBs.
- Training in:
 - Geospatial data collection and analysis
 - Urban property survey techniques
 - Oversight of high-accuracy land survey operations

Need for a NAKSHA-like Programme:

1. **Fragmented Land Records**
 - Inconsistent, state-specific systems

- Outdated, often **manual formats**
- Frequent **ownership disputes**
- 2. **Litigation Burden**
 - **66% of civil cases** in India relate to **land/property**.
 - Lack of **tamper-proof, digitized maps** adds to legal uncertainty.
- 3. **Urbanisation Pressure**
 - By **2030, ~40% of India** will live in urban areas.
 - Efficient land management is **critical** for **infrastructure** and **housing**.
- 4. **Support to Agrarian & Welfare Schemes**
 - Linking **Khasra maps** with land records supports:
 - **PM-KISAN, DBT, credit, and insurance** delivery.
- 5. **Climate and Disaster Resilience**
 - **Geo-tagged mapping** aids **disaster risk management, flood zoning, and climate adaptation**.

Model Question (GS Paper II – Polity & Governance):

- ❖ **Discuss the objectives and significance of the NAKSHA initiative in addressing urban land governance challenges in India. What are the key hurdles and suggest a way forward for its effective implementation.**

Presidential Reference on Timelines for Assent to State Bills

UPSC GS Paper II: Polity & Governance (Separation of Powers, Judiciary, Centre-State Relations, Constitutional Mechanisms)

Why in News?

- The **President of India** invoked **Article 143(1)** of the Constitution to seek the **Supreme Court's advisory opinion** on whether **timelines** can be **constitutionally mandated** for the President or Governors to **act on Bills** passed by State Assemblies.
- The move comes after the SC's **April 2024 ruling**, which held that a **Governor must act within three months** on a Bill and **cannot indefinitely withhold assent**.

What is Article 143 – Advisory Jurisdiction?

Article	Provision
143(1)	President may refer any question of law or fact of public importance for SC's opinion. The SC may or may not respond .
143(2)	Limited to pre-constitutional treaties and covenants . The SC must provide an opinion .

- **Nature of Opinion:** Only **advisory, not binding**, but carries **significant persuasive value**.
- **Bench Strength:** As per Article 145(3), a **minimum five-judge Bench** hears such references.

Constitutional Provisions Involved:

- **Article 200:** Governor's powers regarding State Bills – assent, withhold, reserve, or return for reconsideration.
- **Article 201:** If a bill is reserved for the President, the President may assent, withhold, or return (non-money bills).
- **Article 361:** President/Governor not answerable to court for exercise of powers.
- **Article 131:** Original jurisdiction of SC in Centre-State disputes (must involve legal rights).
- **Article 142:** SC's power to do "complete justice" in pending matters.

Key Legal and Constitutional Questions in Reference:

1. **Can timelines be mandated** for the President/Governor to act on State Bills?
2. **What is the extent of the Governor's discretion** under Article 200? Is it **justiciable**?
3. Does **Article 361 immunity** bar judicial review of inaction by the Governor?
4. Can legislatures or courts **deem assent** if no action is taken within a time period?
5. Whether States approaching the SC under **Article 32** (vs. Article 131) for federal disputes is appropriate?

What the Supreme Court Ruled in April 2024:

- Governor **must act within 3 months**.
- Cannot withhold assent **after a bill is re-passed** by the legislature.
- **Discretion is judicially reviewable**, not absolute.
- Governor is **bound by aid and advice** of the Council of Ministers in most cases.

President's Concerns with the SC Ruling:

- No specific timelines in Articles 200 or 201.
- Worry over **erosion of federal structure** and **separation of powers**.
- Points to **conflicting judicial precedents**.
- Asserts that "**deeming assent**" goes against the **constitutional scheme**.

- Notes inappropriate use of **Article 32 instead of 131** by States.

Broader Constitutional Questions Raised:

Question	Issue
Q1-Q4	Arise directly from the April 8 judgment — timelines for assent under Articles 200 and 201 , Governor's discretion , and justiciability .
Q12	Whether only a larger Constitutional Bench (minimum five judges) can hear substantial constitutional questions .
Q13	Seeks clarification on the scope of Article 142 – the SC's power to " do complete justice ".
Q14	Asks whether disputes between Centre and States should only be decided under Article 131 (original jurisdiction) or can the SC intervene through writ jurisdiction under Article 32 .

Broader Political and Constitutional Context:

- **Centre vs Opposition-ruled States Conflict:**
 - Governors, appointed by the Centre, are **withholding or delaying assent** to Bills passed by State Assemblies (notably in **Tamil Nadu, Kerala, Telangana, Punjab**).
 - Seen as **political interference** and a threat to **cooperative federalism**.
- **SC's April 8 Judgment:**
 - Imposed a **3-month time limit** on the **President** and **Governors** for acting on Bills.
 - Stated that **withholding assent indefinitely** violates constitutional principles.
 - Asserted that the **Governor is bound** by the **Council of Ministers' advice** in most cases.
 - Encouraged **judicial review** of gubernatorial inaction despite **Article 361 immunity**.

Why the Reference Matters:

- Seeks **judicial clarity** on important **structural aspects** of the Constitution.
- Tries to address **conflicting judgments** on the role and **discretion of Governors and the President**.
- Highlights concerns over **States using Article 32** (writ jurisdiction) instead of **Article 131**.

- Questions whether SC rulings are **final interpretations** or open to broader **consultations** through Article 143.

Can the SC Reverse Its April 8 Judgment via Article 143?

No.

- Article 143 is **not a review mechanism**.
- In the **Cauvery Water Dispute opinion (1991)**, SC held that Article 143 cannot be used to **review or overturn prior judicial decisions**.
- For review, a **curative or review petition** must be filed under **Articles 137 and 145**.

Impact on Federalism and Governance:

Positive Implications	Challenges
May lead to codified timelines for assent.	Risk of SC being drawn into political controversies .
Enhances constitutional accountability of Governors.	May trigger Centre-State tensions over jurisdiction.
Clarifies use of SC's discretionary powers (Articles 143 & 142).	Could blur the separation of powers among organs.

Model UPSC Mains Question (GS Paper II)

- ❖ “The use of Article 143 by the President to seek the Supreme Court’s advisory opinion on timelines for bill assent and federal dispute resolution reflects a maturing constitutional democracy.” Discuss the significance and limitations of the advisory jurisdiction of the Supreme Court in resolving Centre–State tensions.

ARTICLE 311 OF THE CONSTITUTION OF INDIA

Context:

The **Lieutenant-Governor of Jammu and Kashmir** recently invoked **Article 311** to terminate the services of **six government employees** without a departmental inquiry, citing threats to the **security of the State**.

Constitutional Provision:

Article 311 is part of Part XIV of the Indian Constitution, which deals with “**Services under the Union and the States**”. It provides **safeguards to civil servants** against arbitrary dismissal, removal, or reduction in rank.

Purpose of Article 311:

- To **ensure administrative justice** by protecting **government employees** (except those in military service) from arbitrary executive actions.

- To promote **efficiency and integrity** in public service while balancing **natural justice and state interest**.
- To maintain **discipline, accountability, and security** within civil services.

Grounds for Action Under Article 311:

1. **Employee Efficiency:** If an employee's **performance is consistently poor**, shows **negligence**, or hinders the functioning of the government, disciplinary action under Article 311 can be initiated.
2. **Employee Misconduct:**
Covers instances of:
 - **Corruption**
 - **Bribery**
 - **Fraud**
 - **Moral turpitude:** These affect the employee's **integrity and public trust** in civil administration.

Scope and Applicability:

- Article 311 applies to **civil servants** employed by the **Union or State governments, public sector undertakings (PSUs), and statutory bodies**.
- **Not applicable** to members of the **Armed Forces**, police under military command, or **intelligence agencies** covered under restricted service frameworks.
- It protects against:
 - **Dismissal:** Permanent removal from service.
 - **Removal:** Similar to dismissal but may allow for future reemployment.
 - **Reduction in Rank:** Downgrading position or pay level.

Does not cover:

- Transfers
- Suspension
- Censure or reprimand

Procedural Safeguards under Article 311:

Clause (1):

- Only the **appointing authority**, or a person **equal or superior in rank**, can **dismiss, remove, or reduce** a civil servant in rank.
- Prevents **junior officials or political functionaries** from acting arbitrarily.

Clause (2):

- Mandates a **departmental inquiry** before any major penalty is imposed.

- **Key requirements:**

- **Communication of Charges:** The employee must be informed of the specific charges.
- **Opportunity to Defend:** The employee must be given a **reasonable opportunity** to reply and defend through representation or witnesses.
- **Inquiry Officer:** An impartial officer is appointed to conduct a fact-finding inquiry.
- **Report & Decision:** Based on evidence, the report is submitted, and disciplinary authority makes the final decision.

This clause embodies the **Principles of Natural Justice (PNJ)**:

- *Audi alteram partem* (hear the other side)
- *Nemo judex in causa sua* (no one should be a judge in his own cause)

Exceptions to Article 311 (Clause 2 Proviso):

1. In the Interest of State Security:

- No inquiry is required **if the President or Governor is satisfied** that holding such inquiry is **not expedient in the interest of national or state security**.
- Used in cases involving:
 - **Terrorism**
 - **Espionage**
 - **Anti-national activities**
- Example: **Recent use in J&K** to terminate employees linked to separatist networks.

2. Public Interest / Efficiency in Administration:

- When disciplinary action without inquiry is essential to maintain **efficiency and discipline** in public service.
- Case-by-case use when inquiry may **hamper urgent administrative needs**.

3. Conviction on Criminal Charges:

- If a government servant is **convicted by a court of law**, they can be dismissed **without departmental proceedings**.
- Ensures quick action in serious offenses like corruption, sexual harassment, murder, etc.

4. Probationers and Temporary Staff:

- Those on **probation** or serving **temporarily** may be **terminated without an inquiry**, unless such termination is **punitive** in disguise.

Judicial Review and Safeguards:

- **Article 311 decisions are subject to judicial scrutiny** under Article 226 (High Courts) and Article 32 (Supreme Court).
- Courts can intervene if:
 - **Principles of natural justice** are violated.
 - Action is **mala fide** (done in bad faith).
 - The decision is **not based on evidence** or has **procedural flaws**.

Landmark Judgments:

1. **Union of India vs. Tulsiram Patel (1985)**
 - Upheld the constitutional validity of **exceptions** to Article 311(2).
 - Recognized that **natural justice can be excluded** in exceptional cases.
2. **Maneka Gandhi vs. Union of India (1978)**
 - Expanded the interpretation of **“due process”** under Article 21, affecting service jurisprudence indirectly.
3. **Khem Chand vs. Union of India (1958)**
 - Clarified that **reasonable opportunity to defend** includes both notice of charges and hearing.

Relevance to Federal Governance and Administrative Ethics:

- Ensures **balance between administrative efficiency and individual rights**.
- Prevents **political misuse** or victimization of honest officers.
- Allows for **swift action** in cases involving threats to national integrity.

Model UPSC Mains Question (GS Paper II):

- ❖ “Article 311 of the Indian Constitution provides civil servants with a protective shield, but also allows its removal under specific circumstances. Critically evaluate the constitutional, administrative, and ethical dimensions of this provision.” (250 words)

Gyan Post: Affordable Delivery of Knowledge Resources

GS Paper II – Governance | GS Paper III – Infrastructure, Inclusive Development

Why in News?

The Department of Posts (Ministry of Communications) launched ‘Gyan Post’, a specialized postal service aimed at enabling the low-cost delivery of educational, cultural, social, and religious books across India.

Policy Context:

- **Part of the vision:** “*Har Ghar Gyan, Har Sapne Ko Udaan*” (Knowledge for Every Home, Wings for Every Dream).
- Promotes inclusive access to reading materials through India Post’s nationwide reach.
- Supports government goals under NEP 2020, Digital India, and universal education.

Key Features of Gyan Post:

Feature	Details
Eligibility	Books of educational, cultural, social, and religious nature
Identification	Parcel must be clearly marked as "Gyan Post"
Tracking	Real-time tracking available through India Post systems
Proof of Delivery	Standard receipt; optional delivery proof available
Delivery Mode	Surface (land-based) parcel post for cost-effectiveness
Flexibility	Sender may recall or change address before invoicing for delivery
Inspection Rights	Postal staff may inspect parcels to check compliance
Cost	₹20 (up to 300g) to ₹100 (up to 5kg), excluding taxes
Savings	Up to 70% lower than standard book post for heavier parcels
Future Integration	Planned linkage with Open Network for Digital Commerce (ONDC)

Significance:**Positive Implications:**

- Promotes educational equity, especially in rural and tribal areas
- Reduces cost barriers for libraries, schools, religious institutions, and NGOs
- Leverages public infrastructure for social development
- Encourages the integration of postal and digital networks

Challenges:

- Surface transport may delay delivery in remote areas
- Risk of misuse if non-eligible items are disguised as books
- Requires monitoring and enforcement capacity for inspections

Model UPSC Mains Question (GS Paper II)

- ❖ “Gyan Post reflects the role of postal infrastructure in promoting inclusive access to education and culture in India.” Discuss its potential and challenges in bridging regional and social divides.

Investigators Cannot Summon Lawyers for Legal Advice

GS Paper II – Polity & Governance: Fundamental Rights, Judiciary, Legal Profession Ethics

Why in News?

The Supreme Court has ruled that **investigative agencies cannot summon lawyers** solely for offering legal advice to clients, unless there is an **allegation of fraud, conspiracy, or unlawful intent**. This was in response to a case involving a Gujarat-based lawyer who was summoned by police for securing bail for a client.

Constitutional and Legal Context:

Provision	Description
Article 19(1)(g)	Guarantees the right to practice any profession, including advocacy.
Section 132, Bharatiya Sakshya Adhiniyam (BSA), 2023	Codifies attorney–client privilege, preventing disclosure of professional communication. (Earlier Section 126, Indian Evidence Act)

Core Legal Issue:

Can a lawyer be summoned by police or investigative agencies **merely for advising a client**, in the absence of any **wrongful intent or active participation** in illegal acts?

- Raises questions about the **independence of the legal profession**.
- Undermines **attorney–client confidentiality** and the **right to counsel**, which are integral to the **rule of law**.

Key Judicial Precedents:

1. **A.V. Pavithran v. CBI (2024, Bombay HC)**
 - Summons to a lawyer quashed.
 - Reaffirmed that legal communications are **privileged** and cannot be used as evidence.
2. **Praram Infra v. State of M.P. (2025, MP HC)**
 - Held that lawyers cannot be summoned **if they are neither accused nor witnesses**.
 - Emphasized that attorney–client communication is **constitutionally and statutorily protected**.

Supreme Court Ruling (Current Case):

- Declared that **legal advice alone does not justify summons**.
- Cautioned against weakening **legal autonomy** and **professional integrity**.
- Recognized **constitutional and statutory safeguards** for advocates.
- Referred case to the Chief Justice of India due to its **constitutional significance**.
- Issued notices to Attorney General, Solicitor General, and Bar Council for legal inputs.
- Stayed the summons pending further directions.

Implications:**Positive Outcomes:**

- Upholds **independence of the Bar** and the **integrity of legal advice**.
- Reinforces the **constitutional guarantee of legal representation**.
- Prevents misuse of investigative powers to **intimidate or harass advocates**.

Concerns and Challenges:

- Potential misuse of **privilege to shield illegal advice or complicity**.
- Balancing **professional immunity** with **accountability** in exceptional cases.
- Calls for **judicial oversight mechanism** to address grey areas.

Model UPSC Mains Question (GS Paper II)

- ❖ “Summoning lawyers merely for rendering legal advice undermines the independence of the legal profession and the right to counsel.” Critically examine this statement in light of recent Supreme Court rulings.

Caste Census in India: Rationale, Challenges and the Way Forward**GS Paper II – Governance | Polity | Inclusive Development****Why in the News?**

The Government of India has officially notified the schedule for the **next decennial population census**, which will include **caste-based enumeration** for the first time since Independence. The census will commence:

- In **Ladakh** from **October 2026**, and
- Across the **rest of India** from **March 2027**.

This is a historic development, as it will **systematically gather data on caste beyond Scheduled Castes (SCs) and Scheduled Tribes (STs)** at the national level, something that has been long debated in Indian policy circles.

Understanding the Census and Caste Data:

What is a Census?

- The **Census of India** is a **decennial demographic exercise** that collects detailed data on population, housing, socio-economic indicators, etc.
- It has been conducted every 10 years since **1881**, under the **Census Act, 1948**.
- The census is conducted under the authority of the **Registrar General and Census Commissioner of India (RGCCI)**.

Legal Backing:

- Census is a **Union subject** under **Entry 69 of the Union List** (Seventh Schedule of the Constitution).
- The RGCCI has powers to include new parameters (e.g., caste) **without needing to amend the Census Act**.

Difference Between Caste Survey and Caste Census:

Feature	Caste Census	Caste Survey
Legal Mandate	Backed by law (Census Act, 1948)	Not legally binding
Coverage	Nationwide	State-specific
Authority	Conducted by central government	Conducted by states (e.g., Bihar, Karnataka)
Reliability	Standardized and centrally managed	Varies by state methodology and quality

Why is a Caste Census Needed?

1. Constitutional and Legal Rationale:

- **Article 340** empowers the President to appoint commissions to investigate the condition of **Socially and Educationally Backward Classes (SEBCs)**.
- SC judgments have also emphasized that **caste is a valid criterion for reservations**, and reliable data is essential to uphold these policies constitutionally.

2. Evidence-Based Policy Making:

- Up-to-date caste data will help:
 - Design **targeted welfare schemes**,
 - Enable **more equitable distribution of public goods**, and
 - Improve **resource allocation** for marginalised communities.

3. Affirmative Action and Social Justice:

- Accurate data is essential for **assessing the effectiveness of reservation policies**, especially for OBCs.
- Growing demands for inclusion (e.g., **Marathas in Maharashtra, Jats in Haryana**) can be **objectively assessed**.

4. Sub-categorisation Within OBCs

- The **Justice Rohini Commission** (2017) was set up to examine sub-categorisation within the OBC list.
- A caste census will provide the empirical foundation to implement **equity within reservation quotas**, preventing dominance by certain OBC groups.

5. Creating a Unified National Database

- State-level surveys vary significantly in methodology and quality. A caste census offers a **standardized and transparent** national database for caste-based policymaking.

Issues and Challenges:

1. Data Accuracy:

- Risk of **errors, duplication, misspellings, and intentional misreporting** (as seen in 2011 SECC).
- Enumerators often **lack training** to accurately document thousands of caste variants.

2. Classification Ambiguities:

- A caste may be categorized as OBC in one state and **not recognized** in another (e.g., **Jats in Haryana vs. UP**).
- Absence of a **nationally agreed caste classification directory** complicates comparisons.

3. Political Sensitivity:

- New data may **trigger demands for reservation**, leading to political agitations (e.g., **Gujjar agitation for ST status**).
- Risks of deepening **identity politics and polarization**.

4. Privacy and Data Protection:

- Digitization raises **cybersecurity risks** and concerns over **misuse of personal caste data**, particularly in regions with low digital literacy.

Way Forward:**1. Consultative and Transparent Approach**

- The **Registrar General of India (RGI)** should:
 - Consult **sociologists, anthropologists, community leaders, and data experts.**
 - Ensure **public participation** and transparency at all levels.

2. Caste Directory and Standardisation

- Create a **comprehensive and verified national directory of castes.**
- Allow **public feedback** on draft caste lists before finalization.
- Enumerators should be provided with **region-specific caste glossaries** to minimize discrepancies.

3. Training and Technology Integration

- Intensive training for enumerators to handle caste data sensitively and accurately.
- Leverage **AI, Big Data Analytics, and digital tools** to clean and validate data and avoid duplication.

4. Legal and Ethical Safeguards

- Enact **strong data privacy frameworks** to safeguard individual caste identities.
- Ensure data is used **only for public policy purposes**, and not for political targeting.

Mains Practice Questions

- ❖ "A caste census is essential for equity but fraught with social and political risks." Discuss.
- ❖ Critically examine the role of caste-based data in enabling inclusive policy design in India.

"Can Political Parties be De-registered or De-recognized?"

Relevant for GS Paper II – Polity, Governance, Electoral Reforms

Context:

The **Election Commission of India (ECI)** recently issued notices to political parties for violations of the **Model Code of Conduct (MCC)** during elections. This has raised an important question about the extent of ECI's powers, particularly its authority to **de-register** or **de-recognize** political parties.

Constitutional and Legal Framework:**Registration of Political Parties:**

- Governed by **Section 29A of the Representation of the People Act (RPA), 1951.**
- Any association or body of citizens can register as a **political party** with the ECI.
- Once registered, a party becomes eligible for:
 - Contesting elections
 - Receiving contributions
 - Availing of tax exemptions under Section 13A of the Income Tax Act, 1961

Types of Political Parties:

1. **Registered Unrecognised Party:**
 - A party that is registered with the ECI but does not meet criteria for recognition as a state or national party.
2. **Recognised Political Party:**
 - A party that meets specific **electoral performance criteria** to be classified as a **State Party** or **National Party**.

De-registration of Political Parties**Does the ECI have power to de-register parties?**

NO general power.

The Election Commission **does NOT have explicit legal authority** under the RPA, 1951 or the Constitution to **de-register** a political party **except in very limited circumstances.**

Conditions under which De-registration is allowed:

1. **Fraudulent Registration:**
 - If registration was obtained by submitting false information or fraudulent documents.
 - Example: Forging signatures or misrepresenting the party structure.
2. **Anti-Constitutional Activities:**
 - If a party acts against the principles of the **Constitution of India** (e.g., inciting secession, violence, communal disharmony).
3. **Unlawful Association:**
 - If the **Central Government** declares the party unlawful under laws like the **Unlawful Activities (Prevention) Act (UAPA), 1967.**

Note: ECI **cannot de-register** a party for violating the **Model Code of Conduct**, making hate speeches, or indulging in corruption, unless it satisfies the above criteria.

De-recognition of Political Parties

What is De-recognition?

- **De-recognition** is the **removal of a political party's status** as a "recognized" state or national party by the ECI.
- It **does NOT bar** the party from contesting elections, but it **removes several privileges** granted to recognized parties.

Legal Basis:

- Based on guidelines in the **Election Symbols (Reservation and Allotment) Order, 1968**.
- The ECI has the authority to **recognize or de-recognize** parties based on their **electoral performance**.

Criteria for Recognition:

National Party (Must fulfil at least one condition):

1. Wins **2% of seats in Lok Sabha** from at least **three states**, OR
2. Gets **6% vote share in four or more states** and wins **4 Lok Sabha seats**, OR
3. Is recognized as a **State Party in four or more states**.

State Party (Any one criterion):

1. **6% vote share** in State Assembly election and **2 seats**, OR
2. **6% vote share** in Lok Sabha election in the state and **1 MP**, OR
3. **3% of total seats** or **3 MLAs**, whichever is greater, OR
4. **1 MP per 25 Lok Sabha seats** allocated to the state, OR
5. **8% of valid votes** in Lok Sabha or Assembly election in the state.

Benefits of Recognition:

Privilege	Impact
Reserved Election Symbol	Parties retain a fixed symbol across elections (e.g., BJP's lotus, Congress's hand)
Star Campaigners	Up to 20 star campaigners allowed (more airtime, relaxed expense norms)
Free Airtime on Doordarshan/All India Radio	Greater visibility during elections
Subsidised Election Material	Helps in campaign logistics
Tax Exemptions	Donations exempt under Section 13A of the IT Act, 1961

On De-recognition:

- These benefits are withdrawn.
- The party may contest elections, but **without a reserved symbol** and without other campaign advantages.

Debate: Should ECI Be Empowered to De-register Parties for MCC Violations?

Arguments For	Arguments Against
Would ensure better compliance with MCC and clean politics	Risk of misuse and politicization of ECI's power
Helps maintain accountability and deter hate speech, communalism	May curb freedom of association under Article 19(1)(c)
Currently, no punitive consequence for serious MCC violations	Judicial safeguards may be difficult to maintain in all cases
Necessary for upholding democratic ethics and rule of law	Such powers should lie with the judiciary , not ECI

Judicial Viewpoint:

The **Supreme Court** in *Indian National Congress vs. Institute of Social Welfare* (2002) held that: "The Election Commission has no power to de-register a political party except for fraud or illegality at the time of registration."

Thus, **ECI's powers are limited by law** and any extension would require **Parliamentary amendment**.

Way Forward:

1. **Amend RPA, 1951:** Clearly define the powers of ECI regarding **de-registration** of parties for MCC and other electoral violations.
2. **Independent Tribunal:** Set up a **Political Conduct Tribunal** under judicial supervision to decide on party de-recognition or penalties.
3. **Electoral Reforms:** Recommendations of **Second ARC** and **Law Commission (255th Report)** to be revisited for regulating political parties.
4. **Empowering ECI with Accountability:** Provide more teeth to the ECI but ensure transparency and checks to prevent arbitrary actions.
5. **Public Funding of Elections:** May reduce dependence on unaccounted money and improve party discipline.

UPSC Mains Practice Questions (GS Paper II – Polity and Governance)

- ❖ **Examine the legal distinction between the de-registration and de-recognition of political parties in India. Should the Election Commission**

of India be empowered to de-register political parties for repeated violations of the Model Code of Conduct? (250 words)

- ❖ "In the absence of de-registration powers, the Election Commission remains a toothless tiger." Critically evaluate in the context of electoral accountability and electoral reforms in India. (250 words)

Private Member's Bill (PMB)

GS Paper II – Polity and Governance | Parliamentary Procedures

Why in News?

According to a report by PRS Legislative Research, the space for private members' bills in both Houses of Parliament has significantly diminished in recent years, raising concerns about participatory lawmaking in Indian democracy.

What is a Private Member's Bill?

- **Definition:** A Private Member is any Member of Parliament (MP) who is not a Minister (whether elected or nominated). A bill introduced by such a member is referred to as a Private Member's Bill.
- **Objective:** PMBs provide MPs an opportunity to introduce legislation independently of the government, thereby enhancing the representational and deliberative function of Parliament.
- **Procedure:**
 - A **one-month notice** must be given before introduction.
 - **Permission of the Presiding Officer** is required (Speaker in Lok Sabha, Chairman in Rajya Sabha).
 - **Allotted Time:**
 - **Lok Sabha:** Last two-and-a-half hours of every Friday.
 - **Rajya Sabha:** Every alternate Friday from 2:30 PM to 5:00 PM.
 - **First PMB passed:** Muslim Wakfs Bill, 1952 introduced by Syed Mohammed Ahmad Kasmi.

Significance of Private Member's Bills

- **Policy Innovation:** PMBs allow MPs to highlight unaddressed societal issues or propose novel solutions. **Example:** *Right to Disconnect Bill, 2019* proposed the right of employees to disengage after work hours.
- **Catalyst for Government Legislation:** Many government bills have their roots in earlier PMBs. **Example:** *The Rights of Transgender Persons Bill, 2014* paved the way for the government's 2019 version.
- **Democratic Expression:** They allow MPs to express views independent of party lines, especially as they are not subject to the anti-defection law.

- **Government Accountability:** PMBs allow Parliament to act as a check on the Executive by offering alternative legislative frameworks.

Why Are PMBs in Decline?

- **Frequent Disruptions:** Repeated adjournments and unproductive sessions severely curtail the already limited time allocated for PMBs.
 - **Data Point:** In the 17th Lok Sabha (2019–24), 729 PMBs were introduced in Lok Sabha, but only 2 were discussed.
- **Procedural Bottlenecks:**
 - Limited discussion time (only a few hours a week).
 - Dependence on Speaker/Chairman's discretion to list or admit bills.
- **Resource Constraints:** Private MPs lack access to legal, technical, or policy research support, making it harder to draft quality bills.
- **Poor Track Record of Passage:**
 - Only 14 PMBs have become law since independence.
 - The last successful PMB was passed in **1970** (The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act).
- **Government Dominance:** The Executive often monopolizes legislative time and agenda, sidelining PMBs.

Way Forward:

- **Protecting Allocated Time:**
 - Amend Rules of Procedure to ensure PMB hours cannot be overridden.
 - Mandate at least one PMB to be taken up for discussion per session.
- **Enhancing Research & Drafting Capacity:**
 - Create a *Parliamentary Research Service* or provide access to subject matter experts, similar to the UK's Public Bill Office.
- **Review and Prioritisation Mechanism:**
 - Establish a standing committee to screen PMBs based on constitutionality, social relevance, and public interest.
- **Adopting Global Best Practices:**
 - Implement the *UK's 10-Minute Rule* to allow MPs to briefly present bill ideas and promote structured, time-efficient proposals.

None of the Above (NOTA) – Electoral Rejection Mechanism in India

GS Paper II – Polity and Governance | Electoral Reforms

Context:

In the 2024 Lok Sabha elections, **Indore constituency witnessed more than 2 lakh voters selecting the NOTA (None of the Above) option**, outnumbering even the runner-up candidates. This event has sparked a fresh debate on the **legal, electoral, and moral significance of NOTA** in Indian democracy.

What is NOTA?

- **None of the Above (NOTA)** is an electoral option that enables a **voter to reject all candidates** contesting an election in a constituency.
- It represents a **formal expression of dissent** or disapproval, allowing voters to **register their dissatisfaction** with the available choices.
- It ensures that the right to **vote also includes the right not to vote for any candidate**.

Legal Evolution of NOTA in India:

PUCL vs. Union of India (2013)

- The Supreme Court, in this landmark judgment, directed the **Election Commission of India (ECI)** to introduce the NOTA option in EVMs.
- The Court held that:
 - The **right to secrecy** in voting under Article 19(1)(a) implies a right to **cast a negative vote**.
 - NOTA promotes **democratic values** by giving voters a platform to express dissatisfaction.
 - It may eventually force political parties to field **cleaner and more deserving candidates**.

Implementation Timeline:

- First introduced: **2013 Assembly elections** (Chhattisgarh, Mizoram, Rajasthan, Delhi, Madhya Pradesh)
- First used in General Elections: **2014 Lok Sabha elections**

How NOTA Works?

- The **NOTA option appears as the last entry** on the Electronic Voting Machine (EVM).
- Once a voter presses the NOTA button, the vote is registered but counted separately.
- **Symbol:** A black ballot paper with a white outline of a cross.

What Happens If NOTA Gets the Highest Votes?

- **Current Legal Position:**

- Even if NOTA secures the **highest number of votes**, the **candidate with the next highest number of valid votes** is declared elected.
- **NOTA has no electoral value or binding impact** under the Representation of the People Act (RPA), 1951.

- **Implications:**

- **Symbolic protest:** It only serves as a signal of voter dissatisfaction.
- **No mandatory re-election:** The election result stands valid.

International Experience:

Countries like **France, Brazil, Belgium, Sweden, and Finland** also have provisions for blank or protest votes. However, their **legal and electoral consequences vary**. For example:

- In **Brazil**, if more than 50% of votes are null/blank, re-election may be considered.
- In **India**, NOTA has **no such triggering effect** yet.

State-Level Innovations:

Some State Election Commissions (SECs) have gone a step further:

Treating NOTA as a 'Fictional Candidate'

- **Maharashtra, Haryana, Delhi, Puducherry, and Chandigarh** have provisions at the **local body level**.
- If **NOTA receives more votes** than any candidate:
 - **Fresh elections are held.**
 - All previous candidates are barred from re-contesting in the re-election.

These are **administrative innovations** by SECs and not applicable to **Parliamentary or State Assembly elections**.

Rationale Behind NOTA:

Benefits	Concerns
Upholds freedom of choice and democratic expression	Has no legal impact on the outcome
Encourages parties to field better, cleaner candidates	Voters may be disillusioned due to the lack of consequences
Promotes political awareness and engagement	Could lead to voter apathy if not followed by reform

Acts as a pressure tool for internal party reforms	May split protest votes , helping unpopular candidates win
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NOTA and the Election Commission of India (ECI):

Constitutional Status:

- Established under **Article 324** of the Constitution.
- A **permanent, independent constitutional body**.
- Responsible for conducting elections to:
 - Parliament**
 - State Legislatures**
 - President and Vice President**
 - Does **not oversee local body elections** (handled by SECs)

Composition:

- A **three-member body**: Chief Election Commissioner (CEC) and two Election Commissioners (ECs)

Appointment and Tenure

- Appointed by the **President of India**
- Recent law mandates selection by a **committee**: Prime Minister, Leader of Opposition in Lok Sabha, and a Union Cabinet Minister.
- Term: **6 years** or until age **65**, whichever is earlier

Related Constitutional Provisions

Article	Provision
Article 324	Powers of ECI to supervise, direct, and control elections
Article 325	No discrimination in electoral rolls
Article 326	Universal Adult Franchise
Article 327	Parliament's power to legislate on elections
Article 328	State legislature's power to legislate on elections

Debate: Should NOTA Have Legal Consequences?

Arguments in Favour of Binding NOTA

- Strengthens **electoral accountability**
- Prevents **unpopular candidates** from winning by default
- Can compel political parties to **field better candidates**

Arguments Against

- May lead to **frequent re-elections** and election fatigue
- Potential for **voter misuse or confusion**
- Operationally **complex and expensive**

Way Forward

1. **Legislate NOTA Consequences:** Amend the RPA, 1951 to give **binding value** to NOTA in certain cases.
2. **Candidate Reforms:** Political parties should be required to **withdraw disqualified or criminal candidates** if NOTA crosses a threshold.
3. **Voter Awareness:** Strengthen **electoral literacy** campaigns to encourage informed participation.
4. **Law Commission Recommendations:** The Law Commission can examine the **feasibility and implications** of making NOTA binding.
5. **Judicial Interpretation:** Courts could clarify whether a NOTA majority could be seen as **lack of mandate**.

UPSC Mains Practice Questions

- ❖ "The introduction of NOTA has democratized voter dissent but failed to translate into electoral reform." Critically examine. (250 words)
- ❖ Should the NOTA option in Indian elections be made binding? What would be the implications of such a change? (250 words)

PLACES OF WORSHIP ACT, 1991

GS Paper II – Polity and Governance | Secularism and Communal Harmony

Context:

- The **Supreme Court** recently barred civil courts from entertaining new suits concerning title and ownership of religious places, citing the relevance of the **Places of Worship (Special Provisions) Act, 1991**.
- This directive comes amidst growing demands for surveys and re-litigation of historical religious sites like **Gyanvapi** and **Mathura**.

Background and Purpose:

- Enacted in 1991 during the **P.V. Narasimha Rao government**, the Act aims to:
 - **Preserve the religious character** of places of worship as they existed on **August 15, 1947**.
 - **Prevent communal conflict** by halting retrospective claims on religious sites.
 - Legally uphold the **secular nature** of the Indian state.

Key Provisions:

1. Section 3 – Prohibition of Conversion

- Prohibits changing the **religious character** of a place of worship from one faith to another or even between denominations (e.g., Shia-Sunni).

2. Section 4 – Freezing Religious Status

- The religious status of a place as on **15 August 1947** is considered final.
- **Pending cases** on such conversions are to be **abated**.

3. Section 4(3) – Exceptions

- The Act does **not apply** to:
 - Ancient monuments under the **Archaeological Monuments Act (1958)**.
 - Cases already **settled by courts** before 1991.
 - **Mutual agreements** reached before the Act.
 - **Time-barred conversions** not legally challengeable.

4. Section 5 – Ayodhya Exemption

- The **Ram Janmabhoomi-Babri Masjid** site is specifically **exempted** from this law, allowing continued litigation.

5. Section 6 – Penal Provisions

- **Punishment:** Up to **3 years imprisonment, fine, or both** for violations (e.g., attempting to alter a site's religious character).

Significance:

- **Constitutional Morality:** Reinforces secularism as a core feature of the Constitution.
- **Communal Harmony:** Prevents politicization of historical grievances.
- **Judicial Backing:** Upheld in the **2019 Ayodhya judgment** as a “legislative tool to uphold constitutional values”.
- **Legal Certainty:** Provides closure to ancient disputes, ensuring peace and rule of law.

Criticism:

1. Locks Historical Wrongs

- Critics argue it freezes **colonial and medieval injustices**, especially forced conversions or temple desecrations.

2. Limits Access to Justice

- The bar on judicial review may conflict with **Articles 32 and 226**, affecting the basic structure doctrine.

3. Exemption to Ayodhya

- Seen as **selective** and undermining the neutrality of law.

4. Ambiguous Definitions

- The Act does **not clearly define** what constitutes a “place of worship,” leading to **implementation challenges**.

Model UPSC Mains Question

- ❖ “The Places of Worship (Special Provisions) Act, 1991 is a legislative embodiment of India’s secularism. Yet, it faces challenges in its implementation and public acceptance.” Critically analyse. (250 words)

IMPEACHMENT OF JUDGES IN INDIA**Context:**

Recently, opposition MPs in Rajya Sabha proposed to initiate an impeachment motion against **Justice Shekhar Kumar Yadav** of the **Allahabad High Court**, alleging misconduct — reviving focus on the rarely used mechanism of judicial removal in India.

Constitutional Provisions

- **Article 124(4):** Deals with the procedure for removal of **Supreme Court judges**.
- **Article 217 read with 218:** Applies the same process to **High Court judges**.
- Judges can be removed only on two grounds:
 - **Proven Misbehaviour**
 - **Incapacity**
- The power of removal is vested with the **President**, after both Houses of **Parliament pass a motion** with a **special majority**.

Legal Framework: Judges (Inquiry) Act, 1968**Step-by-Step Impeachment Process:**

1. **Initiation:**
 - Motion must be signed by **at least 100 Lok Sabha MPs** or **50 Rajya Sabha MPs**.
 - Submitted to the **Speaker (LS)** or **Chairman (RS)**.
2. **Admittance:**
 - The presiding officer **may admit or reject** the motion.
3. **Inquiry Committee Formation** (if admitted):
 - **One Supreme Court judge** (usually CJI)
 - **One High Court Chief Justice**
 - **One eminent jurist**
4. **Investigation:**
 - The committee probes allegations and submits its report.

5. Parliamentary Vote:

- If the judge is **found guilty**, the motion is introduced in **both Houses**.
- Requires a **special majority**:
 - **Majority of total membership**
 - **2/3rd of members present and voting**

6. Presidential Order:

- Upon approval by both Houses, the **President signs the order** for removal.

Impeachment Attempts So Far:

- **Six attempts** in independent India; **none successful**.
 - **Justice V. Ramaswami (1993)**: Found guilty, but motion failed in Lok Sabha.
 - **Justice Soumitra Sen (2011)**: Motion passed in Rajya Sabha; resigned before Lok Sabha vote.
 - Others: Justice S. N. Shukla (2021), Justice P. D. Dinakaran, etc.

Challenges in Judicial Impeachment:

- **High Threshold**: Requires special majority in both Houses.
- **Political Hesitation**: Lack of political will to act against judiciary.
- **Judicial Independence vs. Accountability**: Fear of undermining judicial independence.
- **Lengthy and Complex Process**.

Way Forward:

- **Strengthen Judicial Accountability Mechanisms**: Judicial Standards and Accountability Bill (proposed but lapsed) needs revival.
- **Institutional Reforms**: Judicial complaints commissions to filter frivolous complaints.
- **Transparent Reporting**: Reports of inquiry committees should be made public.
- **Ethical Code of Conduct**: Enforceable by internal judicial councils.

Model UPSC Mains Question

- ❖ "Though the Constitution provides a robust mechanism for judicial accountability, the process of impeachment is rarely successful. Examine the challenges and suggest reforms." (250 words)

INDIA INTERNET GOVERNANCE FORUM (IIGF)

Context:

IIGF 2024 was held in New Delhi, supported by the Ministry of Electronics and IT (MeitY) and NIXI. It brought together multiple stakeholders to discuss internet policy under the theme “Innovating Internet Governance for India”.

What is IIGF?

- India's national platform aligned with the UN Internet Governance Forum (IGF).
- Established in 2021.
- Encourages dialogue among government, civil society, academia, and industry.
- Promotes safe, inclusive, and democratic use of the Internet.

Key Objectives:

1. Democratize Internet Policy-making
2. Enhance Cybersecurity Frameworks
3. Ensure Digital Inclusion and Accessibility
4. Discuss Emerging Tech (AI, Quantum, IoT)
5. Promote Trust, Privacy, and Data Protection

Organizational Structure:

- Guided by a 14-member Multi-Stakeholder Committee including:
 - MeitY
 - National Internet Exchange of India (NIXI)
 - Academic institutions, private players, NGOs

UN Internet Governance Forum (UN IGF):

Origin and Mandate:

- Origin: 2005 Tunis Agenda (World Summit on the Information Society)
- Established in 2006 under the UN Secretary-General.
- Mandate extended multiple times, now up to 2025.

Nature:

- Non-decision-making body
- Promotes discussion, capacity-building, best practices

Key Themes:

- Cybersecurity
- Data Sovereignty
- Digital Rights and Access
- Role of AI and Emerging Tech

Recent Highlights:

- **19th UN IGF (2024):** Held in **Riyadh**, Saudi Arabia.
 - Theme: *"Building Our Multi-Stakeholder Digital Future"*
- Emphasized digital trust, inclusive development, and responsible tech innovation.

Importance for India:

- **Digital Public Infrastructure (DPI)** like Aadhaar, UPI, CoWIN now globally recognized.
- IIGF provides a **forum to project India's model of Digital Democracy**.
- Helps counter global narratives dominated by tech giants and developed nations.
- A platform to **shape global digital governance norms**.

Way Forward:

- Strengthen representation of **rural voices and small businesses**.
- Link discussions with **National Cybersecurity Policy and Digital India Mission**.
- Promote **regional IIGFs** to make it grassroots-driven.
- Ensure follow-through on policy recommendations via MeitY and regulators.

Model UPSC Mains Question

- ❖ "The Internet Governance Forum reflects a growing recognition that digital policy must be multi-stakeholder in nature. Evaluate the role of the India IGF in advancing digital sovereignty and inclusion." (250 words)

OVERSEAS CITIZEN OF INDIA (OCI)**Context:**

Recently, the Ministry of External Affairs clarified that **OCI cardholders** have not been reclassified as foreigners, putting to rest speculation and confusion. The notification reaffirmed that the **rules and rights associated with OCI status remain unchanged**.

What is the OCI Card Scheme?

- Launched under the **Citizenship (Amendment) Act, 2005**.
- Provides a **life-long visa and residency rights** in India for foreign nationals of Indian origin.
- OCI is **not dual citizenship**, but a form of **permanent residency with limited rights**.

Eligibility for OCI Registration:

A foreign national (excluding Pakistan and Bangladesh) is eligible if they:

- Were a **citizen of India on or after 26th January 1950**.
- Belonged to a territory that became part of India after 15th August 1947.
- Are a **child, grandchild, or great-grandchild of an Indian citizen**.
- Are a **minor child of persons eligible above**.
- Are a **spouse of Indian citizen or OCI holder** with marriage registered and subsisting for **at least two years**.

Note: Foreign military personnel (active or retired) are **not eligible** for OCI.

Benefits of OCI Cardholders:

- **Multiple entry, multi-purpose, life-long visa** to visit India.
- **No requirement of police registration** irrespective of the length of stay.
- **Parity with NRIs in:**
 - Financial investments
 - Real estate (except agricultural land)
 - Educational and economic opportunities

Restrictions on OCI Cardholders:

1. **No Political Rights:**
 - Cannot **vote**, contest elections, or hold public offices such as:
 - President, Vice-President, Governor, PM, CM
 - Judges of SC and HCs
 - MPs or MLAs
2. **Employment Restrictions:**
 - Cannot be appointed to **public services** under Article 16, unless notified by the Central Government.
3. **Special Permissions Required For:**
 - Research activities
 - Missionary work
 - Mountaineering expeditions
 - Journalism
 - Entry into Restricted/Protected Areas
4. **Property Restrictions:**
 - Cannot purchase **agricultural or plantation land**.

OCI vs Dual Citizenship:

- OCI does **not** grant dual nationality.
- India does **not** allow dual citizenship as per Article 9 of the Constitution.

Cancellation of OCI Status (Section 7A of the Citizenship Act):

Can be revoked if:

- Acquired through **fraud or concealment**.
- Has shown **disaffection toward the Constitution**.
- Involved in **espionage, enemy trade, or anti-India activities**.
- Convicted of a **criminal offence** with imprisonment of 2+ years within 5 years of registration.
- Is a threat to **sovereignty, public order, or foreign relations**.

Model UPSC Mains Question:

- ❖ "Overseas Citizenship of India (OCI) is a unique legal category that balances national sovereignty with global diaspora engagement. Critically evaluate the provisions and limitations of the OCI scheme in this context."
(250 words)

‘SOCIALIST’ AND ‘SECULAR’ IN THE PREAMBLE**Context:**

The Supreme Court recently **dismissed petitions challenging the constitutional validity** of the insertion of the words ‘Socialist’ and ‘Secular’ into the Preamble by the **42nd Constitutional Amendment (1976)**, reinforcing their position as integral components of the Constitution’s basic structure.

What is the Preamble?

- **Introductory statement** to the Constitution.
- **Declares the source** of constitutional authority: “*We, the People of India...*”
- Reflects **philosophy, goals, and objectives** of the Constitution.
- Derived from the **Objective Resolution** moved by **Jawaharlal Nehru** in 1946–47.
- Adopted on **26th November 1949**.

Amenability of the Preamble:

- In **Kesavananda Bharati (1973)**, SC ruled that:
 - Preamble is part of the Constitution.
 - It **can be amended** under **Article 368**.
 - However, amendments must not alter the **basic structure**.

42nd Amendment (1976): The 'Mini Constitution'

- Introduced under the **Emergency period** during Indira Gandhi's rule.
- Inserted:
 - **"Socialist"**
 - **"Secular"**
 - **"Integrity"**
- Placed between *"Sovereign"* and *"Democratic Republic"*.

Meaning of 'Socialist' in the Indian Context:

- Not classical Marxist socialism.
- Refers to **Democratic Socialism**:
 - Emphasises **equitable distribution of resources**.
 - Permits a **mixed economy** (public + private sectors).
- Reflected in **Directive Principles of State Policy (Part IV)**:
 - **Article 38**: Promote welfare and social justice.
 - **Article 39**: Ensure equal access to resources.
 - **Article 43**: Right to work, education, and public assistance.

Meaning of 'Secular' in the Indian Context:

- Indian secularism is **inclusive and accommodative**.
- It implies:
 - **Equal respect for all religions**.
 - No official state religion.
 - Freedom of religion under **Articles 25–28**.
- Contrasts with **Western secularism**, which advocates **absolute separation** of church and state.

Constitutional Provisions Supporting Secularism:

- **Article 14**: Equality before law
- **Article 15**: Prohibition of discrimination on religious grounds
- **Article 16**: Equality in public employment
- **Article 25–28**: Religious freedoms
- **Article 29–30**: Rights of religious and cultural minorities

Significance of These Words in the Preamble:

- Act as **guiding principles** in interpreting constitutional values.
- Reinforce the **vision of inclusive governance** and **social justice**.
- Provide **moral legitimacy** to welfare policies and religious harmony.

Criticism of the Amendment:

- Inserted during **Emergency** without full democratic consensus.

- Accused of being **ideological** rather than neutral.
- Critics argue these terms were **already inherent** in the Constitution; formal mention was unnecessary.

Supreme Court's Stand (Recent Ruling):

- The Court refused to entertain PILs seeking deletion of the terms.
- It held that **basic structure doctrine is supreme**, and secularism and socialism are a **part of it**.
- Reaffirmed the **constitutional validity** of the 42nd Amendment.

Model UPSC Mains Question:

- ❖ “The inclusion of the terms ‘Socialist’ and ‘Secular’ in the Preamble to the Constitution has both symbolic and substantive implications. Critically analyse their relevance in contemporary India.” (250 words)

[DIGITIZATION OF LAND RECORDS](#)

GS Paper III – Agriculture | Infrastructure | E-Governance

Context:

The Union Minister of Rural Development recently announced that **over 95% of rural land records** have been digitized across India since 2016, under the **Digital India Land Records Modernization Programme (DILRMP)**.

About DILRMP:

- **Launched:** 2008 (as NLRMP), revamped in **2016** as DILRMP.
- **Ministry:** Department of Land Resources, Ministry of Rural Development.
- **Type:** **Central Sector Scheme** (100% funded by the Centre).
- **Objective:** To **digitize land records**, promote **conclusive land titling**, and integrate textual and spatial land information.

Key Components:

1. **Computerization of Land Records**
 - Digitizing *Records of Rights (RoR)*, *mutation records*, *cadastral maps*.
 - Integrating land records with *GIS* platforms.
2. **Modernization of Sub-Registrar Offices (SROs)**
 - Linking **SROs with tehsils** for seamless land registration and updating records.
3. **Survey/Resurvey Work**
 - Use of **drones and satellite imagery** for high-resolution digital maps.
4. **Establishment of Modern Record Rooms**
 - Physical and digital archiving of records at **Tehsil level**.

5. Training & Capacity Building

- Creation of **DILRMP cells** in administrative training institutes.

6. Project Management Units

- Set up at state and central levels for project monitoring.

7. Revenue Court Computerization (*added in 2021*)

- Integration of **revenue court case data** with land records.

8. Aadhaar Integration (*voluntary*)

- Linking ownership data with **Aadhaar** to curb benami transactions.

Importance of Digitization of Land Records:

- **Reduces land disputes** (nearly 60% of civil cases are land-related).
- Facilitates **Ease of Doing Business** via faster registration & title checks.
- Enables **credit access** through verified ownership.
- Supports **land reforms** and ensures **social justice**.
- Critical for implementing **conclusive titling** in the long run.

Challenges:

- **Land is a state subject** under List II (Entry 18 & 45), leading to implementation disparities.
- **Resistance at local levels** (land mafias, bureaucratic inertia).
- **Technology gaps** in rural areas, especially for mapping and integration.

Mains Question:

- ❖ “Digitization of land records is a critical reform for ensuring land justice in India.” Discuss the objectives, achievements, and challenges of the DILRMP. (250 words)

GRIEVANCE REDRESSAL ASSESSMENT INDEX (GRAI)

GS Paper II – Governance | Transparency & Accountability

Context:

The **GRAI 2023** was recently launched by the **Department of Administrative Reforms and Public Grievances (DARPG)** to evaluate how ministries and departments handle public grievances.

About GRAI:

- **Purpose:** To assess and **rank Ministries/Departments** on their grievance redressal systems.
- Designed following the recommendation of the **Parliamentary Standing Committee** on Personnel, Public Grievances & Pensions.

Key Features:

- Assesses performance across **89 central ministries/departments**.

- Evaluation based on 4 **broad dimensions**:
 1. **Efficiency** (speed & resolution)
 2. **Feedback** (user satisfaction)
 3. **Domain** (sectoral performance)
 4. **Organizational Commitment** (infrastructure, staffing, policy)
- Supported by 11 **performance indicators**.

Significance:

- Promotes **transparency** and **citizen-centric governance**.
- Enables **data-driven policy improvements** in grievance handling.
- Aligns with the spirit of **Digital India** and **responsive governance**.

Challenges:

- Grievances often remain **unaddressed or closed without resolution**.
- **Lack of capacity and manpower** in nodal grievance cells.
- **Poor grievance escalation mechanisms** in many departments.

Model UPSC Mains Question:

- ❖ “Grievance redressal mechanisms must evolve from being reactive to being proactive and transparent.” Evaluate in light of GRAI 2023. (150 words)

CIVIL REGISTRATION SYSTEM (CRS) & MOBILE APP

GS Paper II – Welfare Schemes | Population & Demographics | E-Governance

Context:

The Union Home Minister launched the CRS mobile app, allowing citizens to register **births and deaths** digitally.

About CRS:

- CRS is governed by the **Registration of Births and Deaths Act, 1969**.
- It ensures **compulsory, permanent, and universal registration** of:
 - **Births**
 - **Deaths**
 - **Stillbirths**
- Implemented by the **Registrar General and Census Commissioner of India** under the **Ministry of Home Affairs**.

2023 Amendments:

- From **October 1, 2023**, it is mandatory to **digitally register births and deaths**.
- **Central portal** to serve as the **single source of truth** for:
 - Date of birth (school admissions, Aadhaar)
 - Death certificates

- Updating electoral rolls, property titles, etc.

CRS Mobile App Features:

- Enables **self-registration** from anywhere in the **official language** of the state.
- **Improves convenience**, reduces dependency on municipal visits.
- **Links data to NPR**, electoral rolls, ration cards, etc.

Significance:

- Streamlines delivery of **public services**.
- Reduces **corruption and delays** in certification.
- Supports **national security and planning** via updated NPR.

Challenges:

- **Digital literacy gaps**, especially in rural areas.
- **Data privacy and security concerns**.
- **Integration issues** across different states and departments.

Model UPSC Mains Question:

- ❖ “Civil Registration System is not just a demographic tool but also a governance imperative.” Discuss the significance of the recent digital initiatives under CRS. (250 words)

Digital Personal Data Protection Act, 2023: Balancing Privacy and Governance in the Digital Age

GS Paper II – Governance | Fundamental Rights | Digital Regulation

Why in News?

The Union Government released the **draft Digital Personal Data Protection (DPDP) Rules, 2025**, which aim to operationalize the **DPDP Act, 2023**. This development signifies a pivotal moment in India’s journey towards a structured and accountable **data governance framework**.

Understanding the Digital Personal Data Protection Act, 2023

The **DPDP Act, 2023**, is a landmark legislation passed by the Parliament and received **Presidential assent on August 11, 2023**. It creates a legal framework for the **processing of digital personal data** and seeks to strike a balance between the **individual’s right to privacy** and the **legitimate need for data processing** by both private and public entities.

It draws constitutional legitimacy from **Article 21**, as upheld in the **Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)** verdict, which declared **privacy a fundamental right**.

Scope and Applicability:

Criteria	Details
Territorial Scope	Applies to personal data that is either collected online , or collected offline and subsequently digitized within the territory of India.
Extra-Territorial Jurisdiction	Applies to foreign entities if they process personal data for offering goods or services in India .
Personal Data	Refers to any data that identifies an individual directly or indirectly.
Processing	Includes collection, storage, usage, sharing, erasure , and other operations, done wholly or partly through automated or semi-automated means .

Consent and Legitimate Use:**Consent-Based Processing:**

- Data can be processed only after obtaining **explicit, informed, and revocable consent**.
- Consent must follow **prior notice** explaining the data's intended purpose.
- Consent is **withdrawable at any time**.

Legitimate Use (Consent Not Required):

- Voluntary disclosure of data by the individual.
- Government service delivery and welfare schemes.
- Emergencies like **disasters or medical conditions**.
- **Employment-related uses** such as payroll or workplace compliance.

Children's Data:

- Parental or guardian **consent is mandatory** for individuals under 18.
- Strict prohibition on:
 - **Behavioural tracking**
 - **Targeted advertising**
 - **Profiling of minors**

Rights and Duties of the Data Principal (Individual):

Rights	Duties
Right to access information about data processing	Must not file false complaints
Right to correct, complete, or erase personal data	Must not impersonate others
Right to nominate a representative in case of death or incapacity	Violation of duties may lead to a penalty of ₹10,000
Right to grievance redressal through the data fiduciary or DPB	

Obligations of Data Fiduciaries:

Data fiduciaries, i.e., entities processing personal data, must:

- Ensure **data accuracy and completeness**.
- Employ **technological and organizational safeguards** to prevent breaches.
- **Report data breaches** to both the **Data Protection Board** and the affected users.
- **Erase data** once its intended purpose is fulfilled, unless otherwise required by law.

Exception: **Government entities** are exempt from storage limitation and erasure requirements, raising concerns of disproportionate exemptions.

Significant Data Fiduciaries (SDFs):

Certain entities may be designated as **SDFs** based on:

- Volume and sensitivity of the data handled
- Potential **risk to individuals' rights**
- Implications for **national security** or **public order**

Additional Compliance for SDFs:

- **Mandatory appointment** of a **Data Protection Officer (DPO)**
- **Conducting Data Protection Impact Assessments (DPIAs)**
- **Undergoing regular compliance audits**

Exemptions Under the Act:

Certain provisions of the Act (excluding data security) **do not apply** in the following scenarios:

- **Crime prevention and investigation**
- **Legal claims and court proceedings**
- Activities concerning **national security, public order, research, archiving, and statistical analysis**, as may be exempted by the **Central Government**.

Concern: These **broad exemptions** may be misused to **undermine privacy rights**.

Cross-Border Data Transfer

- The Act allows personal data to be transferred **outside India**, except to **countries** specifically restricted by the government through **notification**.
- This represents a **departure from earlier data localization demands**, indicating India's intent to **balance digital sovereignty and global interoperability**.

Data Protection Board of India (DPBI):

An **independent adjudicatory body** constituted to enforce the provisions of the DPDP Act.

Powers and Responsibilities:

- Investigating complaints and hearing grievances
- Issuing directions to data fiduciaries
- Imposing **financial penalties** for violations
- Ensuring compliance with the Act and its rules

Structure:

- Members appointed by the Government
- **Two-year tenure**, renewable

Criticism: The Board lacks **full statutory independence**, as appointments and functioning are **executive-dependent**.

Penalties and Enforcement:

Offence	Maximum Penalty
Violation of children's data protection norms	₹200 crore
Failure to prevent personal data breach	₹250 crore
Filing false complaints or impersonation (by individuals)	₹10,000

Challenges and Criticisms:

- Lack of Statutory Independence**
 - The **Data Protection Board** lacks autonomy, risking **executive interference**.
- Sweeping Government Exemptions**
 - State can exempt itself broadly under the guise of **public order or national interest**.
- No Right to Compensation**
 - Affected individuals **cannot claim compensation**, even in cases of gross negligence.

4. Consent Fatigue

- Repeated consent prompts may lead to **mechanical approvals**, defeating the spirit of informed consent.

5. Absence of Data Localization Mandate

- Earlier drafts emphasized **storing data in India**, but the final Act lacks this requirement, raising data sovereignty concerns.

Model UPSC Mains Question (GS Paper II)

- ❖ "The Digital Personal Data Protection Act, 2023 is a long-awaited step towards safeguarding individual privacy in India. However, it raises serious concerns about state overreach and enforcement autonomy." Critically examine. (250 words)

Electoral Trusts in India: Ensuring Transparency or Masking Influence?

GS Paper II – Governance | Electoral Reforms | Corporate Funding in Politics

Why in News?

The disclosure of corporate donors under the **Electoral Bond Scheme** has reignited scrutiny of **Electoral Trusts**, many of which have already served as major conduits for corporate donations to political parties.

Understanding Electoral Trusts:

An **Electoral Trust (ET)** is a **non-profit entity** registered under the **Companies Act, 1956** and approved under the **Electoral Trusts Scheme, 2013**. It is designed to act as an intermediary that receives donations from individuals or corporate bodies and transfers them to registered political parties in a **transparent and regulated** manner.

India currently has **19 active Electoral Trusts**, with **Prudent Electoral Trust** being the largest, receiving donations from top corporates.

Legal Framework and Governance:

Component	Details
Governing Law	Electoral Trusts Scheme, 2013, issued by the Central Board of Direct Taxes (CBDT)
Registration	Electoral Trusts must be registered and approved by the CBDT to operate legally
Audit Oversight	Annual reports and records must be submitted to the Income Tax Commissioner

Transparency Clause	Trusts must maintain records of donors, recipients, contributions, and distributions
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Donations and Eligibility:

- **Permitted Contribution Channels:**
 - Only **traceable methods** are allowed: cheques, bank drafts, and electronic transfers.
 - **Cash donations are prohibited** to curb black money.
- **Eligible Donors:**
 - Any **individual or corporate entity** can contribute to a trust.

Fund Distribution Norms and Restrictions:

Provision	Requirement
Minimum Distribution	At least 95% of total contributions must be distributed to political parties annually
Spending Cap for Admin	Only up to 5% or ₹3 lakh , whichever is less, can be spent on administrative expenses
Restrictions	Cannot be used for: <ul style="list-style-type: none"> - Member or donor benefit - Electoral campaigning or political influence - Activities beyond fund transfer to political parties

Transparency and Accountability:

- Trusts must:
 - Maintain **detailed books of account**.
 - Submit **annual reports** listing all contributors and beneficiary parties.
 - Remain **subject to income tax audits** and financial scrutiny.

However, in practice, **anonymity of corporate influence** can still persist if trusts do not disclose donor-to-party mapping.

Challenges and Criticisms:

1. **Opacity Despite Regulations**
 - While designed to enhance transparency, many trusts do **not disclose the exact matching of donor to party**, making **quid pro quo** harder to trace.
2. **Corporate Dominance**
 - Most funds are routed through a **few large corporate donors**, raising concerns over **undue influence on policymaking**.

3. Lack of Public Scrutiny

- Data is **reported to CBDT**, not to the **Election Commission**, limiting **electoral oversight**.

4. Parallel to Electoral Bonds

- With both **Electoral Bonds** and **Electoral Trusts** active, corporations can choose between **two opaque routes**, diluting public accountability.

Model UPSC Mains Question (GS Paper II)

- ❖ “Electoral Trusts were introduced to ensure transparency in political funding, but they have evolved into yet another route for opaque corporate donations.” Critically discuss. (250 words)

National Anthem Controversy: Constitutional Duty or Ceremonial Custom?

GS Paper II – Polity | Fundamental Duties | Constitutional Morality

Why in News?

The **Governor of Tamil Nadu** recently walked out of the **State Assembly's opening session**, citing the **absence of the National Anthem** as a breach of national protocol, sparking debate on its constitutional status and protocol enforcement.

About the National Anthem:

Aspect	Details
Original Name	<i>Bharoto Bhagyo Bidhata</i> , written in Bengali by Rabindranath Tagore
First Sung	1911 Calcutta Session of the Indian National Congress
Adoption	Adopted as India's National Anthem by the Constituent Assembly on 24 Jan 1950
Duration	Full version: 52 seconds , Short version: 20 seconds for specific occasions

Legal and Constitutional Framework:

- **Article 51A(a)** of the Constitution:
 - Fundamental duty to respect the **National Flag**, **National Anthem**, and **Constitution**.
- **The Prevention of Insults to National Honour Act, 1971:**
 - Penalizes disrespect to the anthem with **finest or imprisonment**.

Guidelines for Playing the Anthem (MHA Protocol):

- During:
 - State and military investitures
 - Parades (e.g., Republic Day)
 - Arrival/departure of the **President, Governors, Lt. Governors**
 - Cultural and ceremonial flag-hoisting events
- **Court Precedent:**
 - The **Madras High Court** clarified that **playing the National Anthem in legislative assemblies is customary, not mandatory.**

Challenges and Observations:

- **Lack of Uniform Protocol:**
 - Different states follow **different practices** in legislative sessions.
- **No Binding Provision for Assemblies:**
 - Parliament practices anthem playing, but **no constitutional or legal mandate** exists for state legislatures.
- **Potential for Politicization:**
 - Such controversies risk **conflating procedural oversight with constitutional disrespect.**

Model UPSC Mains Question (GS Paper II)

- ❖ “Respect for national symbols like the National Anthem reflects constitutional morality, but overregulation may undermine democratic spirit.” Discuss with reference to recent controversies. (250 words)

E-Student and E-Student-X Visas: Transforming India into a Global Education Hub

GS Paper II – Governance | International Relations | Education Reforms

Context:

In a bid to promote India as a preferred global education destination, the **Ministry of Home Affairs (MHA)** has launched two **new categories of student visas** — the **E-Student Visa** and the **E-Student-X Visa** — specifically aimed at streamlining and facilitating the arrival and residence of **international students** and their **dependents** in India.

This development is aligned with India’s ambition under the **Study in India (SII)** initiative to enhance the country’s **global higher education footprint**.

Key Features of the New Student Visa Regime:**1. Visa Categories and Eligibility**

Visa Type	Purpose
E-Student	Issued to foreign students admitted to recognized Indian institutions via the SII Portal.
E-Student-X	Issued to dependents (e.g., spouse/children) of E-Student visa holders.

- **Applicable Programs:**

- Full-time Undergraduate, Postgraduate, Doctoral, and other formal degree/diploma programs.
- Offered by **SII-empaneled institutions** such as IITs, NITs, IISc, Central Universities, etc.

2. Mandatory Admission Process through the SII Portal

- Students must first **apply and receive admission** from a partner institution listed on the **Study in India (SII) Portal**.
- Only upon receiving an admission offer and **SII ID** can they proceed to apply for the E-Student Visa.
- The use of a **unique SII ID** ensures transparency and traceability throughout the student journey—from admission to visa tracking.

3. Visa Duration and Validity

- E-Student Visas are granted **up to 5 years**, in line with the course duration.
- They are **renewable/extendable** in case of extended academic programs (e.g., PhD).
- E-Student-X visas are co-terminus with the principal visa and allow **dependent stay** for the duration of the study program.

4. Application and Verification Process

- Visa applications are submitted online via indianvisaonline.gov.in.
- **Automated verification** is enabled through the **SII platform**, reducing paperwork and administrative delays.

About the Study in India (SII) Portal:

- A flagship initiative by the **Ministry of Education**, designed to:
 - **Promote India** as a global higher education destination.
 - Centralize the **admissions, scholarship, and visa** application process.
 - Offer more than **2600+ courses** across disciplines such as:

- Engineering, Law, Management, Humanities, Sciences, Paramedical, Buddhist Studies, Yoga, etc.
- Over **160+ premier institutions** including IITs, NITs, IISc, and **Central Universities** are part of the platform.

Significance of the Initiative:

1. Boosting India's Soft Power

- Attracting international students contributes to **India's cultural diplomacy** and **people-to-people relations**, especially with countries in Africa, South Asia, and ASEAN.
- Strengthens India's global identity as an **inclusive, knowledge-based economy**.

2. Enhancing Higher Education Internationalization

- Aligns with the **National Education Policy (NEP) 2020** goal of making Indian universities globally competitive.
- Increases **cross-border student mobility** and contributes to **academic diversity and revenue generation** for institutions.

3. Streamlining Governance and Technology Integration

- **Digital-first governance** via the SII portal introduces **transparency**, minimizes fraudulent admissions, and ensures real-time tracking of student status.
- Reflects **Minimum Government, Maximum Governance** in visa policy design.

4. Economic and Geostrategic Impact

- International student inflows contribute to:
 - **Service sector growth** (housing, tourism, education).
 - **Skill diplomacy** and long-term goodwill with foreign professionals and leaders educated in India.

Challenges and Areas for Improvement:

Issue	Concern
Infrastructure readiness	Not all SII institutions have adequate hostel, faculty, or support services .
Regional imbalance	Most international admissions are concentrated in metro institutions .
Policy harmonization	Coordination is needed between MEA, MHA, MoE, and State Governments .

Dependents' rights unclear	The scope of activities (work/study) for E-Student-X visa holders is not defined.
Need for global awareness	The SII brand lacks international visibility compared to platforms like EduCanada or Australia's TAFE .

Model UPSC Mains Question (GS Paper II)

- ❖ "India's new visa framework for international students reflects a strategic shift in higher education diplomacy. Examine its features, challenges, and scope for reform." (250 words)

Entity Locker: A Step Towards Digital Empowerment of Enterprises

GS Paper II/III – Governance | E-Governance | MSME Reforms | Paperless Economy

Context:

In line with the **Digital India** mission, the **National e-Governance Division (NeGD)** under the **Ministry of Electronics and Information Technology (MeitY)** has launched the **Entity Locker**, a digital storage and document verification platform specifically tailored for **corporate entities, MSMEs, and organizations**.

This platform is an institutional extension of the widely used **DigiLocker** for individuals, aiming to **streamline documentation, enhance trust in digital records**, and facilitate ease of doing business in India.

What is Entity Locker?

The **Entity Locker** is a **cloud-based document management system** that enables registered organizations—such as **companies, cooperatives, partnerships, NGOs, and MSMEs**—to **securely store, access, digitally sign, and share official documents** electronically. It functions similarly to DigiLocker but is **custom-built for enterprises**.

Key Features of Entity Locker:

Secure Digital Document Repository (Up to 10 GB):

- Organizations can digitally store critical documents such as:
 - **Registration certificates**
 - **Tax returns (GST, ITR)**
 - **Audit reports and board resolutions**
 - **Insurance papers and financial statements**
- Documents are **linked directly to government databases** ensuring **authenticity and tamper-proof integrity**.

Entity Authentication Mechanism:

- The platform ensures only legitimate entities can register by verifying credentials through:
 - **Corporate Identifiers:**
 - CIN (Corporate Identification Number)
 - DIN (Director Identification Number)
 - PAN (Permanent Account Number)
 - **MSMEs:** Verified using **Udyam Registration** via the Ministry of MSME.
 - **NGOs and Cooperatives:** Verified via their registration records in relevant databases.

Enterprise Vault:

A **dedicated digital vault** within the Entity Locker allows:

- **Secure archival** of organizational documents.
- **Digital signatures** on critical documents like:
 - Board meeting resolutions
 - MOUs
 - Compliance documents
 - Annual filings

This improves **data integrity**, **legal reliability**, and allows **real-time sharing** with regulatory bodies or partners.

Applications and Use Cases:

Entity Locker has several real-world applications that enhance administrative efficiency:

Application	Purpose
Vendor Verification	On government procurement platforms (GeM), GSTN, or MCA tendering portals.
MSME Loan Facilitation	Expedites loan approvals via ready access to tax and financial documents.
FSSAI and Other Regulatory Compliance	Ensures easy access to food safety and compliance documentation .
Corporate Governance	Simplifies annual filings , audits, and statutory record maintenance.

Role-Based User Management:

- A **primary account holder** (e.g., Director or Proprietor) can:
 - Delegate document access to **authorized employees or auditors**.

- Monitor and control access to sensitive files.
- Maintain logs of file sharing, access, and digital signing.

This promotes **data security** and **internal governance transparency**.

Promotion of Paperless Governance:

Entity Locker reduces the administrative burden by:

- Minimizing paperwork in government, legal, and financial procedures.
- Lowering compliance costs, especially for **resource-constrained MSMEs**.
- Accelerating **turnaround times** for approvals and clearances.

Relevance and Significance:

1. Supporting MSMEs and Ease of Doing Business

- MSMEs often struggle with paperwork in government schemes and loan applications.
- Entity Locker provides a **digital compliance ecosystem**—fostering **formalization** and easier access to institutional support.

2. Interoperability and Digital Governance

- Seamless integration with **DigiLocker**, **GSTN**, **MCA21**, and **Udyam Portal** ensures:
 - **Single source of truth**
 - Elimination of document duplication
 - Faster regulatory responses

3. Legal and Compliance Readiness

- By enabling **digitally signed, timestamped documents**, Entity Locker supports:
 - **Audits**
 - **Tax scrutiny**
 - **Statutory filings**
 - **Litigation and dispute resolution**

Challenges and Concerns:

Challenge	Explanation
Digital Literacy Gaps	Many small businesses may not be aware or trained to utilize such platforms.
Cybersecurity Risks	While secure, centralized document storage can be a target for data breaches .
Limited Adoption	Voluntary nature of adoption might restrict its effectiveness unless incentivized.

Awareness among Regulators	Some regional regulators and banks may still demand physical documentation.
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UPSC Mains GS Paper II Model Question

- ❖ “Entity Locker is a transformative tool in India’s digital governance architecture, especially for MSMEs. Discuss its features, relevance, and challenges in promoting ease of doing business.” (250 words)

Article 371A — Special Status for Nagaland

Context:

A political party in Meghalaya has proposed applying Article 371 provisions to their state, inspired by Nagaland’s autonomy under Article 371A, aiming to lift the 2014 ban on rat-hole mining.

Background:

- **Article 371A** was introduced by the **13th Constitutional Amendment Act, 1962**.
- It grants **special autonomous status** to Nagaland, carved out of Assam in 1963, following the **16-Point Agreement** between the Naga People’s Convention and the Government of India.
- Purpose: Protect and preserve **tribal customs, land ownership, and governance autonomy**.

Key Provisions:

1. Exemption from Parliamentary Laws:

- Acts of Parliament **do not apply to Nagaland** in the following matters **unless approved by the State Legislative Assembly**:
 - Religious and social practices of the Naga people.
 - Naga customary laws and procedures.
 - Administration of civil and criminal justice based on customary laws.
 - Ownership and transfer of land and its resources.

2. Governor’s Special Powers:

- The Governor has **special responsibility over law and order** while internal disturbances caused by hostile Naga factions persist.
- In such cases, the Governor can act **independently** (consulting the Council of Ministers but his decision is final).
- This special power lasts **until revoked by the President**.
- The Governor also ensures **Central funds are used only for their intended purposes** within the state legislature.

Significance:

- Article 371A exemplifies a unique model of **constitutional autonomy** balancing tribal identity and state governance.
- It underscores respect for **indigenous customs and land rights**.
- It provides the Governor with **extra powers to maintain peace** during times of conflict.

Electronic Personnel License (EPL)**Context:**

The Civil Aviation Ministry recently launched the Electronic Personnel License (EPL) for pilots, making India the second country after China to implement this digital pilot licensing system.

About Electronic Personnel License (EPL):

Aspect	Details
Definition	Digital pilot licensing system replacing traditional paper licenses with secure digital authentication.
Purpose	To make pilot licensing faster, safer, transparent, and reduce fraud.
Access	Pilots can access their license via the eGCA Mobile App anytime, anywhere.
Launch	Introduced by India's Ministry of Civil Aviation recently.

Key Highlights of EPL:

- **Fraud Prevention:** Prevents fake pilot license scandals by enabling real-time license verification.
- **Ease of Use:** Provides pilots quick and secure access to licenses digitally.
- **Global Compliance:** Aligns with ICAO Amendment 178 promoting electronic licensing for aviation security.

About International Civil Aviation Organization (ICAO):

- A UN agency established in 1947 under the Chicago Convention (1944) for safe and orderly international air travel.
- Headquartered in Montreal, Canada, with 193 member states including India (Council Member).
- Governing bodies: Assembly, Council, Air Navigation Commission, Secretariat.
- ICAO promotes global standards for aviation safety, security, and environmental protection.

Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA):

- Initiated by ICAO in 2016 to stabilize net CO₂ emissions from international aviation at 2020 levels.
- It offsets emission growth beyond the baseline using market-based measures.
- Applies only to international flights; domestic flights managed under the Paris Agreement by UNFCCC.

Model UPSC Mains Question (GS Paper II):

- ❖ “Discuss the significance of the Electronic Personnel License (EPL) in enhancing aviation security and regulatory compliance in India. How does it align with international aviation standards?” (250 words)

President's Rule

Context:

President's Rule was recently imposed in Manipur under **Article 356** of the Indian Constitution following the resignation of Chief Minister N. Biren Singh. This constitutional provision allows the central government to take direct control of a state in case of governance failure.

About President's Rule:

Aspect	Details
Definition	President's Rule, also called State Emergency or Constitutional Emergency, refers to the suspension of a state government's functioning and the imposition of direct central rule under Article 356 of the Constitution.
Purpose	It is invoked to maintain constitutional governance when the state machinery fails due to political instability, law and order breakdown, hung assembly, or inability to form a government.
Constitutional Provisions	The key constitutional provisions governing President's Rule include: <ul style="list-style-type: none"> - Article 355: Obligation of the Union to protect states from external aggression and internal disturbances. - Article 356: Allows President to take over a state's governance when the state government cannot function according to constitutional provisions.

	<p>- Article 357: Parliamentary authority to legislate on behalf of the state during President's Rule.</p> <p>- Article 365: Details consequences if a state fails to comply with Union directives.</p>
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Grounds for Imposition:

1. **Breakdown of Constitutional Machinery:** When the President is satisfied that the governance of a state cannot be carried out according to the Constitution, usually due to political instability, failure to elect a leader, or breakdown of law and order. This is the primary ground under Article 356.
2. **Failure to Comply with Union Directives:** Under Article 365, if a state government refuses or fails to comply with Union government directives, it may lead to President's Rule.

Common Circumstances for Imposition:

- **Hung Assembly:** No party or coalition has a clear majority to form government.
- **Resignation of Ministry:** The ruling party or coalition resigns, and no alternative government can be formed.
- **Disregard for Constitutional Directions:** The state government defies constitutional mandates or Central directives.
- **Internal Subversion or Law and Order Breakdown:** Violence, insurgency, or failure to maintain public order that threatens state stability.

Parliamentary Approval & Duration:

- The **President's proclamation** imposing President's Rule must be approved by **both Houses of Parliament within two months**.
- Initially, the rule lasts for **6 months**.
- It can be extended every 6 months, **up to a maximum of 3 years**, subject to parliamentary approval.
- Extensions beyond **1 year** are permitted only under specific conditions:
 - A **National Emergency** is in operation, or
 - The **Election Commission certifies that elections cannot be held** in the state.
- The **President can revoke** President's Rule at any time without needing parliamentary approval.

Impact on Governance:

- The **President assumes executive powers** in the state.
- The **Governor administers the state** on behalf of the President.

- The **State Legislative Assembly** is either **suspended or dissolved**.
- The **parliament** assumes **legislative powers** over the state (under Article 357).
- Parliament passes **state bills and budgets** during this period.
- The **President can promulgate ordinances** for the state when Parliament is not in session.
- The **judiciary (especially High Courts)** continues to function normally.

Judicial Safeguards and Important Supreme Court Judgments:

1. **S.R. Bommai vs Union of India (1994):** This landmark judgment established that the imposition of President's Rule under Article 356 is **subject to judicial review**. The court held that:
 - The **President's satisfaction is not absolute** and can be questioned.
 - Misuse or arbitrary imposition of President's Rule amounts to violation of federal principles.
 - Courts can examine whether the constitutional machinery has genuinely broken down.
2. **Rameshwar Prasad Case (2006):** The Supreme Court ruled that the **recommendation for imposing President's Rule must be based on objective and valid grounds, and not motivated by political considerations**. This ruling strengthens democratic safeguards and ensures transparency.

Significance & Federal Balance:

- **Federalism:** President's Rule reflects the quasi-federal nature of the Indian Constitution where the Centre has limited powers to intervene in states, ensuring unity but respecting state autonomy.
- **Checks and Balances:** Parliamentary approval and judicial review act as checks against misuse of Article 356.
- **Emergency Powers:** While necessary for stability, these powers must be used cautiously to protect democracy.
- **Political Stability:** Provides a constitutional mechanism to handle crises in state governance.

Model UPSC Mains Question (GS Paper II):

- ❖ "Examine the constitutional provisions and judicial safeguards relating to the imposition of President's Rule in India. How do these provisions ensure federal balance?" (250 words)

WAQF (AMENDMENT) ACT, 2025**Context:**

The Indian Parliament recently passed the **Waqf (Amendment) Bill, 2025**, reintroduced as the **UMEED Act** (Unified Waqf Management, Empowerment, Efficiency, and Development Act). This amendment brings significant reforms in the management and regulation of Waqf properties in India.

What is Waqf?

- **Waqf** is an Islamic religious and charitable endowment, where a Muslim donor (called **Wāqif**) permanently donates property or assets for public welfare or religious purposes like mosques, schools, hospitals, etc.
- A defining feature is **inalienability**: Waqf property cannot be sold, gifted, or inherited. It is dedicated to God, symbolizing eternal welfare.
- Waqf property in India is vast—approximately **8.72 lakh properties**, covering over **38 lakh acres**. Nearly half of these are "Waqf by user."

Waqf Structure:

- **Wāqif**: Donor who creates the Waqf.
- **Mawqūf ‘Alayh**: Beneficiaries who benefit from the Waqf.
- **Mutawalli**: Trustee who manages the Waqf property.

Key Amendments under UMEED Act, 2025:

Feature	Waqf Act, 1995	Waqf (Amendment) Act, 2025 (UMEED Act)
Name of Act	Waqf Act, 1995	Unified Waqf Management, Empowerment, Efficiency, Development Act, 2025
Formation of Waqf	Allowed by declaration, user, or endowment (waqf alal-aulad)	Removed 'user' method; only declaration or endowment allowed. Donor must be practicing Muslim for at least 5 years and owner of the property. Inheritance cannot be denied to female heirs.
Government Property as Waqf	No clear rule	Government property cannot be declared as Waqf.

		Disputes on ownership resolved by Collector and reported to state.
Power to Determine Waqf Property	Waqf Board could inquire and decide	Power removed from Waqf Boards; authority shifted.
Survey of Waqf	Conducted by survey commissioners	Conducted by District Collector following state revenue laws.
Central Waqf Council	Advisory role to government and Waqf Boards; all Muslim members including 2 women	Includes 2 non-Muslim members. MPs, judges, eminent persons can be non-Muslims. Scholars, organizations, and 2 women must be Muslim.
Waqf Board Composition	Elected Muslim MPs, MLAs, Bar members; min 2 women	Includes 2 non-Muslims. Members from Shia, Sunni, Backward Muslim classes. Members from Bohra, Agakhani if present. At least 2 Muslim women members.
Tribunal Composition	Judge + ADM rank officer + Muslim law expert	Muslim law expert removed. Now Judge + joint secretary level officer.
Appeal on Tribunal Orders	Tribunal orders final; limited appeals	Appeals allowed in High Court within 90 days.
Audits	States could audit anytime	Centre empowered to make rules and order audits via CAG or designated officer.
Separate Waqf Boards by Sect	Separate boards allowed for Shia (if 15% share)	Allows separate boards for Shia, Sunni, Bohra, and Agakhani sects.

Significance of Amendments:

1. **Strengthened Management and Transparency:** Digitalization and restructured oversight improve efficiency and reduce corruption.
2. **Inclusiveness:** Inclusion of non-Muslims and representation from diverse Muslim sects fosters pluralism and broader governance.
3. **Gender Justice:** Recognition of female heirs in inheritance rights is a progressive step ensuring gender equality.
4. **Clearer Governance Rules:** Role of District Collectors and removal of powers from Waqf Boards over property determination reduces arbitrariness.
5. **Judicial Oversight:** Introduction of High Court appeals safeguards rights and adds legal accountability.
6. **Prohibition of Government Property as Waqf:** Prevents misuse of government assets by declaring them as religious endowments.

Background and Importance:

- Waqf properties have historically been mismanaged, leading to loss of revenue and improper utilization.
- With large landholdings, effective Waqf management can contribute significantly to Muslim community welfare and national development.
- Aligning with constitutional values and national policies on minority welfare and good governance.

Model UPSC Mains Question (GS Paper II)

- ❖ “Discuss the key features and reforms introduced by the Waqf (Amendment) Act, 2025. How do these changes promote efficient management and inclusivity in Waqf institutions?” (250 words)

NEURORIGHTS

GS Paper II & IV – Governance | Ethics | Right to Privacy | Emerging Technologies and Ethics

Context:

With rapid advancements in **neurotechnologies**—such as **Brain-Computer Interfaces (BCIs)**, **Deep Brain Stimulation (DBS)**, and **neural implants**—the idea of “**Neurorights**” has gained momentum globally. These are proposed rights to **safeguard individuals’ cognitive liberty, mental privacy, and personal autonomy** in the face of potential ethical and legal threats posed by invasive and non-invasive brain technologies.

What are Neurorights?

Neurorights are a proposed **new generation of human rights** designed to protect the **integrity of the human mind** from technological intrusions. They aim to address ethical and legal challenges posed by neurotechnological advancements.

Key Dimensions of Neurorights:

Neuroright	Description
Mental Privacy	Right to keep brain data private and protected from unauthorized collection, decoding, or surveillance.
Cognitive Liberty	Right to freely control and alter one's mental processes without external interference (e.g., via drugs, implants).
Personal Identity	Protection against manipulation of personality, emotions, memory, and sense of self.
Free Will	Ensures that decisions remain voluntary and are not altered by neurotechnological coercion or influence.
Fair Access to Mental Augmentation	Equal access to cognitive enhancement tools to avoid widening socio-economic disparities.

Relevance of Neurorights: Why They Matter?

1. Emerging Brain Technologies:

- Tools like BCIs can **read and manipulate neural signals**, raising privacy, consent, and autonomy concerns.
- Example: Elon Musk's **Neuralink** aims to implant chips in human brains.

2. Commercialization of Brain Data:

- Tech companies may collect neural data for advertising, profiling, or behavior prediction—similar to misuse of personal data.

3. Military and Surveillance Risks:

- Potential use in **interrogation, warfare, or mind-reading surveillance** by states poses a grave threat to **fundamental freedoms**.

4. Ethical Concerns:

- Risk of creating "**neuro-inequality**" if enhancements are accessible only to elites.
- Manipulation of identity may lead to **loss of human agency** and dignity.

Global Developments in Neurorights:

Country / Region	Action Taken
Chile	First country to enshrine Neurorights in its Constitution (2021). It guarantees mental integrity and restricts misuse of neural data.
Spain	Exploring constitutional amendments to include neurorights under data protection and privacy frameworks.
USA (Colorado)	Colorado became the first US state to legally recognize neural data as “sensitive personal data” , needing explicit consent.
UNESCO & OECD	Working groups formed to study ethical governance frameworks for neurotechnology and artificial intelligence.

Neurorights in the Indian Context:**1. Legal and Institutional Safeguards:**

Law / Body	Relevance to Neurorights
Digital Personal Data Protection Act, 2023	Protects neural data as “personal data” and requires informed consent for its collection, use, and sharing.
Mental Healthcare Act, 2017	Recognizes mental integrity, autonomy, and right to dignity—can serve as a framework to support neurorights.
Information Technology Act, 2000	Covers data breaches and privacy; may apply to neuro-data with appropriate interpretation.
National Bioethics Committee	Can recommend ethical guidelines for emerging neurotechnologies in healthcare and research.

2. Judicial Perspective:

Case	Judgment Summary
Justice K.S. Puttaswamy v. Union of India (2017)	Recognized Right to Privacy as a fundamental right under Article 21. Neural data and thought processes are implicitly covered.
Selvi v. State of Karnataka (2010)	Held that narco-analysis and brain-mapping without consent violate Article 20(3) (self-incrimination) and Article 21 (privacy and dignity).

These rulings **implicitly recognize the sanctity of human thought**, reinforcing the legal base for neurorights in India.

Challenges in Implementation:**1. Lack of Legal Definition:**

- Terms like “neural data”, “mental autonomy”, and “cognitive liberty” lack precise definitions in Indian law.

2. Technology–Policy Gap:

- Law often lags behind technological innovation, leaving gaps in protection.

3. Commercial Exploitation:

- Tech companies may exploit neural data for targeted advertising or behavioral manipulation.

4. Ethical Dilemmas:

- Who owns brain data? What if neuroenhancement becomes mandatory for competitive advantage?

5. Access and Equity:

- Fear of a “**neuro-elite**” class with enhanced intelligence or memory, deepening social divides.

Way Forward:**1. Legislative Reforms:**

- Draft a **Neurotechnology Regulation Act**, defining neurorights, permissible use of neural data, and ethical norms.

2. Institutional Oversight:

- Establish an **Independent Neuroethics Regulatory Authority** to monitor research, commercial use, and data privacy.

3. Public Awareness:

- Educate people on how **neural interfaces and AI** affect personal autonomy and privacy.

4. International Collaboration:

- India should work with **UNESCO, OECD**, and other nations to develop a **global neurorights framework**.

Model UPSC Mains Question (GS II / GS IV):

- ❖ "As brain-computer interfaces and neurotechnologies evolve, the right to mental privacy and cognitive liberty must be explicitly recognized as part of fundamental rights." Discuss in light of the concept of Neurorights. (250 words)

Enemy Agents Ordinance, 2005 – A Stringent Anti-Terror Law in Jammu & Kashmir

GS Paper II – Polity and Governance | Internal Security

Context:

The **Director General of Police (DGP)**, Jammu & Kashmir, recently recommended invoking the **Enemy Agents Ordinance (EAO), 2005** against individuals aiding militants, terming it **stricter than the Unlawful Activities (Prevention) Act (UAPA)** due to its **harsh penalties and procedural rigidity**.

What is the Enemy Agents Ordinance, 2005?

The Enemy Agents Ordinance is a **special preventive and punitive legislation** in Jammu & Kashmir, designed to **curb acts of espionage, sabotage, and treason**, particularly in the **context of cross-border terrorism**.

Key Features of the Ordinance:

Feature	Details
Definition of Enemy Agent	Any person who assists the enemy in military, air, or sabotage operations, including acts like arson, spying, aiding militants , or endangering civilian or military life.
Punishments	<ul style="list-style-type: none"> - Death penalty or - Life imprisonment, or - Rigorous imprisonment up to 10 years, along with fines.
Trial Mechanism	<ul style="list-style-type: none"> - Conducted by a Special Judge appointed by the government in consultation with the High Court. - The accused cannot hire a defence lawyer unless permitted by the court, ensuring tighter control.
No Right to Appeal	The decision of the Special Judge is final and not subject to appeal , making it a non-appellate and final authority .
Suspension of Habeas Corpus	The Ordinance controversially suspends the right to habeas corpus , denying detainees judicial recourse under Article 32 and 226.
Confidentiality Clause	Publishing information about the trial, accused, or proceedings without government permission is punishable with up to 2 years imprisonment, fines, or both .

Historical Evolution:

Timeline	Development
1917	Originally promulgated by the Dogra Maharaja to tackle espionage and rebellion.
1948	Incorporated into J&K law to counter Pakistani infiltrators post-Independence and Partition.
2005	Re-promulgated under Section 5 of the J&K Constitution Act, 1996 to respond to rising terror threats.
Post-2019	Despite the abrogation of Article 370 and enactment of the J&K Reorganisation Act , this ordinance remains in force along with the J&K Public Safety Act .

Comparison with UAPA:

Parameter	Enemy Agents Ordinance	UAPA
Jurisdiction	Only applicable in Jammu & Kashmir	Pan-India applicability
Trial	Special judge , no defence counsel by default	Special Courts under NIA Act
Appeal	No appeal permitted	Appellate mechanism under law
Scope	Only for aiding the enemy or sabotage	Broader – includes terrorism, unlawful association, fundraising, etc.
Severity	Often more stringent	Stringent but includes procedural safeguards

Criticism and Concerns:

- **Violates principles of natural justice:** No right to appeal and denial of legal counsel.
- **Suspension of habeas corpus** undermines **constitutional rights** under Article 21.
- **Potential for misuse** by law enforcement.
- **Opaque trials** due to confidentiality clauses may **weaken democratic oversight**.

UPSC Mains Relevance

- ❖ "The Enemy Agents Ordinance in Jammu & Kashmir exemplifies the tension between national security and civil liberties. Critically evaluate."
(250 words)

Street Vendors Act, 2014 – A Decade of Progress and Challenges

GS Paper II – Polity and Social Justice | Urban Governance

Context:

As 2024 marks the 10th anniversary of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, it is important to assess its implementation, impact, and existing gaps in protecting the livelihood of millions of urban street vendors.

Objective of the Act:

To legally protect street vendors from arbitrary eviction and harassment while regulating street vending through local governance frameworks.

Key Provisions:

Provision	Details
Legal Recognition	Defines "Street Vendor" and recognizes their right to livelihood through regulated vending.
Town Vending Committees (TVCs)	<ul style="list-style-type: none"> - Formed in each ULB. - Conduct 5-year surveys, issue/cancel vending certificates. - 40% representation from street vendors.
Street Vending Zones (SVZs)	<ul style="list-style-type: none"> - Mandates ULBs to develop Street Vending Zone Plans (SVPs). - Spatial allocation, vending categories, and demarcation.
Certificate of Vending	Issued by TVCs; vendors cannot be evicted without due process.
Grievance Redressal Committees	Resolve disputes, complaints of harassment, or denial of vending rights.
Relocation Rights	Vendors have right to be relocated if zones are closed, with compensation/alternate site.

Article	Provision
Article 19(1)(g)	Right to practice any trade or profession
Article 39(a)	Right to adequate means of livelihood
Article 39(b)	Equitable distribution of resources for common good

Constitutional Basis:**Associated Government Initiatives:*****PM SVANidhi Scheme (2020):***

- **Collateral-free working capital loans** up to ₹10,000, with incentives for digital transactions.
- Implemented through MoHUA, promotes **financial inclusion and credit history** for vendors.

Support to Urban Street Vendors (SUSV)

- Part of DAY-NULM.
- Includes **skill development, micro-credit, group insurance**, and training.

PM Kaushal Vikas Yojana (PMKVY) 3.0

- Focuses on **skilling and certification** for street food vendors through **Recognition of Prior Learning (RPL)**.

Challenges in Implementation:

- **Poor functioning** of TVCs in many cities.
- Delays in **survey and certificate issuance**.
- Vendors often lack **awareness of rights and entitlements**.
- Resistance from **urban elites and municipal authorities**.
- **Gender bias**: Most female vendors face **disproportionate harassment** and legal hurdles.
- Limited integration of **digital and e-commerce platforms**.

UPSC Mains Practice Question

- ❖ "Street vending is a critical component of the informal economy in urban India. Examine the significance of the Street Vendors Act, 2014 in protecting the rights of urban vendors. What challenges hinder its effective implementation?" (250 words)

ARBITRATION

Context:

The Finance Ministry has directed all ministries and state governments to restrict arbitration clauses in government contracts to disputes under ₹10 crore due to high costs and delays in arbitration processes.

What is Arbitration?

- Arbitration is an **Alternative Dispute Resolution (ADR)** method where parties resolve disputes **outside courts** through a **neutral arbitrator**.
- The arbitrator's decision is **legally binding**.
- Offers a **faster, confidential, and cost-effective** resolution compared to traditional litigation.
- In India, arbitration is governed by the **Arbitration and Conciliation Act, 1996**.

Arbitration and Conciliation Act, 1996:

- Based on the **UNCITRAL Model Law on International Commercial Arbitration (1985)**.
- Aims to align Indian arbitration law with international standards.
- Encourages minimal court intervention in arbitral proceedings.
- Ensures fair, speedy, and economical dispute resolution.

Key Amendments:

2015 Amendment:

- Introduced **time limits** for completion of arbitration.
- Allowed courts to **intervene only in limited circumstances**.
- Introduced **interim measures** for protection of parties' interests.

2019 Amendment:

- Established **Arbitration Council of India (ACI)** to promote institutional arbitration.
- Provided **confidentiality** and **arbitrator immunity**.

2021 Amendment:

- Introduced **unconditional stay** on arbitral awards in cases of fraud or corruption (*prima facie*).
- Clarified **qualifications for arbitrators** to ensure professionalism.

Arbitration Council of India (ACI):

- Set up under 2019 Amendment.
- Composition:
 - Chairperson: SC/HC judge or eminent arbitrator

- Two eminent arbitrators/academicians
- Secretaries to Legal Affairs and Expenditure
- Full-time CEO

Challenges:

- High arbitration **costs** and **delays** in enforcement.
- Weak **institutional arbitration ecosystem**.
- Inconsistent **judicial intervention**.
- Difficulty in enforcement of **foreign arbitral awards**.

RULES ON CONTESTING SEATS IN INDIA**Introduction:**

The Indian electoral system allows candidates to contest elections from more than one constituency to increase their chances of winning, but this freedom comes with well-defined restrictions to uphold the principles of fairness and orderly conduct of elections. These rules are embedded within the constitutional framework and governed by specific legislative enactments, ensuring transparency and integrity in the democratic process.

Body:**1. Constitutional Provisions:**

Article 327 of the Indian Constitution grants Parliament the authority to make laws concerning elections to the Parliament and State Legislatures. This provision provides the legal basis for regulating electoral processes, including the eligibility and conduct of candidates contesting elections.

2. Key Legislations:

The Representation of the People Acts of 1950 and 1951, along with the Delimitation Commission Act of 1952, constitute the primary legal framework governing elections in India. These laws detail the rules on candidate nominations, qualifications, disqualifications, election conduct, and the delimitation of constituencies.

3. Contesting Multiple Constituencies:

According to Section 33(7) of the Representation of the People Act, 1951, a candidate is permitted to contest from a maximum of two constituencies in the same Lok Sabha or State Assembly election. This restriction balances candidate flexibility with electoral fairness by preventing excessive contesting across multiple seats.

If a candidate wins from both constituencies, Section 70 mandates that the candidate must resign from one seat, thereby avoiding the possibility of

representing multiple constituencies simultaneously. The vacancy created by the resignation necessitates a by-election to fill the seat.

4. Article 101 of the Constitution: This Article addresses scenarios where an individual is elected to both Houses of Parliament (Lok Sabha and Rajya Sabha). It requires the individual to vacate one seat but does not limit candidates from contesting multiple constituencies within the same House. This ensures clarity in dual memberships but does not restrict contesting multiple seats in the same election.

5. Historical Context: Before 1996, Indian electoral laws did not impose any limits on the number of constituencies a candidate could contest. This lack of restriction often led to candidates contesting from several seats, which was seen as impractical and sometimes unfair. The subsequent introduction of the two-seat limit aimed to streamline the electoral process and reduce unnecessary expenditure and election management complexities.

6. Voter Registration & Constituency Restrictions: Candidates can register as voters and contest elections from any constituency in India, promoting national political participation. However, there are exceptions in certain autonomous regions such as parts of Assam, Lakshadweep, and Sikkim, where special provisions apply due to unique socio-political contexts and autonomous governance arrangements.

7. Security Deposit and Losing Deposit: To deter frivolous candidates and ensure seriousness, candidates must deposit a security amount while filing their nomination papers as per the Representation of the People Act, 1951. If a candidate fails to secure at least one-sixth (approximately 16.67%) of the total valid votes cast in their constituency, their security deposit is forfeited. This mechanism discourages non-serious candidatures and reduces election-related malpractices.

Conclusion:

The rules on contesting seats reflect a balance between candidate rights and the need for a fair, efficient electoral system. Limiting the number of constituencies from which a candidate can contest ensures electoral discipline and reduces logistical burdens on the Election Commission. Coupled with provisions like security deposits, these regulations uphold the democratic ethos of India by encouraging serious participation and safeguarding the integrity of the electoral process.

Special Category Status (SCS)

GS Paper 2: Polity & Governance – Federalism, Centre-State Relations

Context:

Leaders from **Andhra Pradesh** and **Bihar** have renewed the demand for **Special Category Status (SCS)** to aid development and address structural disadvantages.

What is Special Category Status?

SCS is a classification by the Central Government to provide preferential treatment in financial and developmental support to states facing **geographical, economic, and social disadvantages**.

Evolution of SCS:

- Introduced in 1969 on the recommendation of the **5th Finance Commission** (Mahavir Tyagi).
- Institutionalised through the **Gadgil Formula** approved by the **National Development Council (NDC)** in April 1969.
- Initially granted to Assam, J&K, and Nagaland.
- **14th Finance Commission (2015)** discontinued SCS for states except the **eight North Eastern and three hill states**.

Criteria for SCS (under Gadgil Formula):

- Difficult hilly terrain
- Low population density and tribal population
- Strategic location along international borders
- Economic and infrastructural backwardness
- Limited state revenue and poor capacity to mobilize resources

Benefits of SCS:

- **90:10 funding ratio** (grant:loan) for Central Schemes (vs. 30:70 for other states)
- **Special Plan Assistance** and untied grants
- **Unspent funds do not lapse** at the end of the financial year
- Tax concessions (though now limited due to **GST** regime)

Issues with SCS Demand:

- Not backed by any **constitutional provision**.
- **Finance Commissions** now favour **devolution-based support** rather than preferential classification.
- States like **Andhra Pradesh** (post-bifurcation) claim SCS as part of political assurances.

- Discontent among non-SCS states about **equity in distribution of central funds**.

Way Forward:

- Provide **objective, transparent fiscal criteria** for supporting backward states
- Use **Special Assistance Grants** under Article 275 or Finance Commission mechanisms
- Promote **region-specific development missions** under a flexible Centrally Sponsored Scheme (CSS) structure
- Ensure **political consensus** through Inter-State Council/NITI Aayog forums

Model Mains Question:

- ❖ "The demand for Special Category Status by certain states reflects the tension between equity and uniformity in fiscal federalism." Critically examine. (GS Paper 2 – 15 marks)

Notified Disasters in India

GS Paper 3: Disaster Management

Context:

The **15th Finance Commission** has **refused to include heatwaves** as a notified disaster, despite growing deaths and public health impacts.

What is a Notified Disaster?

A notified disaster is one formally recognised under the **Disaster Management Act, 2005**, and eligible for financial aid under **NDRF** and **SDRF**.

Current List of 12 Notified Disasters:

- | | |
|---|----------------|
| 1. Cyclone | 6. Tsunami |
| 2. Drought | 7. Hailstorm |
| 3. Earthquake | 8. Landslide |
| 4. Fire | 9. Avalanche |
| 5. Flood | 10. Cloudburst |
| 11. Pest Attack | |
| 12. Frost and Cold Wave | |
| 13. COVID-19 was added in 2020 under a special one-time notification . | |

Key Funds Involved:

- **State Disaster Response Fund (SDRF)** – primary fund managed by states
- **National Disaster Response Fund (NDRF)** – used when SDRF is insufficient

- Both are governed under Sections 46 and 48 of the DM Act, 2005

Why Heatwaves Are Excluded?

- Historically not considered as “sudden onset” disasters
- Lack of infrastructure to **accurately assess damage/loss**
- May **open floodgates** for inclusion of multiple slow-onset events

Why Heatwaves Should Be Included?

- Increasing frequency and intensity due to **climate change**
- Major public health impacts – dehydration, organ failure, deaths
- Affects productivity, agriculture, power sector (cooling demand)
- Over **30,000 deaths in India since 1992** due to heatwaves (IMD data)

Way Forward:

- Recognise **slow-onset disasters** like heatwaves and droughts as major threats
- Build heatwave action plans (like Ahmedabad Heat Action Plan) across all states
- Develop **early warning systems**, public awareness campaigns
- Provide **relief funds and compensation** for vulnerable groups (e.g. construction workers, outdoor labourers)

Model Mains Question:

- “The exclusion of heatwaves from the list of notified disasters reflects a gap in India’s disaster preparedness framework.” Examine the implications and suggest reforms. (GS Paper 3 – 15 marks)