



Daily Current Affairs Prelims Quiz 18-05-2024 (Online Prelims Test)

1) Consider the following statements with respect to Recognition of Political Parties

1. Political parties are recognised under the Election Symbols (Reservation and Allotment) Order, 1968 (Symbols Order).
2. Recognised political parties are entitled to tax exemption for donations received under the Income Tax Act, 1961.
3. The Election Commission of India can derecognize a political party if it fails to contest elections for 10 consecutive years.

How many of the statements given above are correct?

- a. Only one
- b. Only two
- c. All Three
- d. None of the above

Answer : b



Recognition of Political Parties

The Election Commission of India (ECI), in its report has expressed concern over the behaviour of star campaigners and their potential to vitiate the election atmosphere.

- Section 29A of the Representation of the People Act, 1951 (RP Act) lays down the requirements for registration of a political party with the ECI.
- A registered party is referred to as a Registered Unrecognised Political Party (RUPP).
- Any party seeking to register must bear true faith and allegiance to the Constitution of India.
- It should also bear allegiance to the principles of socialism, secularism and democracy, and uphold the sovereignty, unity and integrity of India.
- As per the ECI, there are 2,790 active registered political parties in India.
- **Benefits for Registered Unrecognised Political Party (RUPP)**
- **Tax exemption for donations received under Section 13A of the Income Tax Act, 1961.**
- Common symbol for contesting general elections to the Lok Sabha/State Assemblies.
- Twenty 'star campaigners' during election campaign.
- **Recognised parties - Political parties are recognised as a 'national' or 'State' party under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968 (Symbols Order) by the ECI.**
- To know about the criteria for recognition of nation and state political party [click here](#).
- At present, there are six 'national' parties, and sixty-one 'State' parties that have been recognised.
- In addition to the benefits enjoyed by the RUPP, the recognised parties enjoy additional concessions of having a **reserved symbol during elections and forty 'star campaigners'**.
- **Issues** - Only about one-third of RUPPs contest and others do not contest elections, potentially misusing their status for tax exemptions and money laundering.

- **People Act, 1951 (RP Act) does not grant the ECI explicit authority to de-register inactive parties unless under exceptional circumstances such as fraud or loss of allegiance to the Constitution.**
- The Supreme Court's ruling in *Indian National Congress vs. Institute of Social Welfare & Ors* (2002) reaffirmed this limitation, creating a regulatory gap.
- Recognized parties have been found violating the Model Code of Conduct prohibitions against using caste/communal appeals and voter intimidation/bribing.
- Despite frequent violations by recognised parties, the ECI's response often involves short-term campaign bans, which are insufficient deterrents.

2) The service defined under the Consumer Protection Act, 2019 doesn't include which of the following?

- Bankers
- Insurance provider
- Lawyers
- Construction workers

Answer : c

SC's Ruling on Lawyers' Faulty Services

The Supreme Court bench recently ruled that the services provided by lawyers constitute a "contract of personal service" and are excluded from the definition of "service" under the Consumer Protection Act.

- The definition of "service" from Section 2(42) of the Consumer Protection Act, 2019 includes the provision of facilities in connection with the following:
 - **Banking, insurance**, transport, housing and entertainment.
 - Transport, **processing**, supply of electrical or other energy, telecom, boarding or lodging or both and **housing construction**.
- **The service under the act doesn't include any service free of charge or under a contract of personal service.**
- The court has interpreted that the services rendered by lawyers fall under a contract of personal service.
- The rationale was that the Act was meant to protect consumers from unfair trade practices of businesses and not intended to cover professionals like lawyers.
- The court distinguished the work of professionals, which requires specialized expertise and is subject to factors beyond one's control, from that of businessmen.
- This ruling overturns an earlier 2007 NCDRC verdict which had brought lawyers under the Consumer Protection Act's purview.
- The court indicated that its 1995 judgment bringing doctors under the Act's scope may also need reconsideration by a larger bench.
- This verdict is likely to have a major impact on the extent of liability for professional misconduct that legal professionals face.

3) Consider the following statements:

- Once a public sector undertaking is disinvested, it ceases to be a 'State' under Article 12.
- Judiciary is not a state under the article 12 when it exercises the judicial power.
- The entities under the state of article 12 are subjected to court's writ jurisdiction under Article 226 of the Constitution.

How many of the statements given above are correct?

- Only one
- Only two

- c. All Three
- d. None of the above

Answer : c

Article 12

The Supreme Court has recently ruled that Air India Limited (AIL) ceased to be a "State" or its "instrumentality" under Article 12 of the Constitution after its disinvestment and takeover by the Tata Group.

- Article 12 of the Indian constitution defines the "State".
- The "State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.
- This definition of the State under Article 12 is applicable only for Part 3 (Fundamental Rights) and Part 4 (Directive Principles of State Policy) of the Constitution of India.
- The Supreme Court held that **once AIL was privatized and the government ceased to have administrative control over it, it could no longer be considered a "State" under Article 12** to attract fundamental rights scrutiny.
- After the government transferred its 100% shareholding and ceased to have any administrative control or deep pervasive control over AIL, it could no longer be treated as a 'State' under Article 12.
- As a privately owned company now carrying out commercial operations, **writs cannot be issued against AIL under Article 226 of the Constitution regarding fundamental rights violations.**
- **Judiciary** - In Rati Lal v. State of Bombay, it was held that the judiciary is not state for the purpose of Article 12.
- In A.R.Antulay v. R.S.Nayak and N.S.Mirajkar v. State of Maharashtra, it has been observed that **"when rule making power of judiciary is concerned it is state but when exercise of judicial power is concerned it is not state."**

4) In India, Mining is prohibited in?

- 1. National park
- 2. Wildlife sanctuary
- 3. Tiger reserves

Select the correct answer using the code given below:

- a. 1 only
- b. 1 and 2
- c. 2 and 3
- d. 1, 2 and 3

Answer : d

Mining in Protected Areas

The recent Supreme Court ruling has banned mining within 1-km from the boundary of a national park or a wildlife sanctuary.

- India produces 87 minerals which include 4 fuel minerals, 10 metallic minerals, 47 non-metallic minerals, 3 atomic minerals and 23 minor minerals.
- Mining is considered illegal when it is done without a license or outside the licensed area and when more than the permissible amount is extracted.

- Section 23C of Mines and Minerals (Development and Regulation) Act (MMDR Act) 1957, empowers the State Governments to frame rules to prevent illegal mining, transportation and storage of minerals.
- The Court has recently clarified that the prohibition on mining within 1 km applies not just to national parks and sanctuaries but also to critical tiger habitats or tiger reserves.
- The bench warned that the continuation of any mining activities within the 1-km radius of tiger reserves in Rajasthan would amount to contempt of the Court.

5) Consider the following statements:

1. Recognized political parties are allowed to use state-owned TV and radio channels during election campaigns.
2. National parties get a minimum of 10 hours on Doordarshan national channel.

Which of the above statement(s) is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : c

Rules for Political Parties to Use State-Funded Media

Recently two opposition leaders were asked to remove certain phrases/words from their speeches as per these guidelines before they were aired in the channels.

- The rules governing the use of state-funded media by political parties during elections are outlined by the Election Commission of India (ECI).
- **Recognized political parties are allowed to utilize state-owned television and radio during election campaigns.**
- The ECI determines the amount of time allocated to each recognized national and state party before the campaign begins.
- **Allocation of Time** - National parties are allotted a minimum of **10 hours of telecasting time on Doordarshan's national channel** and at least 15 hours on its regional channels.
- They also receive 10 hours of broadcasting time on the national hook-up of AIR and 15 hours on regional AIR stations.
- State parties are allotted a minimum of 30 hours of telecasting time on the appropriate regional Doordarshan channel and AIR radio station.
- **Guidelines on Speech Contents** - Parties and their speakers are required to submit transcripts of their speeches 3 to 4 days before recording.
- The speeches must be approved by the concerned authorities in the respective AIR and Doordarshan stations.
- The ECI's guidelines prohibit several types of content, including:
 - Criticism of other countries and Attack on religions or communities,
 - Anything obscene or defamatory, Incitement of violence and Anything amounting to contempt of court,
 - Aspersions against the integrity of the President and judiciary,
 - Anything affecting the unity, sovereignty, and integrity of the nation and
 - Any criticism by name of any person.
- **Speech Editing** - Political speeches are subject to editing by the state-run media based on these guidelines.
- Recently Sitaram Yechury and G Devarajan were asked to make changes to their speeches.
- The speech had a reference to electoral bond scheme.