

### NATIONAL INVESTIGATION AGENCY (NIA)

The National Investigation Agency (NIA) recently issued details of 43 individuals associated with a terror gangster network with links to Canada.



- NIA functions as the Central Counter Terrorism Law Enforcement Agency of India.

- It also aims to set the standards of excellence in counter-terrorism and other national security-related investigations at the national level with an oriented workforce.
- Parent Ministry: Union Ministry of Home Affairs.
- Establishment: NIA was created after the 2008 Mumbai terror attacks with the enactment of the National Investigation Agency Act 2008.

#### Jurisdiction:

- The agency is empowered to deal with terror-related crimes across states without special permission from the states.
- It works under a written proclamation from the Ministry of Home Affairs. The NIA ensures effective and speedy trials in the cases.
- A State Government may request the Central Government to hand over the investigation of a case to the NIA, provided the case has been registered for the offences as contained in the schedule of the NIA Act.
- According to the National Investigation Agency (Amendment) Act, 2019, officers of the NIA will have the power to investigate scheduled offences committed outside India, subject to international treaties and domestic laws of other countries.
- Offices:
  - While the headquarters is situated in New Delhi, NIA has several 12 Branch offices across the country.
  - The other branches are based in Hyderabad, Guwahati, Kochi, Lucknow, Mumbai, Kolkata, Raipur, Jammu, Chandigarh, Ranchi, Chennai and Imphal.

## NATIONAL PARTY

- The name suggests that a national party would be one that has a presence ‘nationally’, as opposed to a regional party whose presence is restricted to only a particular state or region.
- A certain stature is sometimes associated with being a national party, but this does not necessarily translate into having a lot of national political clout.
- On the other hand, some parties, despite being dominant in a major state and having a major say in national affairs, remain regional parties.
  - E.g., DMK in Tamil Nadu, BJD in Odisha, YSRCP in Andhra Pradesh, RJD in Bihar, or TRS in Telangana.

## **Criteria for National Party/State Party**

- The ECI has laid down the technical criterion for a party to be recognised as a national party.
- A party may gain or lose national party status from time to time, depending on the fulfilment of these laid-down conditions.
- As per the ECI’s **Political Parties and Election Symbols, 2019 handbook**, a political party would be considered a **national party** if:
  - it is **recognised as state party in four or more states**; or
  - if its candidates polled at least 6% of total valid votes in any four or more states in the last Lok Sabha or Assembly elections and has at least four MPs in the last Lok Sabha polls; or
  - if it has won at least 2% of the total seats in the Lok Sabha from not less than three states.
- To be recognised as a **state party**, a party needs:
  - at least 6% valid vote-share in the last Assembly election and have at least 2 MLAs; or have 6% valid vote-share in the last Lok Sabha elections from that state and at least one MP from that state; or
  - at least 3% of the total number of seats or three seats, whichever is more, in the last Assembly elections; or
  - at least one MP for every 25 members or any fraction allotted to the state in the Lok Sabha; or
  - have at least 8% of the total valid votes in the last Assembly election or Lok Sabha election from the state.

## Benefits of being recognised as National Party

- Their **election symbols** are reserved for use by their candidates across the country;
  - If a party is recognised as a State Party, it is entitled for exclusive allotment of its reserved symbol to the candidates in the State in which it is so recognised.
- They are **eligible to get land in Delhi** to build a party office;
- They can have up to **40 star campaigners** instead of the 20 that registered but not recognised parties are allowed.
  - A star campaigner is a popular vote seeker in an election for a party.
  - There is no law defining the star campaigner.
  - They are nominated by the respective political parties and they follow guidelines issued by ECI under the Model Code of Conduct.
  - The expenditure on campaign and travel of star campaigners is not added to the candidate's spending limit.
- Further, they get **broadcast / telecast facilities** over Akashvani / Doordarshan during general elections.
- Recognised 'State' and 'National' parties need **only one proposer for filing the nomination**.

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## CENSUS, DELIMITATION EXERCISE AFTER 2024 ELECTION

### Why in news?

- The Nari Shakti Vandan Adhiniyam – The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023 – was passed by Lok Sabha.
  - The bill provides for 33% reservation for women in Lok Sabha and State Assemblies.
- While speaking during the debate on this bill in Lok Sabha, Home Minister Shah asserted that census and delimitation will begin soon after the 2024 Lok Sabha polls.

### What is Census in India?

- About

- Population Census provides basic statistics on state of human resources, demography, culture and economic structure at local, regional and national level.
- Beginning in the year **1872**, when the **first census** was conducted non-synchronously, the census enumeration exercise in India is carried out in every 10 years.
- The **first synchronous census was taken under British rule in 1881**, by W.C. Plowden, Census Commissioner of India.
- The responsibility of conducting the decadal census rests with the Office of the **Registrar General and Census Commissioner of India**, Ministry of Home Affairs.
- **Legal/Constitutional basis of Census in India**
- Population census is listed in **Union List (entry 69)** of Seventh Schedule in Indian Constitution.
- Census is conducted under the provisions of the **Census Act, 1948**.
- **Process of census enumeration**
- The Census Operations in India have been carried out in two phases:
  - House-listing and Housing Census and
  - Population Enumeration.
- The Population Enumeration follows the Housing Census within a gap of six to eight months.
- In Population Enumeration phase each person is enumerated and her/his individual particulars like Age, Marital status, Religion, mother tongue etc.

## What is Delimitation?

- **About**
- According to the Election Commission, the word ‘delimitation’ is defined as “**the act or process of fixing limits/boundaries of territorial constituencies in a country or a province having a legislative body**”.
- In the Indian context, the exercise of redrawing the boundaries of Lok Sabha and Legislative Assembly Constituencies in a region is known as delimitation.
- In this process, the number of seats allocated to a particular state/UT in Lok Sabha or in the Legislative Assembly may vary.
- **Need**

- Delimitation helps in redrawing the boundaries (based on the data of the last Census) in such a way that the population of all the constituencies, as far as practicable, remain equal throughout the State/UT.
- It ensures a fair division of geographical areas so that all political parties or candidates contesting elections **have a level playing field in terms of a number of voters.**
- While the Census has been carried out seven times since Independence, **delimitation has happened only four times.**
- The next Delimitation Commission will be set up after 2026.
- The year **2026 was chosen** because, according to the National Population Policy, **by 2026, there should be a roughly equal number of births and deaths in India.**

## What is Delimitation Commission?

- The Delimitation Commission is a high-powered committee entrusted with the task of drawing and redrawing of boundaries of different constituencies for state assembly and Lok Sabha election.
- It is appointed by the President and works in collaboration with the Election Commission.
- **The Commission consists of –**
  - A retired or working Supreme Court Judge (chairperson)
  - Election Commissioner
  - Concerned State Election Commissioners
- The Commission's orders have the force of law and **cannot be called in question before any court.**
- The Commission's orders are laid before the Lok Sabha and the legislative assemblies concerned, but they cannot effect any modifications in the orders.

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## PRIVILEGE TO MEMBERS OF PARLIAMENT AND STATE LEGISLATURES: SC TO REVISIT IMMUNITY TO LEGISLATORS ON BRIBERY

### Why in News?

- The Supreme Court referred a 1998, 5-judge Constitution Bench judgement (in the P V Narasimha Rao case) to a 7-judge Bench, as the issue deeply affects the morality of the Indian polity.
- In its 1998 judgement, the majority of the SC Bench had held that **legislators have immunity against criminal prosecution on bribery charges** for any speech or vote in Parliament.

### Privileges and Immunities to the MPs and MLAs:

- **Meaning:** Privileges are special rights, immunities and exemptions enjoyed by the two Houses of Parliament and legislature of States, and their committees and their members.
  - The Constitution has also extended these privileges to those persons who are entitled to speak and take part in the proceedings of a House or any of its committees.
  - For example, **the Attorney General of India.**
- **Constitutional provisions: Article 105 and Article 194 to the Constitution of India** grant privileges or advantages to the MPs (Article 105) and to the MLAs (Article 194) of every State.
  - These powers, privileges and immunities should be **defined by the law** from time-to-time.
  - These privileges are considered as **special provisions** and have an overriding effect in conflict.
  - It must be clarified here that these privileges **do not extend to the President** (or Governor) who is also an integral part of the Parliament (or state legislature).
- **Privileges mentioned in the Constitution:**
  - It gives the MPs **freedom of speech** [Article 115 (1)].
  - It provides that **no MP will be liable** to any proceedings before any Court for anything said or any vote given by him/her in the Parliament or any committee thereof [Article 105(2)].
  - Also, **no person will be held liable for any publication of any report, paper, votes or proceedings** if the publication is made by the parliament or any authority under it.
  - The same provisions are stated under **Article 194**, where MLAs of a state are referred instead of MPs.
- **Purpose:** These privileges and immunities -



- Are granted so that MPs/MLAs can perform their duties or can function properly without any hindrances - essential for democratic functioning of the legislatures.
  - Without these privileges,
    - The Houses can neither maintain their authority, dignity and honour.
    - Nor can protect their members from any obstruction in the discharge of their parliamentary responsibilities.
  - **Difference between Article 19 and Article 105:**
  - Both the Articles, Article 19(1)(a) and Article 105 of the Constitution talks about freedom of speech.
  - Article 105 applies to the members of parliament not subjected to any reasonable restriction. But, Article 19(1)(a) applies to citizens and is subject to reasonable restrictions.
  - This means, Article 105 is **an absolute privilege** given to the members of the parliament but this privilege can be used **in the premises of the parliament** and not outside the parliament.
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## PREAMBLE OF THE CONSTITUTION & THE ADDITION OF 'SOCIALIST' & 'SECULAR' WORDS TO IT

### Why in News?

- The principal opposition party in the Lok Sabha has claimed that the words “**socialist**” and “**secular**” were missing in the Preamble of the Constitution of India in the copies which were given to the Members of the Parliament.

### What is the Preamble of a Constitution?

- The term ‘Preamble’ refers to the introduction or preface to the Constitution. It contains the summary or essence of the Constitution.
- N. A. Palkhivala, an eminent jurist and constitutional expert, called the Preamble as the ‘**identity card of the Constitution.**’
- The **American Constitution** was the first to begin with a Preamble. Many countries, including India, followed this practice.

- The Preamble to the Indian Constitution is based on the ‘**Objectives Resolution**’, drafted and moved by **Jawaharlal Nehru**, and adopted by the Constituent Assembly on January 22, 1947.
- The Preamble of the Constitution puts in words the ideal contained in the Objectives Resolution.

### **Significance of the Preamble of the Constitution:**

- The Preamble embodies the basic philosophy and fundamental values—political, moral and religious—on which the Constitution is based.
- It contains the grand and noble vision of the Constituent Assembly, and reflects the dreams and aspirations of the founding fathers of the Constitution.
- It serves as an introduction to the Constitution, and contains its basic principles and goals.

**Text of the Original Preamble of the Constitution:** WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

- JUSTICE, social, economic and political;
- LIBERTY of thought, expression, belief, faith and worship;
- EQUALITY of status and of opportunity;
- and to promote among them all FRATERNITY assuring the dignity of the individual and the unity of the Nation;
- IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

### **Ingredients of the Preamble:**

- The Preamble reveals four ingredients or components:
  - Source of authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.
  - Nature of Indian State: It declares India to be of a sovereign, socialist, secular democratic and republican polity.
  - Objectives of the Constitution: It specifies justice, liberty, equality and fraternity as the objectives.
  - Date of adoption of the Constitution: It stipulates November 26, 1949, as the date.



## Amendment to the Preamble:

- Through the 42<sup>nd</sup> Constitutional Amendment Act (1976), three new words i.e., “Socialist”, “Secular” & “Integrity” were added to the Preamble of the Constitution.
- **Addition of Socialist word:**
  - The then Union government, headed by Prime Minister Indira Gandhi, ran pro-poor images with slogans like “garibi hatao” as part of their campaign.
  - During this period, the word Socialist was included in the Preamble to highlight socialism as a goal and philosophy of India.
  - It needs to be stressed, however, that the socialism envisaged by the Indian state was not the socialism of the USSR or China of the time — it did not envisage the nationalisation of all of India’s means of production.
- **Addition of Secular word:**
  - While the citizens of India practice numerous faiths, and endorse unity in diversity, hence, ‘secularism’ aimed to embrace that unity and fraternity in the face of differences in class, caste, culture, religion and the like.
  - The inclusion of ‘secular’ in the Preamble implied that the **state protects all religions and every citizen equally while maintaining impartiality towards all.**
  - A secular Indian state was founded on the idea that the relationship between humans takes precedence over one between a human being and God- essentially a matter of individual and personal choice.
  - Secularism, is hence, a question of law. The secular nature of the Indian state is secured by **Articles 25-28 of the Constitution.**