

Constitution, Polity, And Governance

New Rules Under Section 79, IT Act

Syllabus: Indian Constitution: Historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

In News

- Recently, the Rules notified under *Section 79 of the Information Technology (IT) Act, 2000* by the Ministry of Electronics and Information Technology (MeitY) ask for greater due diligence from intermediaries on the regulation of the content they host.
- The Rules make intermediaries such as Facebook, Google, WhatsApp, and others responsible for actively monitoring the content they host.

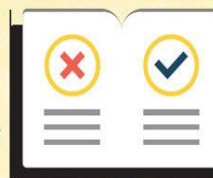
Provisions Of The Intermediaries Guidelines (Amendment) Rules, 2018

- **Tracing of Information:** The Rules ask the intermediaries to allow the tracing of information on their platforms by government agencies, a requirement that could create difficulties in the India operations of global end-to-end encrypted products like WhatsApp or Signal.
- **Use of Tech:** All intermediary companies will have to deploy technology based automated tools or appropriate mechanisms, with appropriate controls, for proactively identifying and removing or disabling public access to unlawful information or content.
- **Type of Content Monitoring:** In addition to the earlier stipulation about content that is grossly harmful, defamatory, obscene, *etc.*, they must now also filter content that threatens public health or safety; promotion of cigarettes or any other tobacco products or consumption of intoxicant including alcohol and Electronic Nicotine Delivery System (ENDS) & like products that enable nicotine delivery.
- **Timeline:** The new Rules say that if there is a lawful order, then intermediary shall, **within 72 hours** of communication, provide such information or assistance as asked for by any government agency or assistance. The lawful order could be in matters of state security, cyber security and investigation of any offence.
- **Registration in India:** All players with **more than 5 million users** in India have to be incorporated under **the Companies Act**. The companies will need to have a permanent registered office in India with a physical address. Also, these norms, although currently applicable to only the 5 million plus firms, can be extended to any intermediary, which is specifically notified by the Government of India.

What the Amended Rules Propose

Cos have to **trace and report origin** of messages within **72 hours** of receiving a complaint from law enforcement agencies

Will have to **disable access within 24 hours** to content deemed defamatory or against national security and under other clauses of Article 19 (2) of the Constitution



Such info and associated records will have to be **preserved for 180 days**

Platforms with more than **5m users** must have **registered entity** in India under Cos Act

They will have to appoint a nodal officer in India to deal with law enforcement agencies on a **24x7 basis**

Cos also must **send communication to users ONCE a month** about their privacy policies

Platforms must **deploy tools to identify and remove** or disable public access to unlawful information or content

Implications

- **Costly affair:** For many startups in India, monitoring and removing content might not always be viable or possible, given the resources that would be required.
- **Unclear rules:** The companies will have to inform their users at **least once every month** that in case of non-compliance, their accounts and content would be removed. Exactly how this will be achieved is unclear.

- **Impact privacy and services:** The requirement that companies have to help government agencies in locating the origin of content, will mean choosing between breaking their end to end encryption in India (essential for ensuring privacy) or stopping the service in the country altogether.
- **Applicability unclear:** Again, the Rules only say fifty lakh users in India but it is unclear whether they mean monthly active users or daily active users, which are the key metrics that Internet companies use to define their user base. A service that has 5 million monthly active users in India *i.e.*, users who log in once a month, might not see the sense in having an office in the country.

Dishonour Of SC Verdict On Section 66A IT Act

Syllabus: Indian Constitution: Historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

In News

Recently, the issue arose in context of **Section 66A** of the Information Technology Act 2000 (IT Act) as it continued to be used to prosecute persons despite being struck down by the Supreme Court (SC) as unconstitutional in **Shreya Singhal Case** (2015).

Issues

- **Issue about awareness generation:** There is no systems in place to ensure that the news of judicial decisions reached all corners of the state machinery.
- **Misuse of the law:** The news of a penal provision being struck down by the SC is not reaching the many police stations. And it also raise the issue of misuse of such law despite it being declared unconstitutional.
- **Poor monitoring by court:** The SC does not have any mechanism to continue monitoring the compliance of its decision/direction.
- **Loss of faith in judiciary:** The non-compliance of the Court's direction raises the issue about the capability of the Court to protect the rights of the ordinary citizen.
- **Issue about separation of power and accountability:** It is also a visible symptom of a deeper malaise, where one branch of the state (judiciary) is simply not being heard by the others (executive).

Suggestion To Overcome Such Issue

As the declarations of unconstitutionality do not wipe out a provision from the statute book, it meant something more had to be done to ensure people know the provision is no longer valid.

Govt. Grants Divisional Status To Ladakh

Syllabus: Functions & responsibilities of Union & State, Issues & challenges pertaining to federal relations, devolution of powers and finances up to local levels and challenges therein.

In News

- Jammu and Kashmir (J&K) Governor granted Ladakh a divisional status, thus creating three administrative units of **Jammu**, **Kashmir** and **Ladakh** in the State.

- Further, the J&K government has also approved the creation of a separate administrative and revenue division for Ladakh. It will **comprise Leh and Kargil districts**, with **headquarters at Leh**.

Implication Of The New Administrative Arrangement

- **Background:** Earlier, Ladakh was a part of the Kashmir division. Moreover, a section in Leh had also been demanding Union Territory status. Ladakh's Kargil and Leh districts already have separate **hill development councils** for local administrative powers. Further, in December 2018, the **Ladakh Autonomous Hill Development Councils (LAHDC) of Leh and Kargil** had passed resolutions for creation of a separate division.



- **Biggest division:** The move leaves the **Kashmir valley** geographically the **smallest division** at 15,948 sq. km, Jammu division at 26,293 sq. km and **Ladakh, the biggest division**, at 86,909 sq. km.
- **Rationale for such a status:** During the winter months, the entire Ladakh region remains cut off from the rest of the country for almost six months. The remoteness and inaccessibility of the area makes it eligible for establishing a separate division. Moreover, the region is riddled with insurmountable problems with respect to delivery of developmental schemes, redress of public grievances, conduct of administrative affairs and governance as such. Hence, the move goes a long way in fulfilling governance and development aspirations of people of Ladakh region.
- **Administrative structure:** Ladakh will now get its own **Divisional Commissioner** and **Inspector General of Police**.

Final Analysis

- **Similar demands:** The move is likely to give rise to similar demands in some districts of Jammu region, where people are demanding separate hill councils for **Pir Panjal (comprising Rajouri and Poonch districts)** and **Chenab Valley region (Doda, Ramban and Kishtwar districts)**.
- **Opposition:** Kargil (Shia Muslim dominated area) has opposed the current move and demanded six monthly rotation of headquarters between Leh and Kargil.

Not required: The process of decentralization

- **Position of Lt. Governor:** Though the issues in Delhi and Puducherry seem similar, the LG of Delhi has more executive functions that allow him to exercise his powers in matters connected to **public order, police and land** in consultation with the CM.
- **Legislative powers:** Under the constitutional scheme, the Delhi Assembly has the power to legislate on all subjects except law and order and land. However, the Puducherry Assembly can legislate on any issue under the Concurrent and State Lists. However, if the law is in conflict with a law passed by Parliament, the law passed by Parliament prevails.
- **Legal rules:** While the LG of Delhi is also guided by the **Government of National Capital Territory of Delhi Act, 1991** and the **Transaction of Business of the Government of National Capital Territory of Delhi Rules, 1993**, the LG of Puducherry is guided mostly by the **Government of Union Territories Act, 1963**.

Legal Status Of Puducherry

- **1963 Statute:** Under the Constitution, the territory belongs to the President, who runs it through the LG as Administrator. However, under **Section 44** of the **Union Territories Act, 1963**, the Administrator has to act on the aid and advice of the Council of Ministers.
- **In case of difference of opinion:** At the same time, any difference of opinion between them can be referred to the President and in the meantime the Administrator's action prevails on any urgent matter. This scheme, which gives a clear edge to the Centre, can work only if there is harmony between the Council and the LG.

Way forward

- Last year, ruling on the limits of the LG's powers in Delhi, the Supreme Court stressed the need for the LG as well as people's representatives to function in harmony within constitutional parameters. The LG was cautioned against having a hostile attitude towards the Ministers. There is no reason why that principle cannot be extended to Puducherry, which has a longer record of elected governments.
- Similarly, the **Government of Union Territories Act, 1963** allows the LG's office discretionary powers, but these must be exercised judiciously and only in exceptional circumstances.
- Puducherry has an elected assembly and the task of law making should be entrusted with it. Similarly, public policy and administration must be left to the elected representatives.

SC Decision On Delhi V/S Centre

Syllabus: Functions & responsibilities of Union & State, Issues & challenges pertaining to federal relations, devolution of powers and finances up to local levels and challenges therein.

In News

- A Supreme Court (SC) Bench of **Justices A.K. Sikri** and **Ashok Bhushan** gave a split opinion on whether the Delhi government has control over the administration's services and decided to refer the question to a larger Bench.
- Earlier, the constitution bench in 2018, held that the Lieutenant Governor (LG) was bound by the aid and advice of the Council of Ministers of the Delhi government. Further, it also held that decisions of the Delhi government will not require the concurrence of the LG, except in matters relating to **Land, Home and Public Order**. But, the judgment was silent on matters relating to 'services'.

The Split Decision

- **Power lies with Union:** While Justice Bhushan held that the Delhi government has no power over services, observing that **Entry 41 of the State List** in the Seventh Schedule of the Constitution dealing with **State Public Services**, was outside the purview of the Delhi Assembly.
- **Middle path:** While, Justice Sikri ruled that files on the transfers and postings of officers of the rank of Secretary, Head of Department and Joint Secretary could be directly submitted to the LG. But as far as the *Delhi, Andaman & Nicobar Islands Civil Service (DANICS)* cadre is concerned, the files could be processed through the Council of Ministers, led by the Chief Minister, before being sent to the LG. Moreover, Justice Sikri also held that in case of a difference of opinion, the LG prevails.

- **Upheld MHA notification:** On question other than that of 'services', the two judges agreed and upheld the MHA's notifications, authorizing the LG to exercise powers in relation to services and directing the Anti-Corruption Branch (ACB) police not to take cognizance of offences against Central government officials.
- **Other points of decision:** The SC also confirmed the Delhi HC's finding that the appropriate government under the **Commission of Inquiry Act, 1952** is the Centre and not the Delhi government. Further, the court also held that the Delhi government should have taken the views of the LG before issuing the circular for revising minimum rates of agricultural land (circle rules) under the provisions of **Indian Stamp Act, 1899**.
- **Proposal by SC:** Justice Sikri also proposed setting up of **Civil Service Boards** to take care of the service matters of grade one, two, three and four officers. The Boards for grade four and three officers could be led by the **Services Secretary** and the others by the Chief Secretary.

Final Analysis

- It is only through a mature politics that the root cause of the over-politicization of governance, playing at least since 2015, must be addressed.
- What Delhi needs is a bold re-imagination of the skewed federal contract that currently determines its executive and legislative boundaries. Moreover, a mature discussion between stakeholders that looks beyond short-term political gains holds the potential to resolve the embedded contradiction.

125th Constitutional Amendment Bill

Syllabus: Functions & responsibilities of Union & State, Issues & challenges pertaining to federal relations, devolution of powers and finances up to local levels and challenges therein.

In News

- The government has introduced the 125th Constitutional Amendment Bill in the Parliament to increase the financial and executive powers of the **10 Autonomous Councils** in the **Sixth Schedule** areas of the north-eastern region.
- The 125th Constitutional Amendment Bill will impact **one crore** tribal people in **Assam, Meghalaya, Tripura and Mizoram**.

Important Features Of The Bill

- **Democracy:** The amendments proposed provide for elected village municipal councils, ensuring democracy at the grass-root level.
- **Power to village council:** The amendment empowers the village councils to prepare plans for economic development and social justice including those related to agriculture, land improvement,

Difference Between 5th Schedule and 6th Schedule Areas

- While both the areas under 5th schedule and 6th schedule have dominance of the tribal people, constitution calls them with different names viz. Scheduled

- implementation of land reforms, minor irrigation, water management, animal husbandry, rural electrification, small scale industries and social forestry.
- **Finance Commission:** The amendment bill mandates the Finance commission to recommend devolution of financial resources to these autonomous councils. The Autonomous Councils are dependent on grants from Central ministries and the State government for specific projects.
- **Reserved seats:** The amendment bill also **reserve one-third of the seats** for women in the village and municipal councils in the Sixth Schedule areas of Assam, Mizoram.

(For details also refer to January 2019 Current Affairs Issue with title 'Cabinet decides to strengthen North-East Autonomous Councils')

- Area under 5th schedule while Tribal areas under 6th schedule.
- While executive powers of the union extend in Scheduled areas with respect to their administration in 5th schedule; the 6th schedule areas remain within executive authority of the state.
 - While 5th schedule envisages creation of Tribal Advisory Council, 6th schedule provides for District Councils and Regional Councils with certain legislative and judicial powers.

Issue Of Summoning Of Social Media Heads By Parliament

Syllabus: Parliament and State Legislatures- structure, functioning, conduct of business, powers & privileges and issues arising out of these.

In News

- Recently, the Parliamentary Committee on Information Technology issued notice to Twitter CEO Jack Dorsey for personal appearance, after he reportedly did not heed its invitation the first time.
- This followed after a complaint had been submitted to Anurag Thakur, Chairman of Parliament's Departmentally Related Standing Committee on Information Technology, alleging an anti-rightwing bias on the social media platform Twitter.

Rules, Questions of the Summons

- **Rule 269(1)** under **Chapter XXVI (Parliamentary Committees) of the Rules of Procedure and Conduct of Business in Lok Sabha** states that a witness may be summoned by an order signed by the **Secretary General** and shall produce such documents as are required for the use of a Committee.
- **Rule 270** further states that a Committee shall have power to send for persons, papers and records, provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the **Speaker whose decision shall be final**. Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

The Issue

- **Issue of insisting personal appearance unclear:** While a Committee of India's Parliament has the right to send for executives of a company that operates in India, but the insistence on a personal appearance of Dorsey remain unclear.

- **Lame duck Parliament:** The current Lok Sabha will survive only until the end of the elections. The Parliamentary Committee on Information Technology will be reconstituted after the constitution of the next Lok Sabha. In these circumstances, what the current proceedings can realistically achieve is not immediately apparent.
- **Pre-emptory step:** While Parliamentary committees often call in experts, but this kind of posturing is ill-judged and pre-emptory.
- **Issue of enforcement:** There is also the obvious question of enforcement as the Twitter is headquartered in San Francisco and Dorsey can refuse to appear.
- **Political reason:** More worrying, however, is the perception that Twitter and its senior leadership is being singled out for political reasons for suspending account of government sympathizer.

Final Analysis

- It may well be the case that the Parliamentary committee wants to enforce some accountability from those who actually set policy at Twitter in its quest to safeguard citizen's rights on social/online news media platforms.
- But, the parliamentary committee would do better to take a leaf out of the government's book *vis-a-vis* WhatsApp, which was seen to be facilitating rumours that contributed to lynchings and mob violence. With consistent pressure leading to self-regulation, WhatsApp has taken steps, including curbs on bulk messages as well as a public education campaign to alert users to the dangers of rumour. That ongoing endeavour was made possible without making an issue of summoning Mark Zuckerberg.

Judiciary's Post Retirement Jobs

Syllabus: Structure, organization, and functioning of Judiciary and Related Issues

In News

Justice A.K. Sikri, judge of the Supreme Court (SC) of India, found himself in the eye of a storm arising from accepting a post offered by the government, while being a judge of the court. But later he turned down the offer after the controversy erupted. However, this is an issue that recurs frequently.

Background

- **Research:** In a study, the **Vidhi Centre for Legal Policy** pointed out that as many as **70 out of 100 Supreme Court retired judges** have taken up assignments in the National Human Rights Commission of India, National Consumer Disputes Redressal Commission, Armed Forces Tribunal, and the Law Commission of India *etc.*
- **International practice: In USA**, no SC judge retires lifelong. This is done to prevent conflict of interest. Similarly, **in UK** SC judges retire at the age of 70 and no law stop judges from taking post-retirement jobs but no judge has taken such a post.

Impact Of Post Retirement Jobs

- **Retirement age issue:** Unlike abroad, a judge of the higher judiciary in India retires at a comparatively young age and is capable of many more years of productive work. Thus, issue of post retirement job need to be seen in this light.

- **Independence of judiciary:** The government sponsored post retirement appointments will continue to raise a cloud of suspicion over the judgments the best judges delivered while in service.
- **Issue of conflict of interest:** In **Roger Mathew v. South Indian Bank Ltd.**, which is currently going into the issue of tribalization of the judiciary and its challenges to the independence of the judiciary, the amicus curie has observed that the Tribunals should not be haven for retired persons and appointment process should not result in decisions being influenced if the Government itself is a litigant and appointment authority at the same time.
- **Public faith:** It is true that in law justice must not only be done but also be seen to be done. But the post retirement job may impact the people's faith in judiciary.
- **Structural problem:** The other reason why retired apex court judges are appointed to these posts is the statutes of these bodies have laid down that only candidates with specific qualifications will be considered.

Solution

- There is a need for striking a balance between the valuable experience and insights that competent and honest judges acquire during their period of service that cannot be wasted after retirement.
- Therefore, the viable option is to expeditiously establish, through a properly enacted statute, a commission made up of a majority, if not exclusively, of retired judges to make appointments of competent retired judges to tribunals and judicial bodies. Such a process must sufficiently insulate the judiciary from the charge of being a recipient of government largesse.
- There is also a need for a **cooling off period** between retirement and appointment to such posts to prevent conflict of interest. An amendment to the Constitution can be done by incorporating a provision similar to **Articles 148 or 319**.
- Moreover, the government can also look into the issue of increasing the retirement age for High Court and Supreme Court judges.

EVM Controversy

Syllabus: Elections and Representation of People's Act

In News

Earlier, a self-proclaimed cyber expert claimed in London that the electronic voting machines (EVM) used in elections in India could be hacked. He alleged that the BJP had won the 2014 general election by manipulating the EVMs.

Arguments Against Use Of EVM

VVPAT

- VVPAT machines are use to verify that the vote polled by a voter goes to the correct candidate.
- VVPATs are a second line of verification particularly and are particularly useful in the time when allegations around Electronic Voting Machines tampering

- **Possibility of electoral fraud:** The expert says there is a chance that EVM may be used for electoral fraud by manipulating the technology that drives the machine.
- **Insider fraud:** There is also a possibility of insider fraud by errant officials or manufacturers or vendors of different machine parts.
- **Original purpose of EVM no longer an issue:** With each polling booth video recorded by the EC and mobile phones ubiquitous enough to send out proof of booth capturing or rigging by anyone the original reason to shift to EVMs has certainly diminished if not disappeared. [SEP]
- **International experience:** Many democracies like Britain, Germany, France, Ireland, the Netherlands and Italy use or have gone back to using ballot paper. [SEP]

crop up.

- After a voter presses the button on the EVM against the chosen candidate the VVPAT prints a slip containing name of the candidate and the election symbol and drops it automatically into a sealed box. The machines give the chance for the voter to verify their vote.

Justification for use of EVM

- **Lack of proof:** Despite such controversy, no tangible evidence has so far been produced to warrant a serious examination of the EVMs or a rethink of the EVM aided poll process.
- **Full proof technology:** The architecture of the EVM (software written onto a one-time programmable chip; standalone machines that are not networked and advancements in newly deployed machines that allow for self-diagnostics to render the machines tamper-proof among other things) has helped in removing the misgivings experienced by EVMs used in other countries.
- **Administrative checks and balances:** Combining technical safeguards with administrative safeguards such as allowing for rigorous checks at various levels, such as randomization of deployment of machines, a listing of candidates in alphabetical order rather than on party basis on ballot units; sealing of machines by political party representatives after polling and storing in high security strong-rooms, has made tampering impossible.
- **Political motivation:** More often than not, these accusations are primarily made by political parties that have chosen to blame EVM manipulation as an easy excuse for their losses in various elections.

Solution

There is a need for universal implementation of the **Voter Verifiable Paper Audit Trail (VVPAT)** that allows for a layer of verification to the electoral process. Thus, the VVPAT's introduction and use is necessary to address doubts related to the possibility of EVM hacking.

NCST Foundation Day

Syllabus: Constitutional/Statutory/Regulatory/Quasi-Judicial Bodies

In News

- The National Commission for Scheduled Tribes (NCST) **celebrated its 15th foundation day on 19th February.**
- On the occasion, the NCST has decided to institute a national award named as **NCST Leadership Award** which will be conferred for significant and exemplary services towards Scheduled Tribes in the country.

- The awards will be given in 3 categories i.e. ***Educational Institutions/ Universities, Public Sector Undertakings/Banks and Public Service*** rendered by an *Individual, NGO or Civil Society*.
- This year, the first award were conferred on
 - **Kalinga Institute of Social Sciences Bhubaneswar:** In recognition of their significant contribution towards education of tribal children in Odisha and neighbouring states from kindergarten to post graduate level.
 - **Central Coalfields Ltd. Ranchi:** In recognition of their significant contribution in the field of sport promotion among children from Scheduled Tribes in Jharkhand.
 - **Dr. Pronob Kumar Sircar,** Tribal Welfare Officer in Andaman Adim Janjati Vikas Samiti (AAJVS): In recognition of his significant contribution towards Particularly Vulnerable Tribes Groups i.e. Oonges, Shompens, Andamanese and Jarwas in Andaman and Nicobar Islands.
- A book titled “Janjatiya Swadhinta Sangram” in Hindi was released by the Vice President of India, which brings out the little unknown facets of the freedom struggle of tribal people in the country. It highlights the contribution of tribal uprising against British regime during freedom struggle.

NCST

- NCST was **set up in 2004 through Constitution (89th Amendment) Act, 2003**. With this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST).
- The Commission comprises a Chairperson, a Vice-Chairperson and three full-time Members (including one lady Member). The term of all the Members of the Commission is **three years** from the date of assumption of charge.
- It has the power to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution, under any other law or under any order of the Government and to evaluate the working of such safeguards.
- While investigating any matter, the Commission shall have the powers of a civil court.

National Commission for Safai Karmacharis

Syllabus: Constitutional/Statutory/Regulatory/Quasi-Judicial Bodies

In News

- The Union Cabinet has approved the proposal for **extension of tenure** of the National Commission for Safai Karmacharis (NCSK) beyond March 2019, **for three years**.
- The **major beneficiaries** of the proposal would be the **safai karmacharis** and persons engaged in **manual scavenging** in the country since the NCSK will work for their welfare and upliftment.
- The NCSK has been giving its recommendations to the government regarding specific programmes for welfare of safai karmacharis, study and evaluate the existing welfare programmes and investigate cases of specific grievances.

- Also as per the ***Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act***, the NCSK has been assigned the work to monitor the implementation of the Act, tender advice for its effective implementation to the Centre and State Governments, and enquire into complaints regarding contravention/non-implementation of the provisions of the Act.

Current Scenario

- Though the government has taken many steps for the upliftment of the safai karamcharis, the deprivation suffered by them in socio-economic and educational terms is still far from being eliminated.
- Further the practice of manual scavenging is still prevalent in the country and its eradication continues to be an area of the highest priority for the government.
- The number of Manual Scavengers identified under the MS Act Survey as of Jan 2019 is 14226 and under the National Survey undertaken by Ministry of Social Justice & Empowerment at the behest of NITI Aayog is 31128.
- Hence, the Government feels that there is a continued need to monitor the various interventions and initiatives of the government for welfare of safai karamcharis and to achieve the goal of complete eradication of the practice of manual scavenging in the country.

NCSK

- The NCSK was **established in the year 1993** as per the provisions of the NCSK Act 1993 initially for the period upto 31.3.1997. Later the validity of the Act was initially extended upto March 2002 and thereafter upto Feb 2004.
- The **NCSK Act ceased to have effect from March 2004**. After that the tenure of the NCSK has been extended as a non-statutory body from time to time. The tenure of the present Commission is up to March 2019.

Delhi's Zero Fatality Corridor

Syllabus: Government Policies and Interventions For Development In Various Sectors and issues arising out of their design and implementation.

In News

- The Delhi government has launched a pilot project of creating Delhi's first 'zero fatality corridor' while issuing actionable points to all agencies to ensure a 10% reduction in road accidents by the end of the year.
- As many as 1690 people were killed and 6086 people were injured in 6515 road crashes in 2018, according to Delhi traffic police.
- As per the government's plan, a 3 km stretch between Burari Chowk and Bhalswa chowk will be taken as a case study for scientific assessment of accidents, road engineering, road-user engagement and for checking police enforcement and rapid emergency care.
- The initiative will be **run in partnership with Save LIFE Foundation**, a leading road safety non-profit. The Save LIFE Foundation's ZFC model is well-known for reducing road crash deaths by 30 per cent on the Mumbai-Pune Expressway.
- The activity is in line with Delhi government's plan of action to reduce fatalities due to road crashes by 30 per cent by 2020. It binds all agencies — transport, public works department,

health, education and Delhi traffic police — to a year-round set of actions to reduce road fatalities in Delhi.

- After evaluating the impact of the initiative, the plan is to replicate the model in other parts of the city.

Provisions Of The Plan

- The plan includes conducting a host of audits such as studying and identifying unsafe roads, transportation of school children, road signage, emergency care service and enforcement activities of agencies.
- The plan also calls for commissioning road safety audit of top 20 accident prone zones in the city. Such zones are placed around 500 metre diameter having three fatal or total 10 accidents.
- It will entail a scientific study to reduce the conflict involving pedestrians and cyclists on one hand and the cars and heavy vehicles on the other.
- Nodal officers have been appointed in various departments for smooth coordination to execute the action plan.
- The district magistrates will ensure footpaths are continuous and encroachment-free and an action taken report will have to be submitted by all DMs monthly, at the same time the road safety cell will also contribute in improving traffic engineering.
- It also provides for a **Road Safety Fund** to be maintained through 50 per cent of the fine money realised by the Transport department's enforcement wing and traffic police. Estimated to be around Rs 90 crore annually, the fund will be used to implement road safety measures including infrastructure development and improvements.

Bill To Amend Cinematograph Act

Syllabus: Government Policies and Interventions For Development In Various Sectors and issues arising out of their design and implementation.

In News

- The government has introduced a bill in the Rajya Sabha to amend the Cinematograph Act and impose strict penalty to combat the menace of film piracy by including penal provisions for unauthorised camcording and duplication of films etc. The Act deals with provisions for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.
- The Indian film industry has long cited piracy as a major challenge to its growth and has been demanding for a long time that the government consider amendments to the law preventing camcording and piracy.
- According to a report by global solution provider in digital platform security and media and entertainment, Irdeto, **the Indian media and entertainment sector loses \$2.8 billion of its annual revenue to piracy** and India is one of the top five countries for peer-to-peer downloads.
- The Bill **requires the insertion of a new Section 6AA in the Cinematograph Act** to ensure the prohibition of unauthorized recording.
- The bill proposes to **make film piracy offences punishable with imprisonment of up to three years and fines that may extend to ₹10 lakh or both.**

- The proposed amendment states that any person, who without the written authorisation of the copyright owner, uses any recording device to make or transmit a copy of a film, or attempts to do so, or abet the making or transmission of such a copy, will be liable for such a punishment.
- The proposed amendments would **increase industry revenues, boost job creation, fulfil important objectives of India’s National Intellectual Property policy and will give relief against piracy and infringing content online.**
- This is a significant move to protect intellectual property in the country. It communicates to all stakeholders that the country respects and rewards innovation and creativity and will ensure that the rights of owners and creators of this intellectual property are safeguarded.

Democracy Index

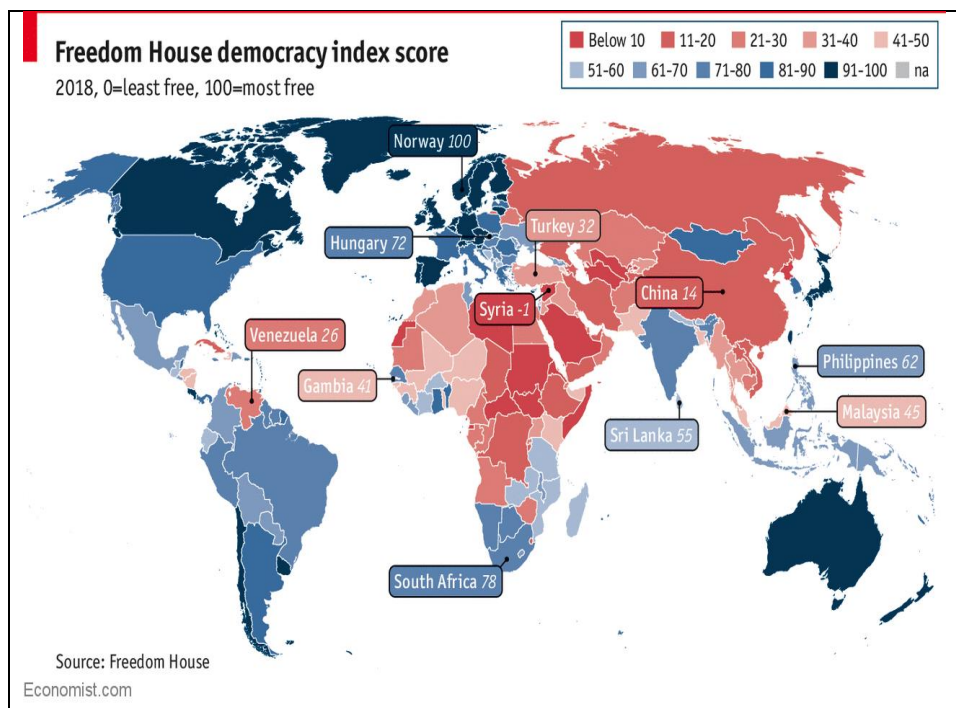
Syllabus: Important aspects of governance, transparency and accountability

In News

The **Economist Intelligence Unit (EIU)** recently published its **11th report** on the **State of Democracy in the World** in 2018 titled **“Me Too?” Political participation, protest and democracy”**.

The Recent Ranking

- **Parameters of ranking:** The survey ranks **165 independent countries** based on **five parameters** namely, electoral process and pluralism, civil liberties, functioning of the government, political participation and political culture.
- **Classification of democracies:** Based on a comprehensive survey containing 60 questions under five categories, the index classifies countries into **four types i.e. Full Democracies, Flawed Democracies, Hybrid Democracies and Authoritarian Regimes.**
- **Ranking:** The **top five** are Norway, Iceland, Sweden, New Zealand and Denmark, while the **bottom five** are generally war-ravaged nations with highly authoritarian regimes, namely Chad, Central African Republic, Democratic Republic of Congo, Syria and North Korea.
- **South Asia:** Among the SAARC countries, India (41) and Sri Lanka (71) are classified as flawed democracies, followed by Bangladesh (88), Bhutan (94) and Nepal (97), which are hybrid regimes, with Pakistan (112) and Afghanistan (143) being authoritarian. The Maldives is not being ranked on the index. Sri Lanka registered the worst fall among all countries in South Asia, with deteriorating civil



liberties and functioning of the government in the wake of a constitutional crisis in October 2018.

- **Final analysis:** Four out of five attributes of the Democracy Index either showed stagnation or improvement for the whole world, except for 'civil liberties', which continues its decline since 2008, coming down from 6.3 to 5.7. 'Functioning of the government' remains at the bottom of the score-card, with hardly any improvement from a high of 5.0 since 2008. Another concerning trend is that, as a whole, the score for perception of democracy as a sub-attribute suffered its biggest fall in the index since 2010, indicating that people are losing faith in the capability of democracy to deliver basic goods and utilities.
- **Analysis of Indian position:** India, which had reached its highest-ever position of 27 in 2014 (just two ranks away from becoming a full democracy), slipped to 42 last year, registering the second largest fall in ranking after Indonesia, which fell by 20 ranks to 68. This confirms the paradox of India as the world's largest electoral wonder, but a flawed democracy.

Rajasthan Social Accountability Bill

Syllabus: Important aspects of governance, transparency and accountability

In News

After a protracted campaign of civil rights groups, the government in Rajasthan has started the process for bringing the Rajasthan Social Accountability Bill.

Provisions Of The Bill

- **Incorporate the provisions of earlier law:** The new accountability law would incorporate the provisions of the **Guaranteed Delivery of Public Services Act** and the **Right to Hearing Act**.
- **Citizen friendly initiative:** The bill includes provisions for citizen's charter, public hearing, social audit and information and facilitation centres.
- **Grievance redressal:** The Bill will also set up a grievance redressal mechanism starting from village panchayats.
- **Accountability of officials:** It will make officials accountable for timely delivery of public goods and services as citizen's entitlement. It also provides for the provision for penalty on erring officials and compensation to the public.