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A faint resonance: on commemorating poet Kabir's 500th death anniversary

Ghulam Mohammad Sheikh's mural that depicts the religions of India is a welcome sight at Mumbai airport. At its right edge is the tiny figure of Kabir, poet saint and weaver which many may overlook. Despite his extraordinary popularity over the last half millennium, no major celebration to commemorate the 500th death anniversary of this poet seems to have taken place in India.

As an academic working on Rabindranath Tagore, I have participated in events remembering him: a commemoration of Tagore's 150th birth anniversary in 2011 and the 100th anniversary, in 2013, of his winning the Nobel Prize.

There have been lectures and conferences linked to these not only in India but across the world resulting in a number of important publications. The only poet who Tagore translated into English (apart from himself) is Kabir.

There have been some local level commemorations and last week Prime Minister Narendra Modi laid the [foundation stone of the Sant Kabir Academy](#), but otherwise Kabir's anniversary seems to be drifting along. As a historical fact, we do not know whether Kabir did live till 1518 but having no better alternative, scholars tend to use this heuristic date. Professor David N. Lorenzen's research on Kabir has confirmed that most people whom legends associated with Kabir lived around this time. The book, *Images of Kabir* (Monika Horstmann), is the result of an international symposium held in 1998 commemorating the 600th anniversary of Kabir's supposed birth. Although it is far more likely that Kabir died around 1518 than us being certain that he was born in 1398, the lack of ambition in commemorating his anniversary is puzzling.

Wide acceptance

As a poet, Kabir transcended many of the divisions that existed in India. He can be celebrated as Dalit hero or as a Brahmin. Kabir and the Kabir Panth are accepted as a part of Hinduism. He is one of the Bhagats of the Sikhs and a large corpus of his poems is included in the Guru Granth Sahib. His presence in Indian Islamic thought, Qawwali singing and architecture has also been well documented. His *rauza* in Maghar (Uttar Pradesh) is a part of the architectural heritage of the country. Nineteenth century missionaries noted the similarity of his thoughts to Christianity, speculating that he must have composed his poems under Christian influence. His indebtedness to Buddhist Siddhas has been a subject of scholarship in the last century. Jain poets emulated his style, so much so that the 17th century Anandghan was dubbed as the "Jain Kabir". As far as Parsis are concerned, one of the earliest non-Hindi mentions of Kabir comes from the Dabistan-i Mazahib composed by a neo-Zoroastrian (around 1653).

Kabir has also transcended space and time. In archives in north India, from Maharashtra to West Bengal, one can find his poems almost everywhere. Even modern readers and listeners are fascinated by his couplets and songs as they are a catalyst in creating new poetry. Over the past centuries, the Kabir textual corpus has seen a substantial enlargement as new songs were written bearing his signature.

Depth of study

By 2018, the range of scholarship on Kabir has grown exponentially, with scholars on four continents engaged with his study. *Images of Kabir* for example presents different perceptions, reminding us of the richness and variety of meaning in his poetry. The early Kabir songs are

available while his legends have also been published and studied. There has been new analysis, by Czech scholar Jaroslav Strnad, of the language of his early poems recorded in Rajasthan. Aspects of performed Kabir have been studied in detail by Kabir scholar Linda Hess. Film-maker Shabnam Virmani's "The Kabir Project" has mapped Kabir singers in India and Pakistan. Writer and academic Purushottam Agrawal has presented Kabir in the light of indigenous modernity. Researcher Peter Friedlander has shown how Tagore's interest in Kabir was also influenced by Tagore's colleague, Kshitimohan Sen. Several articles by the academic Jack Hawley have been devoted to Kabir's manuscripts and Vaishnava background while scholar Thomas de Bruijn has studied the shifting semantics in his poems. There are also excellent new translations by Vinay Dharwadker and Arvind Krishna Mehrotra. New verse translation appears in Chinese and Hungarian. We must acknowledge that the pioneering works of Shyamsundar Das, Hazariprasad Dvivedi and Mataprasad Gupta in the middle of the 20th century are what prepared the ground for the rich global academic discourse on Kabir.

Several academic bodies abroad have expressed interest in paying tributes to Kabir. There is a discussion about a panel on Kabir at the Annual Conference on South Asia at Madison, U.S. China may also organise an event next year while Oxford is going to have online, one of the earliest available dated manuscripts of Kabir's Bijak.

Imre Bangha is Associate Professor of Hindi, University of Oxford

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This refers to the tendency to form friendships and other forms of interpersonal relationships with people we come across often in our daily lives.

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Rajnath to launch SPC programme

The Home Ministry has asked schools to start a project on tolerance, moral values, patience and ethics among others. The programme, designed for students of Class VIII and IX, will not add to the workload of students and is aimed at making them “better citizens”, an official said.

Union Home Minister Rajnath Singh will launch the Student Police Cadet (SPC) programme on Saturday in Gurgaon.

“The programme seeks to build a bridge between the police and the larger community through school students by inculcating values and ethics in them through classes in school and outside. The programme neither has a prescribed text book nor is any exam envisaged. Only one class a month is proposed,” a statement by the Home Ministry said.

The programme that will be implemented first in government schools, seeks to cover issues like community policing, fight against social evils, safety of women and children, fight against corruption and disaster management.

A handbook has been prepared by the Bureau of Police Research and Development and NCERT. “There is greater emphasis on field demonstrations and hands-on learning of the functioning of the police,” the statement said.

The Centre has released Rs. 67 crore to the States for implementation of the programme.

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Union Home Minister to launch Student Police Cadet Programme tomorrow

Ministry of Home Affairs

Union Home Minister to launch Student Police Cadet Programme tomorrow**The programme seeks to build bridge between Police and the larger community**

Posted On: 20 JUL 2018 3:51PM by PIB Delhi

The Student Police Cadet (SPC) Programme is scheduled to be launched nationally on the 21st July, 2018 by the Union Home Minister, Shri Rajnath Singh in the presence of the Union Human Resources Minister Shri Prakash Javadekar, the Chief Minister of Haryana Shri Manohar Lal, the Minister of State for Planning (IC) and Chemicals & Fertilizers Rao Inderjit Singh, the Minister of State for Home Affairs Shri Hansraj Gangaram Ahir and the Minister in Haryana Government Rao Narbir Singh.

The programme seeks to build a bridge between the Police and the larger community through school students by inculcating values and ethics in them through classes in school and outside. The programme focuses on students of class 8 & 9 and special care has been taken to ensure that it does not lead to increase in the workload of the students. The programme does not have any prescribed text book nor is any exam envisaged. Only one class in a month is proposed. The programme seeks to cover broadly two kinds of topics:

- i. Crime prevention and control; and
- ii. Values and ethics

Under the first part, the topics covered are – Community Policing, Road Safety, Fight against Social Evils, Safety of Women & Children, Fight against Corruption and Disaster Management. The topics covered under the second part are – Values & Ethics, Respect for Elders, Empathy & Sympathy, Tolerance, Patience, Attitude, Team Spirit and Discipline.

A Handbook has been prepared by BPR&D for imparting instructions with the support of NCERT. There is greater emphasis on field demonstrations and hands on learning of the functioning of the Police through visits to Women Police stations, Child Protection Homes including NGOs, Traffic Police and Fire Brigade Stations. There will also be learning through group discussions, audio-visual mediums etc.

The programme shall be steered by a State level committee to be headed by the Principal Secretary, Home Department with the Principal Secretary, Education and Director General of Police as members. There shall be a similar committee at the district level headed by the District Magistrate with the District Inspector of Schools and Superintendent of Police as members.

An amount of Rs.67 crores has been released to the States for implementation of the programme. An amount of Rs.50,000 shall be earmarked for each school to be spent on educational aids, training and contingency. The Programme shall be at first implemented in Government schools in both urban and rural areas.

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Union Home Minister launches the Student Police Cadet (SPC) programme for nationwide implementation at a ceremony in Gurugram

Ministry of Home Affairs

Union Home Minister launches the Student Police Cadet (SPC) programme for nationwide implementation at a ceremony in Gurugram

Shri Rajnath Singh says SPC will create a silent revolution by imparting moral values to budding minds

Posted On: 21 JUL 2018 4:51PM by PIB Delhi

The Union Home Minister Shri Rajnath Singh launched the Student Police Cadet (SPC) programme for nationwide implementation at a ceremony in Gurugram, Haryana today. In his address on the occasion, the Home Minister expressed hope that the SPC would lead to a silent revolution over the years by focusing on character building by imparting moral values to budding minds. He expressed concern that education these days stressed more on mere book reading with little attention being paid towards character building of students, which shows negative effects on society in terms of increased crime.

Shri Rajnath Singh said that coping with rapid modernization and cut-throat competition, schools have focused all their attention towards building careers and rising incomes, creating tremendous pressure among the young minds, he said. While the dawn of new technologies, internet and social media have helped our children keep pace with the changing times, it has adversely impacted our society as we witness the breakdown of the traditional family system and worrying rise in incidents of crimes and rapes, he added.

Shri Rajnath Singh said the SPC programme would help in making students responsible citizens by inculcating values of respect to the elderly, discipline, social responsibility and through police-student interaction. The Home Minister said the SPC programme will provide a healthy interface between schools and police and inculcate in the students aspects of public safety, discipline, patience, tolerance, empathy, respect of senior citizens, social harmony, traffic sense and a corruption-free environment. The youth of tomorrow who emerge out of such programme would bear ethical values of social commitment and be aware of social evils such as drugs, alcohol abuse, intolerance and vandalism. He expressed confidence that this programme would result in overall development of a student's personality and bring big change in society.

The Home Minister appealed to all stakeholders- teachers, parents, students, police and officials- to participate with enthusiasm and execute the SPC as a Mission Mode project. The SPC project will also help the police assess their image in the public eye and strive for improving confidence and winning trust of the people. SPC initially will be launched as pilot programme in all States and Union Territories.

Earlier the Home Minister launched the theme song and training manual of SPC prepared by the Bureau of Police Research and Development (BPR&D). He also presented cash awards to winners of Logo and motto competition. He also handed over the SPC flag to Haryana Platoon Commander.

The SPC programme focuses on students of Classes 8 & 9 and special care has been taken to ensure that it does not lead to increase in the workload of the students. The programme does not have any prescribed textbook nor is any exam envisaged. Only one class in a month is proposed. The programme seeks to cover broadly two kinds of topics, - crime prevention and control; and values and ethics.

Speaking on the occasion, Union Minister for Human Resource Development, Shri Prakash Javadekar said SPC is a very good initiative which will be launched initially in Government schools and later expanded to cover all schools. He said talent alone is not sufficient for success. Students need discipline and hardwork which will be imparted through SPC. He said SPC will cover around 4 crore students.

In his address, Chief Minister of Haryana, Shri Manohar Lal said the SPC will assist in social construction through personality building of students. He said the students having undergone SPC training will be given advantage in police recruitment.

The ceremony at Tau Devi Lal stadium in Gurugram was attended by thousands of students from all over the country. The gathering was also addressed by Union Minister of State for Home Affairs, Shri Hansraj Gangaram Ahir and Union MoS (I/C) for Ministry of Planning and MoS for Ministry of Chemicals & Fertilizers, Rao Inderjit Singh, BPR&D Director General, Shri AP Maheswari. Union Home Secretary Shri Rajiv Gauba, senior officials of MHA and Haryana State Government were present during the function.

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Lok Sabha passes anti-graft amendment Bill

The Lok Sabha on Tuesday passed the Prevention of Corruption (Amendment) Bill, 2018 that seeks to punish bribe-givers and bribe-takers.

The Bill provides for jail terms of three to seven years, besides fine, to those convicted of taking bribes and those offering illegal gratification.

The Bill also extends the ambit of public servants who will be protected by the provision of a prior government sanction for prosecution. There is also a provision now to get prior permission for starting an investigation and that has prompted many to say that the law has been “diluted” from its original draft.

Safeguards incorporated

The Bill, cleared by the Rajya Sabha last week, was passed unanimously by the Lower House after debating for nearly four hours.

Minister of State for Personnel and Public Grievances Jitendra Singh replied to the debate.

He said safeguards had been provided to ensure that honest officers were not intimidated by false complaints. “For any corruption case, we will bring guidelines for decision to be ordinarily given in two years.” He described the Bill as “historic.”

In a departure from the earlier anti-corruption law, the current law makes a distinction between “collusive bribe givers” and those who are “coerced.” In such cases, the Bill seeks to protect those who report the matter within seven days.

However, taking note of the concerns raised by many members that the seven-day window was too short, Dr. Singh said the government would look at ways to “extend this period while framing the rules.”

Many members who took part in the debate stressed on the need to curb election expenditure and bring about electoral reforms to stop corruption in politics.

Congress MP Adhir Ranjan Chowdhury, while supporting the Bill, said despite the government’s claim of corruption-free governance, there had been many such allegations, including the multi-core Rafale deal, bank frauds by Nirav Modi, Mehul Choksi and Vijay Mallya. “They talk about zero tolerance against corruption... but the reality is diametrically opposite. There is maximum corruption, minimum prevention,” said Mr. Chowdhury. He questioned the delay in appointing a Lokpal.

Sena’s charge

But the sharpest attack came from Shiv Sena member Arvind Sawant who tore into the Modi government over demonetisation and grand election rallies.

He alleged that the “BJP used investigating agencies like Enforcement Directorate (ED) to pressure political rivals and make them join their party.” He also asked whether the elections rallies of the Prime Minister or a Chief Minister were borne by the exchequer or the political party. “Let the people find out,” said Mr. Sawant.

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W.B.'s amended Lokayukta keeps CM out of purview

The West Bengal government has circulated an amendment to the Lokayukta Bill, keeping the CM out of the purview. The West Bengal Lokayukta (Amendment) Bill, 2018, states: "Amending Sections 8A, so as to exclude from the purview of the said Act any investigation of any complaint relating to allegation of corruption against the Hon'ble Chief Minister relating to public order." The Bill, which is likely to be passed in the ongoing Assembly session, also has a provision that excludes any investigation of the complaint against a public servant without the approval of the State government.

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The Prevention of Corruption (Amendment) Bill, 2013

Security / Law / Strategic affairs

The Prevention of Corruption (Amendment) Bill, 2013

Highlights of the Bill

- The Prevention of Corruption (Amendment) Bill, 2013 amends the Prevention of Corruption Act, 1988.
- The Act covers the offence of giving a bribe to a public servant under abetment. The Bill makes specific provisions related to giving a bribe to a public servant, and giving a bribe by a commercial organisation.
- The Bill redefines criminal misconduct to only cover misappropriation of property and possession of disproportionate assets.
- The Bill modifies the definitions and penalties for offences related to taking a bribe, being a habitual offender and abetting an offence.
- Powers and procedures for the attachment and forfeiture of property of public servants accused of corruption have been introduced in the Bill.
- The Act requires prior sanction to prosecute serving public officials. The Bill extends this protection to former officials.

Key Issues and Analysis

- The Bill makes giving a bribe a specific offence. There are diverging views on whether bribe giving under all circumstances must be penalised. Some have argued that a coerced bribe giver must be distinguished from a collusive bribe giver.
- The Bill has deleted the provision that protects a bribe giver from prosecution, for any statement made by him during a corruption trial. This may deter bribe givers from appearing as witnesses in court.
- The Bill has replaced the definition of criminal misconduct. It now requires that the intention to acquire assets disproportionate to income also be proved, in addition to possession of such assets. Thus, the threshold to establish the offence of possession of disproportionate assets has been increased by the Bill.
- By redefining the offence of criminal misconduct, the Bill does not cover circumstances where the public official: (i) uses illegal means, (ii) abuses his position, or (iii) disregards public interest and obtains a valuable thing or reward for himself or another person.
- Under the Act, the guilt of the person is presumed for the offences of taking a bribe, being a habitual offender or abetting

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Current Status: Passed

Ministry: Personnel, Public Grievances and Pensions

Stage	Date
Introduction	Aug 19, 2013
Com. Ref.	Aug 23, 2013 and Dec 11, 2015
Com. Rep.	Feb 6, 2014 and Aug 12, 2016
Lok Sabha	Jul 24, 2018
Rajya Sabha	Jul 19, 2018

Relevant Links

-  [Bill Text](#) (162 KB)
-  [PRS Bill Summary](#) (110 KB)
-  [_](#) (627 KB)
-  [PRS Standing Comm Report Summary](#) (123 KB)
-  [_](#) (605 KB)
-  [PRS Legislative Brief](#) (1041 KB)
-  [PRS Legislative Brief with amendments](#) (611 KB)
-  [_](#) (1052 KB)
-  [Standing Committee Report](#) (276 KB)
-  [Official list of Amendments, May 05, 2015](#) (2 MB)
-  [Comparison with the 1988 Act, 2013 Bill and the proposed 2015 amendments](#) (1141 KB)
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-  [4th Report of 2nd ARC](#) (1 MB)

[UNC against Corruption](#)
(655 KB)

 [Law Commission Report](#) (1310 KB)

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 [Comparison of 2015 and 2013 amendments](#) (1142 KB)

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 (631 KB)

 [PCA Bill as reported by RS Select Committee](#) (4 MB)

 [PCA Bill as reported by RS Select Committee 2016 – Issues for consideration](#) (1126 KB)

an offence. The Bill amends this provision to only cover the offence of taking a bribe.
[Read the complete analysis here](#)

Related news articles

[Prevention of Corruption Bill: New Bill will allow companies to make junior staff the fall guy; perpetrators to go scot free, Financial Express, Oct 24, 2016](#)

[Cabinet approves refurbished anti-corruption law, Economic Times, Apr 29, 2015](#)

[Amendments to anti-graft law soft on private sector, fall short of UN convention, Times of India, Feb 19, 2015](#)

[Criminal Liability Clause is](#)

['overboard': Law commission report, Economic Times, Feb 12, 2015](#)

[Bill on timeframe for prosecution sanction in graft cases in RS, Economic Times, Aug 19, 2013](#)

[Amendment to anti-graft bill tabled in RS, Deccan Herald, Aug 18, 2013](#)

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Direct Benefit Transfer under MGNREGS

Ministry of Rural Development

Direct Benefit Transfer under MGNREGS

Posted On: 26 JUL 2018 5:57PM by PIB Delhi

To streamline the fund flow mechanism and bring down delay in payment of wages, the Ministry of Rural Development has implemented National Electronic Fund Management System (NeFMS) in 24 States and 1 Union Territory. This process reduces the delay in allocation of funds for payment of wages to the States and removes parking of funds at various levels. As per NREGASoft, around 99% of the wages are being paid electronically (FY 2018-19 as on 24.07.2018) into the Bank/Post Office accounts of MGNREGA workers through Electronic Fund Management System (eFMS). In FY 2013-14, only 37% of the wages were paid electronically.

The Ministry along with the States/UTs has been making concerted efforts for improving the timely payment of wages. States/ UTs have been advised to generate pay orders in time. This has resulted in considerable improvement in the status of timely generation of pay order and leading to improvement in actual time taken to credit wages in the workers account. During the current Financial Year 2018-19 (as on 23.07.2018), 92% pay orders have been generated within 15 days.

Following are the major reasons which cause delay in generation of pay orders:

1. Delay in filling of attendance sheet on account of delayed submission of filled in Muster Roll (MR) by the Gram Rozgar Sahayak (GRS) or non-entry of attendance by Data entry operator (DEO) within 2 days of closure of Muster Roll (MR).
2. Delay in measurement of work due to inadequate number of Technical Assistants/ barefoot technicians.
3. Delay on check measurement by Junior engineer/Assistant Engineer on the Measurement submitted by Technical Assistant (TA).
4. Delay in generation of wage list by Data entry operator (DEO) and authorisation by Additional Programme Officer (APO).
5. Delay in signing of FTOs by Signatories exceeding the T+8 timeline.
6. Lack of IT infrastructure at GP level
7. Inadequate Core Banking Solution (CBS) based banking facility.
8. Mismatch of wage seekers account information due to wrong entry of account particulars in NREGASoft.

Every adult member of a registered household whose name appears in the job card are entitled to apply for unskilled manual work under the Scheme.

The Ministry under MGNREGA receives complaints of irregularities from States/UTs. Since the responsibility of implementation of MGNREGA is vested with the State Governments, all complaints received in the Ministry are forwarded to the concerned State Governments for taking appropriate action including investigation, as per law.

This information was provided by the Minister of State for Rural Development, Shri Ram Kripal Yadav today in a written reply to a Lok Sabha question.

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Indian Railways Launches “Mission Satyanishtha” a Program on Ethics in Public Governance

Ministry of Railways

Indian Railways Launches “Mission Satyanishtha” a Program on Ethics in Public Governance

Posted On: 27 JUL 2018 7:52PM by PIB Delhi

In first of its kind event held by any government organization, the Indian Railways organized a programme on Ethics in Public Governance and Launched “Mission Satyanishtha” at a daylong event held at National Rail Museum, New Delhi, today i.e. 27.07.2018. Sh. Piyush Goyal, Minister of Finance & Corporate Affairs, Railways & Coal, administered the oath to the officers and supervisors at the programme.

Speaking on the occasion, Shri Piyush Goyal said “People define an organization and an organization defines its people, hence, work culture has to be improved and transparency brought about, data should be displayed on public domains so as to get constructive feedbacks from the users”. He further added “Lack of interest towards work in any system, may be termed as unethical amounting to corruption”.

Earlier in the day, Sh. Ashwani Lohani, Chairman, Railway Board inaugurated the event and introduced the subject to the participants. The Senior Officers and Staff members of Railways also participated in the event. The event was webcast live to all Zonal, Divisional and Production Units from the National Rail Museum.

The issue of Ethics, Integrity and probity in public life have been a matter of concern all over the government sector. In this context it is also extremely important that all railway servants adhere to impeccable conduct and integrity at all times. “**Mission Satyanishtha**” launched on 27th July 2018 aims at sensitizing all railway employees about the need to adhere to good ethics and to maintain high standards of integrity at work. Talks and Lectures on the subject are being organised all over the Indian Railways today for this purpose. The objectives of the Mission are:

1. To train every employee to understand the need and value of ethics in Personal and Public life.
2. To deal with ethical dilemmas in life and Public Governance.
3. To help understand the policies of Indian Railways on ethics and integrity and the employee’s role in upholding the same.
4. To develop inner governance through tapping inner resources.

Lectures on the issue were delivered in the event by eminent personalities that include:

1. Sh. K.V. Chowdhary, Central Vigilance Commissioner,
2. Sh. Prabhat Kumar, IAS, Former Cabinet Secretary
3. Sh. Mahesh Kapoor, IRTS, Former Advisor Planning Commission
4. Sh. Shanti Narayan, IRTS, Former Member Traffic Railway Board.
5. Sh. Anil Swarup, IAS, Former Secretary, School Education & Literacy, MHRD.
6. Sh. Mukund B. Kashaul, IPS, Former Secretary Internal Security, MHA.
7. Sh. Balvinder Kumar, IAS, Former Secretary, Mines.
8. Dr. Nanditesh Nilay, Motivator.



RDB/MKV/ENS

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Layers of protection: on changes in anti-corruption law

The amendments to the Prevention of Corruption Act, 1988, adopted recently by both Houses of Parliament, are a mixed bag. Moves to make changes in this law, aimed at combating corruption in government, were initiated during the UPA's second term in office and largely centred on the misuse of one provision — Section 13 (1)d. Former Prime Minister Manmohan Singh had criticised this section, under which public servants are culpable for securing a pecuniary advantage for another “without any public interest”, for ignoring a foundational principle of criminal law: *mens rea*. This resulted in many honest officials being prosecuted even when they gained nothing and merely exercised their power or discretion in favour of someone. Insofar as it had a chilling effect on governance and deterred bold decision-making, the amended form may have a liberating effect on honest officials. Besides, it is more concise and restricts criminal misconduct to two offences: misappropriating or converting to one's own use property entrusted to a public servant or is in his control, and amassing unexplained wealth. There was concern initially with the wording, “intentionally enriches himself illicitly during the period of his office”, as it raised a doubt whether the ‘intention’ to amass wealth would also have to be proved. Now an explanation has been added that a person “shall be presumed to have intentionally enriched himself” if he cannot account for his assets through known sources of income.

By making citizens liable for offering a bribe to a public servant, the anti-corruption law has been brought in line with the UN Convention Against Corruption. The only exception to this rule is when one is forced to give a bribe. This exception kicks in only when the fact that one was forced to pay a bribe is reported to a law enforcement authority within seven days. The penal provision can empower people by allowing them to cite it to refuse to pay a bribe. At the same time, what happens when the police or any other agency refuses to register a complaint? People may be left in the lurch with no redress. Further, it may render them vulnerable to threats from unscrupulous public servants who collect money to speed up public services but do not deliver. The most unacceptable change is the introduction of a prior approval norm to start an investigation. When a prior sanction requirement exists in law for prosecution, it is incomprehensible that the legislature should create another layer of protection in the initial stage of a probe. Public servants need to be protected against unfair prosecution, but a genuine drive against corruption needs a package of legislative measures. These should contain penal provisions, create an ombudsman in the form of a Lokpal or Lokayukta, as well as assure citizens of time-bound services and whistle-blower protection. Laws to fulfil these objectives are either not operational or are yet to materialise.

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The U.S. policy of separating children from undocumented migrant parents is cruel

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A balancing Act

It is unfortunate that India has not been able to shed the image of a highly corrupt nation even after seven decades of Independence. The average Indian believes that he cannot get even the basic services to which he is entitled under the law without greasing the palms of one or more officials at the ground level. In the recent past, things have undoubtedly changed for the better — even if only marginally — when people try to obtain a passport, a driving licence, or a birth/death certificate. This is thanks to digitisation and the sensible pruning of prescribed procedures. The Centre and a few States deserve praise for taking some initiatives to reduce corruption. But this is small comfort. A lot more needs to be done before we can relax the fight against corruption among public servants.

It is against this backdrop that Parliament has passed the Prevention of Corruption (Amendment) Bill. At least one of the amendments, which mandates prior government approval of the Central or State government to initiate investigation into corruption charges, is bound to evoke negative reactions from large sections of the public.

Protection to government servants from arbitrary and unilateral action by anti-corruption agencies without prior permission from the government was earlier available only to the higher echelons, from the rank of Joint Secretary and above, before the Supreme Court struck down the so-called 'Single Directive'. The latest tweak extends this protection to all public servants.

This is welcome but ambitious. The new directive that requires prior approval at the preliminary inquiry stage as well as before the registration of a regular case carries many imponderables, especially the risks involved in delegating authority to order commencement of investigations under the Act.

Details of the expanded new procedure are not yet known. The Central Vigilance Commissioner may have to step in with some practical guidelines. The exercise involved here is enormous, given the size of India's bureaucracy and the entrenched sophistication of dishonest practices. If the sanctioning authority is itself dishonest, can you expect an objective application of mind?

We cannot fault anti-corruption agencies if they believe that this change in procedure would embolden dishonest government personnel. But this is debatable. Only the speed and honesty of administrative ministries while acting on requests for permission from the Central Bureau of Investigation (CBI), in particular, for initiating action against an erring official would give us an idea of the practical difficulties involved.

Another major change is the deletion of the whole of clause (d) of sub-section (1) of Section 13, which defines 'criminal misconduct' as the acquisition of a 'valuable thing' or 'pecuniary advantage' in a dishonest manner. The deleted clause was the sole effective weapon against a misbehaving senior official. This deletion (without substituting it with any other clause) is disappointing because corruption in high places is sophisticated and takes place in a highly clandestine manner.

A few experts believe that there is also a certain dilution of the definition of 'known sources of income' through the incorporation of the statement that this would include income received from any 'lawful source', an expression that has been left undefined. This is critical because of the misconception that as long as tax has been paid on income received from an undisclosed and illegitimate source, such income becomes lawful.

One reasonable apprehension is that where a public servant causes performance of a public duty which is improper and against prescribed rules and procedures, and there is no proof of a

transaction of bribery, he will go scot free. What if such improper performance is in lieu of future bribes or post-retirement jobs? There is a misgiving here that the latest amendments to Section 13(1) could be in conflict with the spirit of Article 19 of the United Nations Convention Against Corruption.

One of the welcome amendments widens the definition of criminal misconduct to include the bribe giver too. In the past, the bribe giver had enjoyed immunity and that helped perpetuate corruption. There is, of course, the proviso that a person who had been coerced into giving a bribe cannot be proceeded against. It is incumbent on his part to report such coercion to the authorities within a week of the incident.

The amendments include a stipulation for a day-to-day trial and completion of court proceedings within two years. Where this is not possible, the judge concerned will have to record reasons for prolongation of the trial and give himself an initial extension of six months. Given the overburdening of the judiciary, even fast-track courts may be unable to stick to this deadline.

It must be remembered that in handling misdemeanours of government officials, we are prone to committing excesses and ignoring human rights considerations. This is deleterious to the morale of public servants. The amendments are meant to balance overzealousness and apathy. As in the case of a common crime, we must consider whether conferring greater autonomy on investigating outfits, shortening trial procedures through mechanisms such as fast-track courts, and making penalties more stringent will introduce the much-needed deterrence to prospective offenders. It is an accepted criminal justice axiom that deterrence works only up to an extent; beyond the threshold, the incidence of crime only escalates. This is why there is support to the balanced stand that giving arbitrary and excessive authority to enforcement agencies could only lead to miscarriage of justice, without bringing about a corresponding reduction in criminal misconduct.

In sum, a totally negative perception of the Act may not be warranted. The primary objective of these amendments is to tone down law enforcement excesses without diluting the authority of agencies like the CBI; or, in other words, to strike a balance between enforcement overzealousness and the need for stringent action against corrupt public servants. With some civil servants complaining that they had been wronged for discharging their lawful duties, such a balance is the need of the hour.

However, all this does not answer the fundamental question of how to cleanse our public administration. Is there a flaw in the psyche of the average Indian which pushes him to pay a price for securing a service without having to wait for it? If yes, we are fighting a never-ending battle which has earned us painful ignominy in world forums.

R.K. Raghavan is a former CBI Director. Views are personal

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