

THE CIVILS CAFÉ IAS

Mains Punch Capsule GS2

Vol 1

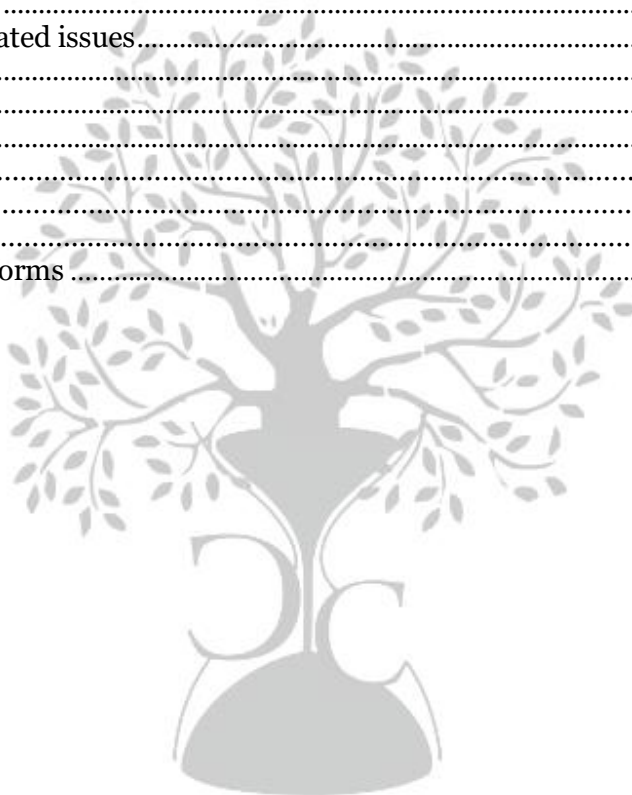
for

Mains 2019

THE CIVILS CAFE IAS

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THE CIVILS CAFE IAS

INTRODUCTION

Dear Friends, The Civils Café IAS is committed to help you to achieve your dream. We are here to ease your preparation. For this purpose, we are coming with our Mains Punch Capsules after our hugely successful Prelims Punch capsules. **[Yes ! its true ! you could have scored 60 marks extra with our prelims punch capsules+ prelims punch free test series!]**

Every extra mark you get in UPSC makes a hell lot of difference. That extra one mark may be helpful in getting you in the list or it may help you get more preferred service or cadre. The purpose of this Capsule is to

- Ensure that you score that one extra mark wherever possible
- Add value to your answer
- Maximize your marks in each paper

In totality we write around 110 – 135 questions. If we try to add value to each of these questions and try to increase marks by $\frac{1}{2}$ or 1 then it will make a substantial difference. However it is not as easy as it sounds. Nevertheless if from now onwards we develop such approach it can be very fruitful.

Requirements:

1. **Know your syllabus:** One must be well versed with syllabus. Whenever you are going through newspaper or any article and you come across anything interesting which can be **any data/ figure/case study /SC-HC judgement/quotation** etc. you must note it down and think about which topic and type of question it can be used in.
2. **Go through Previous year Question Paper:** One must be thorough with various type of question being asked. It will help you in picking right kind of information from various news.
3. **Note making and Revision:** Note down the information in your notes and integrate it with the topic/issue. **Revise it again and again** so that you remember it properly and reproduce it in the examination. Follow the **Next day revision method** we mentioned in our youtube video to maximize your memory and retention.
https://www.youtube.com/watch?v=bzb_IQ2K6UE&list=PLPFzy2rt1WBZB_5sIA0HwXI04PsaFcjYx&index=2
4. **Practice:** Always try to add value to your answer whenever you are writing answer whether it is at home or in test series.

Dos and Don'ts

1. **Analyze more, Think more:** We can provide only limited amount of readymade material. Onus lies on you to orient yourself and think on your own to extract more and more information so that it brings out better result.

2. **Reuse information:** Most of the times we can use same information in many topics but generally, we tend to restrict ourselves and use it in only one topic for ex. any data related to women literacy can be used in topics such as women empowerment, literacy/education in India, economic development, SHGs etc.
3. **Ensure Relevance:** Whenever you are using any value added component it must be ensured that it is relevant to the demand of question. Do not write for the sake of inserting some fact or case study. Whatever is being added must be to the point and relevant to the question. That is why more coverage along with revision and practice will help.

In this module, we have extracted some of the facts/ case studies/ examples from our Mentor's notes which you can use in your answers. This value addition is an art and thus more you practice, more you will be able to improve your answers. So start using these facts in your answers from today itself.

These notes are just a sample and their purpose is to give you an idea about how you can use facts/examples to improve quality of answers and how same fact can be used in multiple topics.

We plan to continue this Value Added Mains Punch Capsule with emphasis on various issues in current affairs as well as for Ethics. So keep checking in future.

You can access all our notes for free on our website www.thecivilscafeias.com . In case you want to access our notes in offline mode or read them on mobile, you can subscribe here to our telegram channel <https://t.me/thecivilscafe> . Also visit our website www.thecivilscafeias.com for more free materials.

CONSTITUTION

Our constitution provides us with great content which can be used as fillers in our answer and it will always be most authentic way to improve quality of our answers.

Fundamental Duties:

Almost everything can be linked to Fundamental duties like corruption, crime, hate against women, communal riots , RTE, illiteracy etc. etc. So, try to use them in your answers. Read them again and again. You don't need to quote entire statement. Just mention as "eradicating illiteracy is also a fundamental duty as per our constitution." or "maintaining high standard for safety for women is a fundamental duty of each Indian as per our constitution."

Fundamental Duties:

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- **Respect National Symbols:** To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- **Respect ideas of our forefathers:** To cherish and follow the noble ideals which inspired our national struggle for freedom;
- **Do our bit for country:** To uphold and protect the sovereignty, unity and integrity of India;
- **Duty to serve:** To defend the country and render national service when called upon to do so;
- **Maintain harmony and respect others:** To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- **Preserve our culture:** To value and preserve the rich heritage of our composite culture;
- **Preserve environment:** To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- **Be rational:** To develop the scientific temper, humanism and the spirit of inquiry and reform;
- **Non-Violence:** To safeguard public property and to abjure violence;
- **Strive towards perfection:** To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement;
- **Fight against illiteracy:** Who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six to fourteen years

In your notes, note down if any of the above duty can be applied. For ex. in your notes on literacy, write down that it is every citizens duty to fight against illiteracy

Fundamental Rights

You should mention the **rights** guaranteed by our constitution wherever you can. It is better if you mention specific article number like : Restricting temple entry of women is against their right of equality (A 15) as guaranteed to them by Indian Constitution.

So, read them again and again and try to interlink them with current issues.

- Right to Equality (A 14 to A 18)
- Right to Freedom (A 19 to A 22)
- Right against Exploitation (A 23 to A 24)
- Right to Freedom of Religion (A 25 to A 28)
- Cultural and Educational Rights (A 29 to A 30)
- Right to Constitutional Remedies (A 32)

Again, you won't be able to do that in exam hall. It is better to do this thinking task while you are preparing. Note down all related FRs in your topic wise notes right now and start using them in your answers.

Directive Principle of State Policy

It is the most ignored part and the irony is it is also the most useful part from the point of view of mains answers as everything government does can be linked to DPSPs like employment generation, land reforms, environmental protection etc.

So, again try to read them and link them with current issues.

- A 39 : Adequate means of livelihood for all citizens; equal pay for equal work; Proper working conditions; equal distribution of resources
- A 40 : Panchayat; Link all local governance answers to A 40
- A 41 : Right to work; Assistance to old, sick, disabled;
- A 42 : Humane condition of work; Maternity relief; Link it with Vishakha case i.e. sexual harassment at workplace
- A 43 : Living wages; Social and Cultural opportunities; Link it with inflation and low salaries
- A 44 : Uniform Civil Code
- A 45 : Education
- A 46 : SC/ST and weaker sections
- A 47 : Nutrition; Standard of living; Ban on Alcohol; Link it with mal nutrition issue
- A 48 : Agriculture and Animal husbandry;
- A 49 : Protection of monuments and place of importance; Link it with tourism
- A 50 : Separation of Judiciary and Executive; Link it with NJAC issue and judicial appointments.

Preamble

WE, THE PEOPLE OF INDIA, having
solemnly resolved to
constitute India into a
SOVEREIGN SOCIALIST SECULAR 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 and integrity of the
Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do
HEREBY ADOPT,

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ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

See keywords like Sovereign, Socialist, Secular, Democratic, Justice (Social, Economic, Political), Liberty, Equality, Fraternity etc. You can mention these keywords in your answers like "This is against the dignity of individual as specified in preamble of our constitution and guaranteed by A 21."

UN Human Rights

Why read them?

These are basic rules which govern our society. Whatever happens, can be explained from the point of views these rights. So, these rights can be mentioned in your answers when you are lacking content. You can analyse the topic from the point of view of these rights.

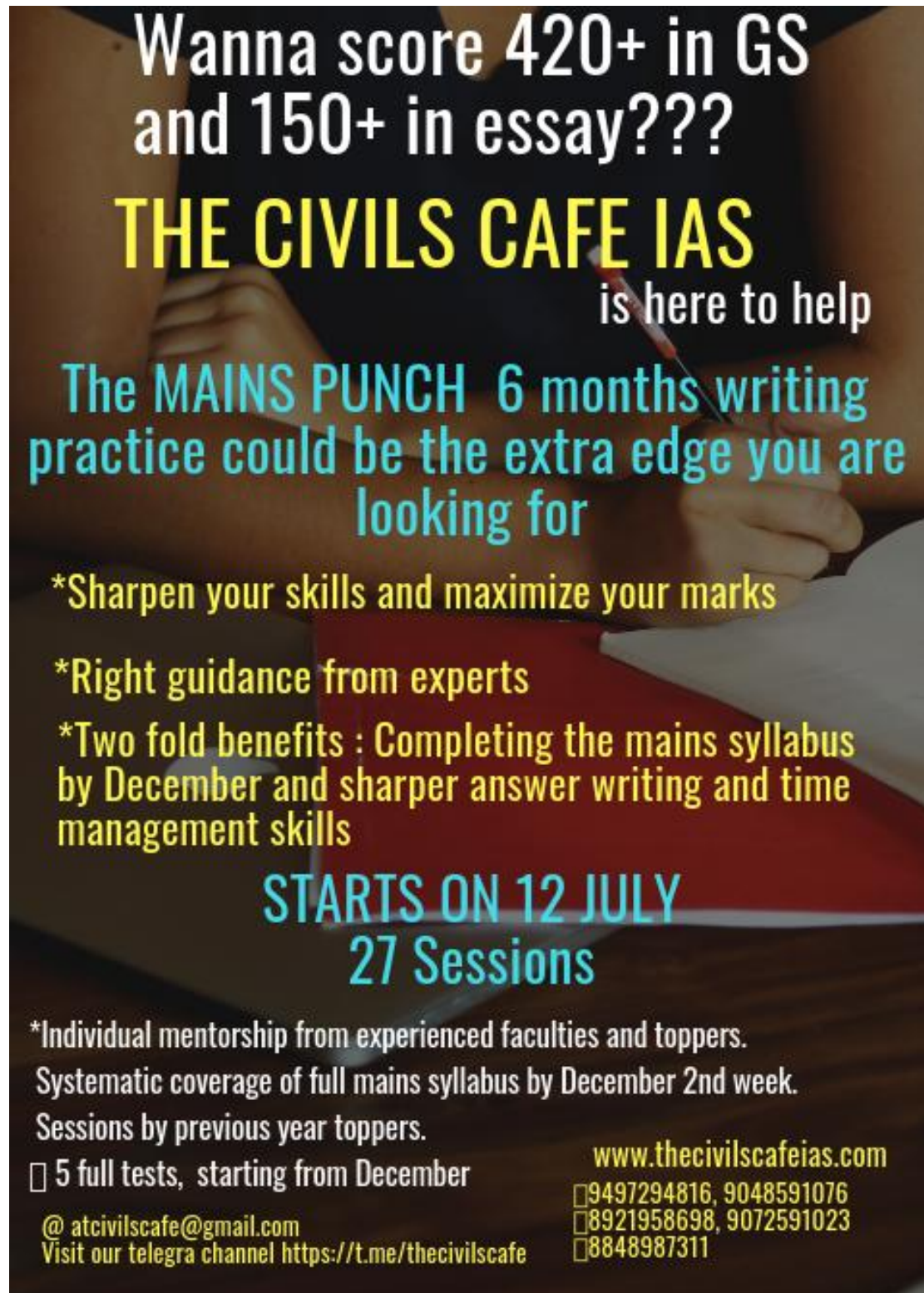
For ex. A question on Khap came in 2015. Even if you didn't know the specific answer to that question, you can write that Khaps violate basic human rights as defined by UN declaration of Human Rights like Right to Freedom, Right to a fair trial, Freedom of speech, Freedom of movement etc. In this way you can generate good content.

Other way (Bad way) of writing it is :

"Khaps are evil. They are menace to the society. They should be stopped. They are against the basic freedom of humans etc. etc. ". And, in the exam, when you are racing against time, this kind of shit happens :). So, prepare some readymade generic content which can be used as a filler in such questions where you have less content.

Keywords

- **Universal Declaration of Human Rights** : All human rights were declared and this declaration was adopted by almost all countries in world.
- Basic rights:
 - Right to life
 - Freedom from torture
 - Freedom from slavery
 - Right to fair trial
 - Freedom of speech
 - Freedom of thought, conscience and religion
 - Freedom of movement



**Wanna score 420+ in GS
and 150+ in essay???**

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is here to help

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JUDICIARY

Landmark judgments

- **Berubari Union case (1960):**

- Supreme Court specifically opined that Preamble is not a part of the Constitution.

- **Golaknath Vs State for Punjab (1967):**

- Supreme Court ruled that *Parliament could not curtail any of the Fundamental Rights* of individuals mentioned in the Constitution

- **RC Cooper vs. Union of India(1970)**

- Supreme Court while examining the constitutionality of the Banking Companies Ordinance, 1969 which sought to nationalize 14 of India's largest commercial banks, held that the *President's decision can be challenged* on the grounds that 'immediate action' was not required and the *ordinance* was passed primarily to by-pass the debate and discussion in legislature.

- **Kesavananda Bharati case (1973):**

- Propounded doctrine of Basic Structure
- The Supreme Court rejected the earlier opinion and held that Preamble is a part of the Constitution. It observed that the Preamble is of extreme importance and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble.

- **Raj Narain vs State of UP (1975) :**

- ~~Disputed~~ to the imposition of emergency in India :Case was related to election
- As early as in 1976, the Supreme Court said in the case of **Raj Narain vs State of UP**, that people cannot speak or express themselves unless they know. Therefore, ***right to information*** is embedded in article 19 and is a fundamental right. In the same case, Supreme Court further said that India is a democracy. People are the masters. Therefore, the masters have a *right to know* how the governments, meant to serve them, are functioning. Further, every citizen pays taxes. The **citizens therefore, have a right to know how their money was being spent**. These three principles were laid down by the Supreme Court while **saying that RTI is a fundamental right of the people of India**.

- **ADM Jabalpur v Shivakant Shukla Case (1976) :**

- *Widely considered a violation of Fundamental Rights*
- In this landmark judgment, the Supreme Court declared that the rights of citizens to move the court for violation of Articles 14, 21 and 22 would remain suspended during emergencies.

Maneka Gandhi vs Union of India (1978)

- Triumph of individual liberty
- SC held that – ‘*Procedure established by law*’ within the meaning of article 21 must be ‘right and just and fair’ and ‘not arbitrary, fanciful or oppressive’ otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied. Thus, the ‘procedure established by law’ has acquired the same significance in India as the ‘due process of law’ clause in America.

- **Minerva Mills case (1980)**

- Applied and evolved the *basic structure* doctrine of the Constitution, unanimously ruling that Parliament cannot exercise unlimited power to alter this basic structure or tread upon the fundamental rights of individuals, including the right to liberty and equality
- Two changes which were made earlier by the 42nd Amendment Act were declared as null and void by the Supreme Court in this particular case

- **SP Gupta vs Union of India, 1981 :**

- The Court has to innovate new methods and strategies to provide *access to justice* to large masses of people who are denied basic human rights, to whom freedom and liberty have no meaning.
— Justice PN Bhagwati (PIL started from it)

- **Waman Rao vs Union of India (1981)**

- *SC ruled that Parliament had transgressed its power of constitutional amendment.*
- This case was a landmark decision in the constitutional jurisprudence of India. This case has helped in determining a satisfactory method of addressing grievances pertaining to the violation of fundamental rights by creating a fine line of determination between the Acts prior to and after the Keshavananda Bharati case

- **Sheela Barse vs State of Maharashtra (February 15, 1983) :**

- o This was a historic judgment that dealt with the **issue of custodial violence against women in prisons**. This resulted in an order facilitating separate police lockups for women convicts in order to shield them from further trauma and brutality.

- **Shah Bano case (1985)**

- p *Shah Bano won the right to get alimony from her husband.*
- o The petitioner challenged the Muslim personal law. The Supreme Court ruled in favour of Shah Bano and granted her alimony. Most favoured it as a secular judgment but it also invoked a strong reaction from the Muslim community, which felt that the judgment was an encroachment on Muslim Sharia law and hence led to the formation of the All India Muslim Personal Law Board in 1973

NOTE: You can mention this judgement in most of the answers related to women.

- **MC Mehta vs Union of India (Pollution in the Ganga) (1986)**

- o This judgement delivered on January 12, 1988, lashed out at civic authorities for allowing untreated sewage from Kanpur's tanneries making its way into the Ganges. It was the *beginning of green litigation* in India.
- o In 1996, environmentalist M C Mehta's PIL, (M C Mehta vs Union of India on December 30, 1996) resulted in stringent orders against **Mathura refineries** for polluting the ambient air around the Taj Mahal.
- o Yet another PIL by M C Mehta resulted in the **CNG verdict** (July 28, 1998) that forced the vehicles in the capital to switch to a different fuel in order to keep a check on vehicular pollution.

Note: You can mention this judgement in most of the answers related to Environment.

- **Indira Sawhney judgment (1992) :**

- o On November 16, 1992, the Supreme Court responded to a PIL filed by lawyer Indira Sawhney and introduced 27% *reservation for backward classes* in posts and services under the Government of India. Citing the age old Varna system, the court justified its reason for reservation. The court also spelled out that such a system should not exceed a tenure of ten years once a particular section is adequately represented in society.

Note: You can mention this judgement in most of the answers related to Caste System.

- **SR Bommai v Union of India - 1994**

- *Persecution of state governments stalled.*
- This landmark case had major implications on Center-State relations. Post this case the Supreme Court clearly detailed the limitations within which Article 356 has to function
- Also Quote Arunachal governor issue, NaglaInd judgement etc here[quote the recent ones]

Note: Mention in answers related to Centre-State relations, Federalism, Governor etc.

- **LIC of India case (1995):**

- The Supreme Court again held that the Preamble is an integral part of the Constitution.

- **Vishaka v State of Rajasthan - 1997**

- *Definition of sexual harrasment and guidelines to deal with it laid down.*
- In this case **Vishakha and other women groups** filed a Public Interest Litigation (PIL) against State of Rajasthan and Union of India to enforce fundamental rights for working women under Articles 14, 19 and 21 of the Constitution. This resulted in the introduction of **Vishaka Guidelines**. The judgment of August 1997 also provided basic definitions of sexual harassment at the workplace and provided guidelines to deal with it. Hence the importance of the case as a landmark judgment.
- Use **Visakha** in eg of NGO also.

- **State of Tamil Nadu V Suhas Katti - November 2004**

- *Short conviction time of seven months.*
- This was notable for being the first case involving conviction under the **Information Technology Act, 2000**. A family friend of a divorced woman was accused of posting her number online on messenger groups which led to her being harassed by multiple lewd messages. The accused was later convicted and sentenced.

Note: Mention in answers related to cyber **security, privacy vs digital access**.

- **Jessica Lal Murder Case - December 2006**

- *Civil society makes big gains. Can be written in Role of Civil Society*
- A model in New Delhi working as a bartender was shot dead and the prime accused Manu Sharma, son of Congress MP Vinod Sharma who was initially acquitted in February 2006 was later sentenced to life imprisonment in December 2006 by a fast track hearing by the Delhi High Court. On 19 April 2010, the Supreme Court of India approved the sentence.

Note: Must be mentioned in answers related to Role of civil society.

- **Section 377 case (Naz Foundation v Govt of NCT of Delhi) - July 2009**

- *Cause for rejoicing for homosexuals.*

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- o In 2009 the Supreme Court declared Section 377 of the Indian Penal Code, 1860 as unconstitutional. The said section earlier criminalised sexual activities “against the order of nature” which included homosexual acts. This judgment however, was overturned by the Supreme in December, 2013
- **Illegalising convicted MPs and MLAs (Lily Thomas v Union Of India) - July 2013**
 - p *Effected much-needed cleansing of legislative bodies.*
 - o The Supreme Court of India, in this judgment, ruled that any member of Parliament (MP), member of the legislative assembly (MLA) or member of a legislative council (MLC) who was convicted of a crime and awarded a minimum of two-year imprisonment, would lose membership of the House with immediate effect.
- **Recognising the Third gender (National Legal Services Authority v Union of India) - April 2014**
 - p *Third gender acknowledged as citizens with rights.*
 - In a landmark judgment the Supreme Court in April, 2014 recognised transgender persons as a third gender and ordered the government to treat them as minorities and extend reservations in jobs, education and other amenities.
- **Section 66A revised (Shreya Singhal v Union of India) - March 2015**
 - *Cracking down on "offensive" online content not easy.*
 - o Controversial section 66A of the Information Technology Act which allowed arrests for objectionable content posted on the internet was struck down as unconstitutional by the Supreme Court in March 2015.
- **Sanjit Roy v. the State of Rajasthan: Min wages**
- In **1983**, in Sanjit Roy v. the State of Rajasthan the Supreme Court stated, “where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the meaning of the words ‘forced labour’
- **if anything less than the minimum wage is paid to him, he can complain of violation of his fundamental right under Article 23 a**

- **Torture:**
- In ***Raghubir Singh v. State of Haryana (1980)***, the Supreme Court said it was “deeply disturbed by the diabolical recurrence of police torture.” “Police lock-ups,” it said, “are becoming more awesome cells.”
- In ***Shakila Abdul Gafar Khan v. Vasant Raghunath Dhoble (2003)***, the Supreme Court said that “torture is assuming alarming proportions... on account of the devilish devices adopted. The concern which was shown in Raghubir’s case has fallen on deaf ears”
- In ***Munshi Singh Gautam v. State of M.P. (2004)***, the Supreme Court said: “Civilisation itself would risk the consequence of heading towards total decay resulting in anarchy and authoritarianism reminiscent of barbarism.”
- ***Electoral reforms: ADR Case*** The Supreme Court has asked the Centre to amend the rules as well as the disclosure form filed by candidates along with their nomination papers, to include the sources of their income, and those of their spouses and dependents.
- The court has also asked for the establishment of a permanent mechanism to investigate any unexplained or disproportionate increase in the assets of legislators during their tenure.
- The Court had ruled that the act of voting is an expression of free speech, and that it is part of this fundamental right that voters are required to be informed of all relevant details about a contestant. This led to the rule that candidates should furnish details of any criminal antecedents, educational qualifications and assets
- **BBA** has played a very important role in formulation of several laws for protection of child’s rights. It began from the **Nithari case in 2006** which finally culminated with the Supreme Court passing the landmark judgement in 2013 ordering that **FIR has to be lodged in all cases of missing children.**

THE CIVILS CAFE IAS

Note: Can be used in Cyber Security answers.

- **Shabnam Hashmi case** refers to right guaranteed by Indian law to adopt child with all legal rights.
- SC in **Mathura Ahir case** reiterated that personal law are not law under article 13 i.e. They are not immutable.
- Supreme Court in cases like **Puttaswami case 2017[privacy fund rt]** **MP Sharma** and **Kharak Singh case** [the last cases says privacy not a fund rt,

but changed in Puttaswami case 2017] have mentioned that *Right to Privacy* is implicit in Preamble and Article 21.

- SC in **P. Rathinam case** for **decriminalizing suicide** stated that former should include also the "right not to live a forced life" or "*right to die*".
- **Madras High Court judgement** that the *freedom of expressions of artists and authors* should be protected and instead of asking them not to publish/display their work by citing reasons of law and order, the state should focus on maintaining law and order
- **The Constitution itself clearly lays out heightened powers for the CJI. Broadly, these are:**
 - The CJI swears in the President and Governors;
 - The President **must consult with the Chief Justice** before appointing Supreme Court or High Court judges;
 - Article 127 gives the CJI power to **appoint ad hoc Supreme Court judges**
 - Article 128 the power to sit retired Supreme Court judges
 - Article 130 the power to sit the Court outside of Delhi (with the President's approval)
 - Article 146 the power to appoint officers and servants of the Court.
 - Article 222 the power to move high court judges to another high court
 - Articles 257, 258, and 290 which gives the CJI the ability to appoint an arbitrator to resolve certain financial disputes between the centre and the states
 - He or she is also paid a bit more than the rest of the justices, (presumably) for taking on these additional responsibilities.
- **WAN Connectivity to district and subordinate courts**
- One of the important components of **eCourts Mission Mode Project Phase-II (2015-19)** is establishment of **Wide Area Network (WAN)** connecting all District and Subordinate court complexes, spread across the country.
- **Navtej Singh Johar case: Sec 377. Criminality of consensual homosexual act removed.**
- **Aswini Upadhyay case: 2018 wide publicity of criminal cases against candidates in medi and tv by party.**

- **Uttarakhand high court appoints itself legal guardian of cows in state**
- In 2006, **Indian Young Lawyers Association**, challenged the ban in Supreme Court :first preliminary observations on a rule **barring women from entering the Sabarimala temple** in Kerala due to **biological reasons**, the Supreme Court has said **women have the constitutional right of equal access to public places of worship to pray**. Any rule that stood in their way would be against this right, the apex court said.
- a three-judge bench of the **Supreme Court** has favoured live-streaming of court proceedings. Further, the government has mooted for a separate TV channel for live-streaming court proceedings
- **March 2018 judgment** in the **Hadiya case**, which held that neither the State nor one's parents could influence an adult's choice of partner. That would be a violation of the fundamental right to privacy.
- While condemning the recent spate of lynchings as "horrendous acts of mobocracy" ,
- The court has asked the **Parliament** to make lynching a separate offence.
- the **Supreme Court** ordered the **Center** and the **State** to take immediate steps to stop the dissemination of fake news, which has a tendency to whip up a mob frenzy.

'SET UP FAST-TRACK COURTS'

<ul style="list-style-type: none"> ➤ SC orders states to designate officer of SP rank as nodal officer in each district to prevent mob violence 	<ul style="list-style-type: none"> ➤ Police, district admin's failure to comply with SC's directions will be deemed deliberate negligence
<ul style="list-style-type: none"> ➤ Centre, states to broadcast radio, TV and online messages warning that lynching and mob violence shall invite serious consequences 	<ul style="list-style-type: none"> ➤ States to draw up compensation scheme for lynching with provision for interim relief to victim(s)/next of kin within 30 days
<ul style="list-style-type: none"> ➤ FIR must against persons spreading such fake/ irresponsible messages, videos 	<ul style="list-style-type: none"> ➤ Lynching cases to be tried by fast-track courts in each district and preferably concluded in 6 months

- The Bench provide the reasons for mob violence such as:

1. **By the apathy of the bystanders.**
 2. **Numbness of mute spectators.**
 3. **Inertia of the Police**
 4. **Grandstanding of the incident by the perpetrators of the crimes on social media.**
- The apex court ordered the **following** measures to prevent the mob violence cases.
 - The court ordered the **State governments to have a task force to procure intelligence on people likely to spread hate speeches** in each district.
 - The *district level nodal officers* should hold regular meeting with their local intelligence units to identify the existence of the tendencies of vigilantism and mob violence.
 - Prohibits *instances of dissemination of offensive material* on social media.
 - Nodal officers in districts shall take *steps to eradicate a hostile environment against any community or caste.*
 - The police shall register *an FIR under Section 153A(promoting enmity)* of the IPC against the suspects.
 - If found guilty, a person faces up to *five years of imprisonment.*
 - The trials shall be held in a fast-track court on day-to-day basis and completed within six months.
 - The *maximum sentence* should be granted to the guilty.
 - While giving the above suggestions, the apex court said” the primary obligation of the government is to protect all individuals irrespective of race, caste, class or religion.” The Court described lynching and mob violence as “creeping threats”.
 - SCI gave the trial court in the **2000 Sabarmati train blasts case six months – October 31, 2017 deadline** — to complete the proceedings(man spent the past 16 years in jail and he has been acquitted in 10 of the 11 charges... bail application pending for 15 yrs)
 - **Middle Income Group Scheme.:** The Hon’ble Supreme Court of India has introduced the **Middle Income Group Scheme.**Now, it is easier for the middle and relatively lower income group to avail and enjoy the legal services of the country.
 - **Integrated Case Management Information System (ICMIS)** on Supreme Court (SC) website and marked the **introduction of digital filing.**

- **The Pendency problem of the Indian Judiciary. 60k cases in sc itself**
- Presently, the judge-population ratio in India is among the lowest in the world at 19.66 judges per million (10 lakh) people. However, the western nations like U.K had 51 judges per million people in 2016. The figure stood at 107, 41, and 75 for U.S., Australia, and Canada respectively.
- According to National Judicial Data Grid Data, more than 2.84 crore cases are pending in the subordinate courts, 43 lakh cases are pending before the High Court, and 57, 987 cases are pending before the Supreme Court.
- **Pleasant surprise:**The lower courts in Kerala, Punjab, Himachal Pradesh, Haryana, and Chandigarh have disposed of almost all cases that had been pending for a decade
- This is impressive given that the national pendency count is pegged at around 2.3 million cases.
- SC Verdicts on live-in relationship:
- Recently, SC has upheld that adult couples have the right to live together even if they were not married.
- Further, the legislature recognises live-in relationships through the provisions under the Protection of Women from Domestic Violence Act, 2005
- Under the Act, women in a live-in relationship have been given protection. A woman in a marriage like relationship can file a complaint of domestic violence

JUDICIAL ACTIVISM

- NGT passes order prohibiting dumping waste in **BELLANDUR LAKE**[the lake that caught fire!] IN KARNATAKA, and CLOSE INDUSTRIES AROUND IT april 2017.
- **July 2016 verdict**,SCI, which ripped open the cloak of immunity and secrecy provided by the Armed Forces (Special Powers) Act of 1958 (AFSPA) to security forces for deaths caused during encounters in disturbed areas
- The SC had held that “there is no concept of absolute immunity from trial by a criminal court” if an Army man has committed an offence

- **Freewheeling use of Article 142** is raising questions about **judicial diktats inattentive to consequences**
- **Positives**

SC constructively intervened affecting a positive change in many areas such as:

1. CNG issue(**MC metha case**)
 2. Child Labour
 3. Violations of labour laws
 4. Sexual harassment at workplace(**Visakha guidelines**)
 5. **Harassment in police custody(sheela barse case), fair trial zhaira habibulla cse hussainara khatoon rt to speedy trial, sunil batra--against solitary confinement.**
 6. **subhas kumar- clean water an air**
- **Sabu Mathew George Judgement on online prenatal sex determination advertisement**
 - **good samiatan guidelines in SAVE LIFE foundation case.**

Judicial Overreach :art142

- **Prohibiting the sale of liquor in establishments, restaurants, vends, etc., within 500 metres of national and state highways**

Some negative decisions

- **Cancellation of all Telecom Licenses**
- **Cancellation of all allocations of coal mines have adversely impacted the balance-sheets of public sector banks**
 - **Effects:** defaults on bank loans
- **Ban the sale of diesel cars with an engine capacity of 2000 cc and above**
 - **Effect:** jeopardised possible foreign investment
- **Shyam Narayan Chouksey Judgement on National Anthem. now modified..made optional.**
- **M.P Sharma case(1954) and Kharak Sing case (1962) rejected rt to privacy under art 21., but corrected in Puttaswami case.[2017]**

- SC took notice of the **Diwali pollution** and directed the government to frame a **Graded Response Action Plan** on **banning crackers in 2017**.
- **PIL MISUSE**
- Bench slaps **Rs. 25 lakh costs** on **Non-Governmental Organisation** for wasting judicial time. **Suraz India Trust** and its chairman **Rajiv Daiya**, and **banned them from ever approaching a court in the country in the guise of espousing public interest**.
- **unsuccessfully filing 64 PILs**.
- [Selection of ECs must be transparent, SC tells Centre](#) appointing the member to the Election Commission **without making law for a fair, just and transparent process of selection by constituting an independent and neutral collegium/selection committee to recommend the name, is in violation of Article 14 and 324(2)**.
- *making pro bono- [free cases] taken considered for advocates to be designated senior advocates.*
- SC orders **CBI time bound probe against AFSPA activities (extra judicial killings) during Manipur insurgency**
- The Supreme Court has ruled *that state assemblies hold no power to enact a law that enables them to appoint **parliamentary secretaries**. art 194(3) & entry 39 of list 2 of seventh schedule*
- [Supreme Court allows two broke firms to settle dispute](#)
- : **Natural justice:** The Supreme Court, using its **extraordinary constitutional powers**, under **art 142[complete justice]** has allowed two companies to **withdraw from insolvency proceedings** and settle their loan dispute **despite the case having been admitted by the National Company Law Tribunal (NCLT)**.- *once the NCLT admits a case for initiating corporate insolvency resolution process under the Insolvency and Bankruptcy Code of 2016, the **case cannot be withdrawn** even if the parties have decided to settle.*
- The Supreme Court **prohibited the use of five chemicals, labelled as toxic [antimony, lithium, mercury, arsenic, strontium and lead]** to be used in **crackers**, implemented by the **Central Pollution Control Board (CPCB)** ahead of the festive seasons of **Dussehra and Deepavali**.
- Recently, the Supreme Court **declined to apply the provisions of the Protection of Children from Sexual Offences Act to mentally retarded adults whose mental age may be that of a child**.

- case between **ICICI Bank and Innoventive Industries** the **Supreme Court judgement** clearly states that the **Insolvency and Bankruptcy Code, 2016 overrides the confusing maze of state laws** that companies could use in the future to avoid insolvency **cited Article 254 of the Constitution to say that a Central law should prevail over state law whenever the two are contradictory.**
- The Supreme Court of India **has passed a slew of directions on prison reforms.** [Harassment in police custody(sheela barse case), fair trial-zahira habibulla case ,hussainara khatoon rt to speedy trial, sunil batra--against solitary confinement.]The court is hearing a **2013 PIL on prevailing inhuman conditions prevailing in 1,382 prisons across the country.**
- **Nov 2017 SC:Setting up of special courts for the trial of politicians**
- is a significant development in our judicial system. This development may lead to **decriminalisation and cleaning up of politics.**
- **2016: ordered completion of trials involving politicians within 1 yr.**
- A bench led by Chief Justice Dipak Misra, **acting on a PIL filed by Vidhi Centre for Legal Policy** has asked the central government to respond in eight weeks to a call to **repeal 119 Central and State laws in practice since the 1950s that discriminate against leprosy patients, stigmatize and isolate them despite the fact that modern medicine completely cures the disease.**
- **tribunal on mahanadi** :The Supreme Court on **jan23 2018** directed the Centre **to set up a tribunal within a month to resolve the** long-standing dispute between Odisha and Chhattisgarh over the **sharing of Mahanadi water.**

JUDICIARY EXECUTIVE TUSSLE

- SC.An **existing law cannot be put on hold merely because Parliament is working on a better law**
- **Lokpal and Lokayukta Act of 2013** an “**eminently workable piece of legislation**”, which provides for the **appointment of Lokpal Chairperson and members even in the absence of a recognised Leader of Opposition (LoP)**
- **Appointment of judges and disagreement over Memorandum Of Procedure .(NJAC case)**
- The **Supreme Court upheld the provision of the Lokpal law giving no primacy to the Chief Justice of India’s opinion** on who should be appointed as **Lokpal Chairperson**
- In **Feb 2012, the Supreme Court ordered the constitution of a “Special Committee for Interlinking of Rivers” headed by the Minister of Water Resources.**

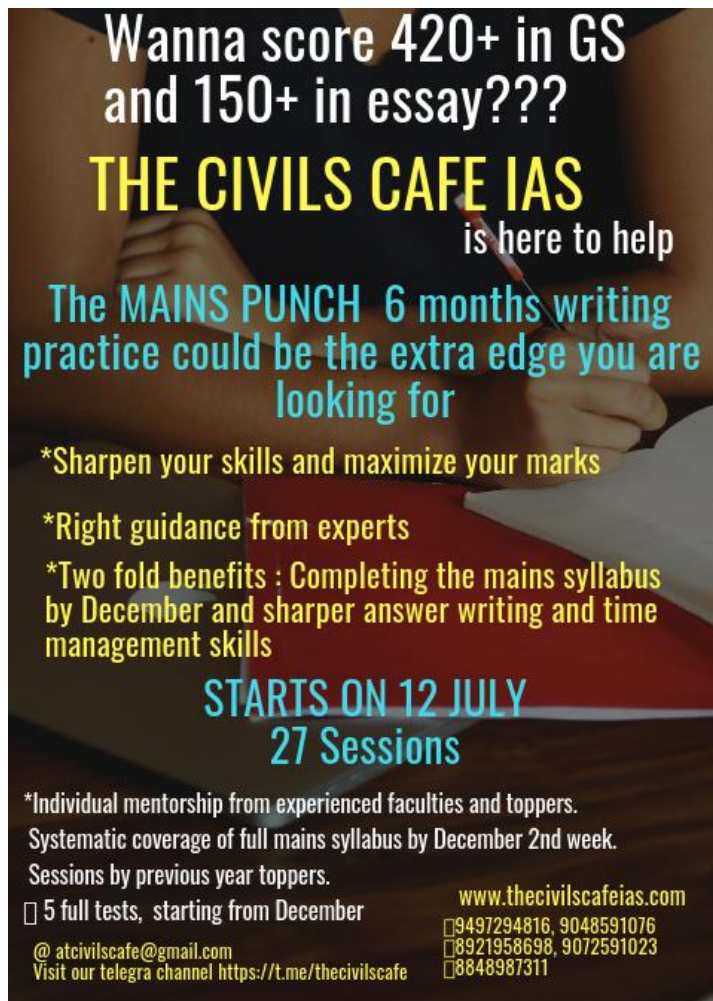
- MembersPetition filed by an **NGO — Just Society — against the Lokpal Act of 2013** not giving any primacy to the opinion of the CJI or his nominee judge in the matter of selection of Chairperson and Members of the Lokpal
- [Selection of ECs must be transparent, SC tells Centre;](#)
- **lack of fair just transparent procedure violates art 14 n 324(2): now CoM appoints him**
- **The National Green Tribunal (NGT) has questioned pollution control board appointments** whether appointments of **chairmen and member secretaries in State pollution control boards(10 states) have been made as per the guidelines laid down by NGT in Aug 2016 order.**
- **sc quashed later.**
- **july 5 2017: farm suicide issue:**the Supreme Court has given the central government six months time to **demonstrate the gains of Pradhan Mantri Fasal Bima Yojana** on the ground level.
- **order to create new policy to handle draught**
- **dir to set up Nat Disaster Mitigation Fund**
- **order to set up bad loans panel**
- **notice to arunachal governor**
- **reforming BCCI**
- **Took away constitutional rt of President to appoint judges**
- **liquor ban on highways**
- **visakha guidelines till law is there**
- **good samaritan order(SAVE LIFE Foundation case) till law is there**
-
- **The Supreme Court ordered a time-bound CBI probe into the deaths of over 80 civilians in Manipur** under the grip of the controversial **Armed Forces (Special Powers) Act**, during the heights of insurgency.- govt said victims compensated and nothing to be done.
- 1. **turf wars between the competition regulator and sector-specific regulators in India** has risen due to a letter by the the chairman of the **Competition Commission of India (CCI)**, **CCI is better placed to look into matters related to predatory pricing than**

TRAI backdrop of a consultation paper floated by Trai in February, where the telecom sector regulator sought to deal with predatory pricing issues in the telecom sector.

- **SC told the Tamil Nadu government to use the NEET as the only basis for admissions to medical colleges**
- The court's direction came after the Centre told the bench that it was not in favour of the recent ordinance passed by Tamil Nadu to exempt it from NEET this year.
- **SC ordered the States and the Union Territories to appoint nodal police officers in every district to crack down on cow vigilantes**
- **The court exhorted the Centre to uphold its constitutional mandate under Article 256 and direct the States to act against the gau-rakshaks**
- **Dadra and Nagar Haveli Wildlife Sanctuary.**
- **Supreme Court has expressed surprise over the Centre's decision to reduce the radius of eco-sensitive zones from 10 kilometres to 100 metres.**
- The court said, the decision appears to be a complete arbitrary exercise of powers, capable of destroying national parks and wildlife sanctuaries.
- The Apex court's remarks came in a case challenging the environmental clearance given to an industrial unit located within the 10-kilometre radius of Dadra and Nagar Haveli Wildlife Sanctuary.
- Earlier, the National Green Tribunal in 2013 had banned construction and halted 49 residential projects being built within a 10-kilometre radius of **Okhla Bird Sanctuary situated in Gautam Buddha Nagar district on Delhi-UP border.**
- The Uttarakhand high court has declared ***the entire animal kingdom, including birds and aquatic animals, as a legal entity*** having rights of a "living person".
- The move aims to ensure "greater welfare" of animals
- **A legal entity means an entity which acts like a natural person but only through a designated person, whose acts are processed within the ambit of law.** This means the animal kingdom could be represented by a custodian.

The order came in response to a public interest litigation seeking directions to restrict the movement of horse carts/tongas between Nepal and India through Champawat district and highlighted that ailing, infirm and old horses were being abandoned by the owners in the

Indian territory.



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ORDINANCE ISSUE

- Article 123
- Governor of Bihar promulgated more than 250 ordinances in the 1970s and kept that them alive for 1 to 14 years by re promulgation.
- In **RC Cooper vs. Union of India(1970)** the Supreme Court while examining the constitutionality of the Banking Companies Ordinance, 1969 which sought to nationalize 14 of India's largest commercial banks, held that the President's decision can be challenged on the grounds that 'immediate action' was not required and the ordinance was passed primarily to by-pass the debate and discussion in legislature.
- In **DC Wadhwa vs. State of Bihar(1987)**, the court was examining that the then state government continued to re-promulgate ordinances without enacting their provisions into Acts of legislature.

- **Krishna Kumar Sing vs St of Bihar case 2017: Ordinances subject to judicial review.**

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CONSTITUTION RELATED ISSUES

- **Amendment procedure**
 - Article 368 in Part XX
 - **Golaknath Case:** constitutional amendments through Article 368 were subject to fundamental rights;
 - **Keshavananda Case** : where the doctrine was espoused that the Constitution has a basic structure of constitutional principles and values and that the judiciary has the power to review and strike down amendments which conflict with, or seek to alter, this basic structure of the Constitution
- Minerva Mills Case : that applied and evolved the basic structure doctrine of the Constitution, unanimously ruling that Parliament cannot exercise unlimited power to alter this basic structure or tread upon the fundamental rights of individuals, including the right to liberty and equality.
- **Compulsory Voting**
 - Gujarat Local Authorities Laws (Amendment) Act, 2009 assented by new Governor
- Previous Governor had stated that compulsory voting violated Article 21 of the Constitution and the principles of individual liberty that permits an individual not to vote.
- **Due Process vs Procedure Established by Law**
 - Due Process of Law = Procedure Established by Law + The procedure should be fair and just and not arbitrary.
 - Maneka Gandhi Vs UoI : 'procedure established by law' has acquired the same significance in India as the 'due process of law' clause in America
- **Freedom of Expression : Madras High Court judgement**
 - Madras High Court judgement that the freedom of expressions of artists and authors should be protected and instead of asking them not to publish/display their work by citing reasons of law and order, the state should focus on maintaining law and order
- **Section 309 of IPC - Suicide**
 - Makes attempt to suicide punishable offence
 - P Rathinam case : "Right to life" which is secured by the Article 21 of the Indian Constitution should include also the "right not to live a forced life" or "right to die"

RIGHT TO LIFE

➤ Right to Reputation

Reputation is an important part of one's life. It is one of **the finer graces of human civilization that makes life worth living**. The Supreme Court referring to **D.F. Marion v. Minnie Davis** in **Smt. Kiran Bedi v. Committee of Inquiry** held that *"good reputation was an element of personal security and was protective by the Constitution, equally with the right to the enjoyment of life, liberty and property."*

State of Maharashtra v. Public Concern of Governance Trust, where the Court held that **good reputation was an element of personal security and was protected** by the constitution, equally with the right to the enjoyment of life, liberty and property.

State of U.P. v. Mohammaad Naim succinctly laid down the **following tests** while dealing the question of **expunction of disgracing remarks against a person or authority** whose conduct comes in consideration before a court of law:

- whether the party whose conduct is in question is before the court or has an opportunity of explaining or defending himself
- whether there is evidence on record bearing on that conduct justifying the remarks
- whether it is necessary for the decision of the case, as an integral part thereof, to animadvert on that conduct. It has also been recognized that **judicial pronouncements must be judicial in nature, and should not normally depart from sobriety, moderation and reserve.**
- **N.H.R.C. v. State of Arunachal Pradesh (Chakmas Case)**, the supreme court said that the **State is bound to protect the life and liberty of every human-being,**

➤ Right Against Honour Killing[baghwan das case]

- A division bench of Allahabad high court, In **Surjit Kumar v. State of U.P.** took serious note on **harassment, in ill treatment and killing of a person who was a major, for wanting to get married to a person of another caste or community, for bringing dishonor to family since inter caste or inter community marriage was not prohibited in law, the court said that such practice of "honour killing" was a blot on society.**

➤ **Right to Health**

- In **State of Punjab v. M.S. Chawla** it
- Supreme Court in **Vincent v. Union of India** emphasized that a healthy body

➤ **Right to Medical Care**

- In **Parmananda Katara v. Union of India** the Supreme Court has very specifically clarified that preservation of life is of paramount importance.
- . In **Gian Kaur v. State of Punjab**, the Supreme Court **has distinguished between Euthanasia and attempt to commit suicide**. The court held that death due to termination of natural life is certain and imminent and the process of natural death has commenced. These are not cases of extinguishing life but only of accelerating conclusion of the process of natural death that has already commenced.

➤ **Right to get Pollution Free Water and Air**

- In **Subhas Kumar v. State of Bihar**, it has held that a Public Interest Litigation is maintainable for insuring enjoyment of **pollution free water and air which is included in 'right to live' under Art.21** of the constitution. The court observed:
- **Right to get Pollution Free Water and Air**
- In **Subhas Kumar v. State of Bihar**, it has held that a Public Interest Litigation is maintainable for insuring enjoyment of pollution free water and air which is included in 'right to live' under Art.21 of the constitution. The court observed:

➤ **Right to Clean Environment**

- **M.C. Mehta v. Union of India(1988)** the Supreme Court ordered **closure of tanneries that were polluting water**.
- In **M.C. Mehta v. Union of India(1997)**, the Supreme Court issued several guideline and **directions for the protection of the Taj Mahal, an ancient monument, from environmental degradation**.
- In **Vellore Citizens Welfare Forum v. Union of India**, the Court took cognizance of the **environmental problems being caused by tanneries that were polluting the water resources, rivers, canals, underground water and agricultural land**. The Court issued **several directions to deal with the problem**.
- **M.C. Mehta v. Union of India (2006)**, the Court held that the **blatant and large-scale misuse of residential premises for commercial use in Delhi, violated the right to**

salubrious and decent environment. Taking note of the problem the Court issued directives to the Government on the same.

- In **Murli S. Deora v. Union of India**, the persons **not indulging in smoking cannot be compelled to or subjected to passive smoking** on account of act of smokers.
- **Right to Know or Right to Be Informed**
- **Raj narain case**
- Holding that the right to life has reached new dimensions and urgency the Supreme Court in **R.P. Ltd. v. Proprietors Indian Express Newspapers, Bombay Pvt. Ltd.**, observed that if **democracy had to function effectively, people must have the right to know and to obtain the conduct of affairs of the State.**
- In **Essar Oil Ltd. v. Halar Utkarsh Samiti**, the Supreme Court said that there was a **strong link between Art.21 and Right to know, particularly where “secret government decisions may affect health, life and livelihood**

➤ **Right to Privacy[the basic is Puttaswami case 2017]**

- At first time in **Kharak Singh v. State of U.P.** question whether the right to privacy could be implied from the existing fundamental rights such as Art. 19(1)(d), 19(1)(e) and 21, came before the court. “Surveillance” under Chapter XX of the U.P. Police Regulations constituted an infringement of any of the fundamental rights guaranteed by Part III of the Constitution.
- The case that makes up the ‘privacy quintet’ in India was the case of **PUCL v. Union of India**, the Supreme Court observed that:
- *We have; therefore, no hesitation in holding that right to privacy is a part of the right to “life” and “personal liberty” enshrined under Article 21 of the Constitution. Once the facts in a given case constitute a right to privacy; Article 21 is attracted. The said right cannot be curtailed “except according to procedure established by law*

SCOPE AND CONTENT OF RIGHT TO PRIVACY:

- **Tapping of Telephone**
- Emanating from the right to privacy is the question of tapping of telephone.
- **Right against Illegal Detention**
- In **Joginder Kumar v. State of Uttar Pradesh**
- **Right to Free Legal Aid & Right to Appeal**

- In **M.H. Hoskot v. State of Maharashtra** the Supreme Court said while **holding free legal aid as an integral part of fair procedure** the Court explained that “ the two important ingredients of the right of appeal are; firstly, service of a copy of a judgement to the prisoner in time to enable him to file an appeal and secondly, provision of free legal service to the prisoner who is indigent or otherwise disabled from securing legal assistance
- **Right to Speedy Trial**
- In **Hussainara Khatoon v. Home Secretary, State of Bihar**, it was brought to the notice of the Supreme Court that an alarming number of men, women and children were kept in prisons for years awaiting trial in courts of law.
- **right to Fair Trial**
- Free and fair trial has been said to be the *sine qua non* of Article 21. The Supreme Court in **Zahira Habibullah Sheikh v. State of Gujarat Right against Solitary Confinement**
- **sunil Batra v. Delhi Administration** The Supreme Court accepted the argument of the petitioner and held that imposition of solitary confinement on the petitioner was violative of Article 21.
- **Right to Write a Book**
- In **State of Maharashtra v. Prabhakar Pandurang**, the petitioner while under detention in jail wrote a book on science and sought the permission from the Government to send the manuscript of the book to his wife for publication, to which the Government refuse
- Use **Perumal murugan case n Madras HC judgement**

GOVERNANCE

- **CPGRAMs** : It is grievance redressal mechanism. Use term CPGRAMS in your answers related to good governance, transparency, Grievance Redressal etc.
- **Defamation:**
 - Defamation is both a civil and criminal offence in India
 - Section 499 of IPC defines defamation
 - Section 500 determines the punishment
 - SC has ruled that criminal defamation is not unconstitutional
 - UK has abolished criminal defamation
 - Critics argue : It is against A 19, Creates chilling effect.

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- **DISHA:** Program to create synergy between centre, state and local governments.
- **Government's Report Card: Good:**
 - Transparency in critical infrastructure sectors ex. Coal and Telecom auctions are transparent now
 - Backlog in environment clearances cleared
 - Step towards cooperative federalism by adopting 14th FC recommendation of 42% tax share for states
 - Government doing big expenditure in infrastructure. It is leading to multiplier effect and sustaining our economy in times of recession world over

Bad:

- Private investment not picking up
- “Ease of doing business” and Make in India programmes, MUDRA, Start-Up India action plan and Stand-Up etc. not leading to any concrete output.

Road Accidents:

- 400 people lost their lives every day on India’s roads : **Road Safety Report, 2015**
- Eighty per cent of road accidents are termed “fault of the driver”, according to a 2013 analysis by the Union Ministry of Road Transport and Highways.
- WHO - Nearly 2,00,000 people are killed in road accidents in India, second highest globally behind China

Government Advertisement:

- BB Tondon committee, N R Madhavamenon committee

RTI:

- Only 36 per cent in rural and 38 per cent urban areas have heard of the RTI Act
- 45% public information officers did not received any training
- Many significant disclosures like - 2G, CWG

e-Governance:

- Digitisation of land records
- PAHAL scheme
- e-Seva
- Meghdoot
- ITR filing
- PRAGATI
- CPGRAMs
- PM App

- [add new ones here]
- **Civil Service Reforms**
 - ARCs
 - Hota Committee
 - Article 311 : Undue protection which is misused by corrupt bureaucrats
 - Domain Expertise
 - Generalist vs Specialist
- **Police Reforms**
 - Police is a state subject in Schedule VII
 - NCRB Report
 - Low conviction rates. Conviction rate is 46.9% under IPC crimes
 - About 300% increase in agrarian riots. Depicts weak law and order in hinterland and rising lawlessness.
 - The Supreme Court has ordered States and Union Territories to upload, on police or government websites, First Information Reports (FIRs) within 24 hours of their registration in police stations
- **Prakash Singh vs UoI**

POLITY TOPICS

14th FC report:[compare with 15th FC]

- Mention its impact on all answers related to centre-state-local issues
- 42% devolution to states
- 5% to ULBs
- 2 % for natural calamities.
- Reduction in number of CSS

Some key points of 15 th FC report (recommendations yet to come)

- the commission would need to define populism, as, the commission's terms of reference (ToR) had a provision for rewarding states which were successful in eliminating or reducing expenditure incurred on populist schemes
- Politicians—including chief ministers and finance ministers—; retired civil servants; judges; and economists from South Indian states opposed the commission's terms of reference, as, it used the data of 2011 census, instead of the data of 1971 census, as previous commissions had.

- commission's job was made harder because of the roll-out of [goods and service tax](#) (GST) regime in India, as, it had taken certain powers concerning taxation away from the union and the states, and, had given them to the newly formed [GST Council](#).

➤ **Centre-State issues:**

- 15th FC impact
- Number of CSS
- A 356; President Rule
- Governor post ; Sarkaria recommendations
- Discretionary Funds under A 275
- **Puncchii Report** ; Movement of forces; Localised Emergency
- GST

➤ **Inter State Council:**

 p **A 263**

- Created in the recommendation of Sarkaria Commission
- ISC meeting held after 10 years. In meeting, certain very important topics were discussed e.g. Direct Benefit Transfer through Aadhar, education, internal security and most importantly GST.
- 14th FC - Strengthen ISC
- NITI Ayog poses a challenge to it

➤ **President Rule:**

- p Uttarakhand Issue
- Arunachal Pradesh issue
- A 256;

- **SR Bommai Case** (President Rule can be challenged by SC); SC guidelines; 2006 Bihar Assembly dissolution

➤ **Examples of Executive Overreach:**

- Notification of Information Technologies (Intermediaries Guidelines) Rules 2011 which inter alia expanded the scope of offences under the IPC in the context of internet by criminalizing activities such as blasphemy.
- Patent office guidelines for examination of computer related inventions that completely changes the interpretation of Patents Act, 1970 and the legislative intent behind certain provisions of the Act.

➤ **Examples of President's power:**

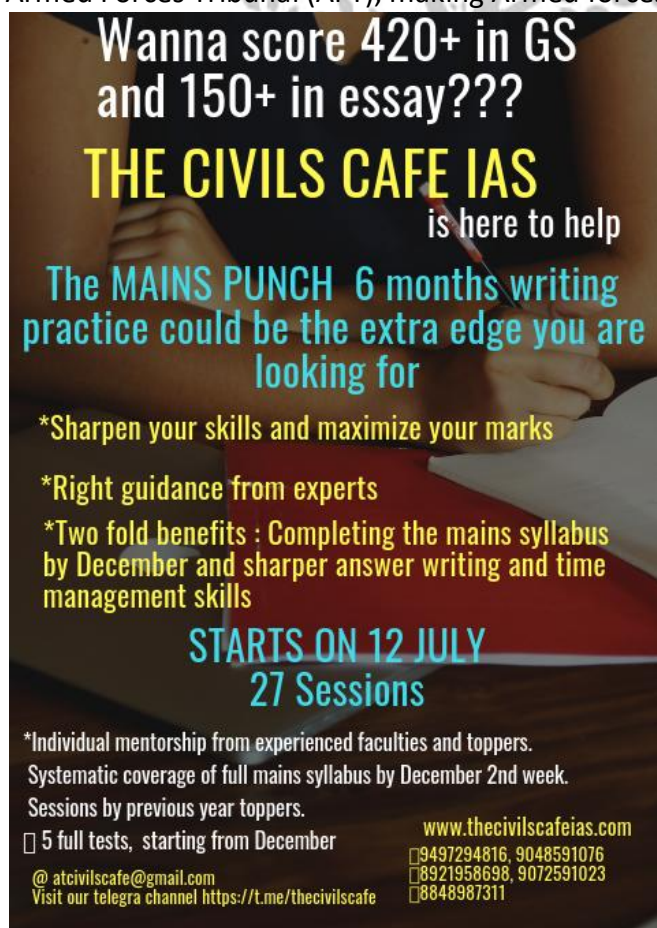
- Centre recalled Gujarat anti-terror bill fearing that President might not give assent to it. President returned bill seeking additional information after which the legislation was withdrawn.

➤ **Criminal Justice System:**

- As per the latest figures there is a pendency of more than three crore cases out of which almost two crore cases are criminal cases.
- o **Under-staffing** in Indian Judiciary (32% shortfall in High court Judges, 21% in district court judges
- o 1 judge for 73000 people in India which is 7 times worse than in USA
- at the present rate of disposal civil cases would never be disposed of and criminal cases will take more than 30 years

examples of Judicial Activism:[ref earlier sections also for more recent eg]

- 2G case – setting up SIT and ordering re-auction licenses
- o Coalgate – quashing screening committee and ordering re-auction of coal mines
- o Keeping section 377 of IPC intact, stating social necessity, though against natural rights.
- o Quashing section 66A from IT Act, stating unconstitutional
- o Declaring that high courts would not entertain challenges to the orders of the Armed Forces Tribunal (AFT), making Armed forces “lesser citizens”.



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SOCIAL JUSTICE

➤ NGO :

- Example - **Pratham's** flagship program, *Read India*, aims to improve the reading, writing and basic arithmetic skills of children between 6-14 years
 - FCRA issue
 - Vishakha
 - Savelife Foundation
 - Naga Mothers Association.
 - Association for Democratic Reforms
 -
 -
 -

o

➤ Schemes : Use scheme names in related topics

- p AMRUT : Urban infrastructure, Solid Waste Management, e-Waste etc
- o Beti Bachao, Beti Padhao : Gender issues, IMR, Sex Ratio etc.
- o Mid-Day Meal : Education, Nutrition etc.

➤ Health:

- p India is home to 10% of world's tobacco consumption, the second largest after china. (WHO data)
- o Rashtriya Aarogya Nidhi
- o The literacy rate among disabled has increased to 54.5% in 2011. It was 49.3% in 2001
- o **National Health Policy 2015**
- o **57%** of those who claimed to be allopathic doctors in 2001 did not have any medical qualification : WHO Report
- o India has **36 doctors per lakh population**
- o Indians spent eight times more on private hospitals and twice as much on transporting patients compared to costs in government hospitals during financial year 2013-14
- o MCI corruption : Root cause of sub optimal medical education in India
- o NEET
- o National Family Health Survey - IV
- o Non Communicable Disease cause 53% of all deaths in India
- o India spends ~1% on healthcare (Too less. 4% desired)
- 86% of expenditure is out of pocket
- Best eg: Cuba and National Health Services UK- state sponsored health care benefits for all citizens.

➤ **Education:**

- Focus on Apprenticeship
- o ASMITA - An online database which will carry information of student attendance and enrolment, learning outcomes, mid-day meal service and infrastructural facilities among others
- o The Education Policy of 1968, based on the recommendations of the Kothari commission (1964-66), decided that Indian public expenditure on education must be **6%** of gross domestic product (GDP).
- o This goal was reaffirmed in the New **Education Policy of 1986** and its revision in 1992, with a suggestion that every attempt must be made to go beyond 6%.
- o India has never reached even near this goal.
- o The closest it has come was in 2001, when this number hit 4.4%.
- o GIAN - Global Initiative of Academic Network
- o Higher Education Financing Agency
- o Rashtriya Uchchatar Shiksha Abhiyan
- **Kasthuri rangan committee, TSR Subramanian committee**
- **Innovation schemes: IMPRINT India, AIM, National Knowledge N/W, IPR policy, National Innovation foundation, SPARK-as a single body to oversee Research n dept of SnT.**
- o About 1 Lakh schools are run by a single teacher. The teacher performs a range of tasks in these schools (housing survey, economic survey, census duty, voter identity card duty, managing mid meal etc.)
- o 28:1 average pupil teacher ratio. The ratio can be as high as 100:1 in some schools.
- o Around 3% of GDP is spent on education
- o 13% teachers in the country are on contracts. They are low paid and at times, not qualified enough too.
- o Close to 90% teacher training institutes are in the private sector. Many are on low quality.
- o UGC reforms - Hari Gautam Committee
- o The number of universities has multiplied 40 times since UGC establishment
 - Student enrolment has increased a hundred fold since UGC establishment

➤ **Child Abuse**

- Only 15 cases are decided out of registered 312 cases under Protection of Children from Sexual Offences (POCSO) Act in Delhi since 2013 (2.4% conviction rate)
- o POCSO e-box launched: It is an online complaint management system for easy and direct reporting of sexual offences against children and timely action against offenders under POCSO Act, 2012
 - >50% of children have faced one or more forms of sexual abuses.

➤ **Child Labour**

- Child labour is the practice of having children engage in economic activity, on part or full-time basis.

- The 2011 National Census shows that ~40 lakh children ages 5 to 14 work for 6 or more months during the year.
- India tops the list when it comes to the number of children still living and working in bonded labour and slave conditions.
- Children are forced to work as bonded laborers in brick kilns to pay off family debts owed to moneylenders and employers.
- Children from India's rural areas migrate for employment in industries, such as carpet making, spinning mills, and cottonseed production.
 - Children are trafficked within India for commercial sexual exploitation and forced labour in domestic service.
- **Discrimination**
 - Rohit Vemula Suicide
- The number of registered cases of anti-Dalit atrocities jumped by 17.1 per cent in 2013 (compared to 2012) according to the National Crime Records Bureau (NCRB).
- **Article 17** abolishes untouchability
- **Article 23** prohibits bonded labour and
- **Article 15(2)** stipulates that no citizen should be subject to restriction with regard to access to shops, public restaurants, hotels and places of entertainment, the use of wells, tanks, bathing ghats, roads and places of public resort on the grounds of caste.
 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- **Drug Addiction and Alcoholism**
 - Alcohol is a subject in the State list under the seventh schedule of the Indian Constitution.
- Article 47 of the Directive Principle in the Constitution of India states that "The state shall undertake rules to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."
- **Open Defection**
- NSS 72nd survey: 52.1% of people in rural India choose open defecation compared to 7.5% in urban India

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FREE SPEECH

- **Beyond Fake News Project:**
- The British Broadcasting Corporation (BBC) has devised a **new campaign that is aimed at fighting back against disinformation and fake news**. It lays a major focus on **global media literacy, including workshops and debates in countries like India**.
- The most highlighted initiatives under the Project includes:

www.thecivilscafeias.com Our telegram channel <https://t.me/thecivilscafe> : get summary of most important news for prelims and mains.

- In-depth research of Funding
- Sharing online behaviors,
- Rolling out media literacy workshops globally
- BBC Reality Check for upcoming elections

Misuse of IPC

- Supreme Court has spared cricketer **Mahendra Singh Dhoni** the ordeal of facing a criminal trial for allegedly insulting the Hindu religion by being featured in the likeness of a deity on the cover of a business magazine.
- **Sec 295A:** The court quashed a criminal complaint filed against him in Anantapur in Andhra Pradesh under Section 295A of the Indian Penal Code, a provision that makes “deliberate and malicious acts intended to outrage religious feelings” a punishable offence.
- same provision slapped on actor Viay for movie **MERSAL** on mocking **GST and Digital India**.
- **IPC — 153A** Intended to punish those who **promote enmity between different groups** on grounds of **religion, race, place of birth, residence and language, and doing acts prejudicial to the maintenance of harmony**, this section has been employed to harass writers and artists and cast a chill on free expression. Quote Kharaak Sing case[sedition] here
- The **Karnataka Legislative Assembly** has found two journalists guilty of breach of its privilege and sentenced them to jail
- **Asim Trivedi case,**
- **Gauri Lankesh**, a senior **Kannada** journalist known for her criticism of Hindu extremism, was recently shot dead.
- **Govind Pansare, Narendra Dabholkar, MM Kalburgi**
- the recent **Puthiya Thalaimurai Case** in Tamil Nadu [2018 june] is considered as a **direct attack on press freedom**.
- **Certain remarks were made by the invited guests** on the TV channel of Tamil Nadu.
 - They were booked for making such remarks which is directly considered as restriction on expressing views.

- The Tamil Nadu government came under criticism for slapping a case against TV channel under Section 153A of the Indian Penal Code (pertaining to promoting enmity between groups), and other sections of the law.
- The Criminal Laws (Rajasthan Amendment) Ordinance, 2017, seeks to protect serving and former judges, magistrates and public servants in the State from being investigated for on-duty action, without government sanction.
- It also bars the media from reporting on such accusations till the sanction to proceed with the probe is given by the government.
- For Within 180 days, an accepting official would have to ensure whether the case is tenable or not. If the allegations are found to be true, then the case would be allowed and action would be taken as per law
- FREE SPEECH rights are threatened in the following manner:
- ban on news channels like NDTV
- censorship on movies like Uda Punjab and Lipstik under my burkha for showing reality of the society
- rampant invocation of sec 124 of IPC that deals with sedition, such as sedition charges on university students of JNU while they were having dissent on SC verdict.
- freezing bank accounts of NGOs like Green peace and 360 for raising environmental issues in the country which were contradicting with the development of the country.
- Criminal defamation cases against the journalists such as on 2 journalists by the Karnataka State Assembly.
- Earlier SC verdict to play national anthem in theaters (now modified) also takes away once choice to “not” to express his patriotism and feelings for nation although he might have it far more than one singing.
- Apart from states other communal elements with political backing are also violating this right of citizens, by forcing citizen to chant certain slogans like “vande matram” and “bharat mata ki jai” as keeping silence and not speaking is also part of liberty of expression.
- **Social media communication hub+ Social media managers: [govt dropped d plan as SC intervened]**

- CISF : PRISM project-created a media lab [Pattern Research For Institutional Social Media] – To monitor n collect actionable intelligence from social media.

FEDERALISM

- Samras Gram panchayat scheme of Guj: consensus oriented govenance in PRI... no election.
- all women panchayats:
 - Sisa village, Anand dist, Guj
 - Bubnal Gram Panchayat in Shirol Taluka, southern Maharashtra.
 - Haryana. Bhiwani Rohilan, a small village in Hisar distrctit ..
- spirit of **cooperative federalism**, 5 States and a Union Territory (UT) have formally adopted the Centre's initiative called the **Government e-Marketplace (GeM)**.It aims to ensure that **public procurement of goods and services in India worth more than Rs. 5 lakh crore annually is carried out through the online platform for transparency and to eliminate corruption.**
- **512 APMC markets under e-NAM**
- **Mahadayi: Goa open to out-of-tribunal settlement**
- Goa has said that it is open to talks with Karnataka and Maharashtra to explore an out-of-tribunal settlement on Mahadayi river issue.
- **Gorkhaland agitation:**the West Bengal government announced Bengali as a compulsory language in schools across the state. treated as 'linguistic imperialism' in the Darjeeling and Kalimpong districts (where the lingua franca is Nepali).
- The Centre's move seeking "larger debate" over **Article 35A of the Constitution**, which empowers the **Jammu and Kashmir legislature to define "permanent residents" of the state and provide special rights and privileges to them**, has triggered a political storm with several parties warning against any tinkering of the provision

REGIONALISM

- **Assam forms 'State Capital Region' around Guwahati**with the passing of a bill in the state Assembly. The Assembly recently passed **Assam State Capital Region Development Authority (ASCRDA) Bill 2017** to set up the regional authority for preparation of a plan for rapid development of the SCR.

- karnataka assembly forms committee to look into possibility of a state flag.
- [West Bengal renames itself as 'Bangla'](#)
- Karnataka government set up a committee on the possibility of “**designing a separate flag for Karnataka** and providing it a statutory standing.”
- **Gorkhaland statehood movement**
 - Gorkhaland consists of **Nepali-speaking people** of Darjeeling, Kalimpong, Kurseong and other **hilly districts**.
 - The people belonging to these areas **hardly have any connection with the Bengali community** and are **different in ethnicity, culture and language**.
 - under the leadership of **Gorkha Janmukti Morcha (GJM)** supremo **Bimal Gurung**.
 - **2007 Gorkha uprising intensifies** following the **2005 Centre and state government initiative**
 - of bringing it to the **sixth schedule** of the constitution giving some **degree of autonomy** to a **predominantly tribal area**.
 - **Gorkhas opposed this sixth schedule and instead demanded statehood**
- **Assam forms 'State Capital Region' around Guwahati** with the passing of a bill in the state Assembly. The Assembly recently passed **Assam State Capital Region Development Authority (ASCRDA) Bill 2017** to set up the regional authority for preparation of a plan for rapid development of the SCR.

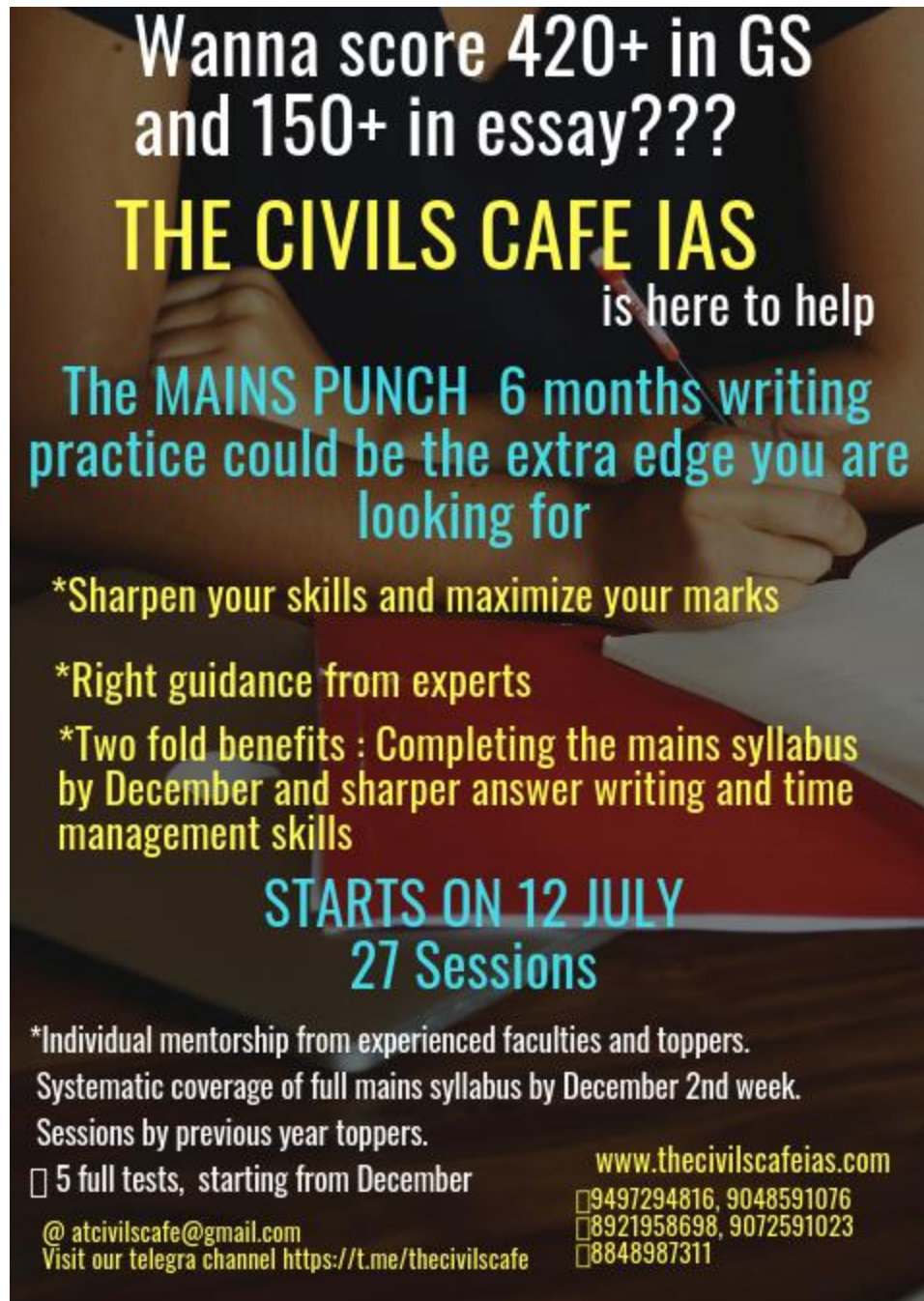
LABOUR LAW REFORMS

- **Recent labour reforms:**
- **There are a amendments in Apprenticeship Act**
- **Factories act – Overtime (normal hours increase) , better working conditions, Allows women for overnight work**
- **Self Certification** of documents
- **Apprentice Protshan Yojana**
- and the Effective Implementation of revamped **Rashtriya Swasthaya Bima Yojana (RSBY)** for **labour in the unorganized sector**

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- **Shramev Jayate** : Skill development of youth.
- The “**Make in India**” vision
- PM Mandhan Scheme.





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