

## CURRENT AFFAIRS SUPPLEMENT 2

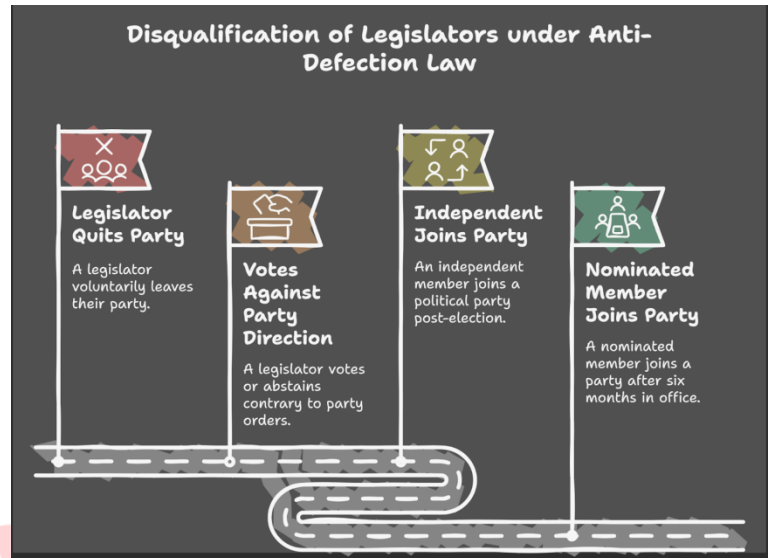
### Anti-Defection Law in India

#### WHY IN NEWS?

- The Maharashtra Assembly Speaker refused to disqualify 40 MLAs of the Eknath Shinde faction, recognizing it as the real Shiv Sena and validating its whip appointment. He also did not disqualify 14 MLAs of the Uddhav Thackeray (UBT) faction due to technical issues in serving whip instructions. The case highlights loopholes in the Tenth Schedule.

#### Tenth Schedule

- Defection refers to switching political allegiance, either by joining another party or becoming independent. It leads to political instability and undermines democratic accountability.



#### Enactment & Constitutional Basis

- Introduced through the **52nd Amendment Act, 1985**.
- Incorporated as the Tenth Schedule of the Constitution.
- Aims to prevent defections and ensure party discipline.

#### Exceptions to Disqualification

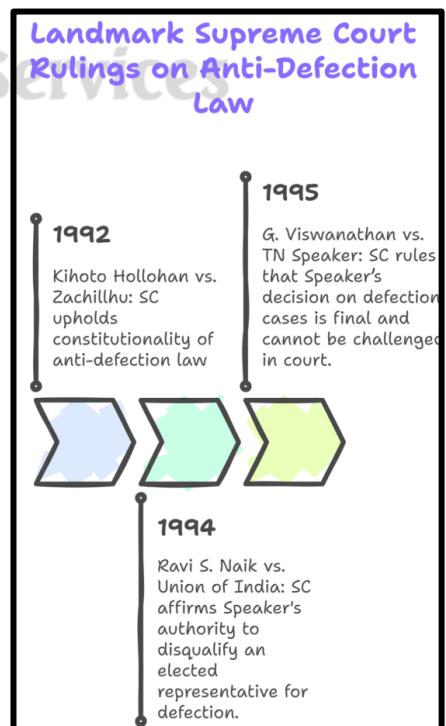
- Merger Clause:** If two-thirds of a party's members agree to merge with another party, disqualification does not apply.
- Presiding Officers:** Presiding officers are exempt from disqualification if they resign from their party upon assuming office or rejoin it after completing their tenure.

#### Authority for Decision on Defection

- Speaker/Chairman** decides on disqualification. Decision is final and cannot be challenged in court.
- Presiding officer can frame rules for enforcing anti-defection provisions.
- Case taken up only upon complaint from a member.

#### Amendments to the Anti-Defection Law (91st Constitutional Amendment Act, 2003)

- Cap on Ministers:**



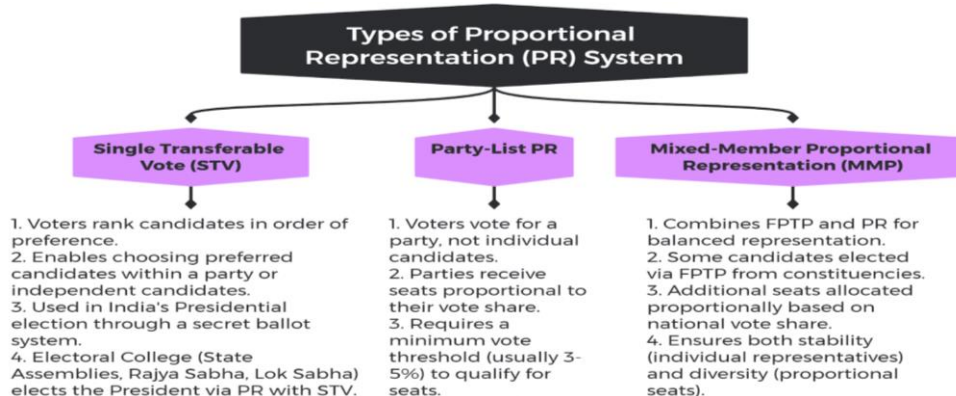
- The total number of ministers, including the Prime Minister, cannot exceed 15% of the Lok Sabha's strength.
- In states, the **Council of Ministers is limited to 15%** of the Legislative Assembly's strength but must have at least **12 ministers**, including the Chief Minister.
- **Disqualification Provisions:**
  - A **disqualified MP or MLA** on grounds of defection **cannot be appointed as a minister**. Such disqualified members are also barred from holding any remunerative political post.
- **Removal of Split Provision:**
  - The exemption for disqualification in case of a split (one-third members breaking away) was removed. Thus, defectors no longer have protection under this clause.

## First Past-The-Post (FPTP) and Proportional Representation

### WHY IN NEWS?

- Lok Sabha election results declared on June 4, with NDA securing 293 seats (43.3% vote share) and INDIA bloc 234 seats (41.6% vote share).
- Experts are advocating for a shift from the First Past the Post (FPTP) system to Proportional Representation (PR).

Feature	First Past the Post	Proportional Representation
<b>Basis of Election</b>	Candidate with most votes wins	Seats allocated as per vote share
<b>Representation</b>	Constituency-based, single-member districts	Multi-member districts, proportional seat allocation
<b>Vote to Seat Ratio</b>	Disproportionate, can result in a mismatch	Proportional to vote share
<b>Government Formation</b>	Strong, stable governments	Often coalition governments
<b>Minority Representation</b>	Limited, favors larger parties	Higher, includes smaller parties
<b>Wasted Votes</b>	High, votes for losing candidates don't count	Low, most votes contribute to seat allocation
<b>Voter Turnout Impact</b>	Can discourage participation due to wasted votes	Encourages participation as votes count
<b>Complexity</b>	Simple and easy to understand	More complex, requires party lists or ranking
<b>Accountability</b>	Direct accountability to constituents	Party-based accountability
<b>Example Countries</b>	India, UK, Canada	Germany, Brazil, Netherlands, New Zealand



## Parliament secretariat






### As Parliament turns 75, the 'backbone' that keeps it going — its secretariat

#### Evolution of Parliament Secretariat

- **Vithalbhai Patel (1925)** advocated for an independent secretariat to ensure legislative autonomy.
- **In 1929**, after the Bhagat Singh incident, Patel resisted British attempts to control security, leading to separate security under the Speaker's authority. This established the Legislature Secretariat independent of the government.

#### Functions and Responsibilities

- **Advises** presiding officers of Lok Sabha and Rajya Sabha; Provides MPs with **research** and **legislative support**; Ensures **the smooth functioning** of parliamentary proceedings; **Maintains records**, precedents, and legislative knowledge across terms.
- Unlike state legislature secretariats, parliamentary secretariats operate autonomously.

		
<b>Article 98</b>		<b>Article 187</b>
Each House of Parliament has a separate secretarial staff, with no law yet passed to regulate their recruitment and service conditions.		Provides similar provisions for the secretariat of state legislatures, allowing state legislatures to regulate recruitment and service conditions.

#### Parliamentary Reporting and Documentation

- **Reporting Mandate:** As per Lok Sabha and Rajya Sabha rules, the Secretary-General must ensure full documentation of parliamentary proceedings.
- **Historical Basis:** Originates from an 1861 directive by the Secretary of State for India to ensure accurate reporting.
- **Role of Parliamentary Reporters:** Record verbatim proceedings, ensuring precise documentation of debates and statements.

#### Administrative Structuring of Secretariat

- **Committee Recommendations (1974):** Lok Sabha and Rajya Sabha secretariats divided into 11 functional areas, including Legislative affairs, library, research, and information, reporting, editorial, and translation, interpretation services and printing, publication, and security (Parliament Security Service)

- **Staff and Organization:** Currently, 2,200 Lok Sabha & 1,500 Rajya Sabha staff operates across **eight services**.

### About Secretary-Generals

- **Separate Secretary-Generals for Each House:** One for Lok Sabha and another for Rajya Sabha.
- **Appointed by presiding officers** with discretion over recruitment.
- **Dual role:**
  - **Advisor to Presiding Officers & House** on legislative matters.
  - **Head of Administration** overseeing parliamentary functioning.
- **1990:** Position elevated to **Cabinet Secretary rank** in recognition of its importance. (Earlier Status: Equivalent to a Government of India Secretary)
- **Tenure:** Secretary-General holds office until retirement (age 60).
- **Reporting:** He reports solely to the Speaker; actions cannot be publicly debated or criticized.

## TV Somanathan Appointed as New Cabinet Secretary



### WHY IN NEWS?

- TV Somanathan has replaced Rajiv Gauba as India's Cabinet Secretary. As Finance Secretary, he played a key role in PLI schemes, PM Garib Kalyan, and Atmanirbhar Bharat initiatives.

### Cabinet Secretary: Role & Responsibilities

- The Cabinet Secretary is the highest-ranking civil servant in India, leading the **Cabinet Secretariat and the Civil Services Board**.
- Functions as the **ex-officio head of the IAS** and other civil services under the government's rules of business.
- Holds the 11th position in the Indian order of precedence.
- Reports directly to the **Prime Minister** and serves a fixed **two-year term**.

### Administrative Role of the Cabinet Secretariat

- Manages the implementation of the **Transaction of Business Rules, 1961** and **Allocation of Business Rules, 1961**.
- Oversees governance processes and ensures efficient administrative operations.

### Tenure & Extensions

- Initially appointed for **two years**, with provisions for an extension.
- As per the **2019 amendment** to the **All India Services (Death-Cum-Retirement-Benefits) Rules, 1958**, the total tenure can extend up to **four years**.
- An additional **three-month extension** may be granted beyond the four-year term.

### Functions of Cabinet Secretariat



## Income-Tax Action against Political Parties

### WHY IN NEWS?

- The Income-Tax department has imposed a ₹210 crore penalty on a political party for a 45-day delay in filing tax returns for FY2018-19.

### Tax Exemption for Political Parties (Section 13A, IT Act, 1961)

- Political parties registered** under the **Representation of the People Act, 1951**, are exempt from income tax under Section 13A.
- Conditions for exemption include:**
  - Maintenance of **books of accounts** and other financial records.
  - Auditing of accounts** as per legal requirements.

### Mandatory Filing of Tax Returns (Section 139(4B), IT Act, 1961)

- Political parties must file tax returns** if their total income (**before exemptions under Section 13A**) exceeds the tax exemption threshold.
- Even with tax exemptions, compliance with **filing deadlines and documentation** is mandatory.

## SC Strikes Down Electoral Bonds Scheme

### WHY IN NEWS?

- The Supreme Court of India struck down the Electoral Bonds Scheme as unconstitutional and violative of the right to information (Article 19(1)(a)). The court ruled that **unlimited corporate donations** lead to **quid pro quo arrangements** and undermine **free and fair elections**.
- The scheme, introduced in 2018, allowed anonymous political donations through banking channels.



## Electoral Bond Scheme

### What are Electoral Bonds?

- Money instruments similar to promissory notes, issued by the State Bank of India (SBI).
- Can be purchased by individuals or companies in India.
- Donated to political parties, which can then encash them through designated accounts.
- Can be bought individually or jointly by individuals.

### Eligibility for Receiving Electoral Bonds

- Only registered political parties under Section 29A of the Representation of the People Act, 1951.
- Must have secured at least 1% of votes in the last Lok Sabha or State Assembly election.

### Objectives of the Electoral Bond Scheme



#### Cleansing Political Funding

Launched in 2018 to cleanse political funding in India.



#### Transparency in Electoral Financing

Aimed to bring transparency in electoral financing.



#### Promoting Digital Economy

Projected as an electoral reform to promote a cashless, digital economy.

## New regulations for Registered Unrecognised Political Parties (RUPPs)

### WHY IN NEWS?

- The Election Commission of India (ECI) has introduced new regulations for Registered Unrecognised Political Parties (RUPPs) regarding the allocation of election symbols. These parties must now submit audited accounts for the last three financial years, expenditure statements from the last two elections, and the signature of an authorized party official with their symbol application.

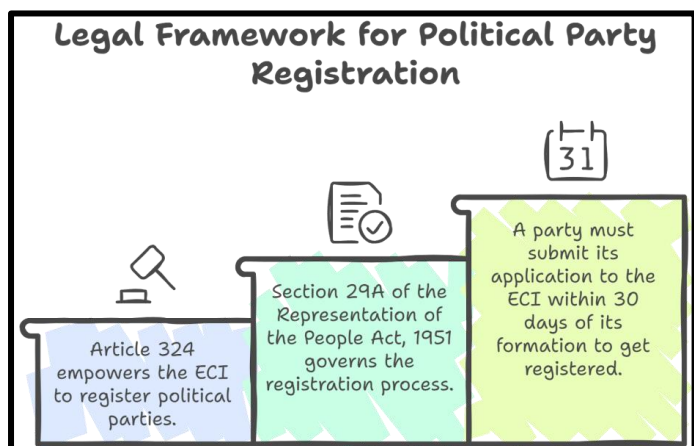
### Registered Unrecognised Political Parties (RUPPs)

#### • RUPPs are political entities that:

- Have been newly registered but are yet to contest elections,
- Have not secured enough votes to qualify as a state or national party, or
- Have never participated in an election since registration.

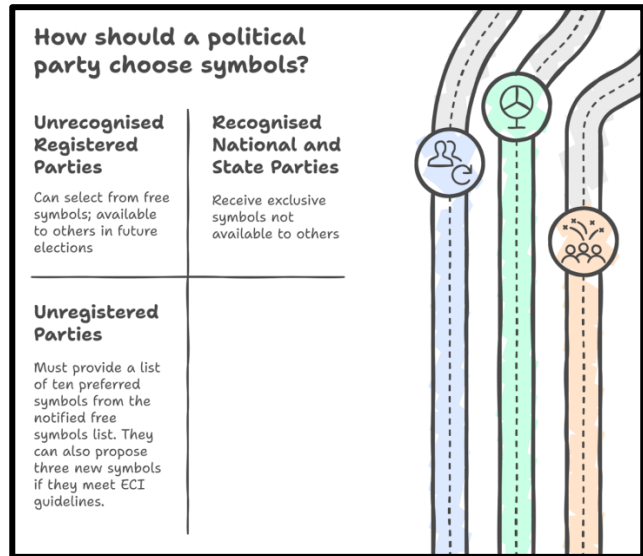
#### • Key Features:

- They do not enjoy benefits given to recognised parties.
- To gain recognition, they must meet certain vote share and seat criteria set by the ECI.



### Election Symbols and Their Allocation

- Election Symbols (Reservation and Allotment) Order, 1968 regulates the allotment of symbols in elections. Symbols are categorized into:
  - Reserved Symbols** – Exclusive to recognised political parties.
  - Free Symbols** – Available for unrecognised parties and independent candidates.
- The ECI publishes a list of symbols in the Gazette of India, specifying which parties are entitled to them.
- Para 15 of the Symbols Order, 1968** empowers the **ECI** to resolve disputes when a recognised political party splits. The ECI's decision is **final and binding**.
- For unrecognised registered parties**, the ECI generally advises factions to resolve disputes internally or seek intervention from the courts.



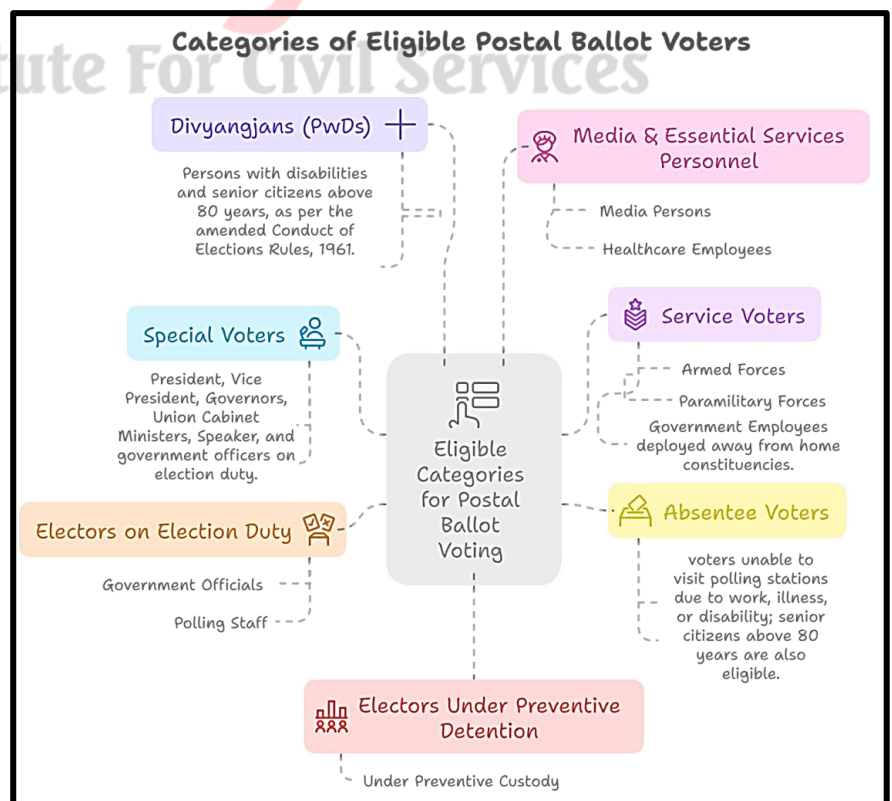
## Postal Ballot Voting

### WHY IN NEWS?

- The Election Commission of India (ECI) has announced that media persons covering polling day activities are now eligible to vote through postal ballots in the Lok Sabha Elections 2024 and state Assembly polls.

### What are Postal Ballots?

- A postal ballot (mail-in ballot) allows registered voters to cast their votes without physically visiting a polling station. It is governed by the Conduct of Elections Rules, 1961 and serves as an alternative voting method for those unable to vote in person due to various reasons.
- Eligible voters must



- submit Form 12D to the Returning Officer (RO) of their constituency.
- For service voters, the RO sends the ballot paper through the record office or the Ministry of External Affairs (for those serving abroad).
  - Postal ballots are counted separately from polling station votes. They are collected by postal authorities and brought to the counting centre.

## Supreme Court's Use of Article 142 in Chandigarh Mayoral Election



### Article 142, why SC quashed Chandigarh mayor's election, and why it matters

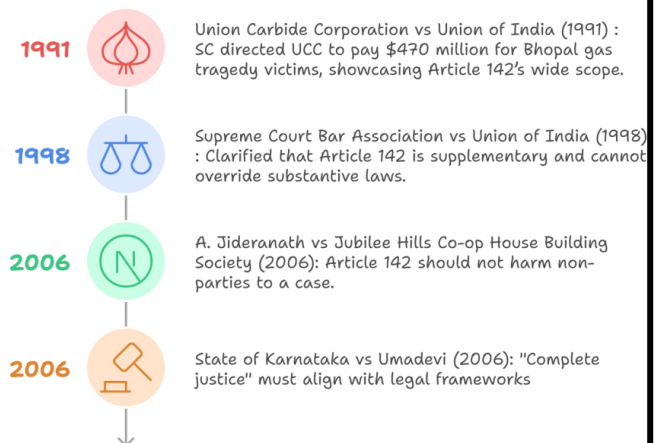
#### WHY IN NEWS?

- The Supreme Court of India quashed the results of the Chandigarh mayoral election held on January 30, 2024, after finding electoral malpractice by the presiding officer, Anil Masih. The court declared Kuldeep Kumar (AAP-Congress candidate) as the validly elected Mayor, invoking Article 142 to ensure complete justice.

#### Understanding Article 142 and Its Invocation in the Case

- Article 142 empowers the Supreme Court to pass any decree or order necessary to ensure complete justice in any case before it. These orders are **binding** across India, enabling the judiciary to act beyond the scope of existing statutes when required.
- It allows the court to transcend statutory limitations if required to protect fundamental rights and democratic values in exceptional cases.
- **Associated articles:** Article 142 works alongside Article 32 (constitutional remedies), Article 136 (Special Leave Petition), and Article 141 (binding nature of SC decisions).
  - The broader framework facilitates judicial activism, allowing the Court to intervene when laws are inadequate or misapplied.

#### Supreme Court Rulings on Article 142





## Panchayat Se Parliament 2.0 Programme



THE NEW  
**INDIAN EXPRESS**

### From panchayat to Parliament, Birla urges women to use AI for innovation

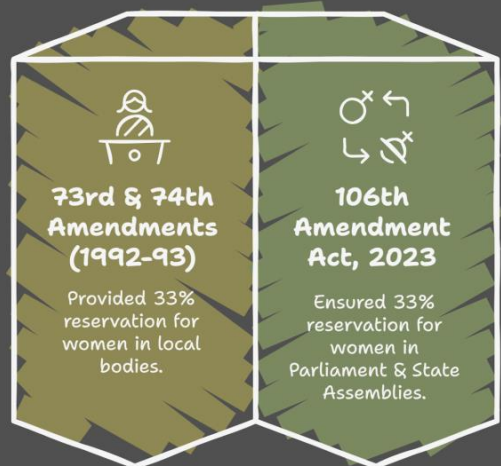
#### WHY IN NEWS?

- The program was inaugurated on 6th January 2025 by Lok Sabha Speaker to mark 150th birth anniversary of tribal leader Birsa Munda. 502 elected women representatives from Scheduled Tribes (STs) across India took part in the program.
  - Birsa Munda led the Munda Rebellion (Ulgulan) against British oppression
  - His **birth anniversary** is observed as **Janjatiya Gaurav Divas**.

#### About Panchayat Se Parliament 2.0

- **Aim:** Women awareness and empowerment initiative to enhance understanding of constitutional and democratic values.
- **First Edition (1.0):** Conducted in January 2024 with 500+ participants
- **Organizers:** National Commission for Women (NCW), Lok Sabha Secretariat and Ministry of Tribal Affairs
- **Objectives**
  - Empowerment of women leaders from Panchayats (PRIs) & Urban Local Bodies (ULBs).
  - Providing insights into constitutional provisions, parliamentary procedures, and governance.

#### Constitutional Amendments for Women's Reservation



## Rule 267 in Rajya Sabha

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### Explained | Why is the Opposition insisting on a debate about Manipur under Rule 267?

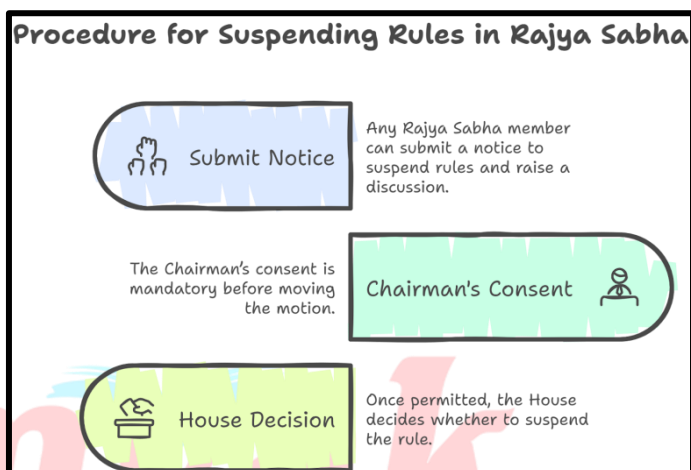
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#### WHY IN NEWS?

- Opposition MPs in Rajya Sabha demanded the invocation of Rule 267 to discuss the Manipur issue, leading to disruptions. Chairman Jagdeep Dhankhar rejected multiple notices, stating that such motions have become a “mechanism for causing disruption.”

### What is Rule 267?

- **Provision:** Rule 267 of the **Rules of Procedure and Conduct of Business in Rajya Sabha** deals with the **suspension of rules**.
- **Purpose:** Allows MPs to **suspend all listed business** for the day to discuss an issue of **national importance**.
- **Restrictions:** Cannot be invoked if there is already a provision under another rule for raising the issue.
- **Significance of Rule 267:** used for urgent national issues requiring immediate debate. Also, allows discussion beyond normal agenda, ensuring pressing matters get attention.
- **Invoked:** 11 times since 1990 for critical discussions, including Gulf War (1991), Corruption Cases (1992-2000) and Demonetisation (2016).
- **When Rule 267 was last invoked:** November 2016, to discuss demonetization in Rajya Sabha.



Feature	Rule 267	Rule 176
<b>Nature of Discussion</b>	Suspends all business for urgent debate	Short-duration discussion (max 2.5 hours)
<b>Motion Required?</b>	Yes, MP must file notice before 10 AM	No formal motion needed
<b>Chairman's Role</b>	Has discretion to accept or reject	Decides admissibility and timing
<b>Voting Required?</b>	Yes, House votes on suspension	No voting, only discussion