

“What helps you persevere is your resilience and commitment.” Roy T. Bennett

NATIONAL


CONSULT UPSC FOR SELECTING POLICE CHIEFS, SC TELLS STATES

The Supreme Court has issued directives to be followed by States while appointing the Director General of Police (DGP).

The apex court restrained state governments from appointing director general of police without first consulting UPSC.

The State concerned has to send to UPSC the names of officers fit to be DGP three months before the incumbent DGP is to retire.

Accordingly, the Commission will prepare list of three officers fit to be DGP and send it back.

<p>Selection of top cop</p> <p>Supreme Court has issued seven directives to be followed by States when appointing the Director General of Police (DGP)</p>	<ul style="list-style-type: none"> Proposals should be sent to the UPSC, three months before incumbent's retirement UPSC to prepare a panel of names as per Prakash Singh judgment. It should try and choose within the zone of consideration who have got two years of service States shall appoint 	 <p>one of the panel's choices</p> <ul style="list-style-type: none"> States shall not appoint DGP on an 'acting basis' The selected person can continue despite his date of superannuation, but the extension should 	<p>be reasonable</p> <ul style="list-style-type: none"> Appointing persons on their retirement day is not in conformity with the Prakash Singh verdict State's and Centre's rules running counter to the SC directions will remain in abeyance
<p>OLD RULE (AS PER PRAKASH SINGH JUDGMENT OF 2006)</p>			
<ul style="list-style-type: none"> DGP shall be selected by the State government from among three senior-most officers of the department empanelled for promotion 	<ul style="list-style-type: none"> The promotion should be based on their length of service, very good record and range of experience for heading the police force 	<ul style="list-style-type: none"> Once the officer is selected for the job, he or she should have a minimum tenure of at least two years irrespective of their date of superannuation 	

The appointment will give priority to merit and seniority.

The tenure should be of two years.

The court passed the directions on a 2006 Judgment on a petition filed by former DGP for reform in police forms.

Only five states- Tamil Nadu, Andhra Pradesh, Karnataka, Telangana, and Rajasthan have implemented the Supreme Court direction of 2006 to consult the UPSC on the appointment of DGPs.

In 2006, the court passed seven directions, to “ensure that state governments do not exercise unwarranted influence or pressure on the police”.

Some states appointed their ‘favourite’ officers as DGP on the date of retirement so that they would continue to serve for another two years till the age of 62 years.

On the practice of appointing practice DGPs, court ruled that States shall not “ever conceive of the idea” of such appointments. There is no concept of acting DGPs, court ruled.

THREE LAKH CSC VLES TO BE ENGAGED AS BANKING CORRESPONDENTS

Common Service Center (CSC), a Special Purpose Vehicle under the Ministry of Electronics & IT, has entered into an agreement with HDFC Bank to enable its three lakh Village Level Entrepreneurs (VLEs) managing the CSCs to operate as Banking Correspondents.

VLEs of CSC will work as Banking Correspondent of HDFC Bank and support the govt. initiative to promote financial inclusion and make banking services more accessible in rural areas.

This agreement is expected to be a game changer as it would significantly contribute to Government’s objectives of enabling Direct Benefit Transfer (DBT) of various schemes.

Women, senior citizens and persons with disability will especially get benefitted through this initiative.

This will facilitate withdrawal and deposit of government entitlements such as payments under MGNREGA as well as various social welfare schemes like widow pension, handicapped and old age pension, etc.

The HDFC BC (CSC) under this arrangement will also function as Business Facilitator (BF).

This will help and support the citizens, especially merchants, youth, entrepreneurs, farmers and women avail loan facility from the Bank to support in their economic uplift.

Apart from this, HDFC Bank will support CSC SPV in converting 1000 identified villages into Digi Gaon (Digital Villages) within this financial year.

CSC SPV is implementing Digi Gaon initiative in rural and remote villages of the country where citizens can avail various online services of the central and State government.

The Digi Gaons are positioned to promote rural entrepreneurship and building rural capacities and livelihoods through community participation and collective action for engendering social change through a bottom-up approach with key focus on the rural citizen.

Under its' commitment to enhancing women's health and hygiene, HDFC Bank will also support CSC SPV by **funding Stree Swabhiman Sanitary Napkin Manufacturing Units.**

CSC SPV, through its initiative 'Stree Swabhiman' is striving to create a sustainable model for providing affordable and accessible sanitary products close to the homes of adolescent girls and women in rural areas.

'KHAN PRAHARI' APP

Illegal coal mining not only causes a loss to the nation's resources but is also harmful to the environment.

Coal Mine Surveillance & Management System (CMSMS):

The basic objective of CMSMS is reporting, monitoring and taking suitable action on unauthorized coal mining activities.

It is a web based GIS application through which location of sites for unauthorized mining can be detected.

The basic platform used in the system is of Ministry of Electronics & Information Technology's (MeiTY) map which provides village-level information.

The leasehold boundary of all the coal mines is displayed on this map.

The system will use satellite data to detect changes by which unauthorized mining activity extending beyond the allotted lease area can be detected and suitable action can be taken on it.

The complaint originating from coal mines will go to Coal India Offices and those originating from coal blocks not allotted to Coal India will go straight to the State Government Officers

And for each complaint the alert will also go to the District Magistrate and SP of the district.

'Khan Prahari' app:

Khan Prahari is a tool for reporting any activity taking place related to illegal coal mining like rat hole mining, pilferage etc.

One can upload geo-tagged photographs of the incident along with textual information directly to the system.

Hence, both satellite data and human information will be used to capture information on the unauthorized mining activities.

Once reported, the information will be automatically directed to the nodal officers to take suitable action on those activities.

The complainant can also track his complaint through the system. The identity of the complainant shall not be revealed. This app can easily be downloaded in Android and IOS.

The uniqueness of the system is that it uses satellite data as well as public input to capture information on unauthorized coal mining activities and also take appropriate action on them with due transparency.

LIEUTENANT-GOVERNOR IS BOUND BY THE "AID AND ADVICE" OF THE ELECTED GOVERNMENT:SC

A five-judge Constitution Bench of the Supreme Court unanimously that Lieutenant-Governor is bound by the "aid and advice" of the Delhi elected government.

In case of difference of opinion, the L-G should straightaway refer the dispute to the President for a final decision without sitting over it or stultifying the governance in the National Capital, the Bench said.

It concluded that the governance of Delhi cannot rest upon the whims of one functionary — the Lieutenant-Governor.

The Lieutenant-Governor has not been entrusted with any independent decision-making power. He has to either act on the 'aid and advice' of the Council of Ministers or he is bound to implement the decision taken by the President on a reference being made by him,"

Chief Justice of India Dipak Misra held in his opinion, shared by Justices A.K. Sikri and A.M. Khanwilkar.

Chief Justice Misra, along with Justices D.Y. Chandrachud and Ashok Bhushan in their separate but concurring opinions, cautioned the L-G against sending every “trivial” dispute with the government to the President.

The judgment came on appeals filed by the NCT government against an August 4, 2016, verdict of the Delhi High Court, which had declared that the L-G has “complete control of all matters regarding the National Capital Territory of Delhi, and nothing will happen without the concurrence of the L-G.”

Chief Justice Misra said that **L-G must work harmoniously with his Ministers.**

UNION CABINET HAS APPROVED THE DNA TECHNOLOGY (USE AND APPLICATION) REGULATION

The Union Cabinet has approved The DNA Technology (Use and Application) Regulation Bill 2018

The government was responding to a PIL in 2012 on the use of DNA profiling for identifying unclaimed bodies, especially to match them with cold cases of missing persons.

The government had informed the Supreme Court that it will introduce a DNA profiling Bill in the Monsoon Session of the Parliament.

NCRB Report on Such Crimes:

The aggregate incidence of such crimes in the country, as per the statistics of the National Crime Records Bureau (NCRB) for 2016, is in excess of 3 lakhs per year.

Of these, only a very small proportion is being subjected to DNA testing at present.

It is expected that the expanded use of this technology in these categories of cases would result not only in speedier justice delivery but also in increased conviction rates, which at present is only around 30% (NCRB Statistics for 2016).

DNA Technology (Use and Application) Regulation Bill, 2018 :

The primary intended purpose for enactment of the bill is for expanding the application of DNA-based forensic technologies to support and strengthen the justice delivery system of the country.

The utility of DNA based technologies for solving crimes, and to identify missing persons, is well recognized across the world.

Other aims include Speedier justice delivery and Increased conviction rate.

Bill’s provisions will enable the cross-matching between persons reported missing and unidentified dead bodies found in various parts of the country, and also for establishing the identity of victims in mass disasters.

By providing for the mandatory accreditation and regulation of DNA laboratories, the Bill seeks to ensure the data remain protected from misuse or abuse in terms of the privacy rights of our citizens.

Forensic DNA profiling is of proven value in solving cases involving offenses that are categorized as affecting the human body (such as murder, rape, human trafficking, or grievous hurt), and those against property (including theft, burglary, and dacoity).

DNA profiling technology:

DNA fingerprinting or DNA profiling is a method of isolating and identifying variable elements within the base-pair sequence of DNA.

DNA fingerprinting technology is utilized by police all over the world for fool-proof identification of criminals who leave their traces at the crime scene while committing the crime.

The technology plays a crucial role in solving crimes as it has potential to link a series of crimes by placing the suspects by linking them with the crime scene.

DELHI AS CAPITAL BELONGS TO THE NATION AND CANNOT BE GIVEN A STATUS OF STATE:SC

The Supreme Court followed the 1987 **Balakrishnan report to conclude that Delhi is not a State.**

CJI quotes from the 1987 Balakrishnan report to conclude that Delhi is not a State‘Control of the Union over Delhi is vital in the national interest’ Lieutenant-Governor has free hand in judicial, quasi-judicial functions“Administrator has to be more active than the Governor of a State’

The report had envisaged that Delhi could not have a situation in which the national capital had “two governments run by different political parties. Such conflicts may, at times, prejudice the national interest.”

Chief Justice Dipak Misra, in his leading opinion for the Bench, reproduced excerpts from the report, which said, “Delhi as the national capital belongs to the nation as a whole.”

The report foresaw **that if Delhi becomes a full-fledged State, there would be a constitutional division of sovereign, legislative and executive powers between the Union and the State of Delhi. Parliament would have limited legislative access and that too only in special and emergency situations. The Union would be unable to discharge its “special responsibilities in relation to the national capital as well as to the nation itself”.**

The report said the control of the Union over Delhi was vital in the national interest.

It dealt extensively with the modifications in the aid and advice given by the Council of Ministers to the L-G as the Administrator of Delhi.

It pointed out that the “aid and advice” **concept cannot apply to the exercise by the administrator of any judicial or quasi-judicial functions.** The L-G is bound by the aid and advice of the Delhi Cabinet only in matters where the Assembly has the powers to make laws.

The report said the L-G’s role was not that of a Constitutional figurehead, though the ultimate responsibility for good administration of Delhi was vested in the President acting through the Administrator.

However, the Administrator had to take a somewhat more active part in the administration than the Governor of a State.

The report had recommended that the “best way” of doing this is to let the L-G refer such differences of opinion to the President for a final decision.
