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Expected Questions in Political Science (Part 2) (Download PDF)

(December 5, 2018)

Law Commission Floats Consultation Paper on Family Law Reform: - Law Commission floated Consultation Paper on family law reform. Paper discusses range of provisions w/i all family laws, secular or personal & suggests number of changes in form of potential amendments & fresh enactments.

Key Suggestions of Paper

Family Laws

Paper discusses introduction of new grounds for 'no-fault' divorce accompanied by corresponding changes to provisions on alimony & maintenance.

Image of Family Laws

- **Hindu Law:**

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- It suggests inclusion of concepts such as 'community of property' of married couple, abolition of coparcenary & rights of illegitimate children.
- It makes suggestions for addressing self-acquired property of Hindu female.
- **Muslim Law**
- Paper suggests reform in inheritance law thru codification of Muslim law on inheritance, while ensuring that codified law is gender just.
- It discusses rights of widow & changes application to general laws such as introduction of community of (self-acquired) property after marriage & inclusion of irretrievable breakdown of marriage as ground for divorce.
- **Parsi Law**
- Paper makes suggestions relating to protecting married women's right to inherit property even if they marry outside their community.
- **Juvenile Law**
- Paper suggests expansion of Juvenile Justice (Care & Protection) Act, 2015 to make it into robust secular law that can be accessed by individuals of all communities for adoption.
- It makes suggestions for amending guidelines for adoption & suggestion to alter language of Act to accommodate all gender identities.
- **Guardianship Laws**
- Paper discusses gap w/i custody & guardianship laws, statutory or customary & suggests that 'best interest of child' has to remain paramount consideration in deciding matters of custody regardless of any prevailing personal law in place.

Govt. Organizes All India Pension Adalat for Pensioners' Welfare

- All India Pension Adalat was inaugurated by Union Minister of State (Independent Charge) for Personnel, Public Grievances & Pensions in New Delhi.
- Pension Adalat, being organized by Department of Pension & Pensioners Welfare (DoP&PW), is one of largest exercises for pensioners' welfare ever undertaken by Govt. as part of good governance dedicated to central govt. pensioners.

Key Highlights of All India Pension Adalat

- All central govt. ministries would be conducting their respective pension Adalat, in which on-the-spot resolution would be provided across table to grievance holder.

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- This is great reformative measure to get grievances resolved in quickest possible way by avoiding unnecessary recourse by pensioners to Courts.
- Measure is expected to resolve issues of thousands of pensioners in one day, in single sitting across country.
- Govt. organized Pre-Retirement Counselling (PRC) on occasion for central govt. employees who are about to retire in next 6 months.

Anubhav Awards-2018

- Union Minister of State gave away Anubhav Awards-2018 to recognize contribution of Central Govt. employees to Anubhav Portal, which is designed to create institutional memory for successive generations of Central Govt. employees.
- He also launched booklet—"An era of sustained reforms for Central Government Pensioners".

Government Constitutes Competition Law Review Committee to Review the Competition Act

- Union Finance Ministry has constituted 9 members Competition Law Review Committee to ensure that legislation is in tune w/changing business environment. It will be chaired by Corporate Affairs Secretary Injeti Srinivas.
- Committee was constituted in pursuance of Govt. 's objective of ensuring that legislation is in sync w/needs of strong economic fundamentals.

Committee's Terms of References

- To review competition regulations in view of changing business environment & suggest necessary changes to strengthen & re- calibrate existing law to promote best practices.
- To look into international best practices in competition field w/thrust on anti-trust laws, merger guidelines & handling cross-border competition issues.
- To study other regulatory regimes, institutional mechanisms and government policies which overlap with Competition Act.
- It will submit its report w/i 3 months of date of its 1st meeting.

NITI Aayog Launches 5 Thematic Reports on Sustainable Development in Indian Himalayan Region

- NITI Aayog has released 5 Thematic Reports on Sustainable Development in Indian Himalayan Region (IHR) recognizing uniqueness of Himalayas & challenges for sustainable development.
- These reports list challenges in all defined 5 thematic areas & discuss significance, challenges, ongoing actions & future roadmap.

Background on Formation of 5 Thematic Reports on Sustainable Development in Indian Himalayan Region

- Inventory & Revival of springs in Himalayas for Water Security
- Sustainable Tourism in Indian Himalayan Region
- Transformative Approach to Shifting Cultivation
- Strengthening Skill & Entrepreneurship Landscape in Himalayas
- Data & Information for Informed Decision Making

Key Features of 5 Thematic Reports

- Inventory and Revival of Springs in Himalayas for Water Security:
- It calls for setting up of Mission on Spring Water Management in Himalayas.
- Sustainable Tourism in Indian Himalayan Region:
- "Himalaya Calling: An Awareness to Action Campaign" must be launched as people's movement.
- Data/Information for Informed Decision Making:
- It should be linked with Hindukush Himalaya Monitoring & Assessment program (HIMAP).
- Central Data Management Agency for Himalayan Database must be set up at GB Pant National Institute of Himalayan Environment & Development.

Law Commission Submits Report on "Wrongful Prosecution (Miscarriage of Justice): Legal Remedies"

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- Law Commission of India has submitted its 277th report to Union Govt. Report is titled "Wrongful Prosecution (Miscarriage of Justice): Legal Remedies".
- Recommendations of report focus on clarifying what wrongful prosecution is, when it can be referred to as miscarriage of justice, & what remedies/compensation victim is entitled to.
- All principles are articulated into amendment bill to Code of Criminal Procedure.
- Special courts be set up in every district to adjudicate claims of wrongful prosecution.
- Provisions for Wrongful Prosecution
- Wrongful prosecution can be termed malicious if it was instituted & prosecuted despite fact that standards of reasonableness established it was not fit case for trial.
- Prosecution instituted negligently & w/o due care would constitute prosecution not instituted in good faith.
- Prosecutions conducted either w/o bonafides or maliciously would entitle applicant to compensation.

Who Can Apply for Claims of Wrongful Prosecution

- Any person who was "wrongfully prosecuted" & suffered damage to body, mind, reputation or property can apply for compensation.
- Legal heirs or representatives of accused who died after termination of such prosecution can apply.

SC Approves NALSA'S Compensation Scheme for Sexual Assault and Acid Attack Victims

- SC approved 'Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes-2018', uniform compensation scheme for victims of sexual assault & acid attacks.
- Scheme was prepared by National Legal Services Authority (NALSA) in consultation w/Union Govt.

Details of Compensation under NALSA's Compensation Scheme

Compensation slabs for victims of sexual assault, gang rape & acid attacks

Cases	Min. Compensation	Max. Compensation
Victims of sexual assault	Rs 4 lakh	Rs 7 lakh
Loss of life or gang rape	Rs 5 lakh	Rs 10 lakh
Burnings or acid attacks	Rs 7 lakh	Rs 8 lakh
Burnings or acid attacks: 50 percent burns	Rs 5 lakh	Rs 8 lakh
Loss of limb or body part resulting in 80 % permanent disability	Rs 2 lakh	Rs 2 lakh
Cases of grievous physical injury	Rs 2 lakh	Rs 2 lakh
Pregnancy on account of rape	Rs 3 lakh	Rs 4 lakh
Miscarriage or loss of fertility due to assaults	Rs 2 lakh	

TABLE CONTAIN SHOW THE DETAILS OF COMPENSATION UNDER NALSAs COMPENSATION SCHEME

Highlights of Compensation under NALSA's Compensation Scheme

- Scheme defines compensation slabs for victims of sexual assault, acid attacks & even for loss of fetus.
- Under scheme, compensation fund will be set up that will be managed by State Legal Services Authority (SLSA).

SC Asks Centre to Inform in 10 Days' Time Frame for Appointing Lokpal

- SC of India has reprimanded central govt. over delay in appointment of Lokpal.

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- Lokpal is central governing body that has jurisdiction over all members of parliament & central govt. employees in case of corruption.
- Main functions of Lokpal & Lokayukta are –
- to address complaints of corruption,
- to make inquiries, investigations, &
- to conduct trials for case on respective state & central govt.
- to help in curbing corruption in central & state govt.

Issue of Lokpal Appointment

- According to Lokpal & Lokayuktas Act, 2013, 5-member panel to select anti-corruption ombudsman, comprising PM, Lok Sabha Speaker, Leader of Opposition, Chief Justice of India & eminent jurist.
- Post leader of opposition is not recognised, as no party (other than ruling party) secured 10 % of total seats in Lok Sabha & it is main reason behind delay in appointment.
- Only reason for delay in appointment of Lokpal is that minor amendment to Lokpal & Lokayuktas Act, 2013, to enable leader of largest party in opposition in Lok Sabha to join 5-member selection committee, is yet to be passed.

Presidents Address Parliament of India

- Around 790 members of supreme legislative body in India meet thrice a year. Period during which parliamentarians convene & conduct business of each House is referred to as session.
- 3 sessions of Lok Sabha take place in year:
- Budget session: February to May.
- Monsoon session: July to September.
- Winter session: November to mid-December.
- Length of each session & dates etc. are decided by cabinet committee on parliamentary affairs while business of day & how to go about discussions etc. is given by business advisory committee.

President's Address

- In case of 1st session after each general election to Lok Sabha, President addresses both Houses of Parliament assembled together after Members have made & subscribed oath or affirmation & Speaker is elected.
- It takes generally 2 days to complete these preliminaries.
- In case of 1st session of each year, President addresses both Houses of Parliament at time & date notified for commencement of the session of both Houses of Parliament.
- Members of both Houses of Parliament assemble together in Central Hall of Parliament House where President delivers his Address.
- New members who have not already made & subscribed oath or affirmation are admitted to Central Hall on occasion of President's Address on production of either certificate of election granted to them by Returning Officer or summons for session issued to them.

Seating for Presidents Address

- In Central Hall, PM, Cabinet Ministers, Deputy Speaker, Lok Sabha & Deputy Chairman, Rajya Sabha are allotted seats in 1st row.
- Leaders of Opposition in Lok Sabha & in Rajya Sabha are allotted seats in 1st row.
- Members of Panel of Chairmen & Chairmen of Parliamentary Committees are allotted seats in 2nd row.

During the President's Address

- President's Address to both Houses of Parliament assembled together is solemn & formal act under Constitution.
- Members are expected to take their seats 5 minutes before President arrives in Central Hall.
- President arrives at Parliament House (North West portico) in State Coach or in car & is received at Gate by Chairman, Rajya Sabha, PM, Speaker, Lok Sabha, Minister of Parliamentary Affairs & Secretaries-General of 2 Houses.
- President is conducted to Central Hall in procession.