

CURRENT AFFAIRS SUPPLEMENT 5

THE PANEL OF VICE-CHAIRPERSONS RECONSTITUTED

Rajya Sabha Chairman, Shri Jagdeep Dhankhar reconstituted the panel of Vice-Chairpersons

WHY IN NEWS?

The Vice-President of India, who is also the ex-officio Chairman of the Rajya Sabha, has recently reconstituted the Panel of Vice-Chairpersons.

Constitutional and Procedural Basis <ul style="list-style-type: none">Article 118 of the Indian Constitution empowers each House of Parliament to make its own rules for regulating its procedure and conduct of business.Rule 8 of the Rules of Procedure and Conduct of Business in the Rajya Sabha provides for the constitution of a panel of Vice-Chairpersons by the Chairman.	Role and Responsibilities <ul style="list-style-type: none">In the absence of both the Chairman and the Deputy Chairman, any member from the panel can preside over the proceedings of the House.They have the same powers as the Chairman when presiding over the session, including maintaining order and conducting debates.
Composition and tenure of the Panel <ul style="list-style-type: none">The Chairman nominates members from amongst the Rajya Sabha members to the panel of Vice-Chairpersons.There is no fixed number, and the panel is periodically reconstituted.Members of the panel hold office until a new panel is constituted, meaning their tenure is not fixed but depends on the discretion of the Chairman.	Contingency Provision and Significance of the Panel <ul style="list-style-type: none">In case both posts are vacant simultaneously, the President of India appoints a member of the Rajya Sabha to perform the duties of the Chairman until a new Chairman or Deputy Chairman is elected.Ensures uninterrupted functioning of the Rajya Sabha and enhances parliamentary experience and exposure of members.

A MINISTER WITHOUT PORTFOLIO

WHY IN NEWS?

- Tamil Nadu Minister V. Senthilbalaji was retained as a Minister without portfolio after his arrest in a money laundering case. The Chief Minister reallocated his departments but kept him in the cabinet, leading to objections from the Governor, who attempted to dismiss him. The Madras High Court called the move a “constitutional travesty” but left the final decision to the Chief Minister.
- In 2024, the Supreme Court upheld this decision, ruling that the Governor cannot unilaterally dismiss a Minister and must act in consultation with the Chief Minister.

About Minister without Portfolio

The Government of India (Allocation of Business) Rules, 1961 allows the President, on the advice of the Prime Minister, to assign specific responsibilities to a Union Minister without portfolio.

Such a Minister does not head any specific ministry or department but may be entrusted with special tasks or coordination roles.

They are entitled to the perks and privileges of a Minister but do not draw a ministerial salary, only the salary applicable to a Member of the Legislature.

SPECIAL CATEGORY STATUS

Nation

Bihar seeks special category status, Rs 1.59 lakh crore grant from 16th Finance Commission

A CMO statement said the chief minister has high hopes from the members, especially the chairman, who is aware of Bihar's economic structure.

WHY IN NEWS?

- The Bihar government recently, during the 16th Finance Commission's three-day visit to the state, placed key demands including Special Category Status and Immediate financial assistance of over ₹1.59 lakh crore.

Special Category Status (SCS)

- Special Category Status is a classification granted by the Central Government to help states with geographical and socio-economic disadvantages.
- It aims to promote faster development in underdeveloped states through preferential financial assistance and tax concessions.
- The **Constitution of India does not contain** any provision for classifying a state as a Special Category State.
- Status is granted purely on the recommendation of the **National Development Council (NDC)** and administrative decisions of the central government.

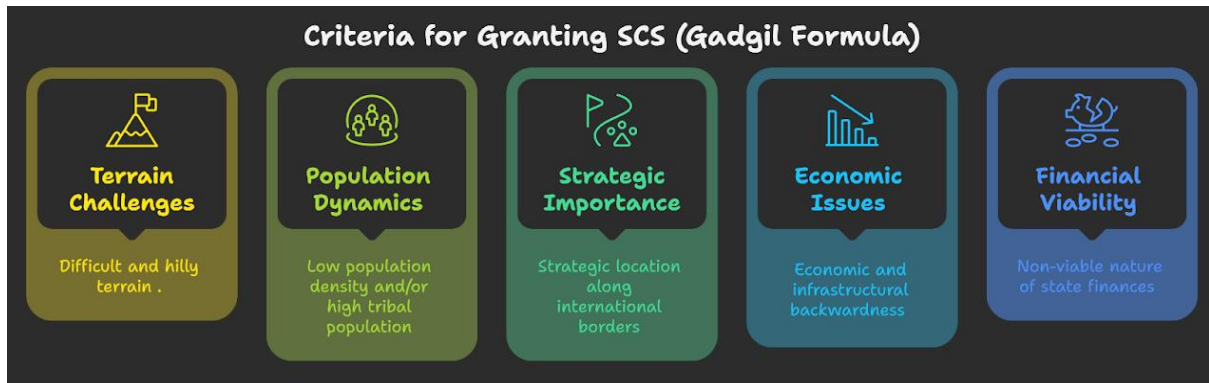
Historical Background

- Introduced in **1969**, based on the recommendations of the **Fifth Finance Commission**.
- Jammu & Kashmir, Assam, and Nagaland** were the first recipients of this status in 1969.
- The Gadgil formula (later modified as the Gadgil-Mukherjee formula) was used to determine central assistance to both general and special category states.
- The **Planning Commission** was the key institution in **granting SCS**. This mechanism lost relevance with its replacement by NITI Aayog in 2015.

Current Status Post-14th Finance Commission

- The 14th Finance Commission discontinued this mechanism, except for:

- **11 states:** All 8 Northeastern states and 3 hill states — Himachal Pradesh, Uttarakhand, and Jammu & Kashmir (prior to its reorganisation)
- Recommended increasing tax devolution from 32% to 42% to compensate resource-poor states.



Why Bihar Demands SCS?

- **Chronic Economic Backwardness:** One-third of the population is below the poverty line; lowest per capita income (~₹54,000).
- **Bifurcation Impact:** Industrial resources shifted to Jharkhand; job opportunities reduced.
- **Natural Disasters:** Frequent floods in the north and droughts in the south hamper agriculture.
- **High Welfare Needs:** Demands funds (~₹2.5 lakh crore) for welfare over five years.
- **Resource Deficiency:** Lack of natural resources and assured irrigation contributes to underdevelopment.

Benefits of Special Category Status

- **Higher Grants-in-Aid:** Special Category States receive greater per capita central grants.
- **Enhanced Funding for Centrally Sponsored Schemes:**
 - **Special Category Status:** 90:10 ratio (Centre: State)
 - **Non-Special Category Status:** 70:30 ratio
- Unspent funds are carried forward.
- **Tax and Investment Incentives:** Income tax exemptions, GST concessions, custom duty waivers, and corporate tax benefits.
- **Employment Generation:** Industrial incentives promote job creation in backward regions.
- **Infrastructure Development:** Boosts private investment in hospitals, education, IT, hospitality, etc.

Constitution (125th Amendment) Bill & Sixth Schedule Councils

Indian Government has in principle agreed to strengthen Sixth Schedule Councils: Pramod Boro

CM Himanta Biswa Sarma says Assam govt. supporting the Bill for this, adding that he is 'hopeful of seeing something positive' this Budget Session

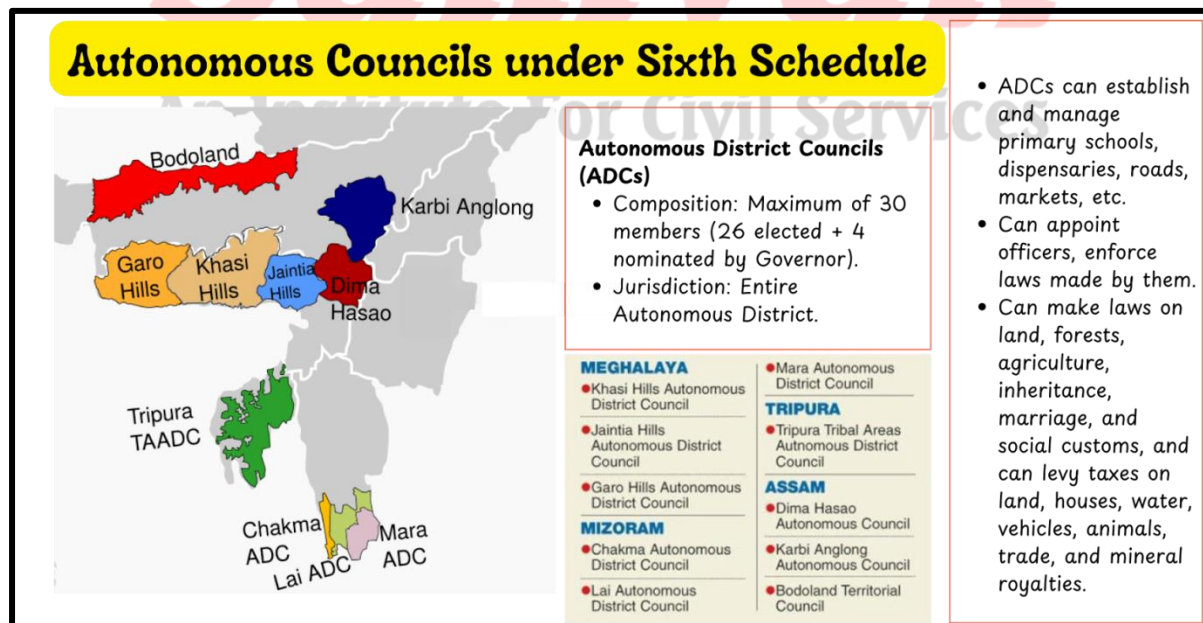
Updated - January 28, 2025 09:36 pm IST - Kokrajhar, Bodoland Territorial Region

WHY IN NEWS?

- The Government of India has in principle agreed to strengthen the Sixth Schedule Autonomous Councils across Assam, Meghalaya, Mizoram, and Tripura. This is to be done through the long-pending Constitution (125th Amendment) Bill, which may see progress in the upcoming Budget Session 2025.

Sixth Schedule

- The Sixth Schedule is provided under **Article 244(2) and Articles 275 & 280** of the Constitution.
- It is based on the recommendations of the **Bardoloi Committee** (Constituent Assembly Sub-Committee on Assam and other Excluded & Partially Excluded Areas).
- Objective:** To protect the rights and autonomy of tribal communities in the North-Eastern region by allowing self-governance through Autonomous Councils.
- Key Features**
 - Governor is empowered to:** Declare any tribal-dominated area in Assam, Meghalaya, Tripura, and Mizoram as an Autonomous District.
 - Create **Autonomous District Councils (ADCs) and Autonomous Regional Councils (ARCs)**.
 - Autonomous District Councils (ADCs)**
 - Composition: Maximum of 30 members (26 elected + 4 nominated by Governor).
 - Jurisdiction: Entire Autonomous District.
 - Autonomous Regional Councils (ARCs)**
 - Created for a specific tribe within an autonomous district.
 - Empowered in matters affecting that specific community



Feature	Fifth Schedule	Sixth Schedule
Applicability	Applies to Scheduled Areas as declared by the President .	Applies to tribal areas in Assam, Meghalaya, Tripura, and Mizoram .
Administrative Body	Governed by Tribes Advisory Councils (TACs) .	Administered through Autonomous District Councils (ADCs) & ARCs .
Powers	Limited executive powers –	Extensive executive, legislative, and

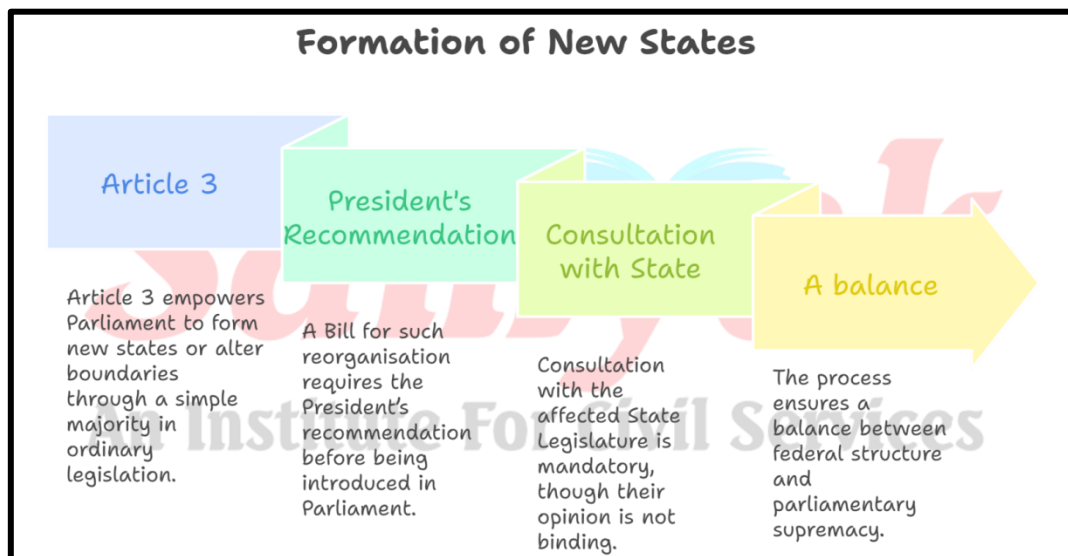
	advisory in nature, as per State Legislature.	judicial powers , constitutionally mandated.
PESA Act, 1996	Applicable , empowering Gram Sabhas in Scheduled Areas.	Not applicable in Sixth Schedule areas.

FORMATION OF NEW STATES

10 years of Telangana state: A brief look at how India's youngest state was formed

WHY IN NEWS?

- June 2, 2024 marked 10 years of the formation of Telangana, India's 29th and youngest state. The Telangana Formation Day was celebrated with cultural and political significance, especially by the ruling Congress government, which highlighted its role in passing the Andhra Pradesh Reorganisation Act, 2014.



State Reorganisation Committees/Commissions

- S.K. Dhar Commission (1948):** Favoured administrative convenience over linguistic lines.
- JVP Committee (1948):** Rejected language as the basis for state formation, citing national unity.
- Fazl Ali Commission (1953):** Accepted language as one of several factors, aiming to preserve unity, promote homogeneity, ensure administrative efficiency, and welfare planning.
 - The **Fazl Ali Commission** led to the **major reorganisation in 1956**, resulting in 14 states and 6 Union Territories under the **7th Constitutional Amendment**.

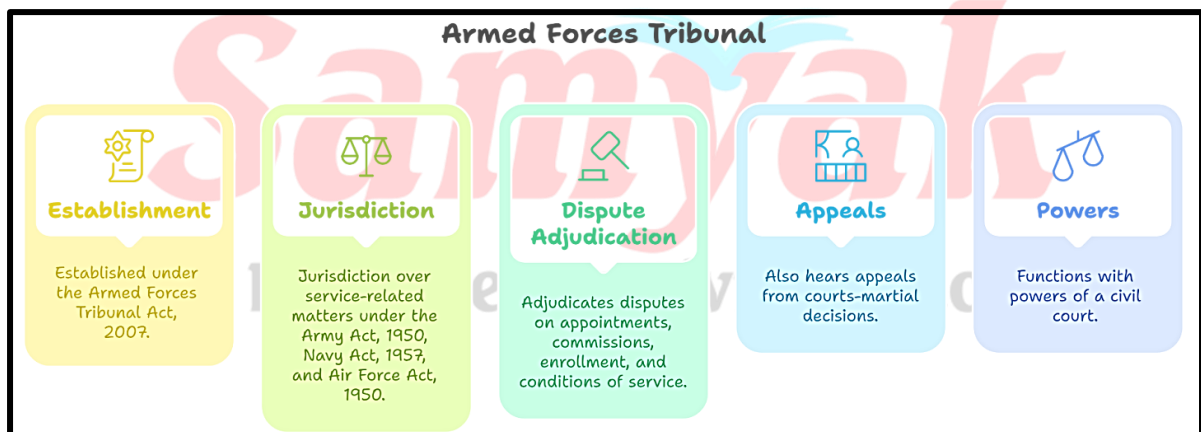
TRIBUNALS CANNOT DIRECT GOVERNMENT TO FRAME POLICY

Supreme Court rules that tribunals cannot direct government to frame policy

The top court was deciding on whether the Armed Forces Tribunal (AFT) could have directed the government to make a policy to fill up the post of Judge Advocate General (Air)

WHY IN NEWS?

- Recently, The Supreme Court ruled that tribunals like the Armed Forces Tribunal (AFT) cannot direct the government to frame or implement a policy, reaffirming that policy-making lies solely within the domain of the executive. The verdict came in response to the Armed Forces Tribunal's directive to the Centre regarding the appointment of the Judge Advocate General (Air).
- The Court emphasized that even High Courts, under Article 226, cannot compel the government to create specific policies, reinforcing the separation of powers and the constitutional limits on judicial and quasi-judicial bodies



About the Tribunal System

- **Nature:** Quasi-judicial bodies created to reduce judicial burden and bring subject expertise.
- **Constitutional Recognition:**
 - Added through **42nd Amendment Act, 1976** – Articles 323A & 323B.
 - **Article 323A:** For service matters – recruitment, service conditions of public servants.
 - **Article 323B:** Broader subjects – taxation, land reforms, etc., under the Seventh Schedule.
- **SC Interpretation (2010):** Legislature can form tribunals beyond the list in Article 323B, as long as it's within their legislative competence.
- **Composition:** Includes judicial and expert (technical) members, unlike traditional courts.
- **Jurisdiction:**
 - Specific and subject-matter focused.

- Some have appellate jurisdiction from decisions made by lower authorities or government bodies.
- **Appeals:** Generally lie with the High Courts.
- **In L. Chandra Kumar Case (1997):** SC held that tribunal decisions are subject to judicial review by High Courts.

CONCERNS OVER BAIL JURISPRUDENCE

CJI flags fear that jail is becoming the rule in district courts

The Chief Justice says there is a growing reluctance on the part of trial judges to grant bail

WHY IN NEWS?

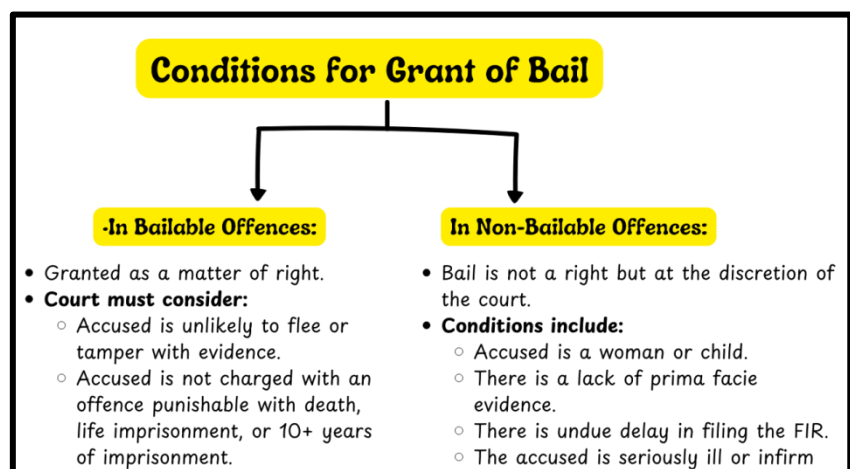
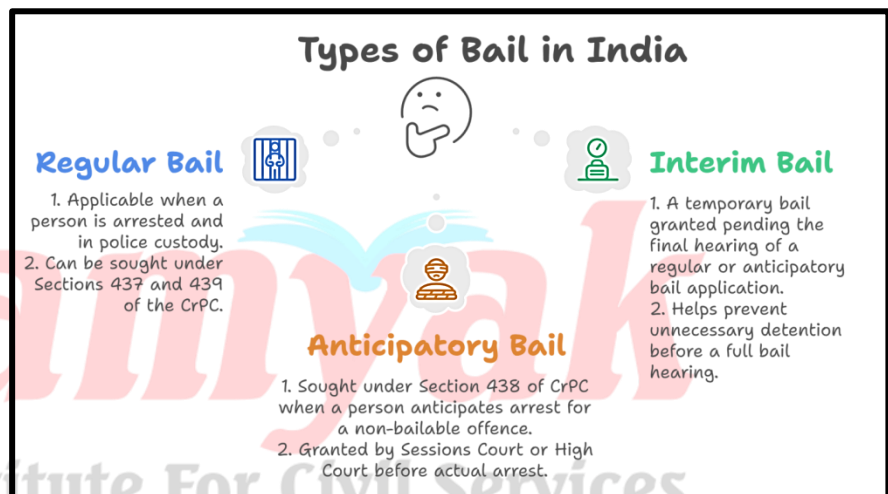
Chief Justice of India (CJI) D.Y. Chandrachud expressed concern over the growing trend of trial courts denying bail, effectively making jail the norm instead of the exception. He made these remarks during the All India District Judges Conference in Kachchh, Gujarat.

What is Bail?

- It refers to the temporary release of an accused person awaiting trial or further legal proceedings.
- Bail is typically granted on the submission of a security or surety to ensure the accused appears before the court when required.

Legal Basis of Bail in India

- The Code of Criminal Procedure (CrPC) does not explicitly define bail.
- The CrPC, first enacted in 1882, provides the procedural framework for granting bail under various sections.
- Provisions related to bail have been amended and evolved through judicial interpretations over time.

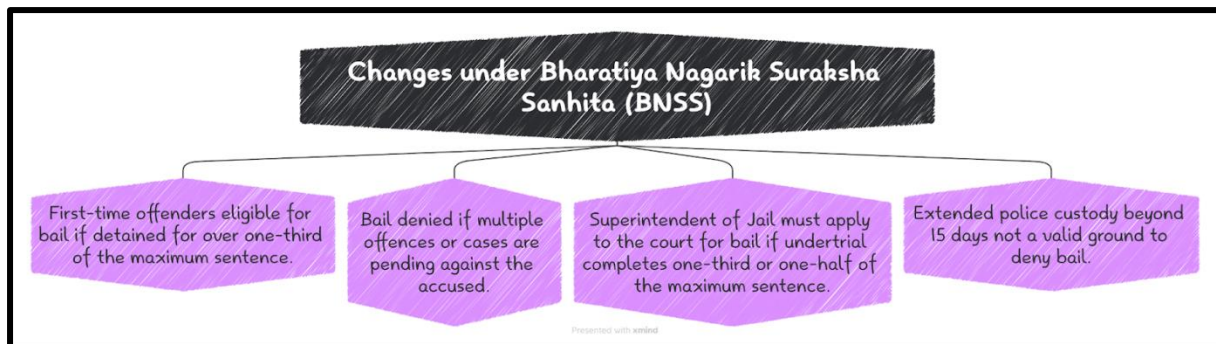


Cancellation of Bail

- Courts retain power to revoke bail at any stage.
- Bail may be cancelled if the accused violates bail conditions, or there is new evidence or threat to witnesses
- Upon the cancellation, the court may direct re-arrest.

When is Bail the Exception (Not the Rule)?

- In certain special legislations, bail is made harder to obtain:
 - Unlawful Activities (Prevention) Act (UAPA)
 - Narcotic Drugs and Psychotropic Substances Act (NDPS)
 - Prevention of Money Laundering Act (PMLA)
- These laws often reverse the burden of proof or introduce stricter bail conditions.



ALTERNATIVE DISPUTE RESOLUTION (ADR) IN INDIA

WHY IN NEWS?

The Supreme Court launched an online mediation training portal to promote alternative dispute resolution (ADR) in India.

ABOUT THE PORTAL

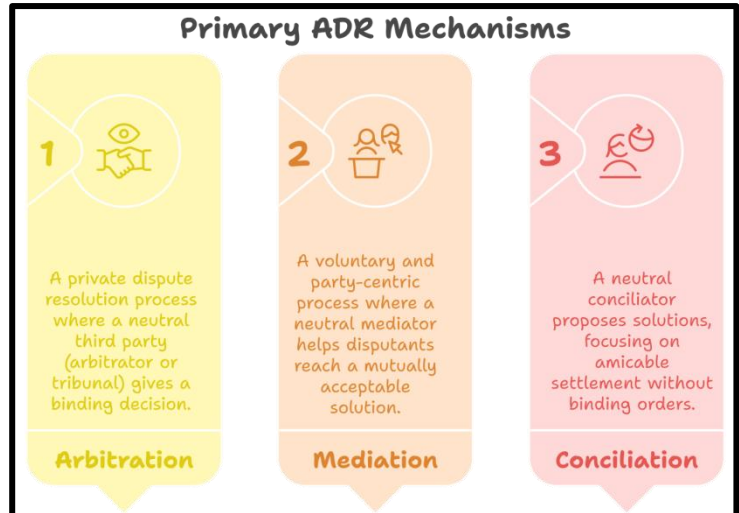
- Developed by NALSA in collaboration with Mediation and Conciliation Project Committee (MCPC).
 - MCPC (2005) was constituted by the Supreme Court of India to implement mediation and conciliation effectively.
- Offers a 40-hour training course with 50+ lectures on 20 topics and 10+ hours of practical sessions.
- Aims to equip judges, lawyers, and law students with mediation skills.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

- With rising litigation and complex legal systems, Indian courts face heavy case backlogs.
- Alternative Dispute Resolution (ADR) methods offer an effective solution for faster, cost-efficient, and amicable dispute resolution.
- ADR is encouraged before disputes escalate into court cases, easing judicial burden.

ARBITRATION

- Governed by the Arbitration and Conciliation Act, 1996.
- **Key Features**
 - Requires a valid arbitration agreement and the award is **final and binding** on the parties.
- **Advantages**
 - Offers speedy and flexible dispute resolution with confidentiality, expert arbitrators, and limited scope for appeal ensuring finality.
- **Disadvantages:** May waive court remedies through pre-agreed clauses, can be costly in complex cases, and may lead to power imbalance favoring stronger parties.



MEDIATION

- **Key Features**
 - The mediator only facilitates dialogue, does not impose a decision.
 - Suitable when emotional or communication barriers exist.
 - Used when preserving long-term relationships is essential.
- **Advantages:** Time and cost-efficient, offers flexible and customized solutions, and helps maintain amicable relationships post-dispute.
- **Disadvantages:** Non-binding unless mutually agreed upon, with no legal authority to enforce outcomes.

CONCILIATION

- **Key Features**
 - Governed under the Arbitration and Conciliation Act, 1996.
 - Section 67(1) allows conciliators to propose settlements without providing reasoning.
 - Views and statements made during the process cannot be used in court.
- **Advantages:** Provides flexible, private, and cost-effective dispute resolution, encouraging voluntary compliance
- **Disadvantages:** Non-binding proposals of the conciliator and high dependence on parties' willingness to reach a mutual settlement.