

**26 – 01 – 2022**

**News:** Padma Awards and Gallantry Awards have been presented to various dignitaries.

## **Padma Awards**

- The Padma Awards are **announced annually on the Republic Day** (26<sup>th</sup> January).
- **Instituted in 1954**, it is one of the highest civilian honours of India.
- The Padma Awards were briefly **suspended twice**, from **July 1977 to January 1980** and from **August 1992 to December 1995**. Some of the recipients have refused or returned their conferments.

### **Objective**

- The Award seeks to **recognize achievements in all fields of activities or disciplines where an element of public service is involved**.

The Awards are given in three categories:

- Padma Vibhushan (for exceptional and distinguished service),
- Padma Bhushan (distinguished service of higher-order) and

- Padma Shri (distinguished service).
- Padma Vibhushan is highest in the hierarchy of Padma Awards followed by Padma Bhushan and Padma Shri.

## Disciplines

- The Awards are given in **various disciplines/ fields of activities**, viz. - art, social work, public affairs, science and engineering, trade and industry, medicine, literature and education, sports, civil service etc.
- **All persons without distinction of race, occupation, position or sex are eligible for these awards. However, Government servants including those working with PSUs, except doctors and scientists, are not eligible for these Awards.**
- The award is **normally not conferred posthumously**. However, in highly deserving cases, the Government could consider giving an award posthumously.
- A **higher category of Padma award can be conferred on a person only where a period of at least five years has elapsed since conferment of the earlier Padma award**. However, in highly deserving cases, a relaxation can be made by the Awards Committee.

## Selection Process

- The Awards are conferred on the **recommendations made by the Padma Awards Committee, which is constituted by the Prime Minister every year.**
- The Padma Awards Committee is **headed by the Cabinet Secretary** and **includes Home Secretary, Secretary to the President and four to six eminent persons as members.** The recommendations of the committee are submitted to the Prime Minister and the President of India for approval.
- The awards are presented by the President of India usually in the month of March/April every year.
- The **total number of awards** to be given in a year (excluding posthumous awards and to NRI/foreigners/OCIs) **should not be more than 120.**
- The award **does not amount to a title and cannot be used as a suffix or prefix** to the awardees' name.

## Bharat Ratna

- Bharat Ratna is the **highest civilian award** of the country.
- It is **awarded in recognition of exceptional service/performance of the highest order in any field** of human endeavour.
- It is treated on a **different footing from Padma Award.** The **recommendations for Bharat Ratna are made by the Prime Minister to the President of India.**

- The number of Bharat Ratna Awards is restricted to a **maximum of three in a particular year.**

## **Gallantry Awards**

- Gallantry Awards have been **instituted by the Government of India to honour the acts of bravery and sacrifice of the officers/personnel of the Armed Forces, other lawfully constituted Forces and civilians.**
- These gallantry awards are announced **twice in a year - first on the occasion of the Republic Day and then on the occasion of the Independence Day.**

Gallantry Awards are classified into two Categories:

- **Gallantry in the Face of Enemy** (Param Vir Chakra (PVC) Mahavir Chakra (MVC) and Vir Chakra).
- **Gallantry Other than in the Face of Enemy** (Ashok Chakra, Kirti Chakra and Shaurya Chakra).
- Various level of bravery is awarded with these awards.
- **All the gallantry awards may be awarded posthumously.**
- **Ministry of Defence invites recommendations twice in a year from the Armed Forces and Union Ministry of Home Affairs for gallantry awards.**

- Recommendations are invited normally in the month of August for the awards to be announced on the occasion of the Republic Day and in the month of March for the awards to be announced on the occasion of the Independence Day.
- In respect of the Armed Forces, a case for the gallantry award is initiated by the Unit and if found fit the same is forwarded to respective Services HQrs duly recommended by Commanders in chain, immediately after the act of gallantry is performed.
- Recommendations in respect of civilian citizens (other than Defence personnel) are received from the Union Ministry of Home Affairs (MHA). MHA calls for recommendations (in respect of civilians) from all State/UT Governments, Central Ministries/ Departments, Central Armed Police Forces and Railway Protection Force etc.
- Recommendations received directly from private individuals, including VIP references are not accepted.
- In any case, the time limit for considering gallantry awards should not be beyond two calendar years from the date on which the act of gallantry is performed.
- Recommendations received from the Armed Forces and MHA are considered by the Central Honours & Awards Committee (CH&AC) comprising of Raksha

**Mantri, three Service Chiefs & Defence Secretary.** Home Secretary is also member for the cases recommended by the Ministry of Home Affairs.

- Thereafter, **recommendations of the CH&AC** are submitted for approval of the **Prime Minister and the President.**
- After approval of the President, **awards are announced on the occasion** of the Republic Day and Independence Day.

## **Wartime Highest Gallantry Awards**

### **Param Vir Chakra**

- Param Vir Chakra is **India's highest military decoration** awarded for displaying distinguished acts of valour during wartime whether on land, at sea or in the air.

### **Maha Vir Chakra**

- Maha Vir Chakra is the **second highest gallantry award** for acts of conspicuous gallantry in the presence of the enemy whether on land, at sea or in the air.

### **Vir Chakra**

- Vir Chakra is the country's **third-highest wartime gallantry award** after Param Vir Chakra and Maha Vir Chakra.

# Peacetime Highest Gallantry Awards

## Ashoka Chakra

- Ashoka Chakra is the **highest military award during peace time** for valour, courageous action or sacrifice.
- It is awarded for most conspicuous bravery or some act of daring or pre-eminent act of valour or self-sacrifice otherwise than in the face of the enemy.

## Kirti Chakra

- Kirti Chakra is the **second highest peacetime gallantry award** and is awarded for valour, courageous action or self-sacrifice away from the field of battle.

## Shaurya Chakra

- Shaurya Chakra is **awarded to the personnel of the armed forces for instances of extraordinary gallantry.**

## Other Awards

### Sena Medal

- Sena Medal is awarded for **acts of exceptional devotion to duty or courage in the Army.**

## **Nao Sena Medal**

- Nao Sena Medal is awarded for individual acts of **exceptional devotion to duty or courage in the Navy.**

## **Vayu Sena Medal**

- Vayu Sena Medal is awarded for individual acts of exceptional devotion to duty or **courage in the Air Force.**

## **News:** ‘Inaccuracies, procedural violations’ in Great Nicobar EIA report

- The details of the recently released draft environment impact assessment (EIA) report for the mega development project in the Great Nicobar Island have raised serious questions related to submission of incorrect or incomplete information, scientific inaccuracy and failure to follow appropriate procedure.
- A public hearing to discuss the report has been scheduled for Thursday at Campbell Bay, the administrative headquarters.
- The matter is related to the NITI Aayog piloted ₹72,000 crore integrated project in Great Nicobar that includes construction of a mega port, an airport complex, and a township spread over 130 sq. km of pristine forest and a solar and gas - based power plant.



- Andaman and Nicobar Islands Integrated Development Corporation Ltd. (ANIIDCO) is the project proponent.

## **Sustainable Development of Little Andaman Island - Vision Document**

- The ‘Sustainable Development of Little Andaman Island - Vision Document’, is the NITI Aayog’s proposal to leverage the strategic location and natural features of the island.
- This, the vision says, will be done by building a new Greenfield coastal city there that will be developed as a free trade zone and will compete with Singapore and Hong Kong.

The proposal is pivoted along three development anchors and zones.

- Zone 1 — spread over 102 km<sup>2</sup> along the east coast of Little Andaman — will be the financial district and medi city and will include an aerocity, and a tourism and hospital district.
- Spread over 85 km<sup>2</sup> of pristine forest, Zone 2, the leisure zone, will have a film city, a residential district and tourism SEZ.

- Zone 3 — on 52 km<sup>2</sup> of pristine forest — will be a nature zone, further categorised into three districts: an exclusive forest resort, a nature healing district and a nature retreat, all on the western coast.
- There will be ‘underwater’ resorts, casinos, golf courses, convention centres, plug-and-play office complexes, and a drone port with fully automated drone delivery system, nature cure institutes and more.
- An international airport capable of handling all types of aircraft will be central to this development vision because “all successful case studies and references” studied by the visioning team indicate that an international airport is key for development.
- It has a map of Little Andaman overlaid on Singapore’s, along with the following statistics: “The population density of the Andaman and Nicobar is 47 people per km<sup>2</sup> while it’s (sic) 7,615 persons per km<sup>2</sup> in Singapore. Its per capita income is \$1,789 compared to Singapore's \$55,182.”

### **Limitations or Drawbacks**

Several factors are preventing Little Andaman from the new Singapore.

- These include lack of good connectivity with Indian mainland and global cities, a fragile biodiversity and natural ecosystems and certain Supreme Court notifications that pose an impediment to development.

- Another key factor is the “**presence of indigenous tribes** and concerns for their welfare”.
- There are other concrete obstacles that the vision takes note of: **95% of Little Andaman is covered in forest**, a large parts of it the pristine evergreen type.
- Some 640 km<sup>2</sup> of the island is Reserve Forest under the Indian Forest Act, and nearly 450 km<sup>2</sup> is protected as the **Onge Tribal Reserve**, creating a unique and rare socio - ecological -historical complex of high importance.

## Types of Forests

### Reserve Forests

- Reserve forests are the **most restricted forests** and are **constituted by the State Government on any forest land or wasteland which is the property of the Government.**
- In reserved forests, **local people are prohibited, unless specifically allowed by a Forest Officer** in the course of the settlement.

### Protected Forests

- The **State Government is empowered to constitute any land other than reserved forests as protected forests over which the Government has proprietary rights and the power to issue rules regarding the use of such forests.**

- This power has been used to establish State control over trees, whose timber, fruit or other non-wood products have revenue-raising potential.

### **Village forest**

- Village forests are the one in which the **State Government may assign to ‘any village community the rights of Government to or over any land which has been constituted a reserved forest’**.

### **Degree of protection**

- Reserved forests > Protected forests > Village forests
- The vision needs 240 km<sup>2</sup> (35%) of this land and the solutions suggested are simple and straightforward — **dereserve 32% of the reserved forest and de-notify 138 km<sup>2</sup> or 31% of the tribal reserve**.
- And if the tribals become an impediment, the vision suggests that they “can be relocated to other parts of the island”.
- The plan has **no financial details**, no budgeting, or inventorisation of forests an ecological wealth and no details of any impact assessment.
- The vision document has maps **with no legends or explanations and uses inappropriate photographs plagiarized from the Internet**.

- The nature resort complex proposed at West Bay on the western coast is to have theme resorts, floating/underwater resorts, beach hotels, and high end residential villas. It is today a secluded and difficult to reach part, **one of the most important nesting sites of the globally endangered Giant Leather back sea turtle** which is being studied by the Dakshin Foundation, the Andaman and Nicobar Environment Team and the island administration's Forest Department.
- Divisional Forest Officer, Little Andaman, raised serious concerns about this vision on grounds of **ecological fragility, indigenous rights and vulnerability to earthquakes and tsunamis**. He that said such large diversion of forest land would cause obvious **environmental loss leading to irreversible damage** (more than 2 million trees stand in the forest land sought for these projects), that habitats of various wild animals including endangered sea turtles would be affected, and that the impact could not even be assessed because there was no environment impact assessment report and neither were there any detailed site layout plans for the proposed diversion.

**News:** Kerala all set to clip Lokayukta's powers

- The Pinarayi Vijayan government in Kerala is set to amend the state Lokayukta Act through an ordinance amid stirrings of protest by the opposition over what legal experts see as an attempt to prevent any verdict of the anti-corruption agency being binding on the administration.
- The draft of the Kerala Lokayukta (Amendment) Ordinance, 2021, has been sent to governor Arif Mohammed Khan for his assent.
- The ordinance proposes amendments to the Kerala Lokayukta Act, 1999, by replacing **sub-section (1) of section 14**.
- This particular section empowers the Lokayukta or an Upa Lokayukta to make a declaration in its report that a public servant against whom a complaint is made should not continue to hold that post if the allegation is substantiated.
- **“Where the competent authority is the governor, the government of Kerala or the CM, he or it shall accept the declaration,”** it states.
- It is this portion of the law, which makes a verdict binding on the government, that is about to be amended.
- The proposed amendment says, **“Where the competent authority is the governor, or the chief minister or the government of Kerala, he or it may either accept, or reject the declaration, after giving an opportunity of being heard.”**

## Lokpal and Lokayukta

- Lokpal and Lokayukta Act, 2013 provided for the establishment of Lokpal for Union and Lokayukta for States.
- First administrative commission recommended the setup of Lokpal.
- Lokpal is a multi-member body that consists of one chairperson and a maximum of 8 members.
- Chairperson must be either a Chief Justice of India, or a former Judge of Supreme Court, or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance and finance.
- Out of 8 members, half will be judicial members and rest will be from All India Services.
- Minimum 50% of Members shall be from SC/ST/OBC/Minorities and Women.
- Judicial members of Lokpal should be either a former Judge of SC or former Chief Justice of any High Court.
- The non-judicial member should be an eminent person with impeccable integrity and outstanding, having special knowledge and expertise of minimum

25 years in the matters relating to anti-corruption policy, public administration, vigilance and finance.

- The members are **appointed by President** on the recommendation of a Selection Committee, headed by **Prime Minister as Chairperson**, Lok Sabha Speaker, and Leader of Opposition in Lok Sabha, CJI or a SC Judge nominated by CJI, and one eminent jurist as members.
- The Chairperson or any Member can be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the **President on a petition signed by at least one hundred Members of Parliament has, on an inquiry, reported that the Chairperson or such Member, as the case may be, ought to be removed on such ground.**
- The term of office for Lokpal Chairman and Members is **5 years or till the age of 70 years.**
- **Salaries, allowances and service conditions of the Lokpal chairperson will be the same as those for the Chief Justice of India; those for other members will be the same as those for a judge of the Supreme Court.**
- The administrative expenses of the Lokpal, including all salaries, allowances and pensions of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, will be **charged upon the Consolidated Fund of India** and any fees or other money taken by the Lokpal shall form part of that Fund.



- Jurisdiction of Lokpal includes Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central government.
- Lokpal will not inquire the PM if the allegation of corruption is related to international relations, external and internal security, public order, atomic energy and space, unless a full Bench of the Lokpal, consisting of its chair and all members, considers the initiation of a probe and at least 2/3<sup>rd</sup> of the members approve it.
- Any such inquiry shall be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone.
- Also covered are chairpersons, members, officers and directors of any board, corporation, society, trust or autonomous body either established by an Act of Parliament or wholly or partly funded by the Union or State government.
- Jurisdiction of Lokpal also expands to any society or trust or body that receives foreign contribution above 10 lakh.
- It has powers to superintendence over CBI and CVC and give directions.
- If a case is referred to CBI by Lokpal, the investigation officer cannot be transferred without the approval of Lokpal.
- A Bench of at least three members considers the investigation report and may grant sanction to the Prosecution Wing to proceed against the public servant

based on the agency's chargesheet. It may also ask the competent authority to take departmental action or direct the closure of the report.

- Recently, Lokpal adopted its motto "मा गृधः कस्यस्विद्धनम्" i.e. ककसी केधन का लोभ मत कर" means "Do not be greedy for anyone's wealth".
- The motto is taken from Ishavasya Upanishad.

### **Nature of complaint**

- A complaint under the Lokpal Act should be in the prescribed form and must pertain to an offence under the Prevention of Corruption Act, 1988 against a public servant.
- There is no restriction on who can make such a complaint.
- When a complaint is received, the Lokpal may order a preliminary inquiry by its Inquiry Wing or any other agency, or refer it for investigation by any agency, including the CBI, if there is a prima facie case.
- Before ordering of an investigation by an agency, the Lokpal shall call for an explanation from the public servant to determine whether a prima facie case exists.
- This provision, the Act says, will not interfere with any search and seizure that may be undertaken by the investigating agency.

- The Lokpal, with respect to Central government servants, shall refer the complaints to the Central Vigilance Commission (CVC).

## **Director of Inquiry**

- As per the Lokpal and Lokayuktas Act, 2013, there shall be a Director of Inquiry, not below the rank of Joint Secretary to the Central Government.
- As per the provisions contained under Section 20 (1) (b) of the Lokpal and Lokayuktas Act, 2013, complaints in respect of public servants are referred by the Lokpal to the Central Vigilance Commission (CVC) for a preliminary inquiry.

## **Lokayukta**

- Some States like Rajasthan, Karnataka, Andhra Pradesh and Maharashtra have created the lokayukta as well as Upalokayukta, while some others like Bihar, Uttar Pradesh and Himachal Pradesh have created only the lokayukta. There are still other states like Punjab and Orissa that have designated officials as Lokpal. This pattern was not suggested by the ARC in the states.
- The Lokayukta is appointed by the Governor of the State, through nomination by its Chief Minister (in consensus with Chief justice of the State High Court,

Leaders of the Opposition in the Legislative Assembly and Legislative Council, Speaker of the Legislative Assembly and Chairman of the Legislative Council).

- While appointing, the governor in most of the states consults the chief justice of the state high court, and the leader of Opposition in the state legislative assembly. But this is a fluctuating provision in many states.

### **Drawbacks**

- Lokpal **cannot suo moto proceed against any public servant.**
- Emphasis on the form of complaint rather than substance.
- Heavy punishment for false and frivolous complaints against public servants may deter complaints from being filed to Lokpal.
- **Anonymous complaints not allowed.**
- Legal assistance to public servants against whom the complaint is filed.
- Very **non-transparent procedure for dealing with complaints against the PM.**