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CONTENTS

■ Bills & Acts	1-15
▶ Data Protection Bill, 2019.....	1
▶ Consumer Protection Act 2019	2
▶ Jallianwala Bagh National Memorial (Amendment) Bill, 2019	3
▶ Official Secrets Act	4
▶ Motor Vehicles (Amendment) Act,2019	4
▶ Protection of Children from Sexual Offences (Amendment) Act, 2019.....	5
▶ The Muslim Women (Protection of Rights on Marriage) Act, 2019	6
▶ Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019	6
▶ Public Safety Act	7
▶ The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019.	8
▶ The Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019	10
▶ International Financial Services Centres Authority Act, 2019.....	11
▶ Draft National Statistical Commission Bill	11
▶ Indian Forest Act	12
▶ Essential Commodities Act.....	13
▶ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018	14
■ Judgements	16-29
▶ Landmark judgments passed by the Supreme Court in recent times	16
▶ Aadhaar verdict	16
▶ Adultery Verdict	17
▶ SabarimalaVerdict	18
▶ Decriminalisation of Gay Sex - Section 377 Partly Struck Down	19
▶ Live-Streaming of Court Proceedings.....	20
▶ Euthanasia Verdict.....	20
▶ Supreme Court upholds SC/ST Amendment Act.....	21
▶ Centre can't withhold documents under RTI citing national security.....	22
▶ Reservation in promotion is not a fundamental right	23
▶ Dismissal of Nirbhaya Rapist's Review Petition	24
▶ Chief Justice of India under Right to Information	24
▶ Ayodhya verdict.....	25
▶ SC upholds constitutional validity of Insolvency and Bankruptcy Code	26
▶ Illegal to appeal to the religion and caste of both candidates and voters in elections or Seeking votes on the religious basis a corrupt act: SC	27
▶ Private property is a human right: Supreme Court.....	28

▶ No Double Jeopardy Bar If There was No Trial.....	29
■ Major Amendments to the Constitution of India	30
▶ First Amendment Act, 1951	30
▶ Fourth Amendment Act, 1955	31
▶ Seventh Amendment Act, 1956	31
▶ Eleventh Amendment Act, 1961	31
▶ Fourteenth Amendment Act, 1962.....	32
▶ Sixteenth Amendment Act, 1963.....	32
▶ Seventeenth Amendment Act, 1964	32
▶ Twenty-Fourth Amendment Act, 1971	32
▶ Twenty-Fifth Amendment Act, 1971.....	33
▶ Thirty-Fifth Amendment Act, 1974.....	33
▶ Thirty-Eighth Amendment Act,1975.....	33
▶ Fortieth Amendment Act, 1976	34
▶ Forty-Second Amendment Act, 1976.....	34
▶ Forty-Fourth Amendment Act, 1978.....	35
▶ Fifty-Second Amendment Act, 1985	36
▶ Sixty-First Amendment Act, 1989	36
▶ Sixty-Ninth Amendment Act, 1991	36
▶ Seventy-Third Amendment Act, 1992.....	36
▶ Seventy-Fourth Amendment Act, 1992	37
▶ Seventy-Seventh Amendment Act,1995	37
▶ Seventy-Eighth Amendment Act, 1995.....	37
▶ Seventy-Ninth Amendment Act, 1999	37
▶ Eightieth Amendment Act, 2000	38
▶ Eighty-First Amendment Act, 2000	38
▶ Eighty-Second Amendment Act, 2000.....	39
▶ Eighty-Fourth Amendment Act,2001.....	39
▶ Eighty-Sixth Amendment Act, 2002.....	39
▶ Eighty-Seventh Amendment Act, 2003.....	39
▶ Eighty-Ninth Amendment Act, 2003.....	40
▶ Ninety-First Amendment Act, 2003	40
▶ Ninety-Second Amendment Act, 2003	40
▶ Ninety-Third Amendment Act, 2005.....	40
▶ Ninety-Seventh Amendment Act,2011	41
▶ Ninety-Eighth Amendment Act, 2012.....	41
▶ Ninety-Ninth Amendment Act, 2014.....	42
▶ One Hundredth Amendment Act, 2015	42
▶ One Hundred and First Amendment Act, 2016.....	42
▶ One Hundred and Second Amendment Act, 2018	43
▶ One Hundred and Third Amendment Act, 2019	43

BILLS & ACTS

Data Protection Bill, 2019

The Personal Data Protection Bill, 2019 was introduced in Lok Sabha on December 11, 2019. The Bill seeks to provide for the protection of personal data of individuals and establishes a Data Protection Authority for the same.

About the Bill

- The Personal Data Protection Bill, drafted by a **panel headed by a former Supreme Court judge** and submitted to the government last year, is key for how firms including global tech giants **Amazon, Facebook, Alphabet's Google and others process, store and transfer Indian consumers' data**.
- Broad guidelines on the collection, storage and processing of personal data, consent of individuals, penalties and compensation, code of conduct, and an enforcement model are likely to be a part of the law.
- **Personal data is data that pertains to characteristics, traits, or attributes of identity, which can be used to identify an individual.**
- The Bill categorises certain **personal data as sensitive personal data**. This includes financial data, biometric data, caste, religious or political beliefs, or any other category of data specified by the government, in consultation with the Authority and the concerned sectoral regulator.

Data fiduciary

- A data fiduciary is an entity or individual who decides the means and purpose of processing **personal data**. Such processing will be subject to a certain purpose, collection, and storage limitations.

The Rights of the individual

The Bill sets out certain rights of the individual (or data principal). These include the right to:

- Obtain confirmation from the fiduciary on whether their personal data has been processed
- Seek correction of inaccurate, incomplete, or out-of-date personal data
- Have personal data transferred to any other data fiduciary in certain circumstances,
- Restrict continuing disclosure of their personal data by a fiduciary, if it is no longer necessary or consent is withdrawn.

Grounds for processing personal data:

- The Bill allows the processing of data by fiduciaries **only if consent is provided by the individual**. However, in certain circumstances, personal data can be processed without consent. These include:
 - ▶ If required by the State for providing benefits to the individual
 - ▶ Legal proceedings
 - ▶ To respond to a medical emergency.

Consumer Protection Act 2019

The Parliament **passed the Consumer Protection Bill, 2019** which aims to protect the rights of consumers by establishing authorities for timely and effective administration and settlement of consumers' disputes. The Act will replace the more than three decades old Consumer Protection Act, 1986.

Key Provisions of the Bill

- **Definition of a Consumer**
 - ▶ A consumer is defined as a person who buys any goods or avails a service for consideration.
 - ▶ It does not include a person who obtains a good for resale or a good or service for commercial purposes.
- **Consumer Complaints**
 - ▶ The Act sets up **Consumer Disputes Redressal Commissions (consumer courts)** to hear complaints by the consumers.
 - ▶ These Commissions will be set up at **District, State and National level, with pecuniary jurisdiction up to Rs 1 crore, Rs 1 crore to Rs 10 crore, and above Rs 10 crore**, respectively.
 - ▶ The **District Commissions will consist of a President and at least two members**. The **State and National Commissions will consist of a President and at least four members**.
 - ▶ Appeals from the District Commissions will be heard by the State Commission and from the State Commission by the National Commission. Appeals from the National Commission will be heard by the Supreme Court.
 - ▶ The Commissions **will attempt to dispose of a complaint within three months** if the complaint does not **require analysis or testing of commodities**. If analysis and testing are required, the complaint will be disposed **within a period of five months**.
 - ▶ The Act sets up the **Central Consumer Protection Authority (CCPA)** to promote, protect, and enforce the rights of consumers as a class.

- **Product Liability**
 - ▶ The Act allows a person to make a claim of product liability against a manufacturer, seller, or service provider for any defect in a product or deficiency in service.
- **Unfair contracts**
 - ▶ A contract is said to be unfair if it causes a significant change in the rights of the consumer like demanding excessive security deposits, imposing a disproportionate penalty for a breach in contract, etc.
 - ▶ The State and National Commissions may determine if the terms of a contract are unfair and declare such terms to be null and void.
- **Unfair and restrictive trade practices**
 - ▶ An unfair trade practice includes **making a false statement regarding the quality standard of a good or service or selling of goods not complying with standards etc.**
 - ▶ A **restrictive trade practice** is one that imposes unjustified costs or restrictions on consumers, including delays in supply that lead to an increase in price or requiring the purchase of certain goods or services as a condition for procuring any other goods or services, etc.
 - ▶ The **CCPA may take steps to prevent and discontinue unfair and restrictive trade practices.**
- **Penalties**
 - ▶ If a person does not comply with the orders of the District, State, or National Commissions, he may **face imprisonment up to three years, or a fine not less than Rs 25,000 extendable to Rs one lakh, or both.**

Jallianwala Bagh National Memorial (Amendment) Bill, 2019

- The Jallianwala Bagh National Memorial (Amendment) Bill, 2019 was introduced in Lok Sabha on July 8, 2019. It amends the Jallianwala Bagh National Memorial Act, 1951.
- The **Act** provides for the **erection of a National Memorial in memory of those killed or wounded on April 13, 1919, in Jallianwala Bagh, Amritsar.** In addition, **it creates a Trust to manage the National Memorial.**

Amendments included

- It amends the Jallianwala Bagh National Memorial Act, 1951 which was passed to erect a National Memorial in memory of those killed and wounded in the Jallianwala Bagh massacre of over 1,000 people on April 12, 1919.
- Under the provisions of the Bill, **the trustees of the Memorial include the Prime Minister as Chairperson, the Congress president, the Minister-in-charge of Culture, the Leader of Opposition in Lok Sabha, the Governor and Chief Minister of Punjab, and three eminent persons nominated by the Centre as its members.** It seeks to remove the Congress president as a permanent member of this trust.
- The Bill says that **"the Leader of Opposition recognised as such in the House of the People, or where there is no such Leader of Opposition, then the Leader of the single largest Opposition Party in that House"** will be on the trust.
- It **allows the central government to terminate the term of a nominated trustee** before the expiry of the period of his term.

Official Secrets Act

What is the Official Secrets Act?

- An 'Official Secrets Act' is a generic term that is used to refer **to a law designed to keep certain kinds of information confidential**, including, but not always limited to, **information involving the affairs of state, diplomacy, national security, espionage, and other state secrets**.
- Across multiple countries, the Official Secrets Acts follow a similar pattern: classifying certain categories of information as "official secrets," and then providing stiff penalties for any sharing, dissemination, or publication of such information.

Features of Indian Official Secrets Act

- The 1923 Act includes penalties for spying under section 3 of the Act. **This section provides for penalties for spying, where if anyone approached, inspected, etc. any vicinity or place for making any sketch, plan, model, etc.**
- It is **liable to be punished under this provision with imprisonment which is a maximum of 15 years** as provided under these provisions.
- **Section 4 of the Act makes the act of communicating or even attempting to communicate with foreign agents**, is to be treated as relevant evidence for proving that such a person communicating or attempting communication is against the safety or interests of State.
- **Section 5 says that**, if the person having possession of any secret official code, etc. used such secret stuff is prohibited place or otherwise in the manner which is likely to assist an enemy or otherwise is a hazard to sovereignty and integrity of India then such person to be held guilty under this Act.
- Similarly, for all other acts relating to such secret official information which are provided under this provision of Section 5 of the Act are prohibited and if done, then persons doing this are liable to the punishment which should include imprisonment and fine.

Motor Vehicles (Amendment) Act, 2019

Parliament passed the Motor Vehicles (Amendment) Act, 2019 to make Indian roads safer.

Need for amendment

- Motor Vehicles Act, 1988 was unable to meet the needs of rising travel demand, fast-paced motorisation, major shifts in technology, and deteriorating road safety.
- Last-mile connectivity and accessibility for the rising population is an issue.
- Rural transport needed significant reform.
- Rising road accidents and related deaths.
- Rising corruption in the transport office.
- Rising cab aggregators without any proper guidelines.

Salient features of the Act are:

- **Road safety:** The Act has increased **penalties for traffic violations and offences like** juvenile driving, drunken driving, driving without a license, dangerous driving, over-speeding, overloading, etc. **Penalty to be increased by 10% every year.**
- **Vehicle Fitness:** The Act **has mandated automated fitness testing** to reduce corruption for vehicles and introduced penalties for deliberate violation of safety/ environmental regulations.
- **Recall of vehicles:** Defective vehicles will be compulsorily recalled. The manufacturer will either will reimburse for the full cost or replace the defective vehicle.
- **Road Safety Board: A National Road Safety Board will be created** to advise the central and state governments on all aspects of road safety and traffic management.
- **Protection of Good Samaritan:** The Act defines a **goodsamaritan as a person who renders emergency medical or non-medical assistance to a victim at the scene of an accident.** The assistance must have been (i) in good faith, (ii) voluntary, and (iii) without the expectation of any reward. Such a person **will not be liable for any civil or criminal action for any injury to or death of an accident victim caused due to their negligence in providing assistance to the victim.**

Protection of Children from Sexual Offences (Amendment) Act, 2019

Parliament passed Protection of Children from Sexual Offences (Amendment) Bill, 2019 to protect children from offences such as sexual assault, sexual harassment, and pornography.

Salient features and the recent amendments are as follows

- **Penetrative sexual assault:** It defines "penetrative sexual assault" act as penetrating the **penis into vagina, mouth, urethra, anus of a child, or making a child do the same and several other such acts.** The punishment earlier was imprisonment between seven years to life and a fine.
- The Act increases the **minimum punishment from 7 years to 10 years.**
- It further adds that if a person commits **penetrative sexual assault on a child below the age of 16 years, he will be punishable with imprisonment between 20 years to life, with a fine.**
- **Aggravated penetrative sexual assault:** It defines certain actions as "aggravated penetrative sexual assault" **like cases when a public servant or relative commits penetrative sexual assault on a child.** Or if the child becomes pregnant. It includes offences like:
 - ▶ Assault resulting in the death of a child,
 - ▶ Assault committed during a natural calamity, or in any similar situations of violence
- The Act increases the minimum punishment from ten years to 20 years, and the maximum punishment to the death penalty.
- **Aggravated sexual assault:** It defines actions like **touching the vagina, penis, anus, etc. without penetration which injures sexual organs or done by the relative of the child. It includes:**
 - ▶ Assault committed during a natural calamity
 - ▶ Administering or help in administering any hormone or any chemical substance, to a child for the purpose of attaining early sexual maturity.

The Muslim Women (Protection of Rights on Marriage) Act, 2019

The Act replaces an **Ordinance promulgated on February 21, 2019.**

Key Provisions of the Act

- The Act makes all declaration of talaq, **including in written or electronic form, to be void** (i.e. not enforceable in law) **and illegal**. It defines talaq as talaq-e-biddat or any other similar form of talaq pronounced **by a Muslim man resulting in instant and irrevocable divorce**.
 - ▶ **Talaq-e-biddat refers to the practice under Muslim personal laws where pronouncement of the word 'talaq' thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.**
- **Offence and penalty:** The Act makes a declaration of **talaq a cognizable offence, attracting up to three years' imprisonment with a fine**. (A cognizable offence is one for which a police officer may arrest an accused person without warrant.) The offence will be cognizable only if information relating to the offence is given by (i) **the married woman (against whom talaq has been declared), or (ii) any person related to her by blood or marriage**.
- The Act provides **that the Magistrate may grant bail to the accused**. The bail may be **granted only after hearing the woman** (against whom talaq has been pronounced), and if the Magistrate is satisfied that there are reasonable grounds for granting bail.
- The offence may be compounded by the Magistrate upon the request of the woman (against whom talaq has been declared). Compounding refers to the procedure where the two sides agree to stop legal proceedings, and settle the dispute. The terms and conditions of the compounding of the offence will be **determined by the Magistrate**.
- **Allowance:** A **Muslim woman, against whom talaq has been declared, is entitled to seek subsistence allowance from her husband for herself and for her dependent children**. The amount of the allowance will be **determined by the Magistrate**.
- **Custody:** A Muslim woman, against whom such talaq has been declared, **is entitled to seek custody of her minor children**. The manner of **custody will be determined by the Magistrate**.

Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019

The Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019 was introduced in Lok Sabha on June 27, 2019. It replaced an Ordinance that was promulgated on March 7, 2019. **The bill was also passed by Rajya Sabha July 2019.**

Key provisions

- It provides for reservation of teaching positions in central educational institutions for persons belonging to: (i) Scheduled Castes, (ii) Scheduled Tribes, (iii) socially and educationally backward classes, and (iv) economically weaker sections.
- **Reservation of posts:** It provides for **reservation of posts in direct recruitment of teachers** (out of the sanctioned strength) **in central educational institutions**. For the purpose of such a reservation, a

central educational institution will be regarded as one unit. This implies that the allocation of teaching posts for reserved categories would be done on the basis of all positions of the same level (such as the assistant professor) across departments. Note that, under previous guidelines, each department was regarded as an individual unit for the purpose of reservation.

- **Coverage and exceptions:** It will apply to 'central educational institutions' which include universities set up by Acts of Parliament, institutions deemed to be a university, institutions of national importance, and institutions receiving aid from the central government.
- However, **it excludes certain institutions of excellence, research institutions, and institutions of national and strategic importance which have been specified in the Schedule to the Bill. It also excludes minority education institutions.**

Public Safety Act

Recently President of Jammu and Kashmir National Conference and MP, Farooq Abdullah was detained under Public Safety Act hours before the Supreme Court was due to hear a habeas corpus petition filed on his detention.

About:

- The Jammu & Kashmir Public Safety Act, 1978 is a **preventive detention law**, under which a person not below 18 years of age is taken into custody to prevent him or her from acting in any manner that is prejudicial to "the security of the state or the maintenance of the public order".
- The law was introduced by Sheikh Abdullah in 1978. It was brought in to prevent timber smuggling, and keep the smugglers in prison.
- The Public Safety Act (PSA) allows for the **arrest and detention of people without a warrant, specific charges, and often for an unspecified period of time.**
- The **PSA permits administrative detention for up to two years "in the case of a person acting in any manner prejudicial to the security of the state", and for up to a year where "any person is acting in any manner prejudicial to the maintenance of public order".**
- A detention order under the PSA is **issued either by the Divisional Commissioner or District Magistrate.**
- After the **amendments were made to the PSA in 2012, the detention of a person below the age of 18 was strictly prohibited under this Act.** According to Section 22, "no suit, prosecution or any other legal proceeding shall lie against any person for anything done or intended to be done in good faith" under the PSA.
- **An individual detained under the PSA shall be produced before the magistrate within 24 hours.**
- The **Advisory Board is a non-judicial body established under Section 14 of the PSA to review detention orders and determine whether there is sufficient cause for detention.**

Protection against Detention under PSA

- The only way the **preventive detention order can be challenged is through a habeas corpus petition filed by relatives of the detained person.**
- **High Court and Supreme Court have the jurisdiction to hear such petitions** and pass a final order seeking quashing of the PSA.
- However, if the order is quashed, there is no bar on the government passing another detention order under the PSA and detaining the person again.

Criticism of PSA

- **Wrongful Detentions:** According to a report, from 2007 to 2016, over 2400 PSA detention orders were passed, of which about: 58% were quashed by courts.
- Denying Citizens, the right to fair trials and justice
- Violation of international Human Rights
- Detention of Minors
- Detention in prisons far from home
- Detention on vague and generic allegations

View of Judiciary on Public Safety Act

- The Supreme Court has held that while detaining a person under the PSA, the DM has a legal obligation to analyse all the circumstances before depriving that person of his/her personal liberty.
- It has also held that when a person already under police custody is slapped with the PSA, the DM has to record "**compelling reasons**" for detaining that person.
- The grounds of detention have to explain and communicate to the person in the language understood by the detained person.

Constitutional safeguards are guaranteed to a person so detained

- Article 22(a) of the Constitution states that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and to be defended by, a legal practitioner of his choice.
- Article 22(b) states that every person arrested and detained shall be produced before the nearest magistrate within a period of 24 hours (excluding the time necessary for the journey from the place of arrest to the court) and no such person shall be detained beyond this period without the authority of a magistrate
- However, Article 22(3)(b) allows for preventive detention and restriction on personal liberty for reasons of state security and public order.
- The Supreme Court has held that in order to prevent "misuse of this potentially dangerous power, the law of preventive detention has to be strictly construed and meticulous compliance with the procedural safeguards... is mandatory and vital".
- Therefore, the DM has to show that the detention order follows the procedure established by law; any violation of these procedural safeguards is to be termed a violation of constitutional rights.

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019.

- The Union Cabinet has approved The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019

- **The proposed bill has the following major salient features:**
 - ▶ **Definition:** The Bill adds the following to the definition: **step-children, adoptive children, children-in-law, and the legal guardian of minor children. Further, the Act defines a relative as the legal heir of a childless senior citizen, excluding minors, who possess or would inherit his property after death.**
 - ▶ **The Bill amends this to include minors represented by their legal guardians.** The Act defines parents to include biological, adoptive, and step-parents. **The Bill expands the definition of parents to include parents-in-law and grandparents.**
 - ▶ **Under the Act,** maintenance is defined as the provision of food, clothing, residence, medical attendance, and treatment.
 - ▶ Welfare is defined to include the provision of food, healthcare, and other amenities necessary for senior citizens.
 - ▶ **The Bill expands the definition of**(i) maintenance to include the provision of healthcare, safety, and security for parents and senior citizens to lead a life of dignity, (ii) welfare to include the provision of housing, clothing, safety, and other amenities necessary for the physical and mental well-being of a senior citizen or parent.
 - ▶ **Appeals:** The Act provides for senior citizens or parents to appeal the decisions of the maintenance Tribunal. **The Bill allows children and relatives also to appeal decisions of the Tribunal**
 - ▶ **Offences and Penalties:** Under the Act, abandonment of a senior citizen or parent is punishable with imprisonment of up to three months, or a fine of up to Rs 5,000, or both. **The Bill increases the penalty to imprisonment between three and six months, or fine of up to Rs 10,000, or both.** The Bill also provides that **if the children or relatives fail to comply with the maintenance order, the Tribunal may issue a warrant to levy the due amount. Failure to pay such fine may lead to imprisonment of up to one month, or until the payment is made, whichever is earlier.**
 - ▶ **Maintenance Officer:** The Act provides for a maintenance officer to represent a parent during proceedings of the Tribunal. **The Bill requires maintenance officers to (i) ensure compliance with orders on maintenance payments, and (ii) act as a liaison for parents or senior citizens.**
 - ▶ **Establishment of care-homes:** Under the Act, state governments may set up old age homes. **The Bill removes this and provides for senior citizen care homes which may be set up by the government or private organisations. These homes must be registered with a registration authority set up by the state government. The central government will prescribe minimum standards for these homes, such as food, infrastructure, and medical facilities.**
 - ▶ **Healthcare:** The Act provides for certain facilities (such as separate queues, beds, and facilities for geriatric patients) for senior citizens in government hospitals. **The Bill requires all hospitals, including private organisations, to provide these facilities for senior citizens. Further, homecare facilities will be provided for senior citizens with disabilities.**
 - ▶ **Protection and welfare measures:** **The Bill requires every police station to have at least one officer, not below the rank of Assistant Sub-Inspector,** to deal with issues related to parents and senior citizens. State governments must constitute a special police unit for senior citizens in every district. The unit will be headed by a police officer, not below the rank of Deputy Superintendent of Police.

The Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019

- An Act to provide for the merger of Union territories of Dadra and Nagar Haveli and Daman and Diu and matters connected therewith.
- **Salient Features of the Act**
 - ▶ **Amendment of the Constitution:** The First Schedule to the Constitution specifies the territories that come under various states and UTs. The Act **amends the First Schedule to merge the territories of the two UTs:** (a) Dadra and Nagar Haveli, and (b) Daman and Diu. The merged territory will form the UT of Dadra and Nagar Haveli and Daman and Diu. This will come into effect from the day notified by the central government.
 - ▶ **Article 240(1) of the Constitution allows the President to make regulations for certain UTs,** including the UTs of Dadra and Nagar Haveli, and Daman and Diu. The Act amends the Article to replace these **two UTs with the merged UT.**
 - ▶ **Representation in Lok Sabha:** The First Schedule to the Representation of the People Act, 1950 provides one seat in Lok Sabha to each of the two UTs. The Act seeks to amend the Schedule to allocate two Lok Sabha seats to the merged UT.
 - ▶ **Services under the UTs:** Every person employed in connection with the affairs of the existing UTs will provisionally serve the merged UT. The central government will determine whether every such person will finally be allotted for service in the merged UT.
 - ▶ **The merged UT will take steps to integrate employees** into services under its control. The central government may give orders and instructions to the merged UT in this regard.
 - ▶ **The central government may establish Advisory Committees to assist** in ensuring the fair treatment of all persons affected by these provisions and consideration of any representations made by them. Representations against any service orders must be made within three months from the date of publication, or notice of the order, whichever is earlier.
 - ▶ These provisions **will not apply to members of All India Services** (such as Indian Administrative Services, Indian Police Services, and Indian Forest Services), **and persons on delegation from any state.**
 - ▶ **Jurisdiction of High Court:** The Act provides that the jurisdiction of the High Court of Bombay will continue to extend to the merged UT.

Daman and Diu and Dadra and Nagar Haveli

These two UTs are located in the western region of India.

- Daman and Diu are two widely separated districts situated on the southern side of Gujarat. Daman is an enclave on Gujarat's southern coast and Diu encompasses an island off the southern coast of Gujarat's Kathiawar Peninsula. It is in close proximity to the UT of DNH.
- Dadra and Nagar Haveli consist of two separate parts. Dadra is surrounded by the state of Gujarat and Nagar Haveli lies on the borders of Maharashtra and Gujarat.
- Both were colonised by the Portuguese and were liberated in December 1961.

International Financial Services Centres Authority Act, 2019

- An **Act to provide for the establishment of an Authority to develop and regulate the financial services market in the International Financial Services Centres in India and for matters connected therewith or incidental thereto.**

Key features of the Act include:

- It will apply to all International Financial Services Centres (IFSCs) set up under the Special Economic Zones Act, 2005.
- It sets up the International Financial Services Centres Authority (IFFSCA)

Composition:

- ▶ IFFSCA will consist of **nine members, appointed by the central government.**
- ▶ **Members of the Authority will include:** (i) the Chairperson, (ii) one member each to be nominated from the Reserve Bank of India (RBI), the Securities and Exchange Board of India (SEBI), the Insurance Regulatory and Development Authority of India (IRDAI), and the Pension Fund Regulatory and Development Authority (PFRDA), (iii) two members from among officials of the Ministry of Finance, and (iv) two members to be appointed on the recommendation of a Search Committee.
- ▶ Members will have a term of three years, subject to reappointment

Functions of the Authority:

- To **regulate financial products** (such as securities, deposits, or contracts of insurance), financial services, and financial institutions that have been previously approved by any appropriate regulator (such as RBI or SEBI), in an IFSC.
- It will follow all processes which apply to such financial products, financial services, and financial institutions under their respective laws.
- The appropriate regulators are listed in a Schedule to the Bill and include the RBI, SEBI, IRDAI, and PFRDA. The central government may amend this schedule through a notification.
 - ▶ **The Act sets up the International Financial Services Centres Authority Fund.** The following items will be credited to the Fund: (i) all grants, fees, and charges received by the Authority, and (ii) all sums received by the Authority from various sources, as decided by the central government
 - ▶ The Fund will be used for: (i) salaries, allowances and other remuneration of members and employees of the Authority, and (ii) expenses incurred by the Authority. Further, the central government may provide grants to the Authority for the regulation of IFSCs.

Draft National Statistical Commission Bill

About the Bill

- The draft bill is aimed at empowering the National Statistical Commission (NSC) to become the nodal body for all core statistics in the country.

- Core statistics include national income statistics like GDP, jobs data, industry data, and budgetary transactions data.

Features of the Bill:

- As per the draft Bill, **the NSC will have a Chairperson, five whole-time members along with Deputy Governor of Reserve Bank of India (RBI), Chief Statistician of India (CSI) as other members and Chief Economic Advisor, Ministry of Finance, as the ex-officio member.**
- The Chairman and the members of the Commission **shall be appointed by the central government on the recommendation of a search committee.**
- Along with retaining the advisory nature of NSC, the draft Bill states that the **decision of the central government, whether a question is of policy or not, shall be final.**
- As per the experts, this proposal goes against the long pending demand to grant more powers to the NSC.
- The draft Bill also seeks to change the composition of the Commission by replacing NITI Aayog Chief Executive Officer with the Finance Ministry's Chief Economic Advisor as the ex-officio member along with giving member status to Chief Statistician of India from the current status of secretary to the NSC.
- As per the draft Bill, the central government may, from time to time, issue directions to the Commission as it may think "necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality".
- The draft also specifies that the Commission "shall in the exercise of its powers or the performance of its functions, be bound by such directions or questions as the Central Government may give in writing to it from time to time".
- The draft Bill states that the government shall seek advice from the Commission on any matter relating to official statistics.
- However, the central government or a state government may issue directions as necessary to any government agency under its administrative control along with a report on reasons for not accepting any advice to the commission.
- A report on reasons for not accepting any advice of the commission shall be laid before Parliament or a state legislature for **a total period of thirty days.**
- The draft Bill states that the NSC shall have the power to review the statistical system of any government agency in the light of concepts, definitions, standards, methodologies, and established policies, and recommend measures for enhanced performance; to prescribe a code of practice.
- Also, the Commission shall participate in a consultation with the central government and coordinate with national statistical organisations on matters of statistical standards, methodologies, and classifications.

Indian Forest Act

The Ministry of Environment, Forest and Climate Change (MoEF&CC) **finalised the first draft of the comprehensive amendments to the Indian Forest Act, 1927 (IFA).** However, the **Government withdrew proposed changes to the Indian Forest Act in November 2019.**

Highlights of the Draft

- The idea behind this legislation is **to facilitate an increase of forest cover from about: 24% now to 33%** (a stated directive of government policy).

- Forest is defined to include “any government or private or institutional land recorded or notified as forest/forest land in any government record and the lands managed by government/community as forest and mangroves, and also any land which the central or state government may by notification declare to be forest for this Act
- The amendment defines community as “a group of persons specified based on government records living in a specific locality and joint possession and enjoyment of common property resources, without regard to race, religion, caste, language, and culture.”
- Village forests, according to the proposed Act, maybe “**forestland or wasteland.**”
- It will be the property of the government and would be jointly managed by the community through the **Joint Forest Management Committee or Gram Sabha.**
- The legislation has proposed a **forest development cess of up to 10%** of the assessed value of mining products removed from forests and water used for irrigation or in industries.
- This amount would be deposited in a special fund and used “exclusively for reforestation; forest protection and other ancillary purposes connected with tree planting, forest development, and conservation.
- The amendment also introduces a new category of forests — the **production forest.** These will be forests with specific objectives for the production of timber, pulp, pulpwood, firewood, non-timber forest produce, medicinal plants, or any forest species to increase production in the country for a specified period.

Indian Forest Act, 1927

- The act sought to consolidate and reserve the areas having forest cover, or significant wildlife.
- It also aimed to regulate movement and transit of forest produce, and duty leviable on timber and other forest produce.
- It also defined the procedure to be followed for declaring an area as Reserved Forest, Protected Forest, or a Village Forest.
- The act has a detailed definition of what a forest offence is, what are the acts prohibited inside a Reserved Forest, and penalties leviable on violation of the provisions of the Act.

Essential Commodities Act

Context: According to Economic Survey 2019-20, the Essential Commodities Act is out-dated and must go.

About:

- Findings in the **Economic Survey 2019-20** were against the Essential Commodities Act (ECA) and other “anachronistic legislation” and interventionist government policies, including drug price control, grain procurement, and farm loan waivers.
- **ECA to control onion prices:** In September 2019, the Centre invoked the ECA'S provisions to impose stock limits on onions after heavy rains wiped out a quarter of the kharif crop and led to a sustained rise in prices.

- **How does ECA work?**
 - ▶ Stock limits ensure that onion stocks would be released into the open market and the supply would go up, ensuring prices remain affordable.
- **ECA has unintended consequences:** The Survey offers examples of stock limits on onion, sugar, and pulses, where ECA intervention had little impact and instead increased volatility in prices following production/ consumption shocks — the opposite of what it is intended for.

Essential Commodities Act

- The Essential Commodities Act, 1955 was enacted to ensure the easy availability of essential commodities to consumers and to protect them from exploitation by unscrupulous traders.
- The Act provides for the regulation and control of production, distribution, and pricing of commodities which are declared as essential.
- Essential items under the Act include drugs, fertilisers, pulses, and edible oils, and petroleum and petroleum products.
- The Act aims at maintaining/increasing supplies/securing equitable distribution and availability of these commodities at fair prices.
- Centre invokes the ECA Act's provisions to impose stock limits in case of price/quantity distortions in the market to ensure adequate availability of essential commodities at reasonable prices.
- States are the implementing agencies to implement the EC Act, 1955, and the Prevention of Black marketing & Maintenance of Supplies of Essential Commodities Act, 1980, by exercising powers delegated to them.
- The list of essential commodities is reviewed from time to time with reference to their production and supply and in consultation with concerned Ministries/Departments.
- Currently, the restrictions like licensing requirements, stock limits, and movement restrictions have been removed from almost all agricultural commodities. - Exemptions: Wheat, pulses and edible oils, edible oilseeds and rice are certain exceptions.
- The recent amendment to the Legal Metrology (Packaged Commodities) Rules 2011 is linked to the ECA. The Government can fix the retail price of any packaged commodity that falls under the ECA.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018

Context

- The Supreme Court upheld the constitutional validity of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018.
- A three-judge bench, headed by Justice Arun Mishra, upheld the amended Act, which said **neither is a preliminary inquiry required before lodging an FIR under the Act nor is approval needed from higher authorities for arrests.**

- The amendment also **restores the unconditional ban on the grant of anticipatory bail** put in place by the March 2018 judgment of the apex court.
- The Parliament had amended the Act to nullify a March 2018 apex court judgment that had diluted the provisions of the Act.

Features of the Act

- It added Section 18A to the original Act.
- It delineates specific crimes against Scheduled Castes and Scheduled Tribes as atrocities and describes strategies and prescribes punishments to counter these acts.
- It identifies what acts constitute "atrocities" and all offences listed in the Act are cognizable. The police can arrest the offender without a warrant and start an investigation into the case without taking any orders from the court.
- The Act calls upon all the states to convert an existing session's court in each district into a Special Court to try cases registered under it and provides for the appointment of Public Prosecutors/Special Public Prosecutors for conducting cases in special courts.
- It creates provisions for states to declare areas with high levels of caste violence to be "atrocities-prone" and to appoint qualified officers to monitor and maintain law and order.
- It provides for the punishment for wilful neglect of duties by non-SC/ST public servants.
- It is implemented by the State Governments and Union Territory Administrations, which are provided due to central assistance.

Section 18A states that

- For the Prevention of Atrocities Act, the preliminary inquiry shall not be required for registration of a First Information Report against any person.
- The provision of section 438 (pre-arrest bail) of the Code of Criminal Procedure (CrPC) shall not apply to a case under the Act, notwithstanding any judgment or order or direction of any Court.

JUDGEMENTS

Landmark judgments passed by the Supreme Court in recent times

The past year saw the country's biggest institutions, from the CBI to the RBI face a credibility crisis. But one institution proved rightfully why it has the word supreme in its name. The Supreme Court with its milestone judgments in several cases -- **from granting the right to love freely to secure citizen's privacy, won citizen's hearts with its verdicts.**

Here are some of the landmark judgments delivered by the Supreme Court:

Aadhaar verdict

- In a significant move, the SC constitution bench struck down several provisions in the Aadhaar Act on September 26, 2018.

The Supreme Court **upheld the Aadhaar scheme as constitutionally valid.** However, the apex court's five-judge constitution bench also struck down several provisions in the Aadhaar Act.

Court's verdict:

- The Supreme Court **upheld the validity of Aadhaar** saying sufficient security measures are taken to protect data and it is difficult to launch surveillance on citizens based on Aadhaar.
- A **five-judge** bench led **by former CJI Dipak Misra** asked the government to **provide more security measures as well as reduce the period of storage of data.**
- The SC asked the Centre to **bring a robust law for data protection** as soon as possible.
- The SC said **Aadhaar cannot be made mandatory for openings of a bank account** and for getting **mobile connections.**
- The SC said that **Aadhaar must not be made compulsory for school admission and the administration cannot make it mandatory.**
- The SC has made **linking of Aadhaar and PAN mandatory.** The apex court also made **Aadhaar mandatory for filing of Income Tax Return (ITR)**
- The SC directed the government to **ensure that illegal migrants are not issued Aadhaar to get benefits of social welfare schemes.**
- The apex court **struck down the provision** in Aadhaar law allowing **sharing of data on the ground of national security.**
- The SC said there is a **fundamental difference between Aadhaar and other identity proof as Aadhaar cannot be duplicated and it is a unique identification.**
- It added that **Aadhaar is to empower the marginalised sections of the society, and it gives them an identity.**

Review Petition

- A review petition was filed in the Supreme Court seeking re-examination of its verdict by which the centre's flagship Aadhaar scheme was held as constitutionally valid.
- The review petition was filed against the September 26, 2018 (mentioned above) verdict of the five-judge constitution bench which had said there was nothing in the Aadhaar Act that violated the right to privacy of an individual.
- The court had also upheld the passage of the Aadhaar Bill as a Money Bill by the Lok Sabha

Adultery Verdict

- **In a landmark judgment in 2018, the Supreme Court scrapped the 150-year old adultery law.**

The Verdict

- **Supreme Court in unanimous verdict said Adultery law deprives women of dignity, has to go.**
- The five-judge bench (headed by former CJI Deepak Misra) held that Section 497 was **an archaic law**

Adultery

The act of adultery is a **voluntary sexual intercourse between a married person and someone other than that person's current spouse or partner.**

Section 497 of the IPC

- Section 497 gives a husband the exclusive right to prosecute his wife's lover. A similar right is not conferred on a wife to prosecute the woman with whom her husband has committed adultery.

that violates the right to equality and destroys and deprives women of dignity.

- Unequal treatment of women invites the wrath of the Constitution.
- Adultery is a relic of the past.
- Adultery might not because of an unhappy marriage, it could be a result of an unhappy marriage.
- Adultery can be a ground for divorce. It can be part of civil law involving penalties but not a criminal offence.

◦ Secondly, the provision does not confer any right on the wife to prosecute her husband for adultery. Further, the law does not take into account cases where the husband has sexual relations with an unmarried woman.

Sabarimala Verdict

Sabarimala temple

- The Sabarimala temple in Kerala is a shrine to Lord Ayappa. It had an **age-old tradition of not allowing women between the age of 10 and 50 years to enter the premises.**

The reason

- The women, who fall in the menstruating age group, were considered to be "impure".

Judgment

- In a **4-1 majority decision**, the Supreme Court on September 28, 2018, **lifted the ban, which is termed as a violation of women's right to practice religion.** Former Chief Justice Dipak Misra, Justice AM Khanwilkar, Justices Rohinton F Nariman, and Dhananjaya Y Chandrachud concurred with each other while Indu Malhotra **dissented saying that courts shouldn't determine which religious practices should be struck down or not.**

Observation made by the Court at the various bench

- **Top quotes:** "In the theatre of life, it seems, man has put the autograph and there is no space for a woman even to put her signature", "Patriarchy in religion cannot be allowed to trump right to pray and practice religion" and "To treat women as children of a lesser god is to blink at the Constitution."
- Restrictions on women in religious places are not limited to Sabarimala alone and are prevalent in other religions too. The issue of entry of women into mosques and Agiyari could also be taken by the larger bench.
- Both sections of the same religious group have a

The Bench also framed seven questions of law which the nine-judge Bench would decide now. These are:

- What is the scope and ambit of religious freedom under Article 25 of the Constitution?
- What is the interplay between religious freedom and rights of religious denominations under Article 26 of the Constitution?
- Whether religious denominations are subject to fundamental rights?

right to freely profess, practice, and propagate their religious beliefs as being an integral part of their religion under **Article 25 of the Constitution of India**.

- **Devotion cannot be subjected to gender discrimination.**

Present Situation

- In 2019 five-judge bench of the Supreme Court referred review pleas in the Sabarimala temple issue to a larger seven-member bench.
 - ▶ In 3:2 majority verdict, two judges stuck to their earlier stand of (2018 Judgement) quashing the custom which barred entry of women between the ages of 10 and 50 years.
 - ▶ The split decision came on 65 petitions – 56 review petitions, four fresh writ petitions, and five transfer pleas – which were filed after the apex court verdict of September 28, 2018, sparked violent protests in Kerala.
- Recently **A nine-judge Constitution Bench of the Supreme Court upheld the decision of the Sabarimala Review Bench to refer to a larger Bench question on the ambit and scope of religious freedom practiced by multiple faiths across the country.**

- What is the definition of ‘morality’ used in Articles 25 and 26?
- What is the ambit and scope of judicial review of Article 25?
- What is the meaning of the phrase “sections of Hindus under Article 25 (2)(b)?
- Whether a person not belonging to a religious group can question the practices, beliefs of that group in a PIL petition?

Decriminalisation of Gay Sex - Section 377 Partly Struck Down

The Supreme Court in a landmark judgment **legalised gay sex by holding that sex between two consenting adults is not a crime**. A five-judge bench of the Supreme Court headed by CJI DipakMisra gave the final verdict in 2018.

Section 377

- Section 377 of the Indian Penal Code 1860, a relic of British India, states that “whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished.” This included private consensual sex between adults of same-sex.
- Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section.
- After the SC judgment, provisions of Section 377 remain applicable in cases of non-consensual carnal intercourse with adults, all acts of carnal intercourse with minors, and acts of bestiality.

The Verdict

- SC made it clear that **Article 14 of the Constitution guarantees equality before the law and this applies to all classes of citizens** thereby restoring the ‘inclusiveness’ of the LGBTQ Community.

- SC upheld **the pre-eminence of Constitutional morality in India by observing that equality before the law cannot be denied by giving precedence to public or religious morality.**
- SC noted that modern psychiatric studies and legislations recognise that **gay persons and transgender do not suffer from a mental disorder and therefore cannot be penalized.**
- SC observed that **homosexuality is not unique to humans, which dispels the prejudice that it is against the order of nature.**
- Supreme Court stated that the '**Yogyakarta Principles on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity**' should be applied as a part of Indian law.
- **Any kind of sexual activity with animals and children remains a penal offence.**

Live-Streaming of Court Proceedings

The Supreme Court said, "Sunlight is the best disinfectant" and agreed to the live-streaming and video recording of court proceedings.

The verdict

- The three-judge bench agreed that it would serve as an **instrument for greater accountability** and it formed a part of the Code of Criminal Procedure and Code of Civil Procedure.
- **No such express provision is found in the Constitution regarding "open Court hearing" before the Supreme Court**, but can be traced to provisions such as Section 327 of the Code of Criminal Procedure, 1973 (CrPC) and Section 153-B of the Code of Civil Procedure, 1908 (CPC).
- **Section 327 of the Code of Criminal Procedure, 1973 (CrPC)** states that the place in which any Criminal Court is held for the purpose of inquiring into or trying any offence **shall be deemed to be an open Court.**
- **Section 153-B of the Code of Civil Procedure, 1908 (CPC)** states the place in which **any Civil Court is held for the purpose of trying any suit shall be deemed to be an open Court.**
- The **SC asked the government** to frame "**comprehensive and holistic guidelines**" and favoured the start of exercise on a pilot basis in one court.

Euthanasia Verdict

The Supreme Court said **passive euthanasia is permissible**. The Supreme Court **gave legal sanction** to passive euthanasia in a landmark verdict, permitting '**living will**' by patients on withdrawing medical support if they slip into an irreversible coma.

What is a Living will?

- A living will is a written document that allows a patient to give explicit instructions in advance about treatment to be administered when he or she is terminally ill or no longer able to express consent.

What is Passive euthanasia?

- Passive euthanasia is a condition where there is a withdrawal of medical treatment with the deliberate intention to hasten the death of a terminally-ill patient.

- The top court had in 2011 recognised passive euthanasia in the ArunaShanbaug case by which it had permitted withdrawal of life-sustaining treatment from patients not in a position to make an informed decision.

Guidelines lay down by the court:

- **Medical directive or living will:**
 - ▶ It is a medical power of attorney that allows an individual to appoint a trusted person to take health care decisions when the patient is not able to take such decisions.
 - ▶ The trusted person is allowed to interpret the patient's decisions based on their mutual knowledge and understanding.
 - ▶ The trusted person can decide on the patient's behalf how long the medical treatment should continue when the patient is unconscious or in a coma state is not in a position to decide.
- **The 'will' be recorded and preserved**
 - ▶ The document should be signed by the executor in the presence of two attesting witnesses, preferably independent, and counter-signed the jurisdictional Judicial Magistrate of First Class (JMFC) so designated by the concerned district judge.
 - ▶ The JMFC shall preserve one copy of the document in his office, keep another in digital format, forward one copy of the document to the registry of the jurisdictional district court, inform the immediate family members of the executor.
 - ▶ A copy would be handed over to the competent officer of the local body. A copy of the directive is handed over to the family physician if any.

Supreme Court upholds SC/ST Amendment Act

- Supreme Court has upheld the amended SC/ST Amendment Act of 2018 **in which preliminary inquiry is not a must and no prior approval is also required for senior officers to file FIRs in cases of atrocities on SC and ST.**
- The Court **upheld the constitutionality of Section 18A** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act of 2018.
- The sole purpose of Section **18A was to nullify a controversial March 20, 2018, the judgment of the Supreme Court diluting the stringent anti-bail provisions of the original Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989.**

Views of the Court:

- A High Court would also have an **"inherent power"** to grant anticipatory bail in cases in which prima facie an offence under the anti-atrocities law is not made out.
- Besides, a High Court, in **"exceptional cases"**, could also quash cases to prevent the misuse of the anti-atrocities law.
- However, **the courts should take care to use this power to grant anticipatory bail "only sparingly and in very exceptional cases"**. It should not become a norm lest it leads to miscarriage of justice and abuse of the process of law.

- A bench headed by Justice Arun Mishra said a **preliminary inquiry is not essential before lodging an FIR under the act and the approval of senior police officials is not needed.**
- The Act also **does not provide for anticipatory bail** to the accused being charged with SC/ST Act. Courts can, however, quash FIRs in exceptional circumstances.
- The court added that **pre-arrest bail should be granted only in extraordinary situations** where a denial of bail would mean miscarriage of justice.

Section 18A of the SC/ST Amendment Act of 2018 states that:

- For the Prevention of Atrocities Act, the preliminary inquiry shall not be required for registration of a First Information Report against any person.
- The provision of section 438 (pre-arrest bail) of the Code of Criminal Procedure (CrPC) shall not apply to a case under the Act, notwithstanding any judgment or order or direction of any Court.

Anticipatory bail

- S. 438 of the Code of Criminal Procedure, 1973, lays down the law on anticipatory bail: “When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may if it thinks fit, direct that in the event of such arrest, he shall be released on bail.
- The provision empowers only the Sessions Court and High Court to grant anticipatory bail.

Centre can't withhold documents under RTI citing national security

Views of the Court

- The Supreme Court said the **Centre cannot withhold documents from disclosure under the RTI Act citing national security if it is established that retention of such information produces greater harm than disclosing it.**
- Justice Joseph said the **RTI Act through Section 8(2)** has conferred upon the citizens a “**priceless right by clothing them**” with the **right to demand information even in respect of such matters as security of the country and matters relating to relation with a foreign state.**
- The premise for disclosure in a matter relating to security and relationship with the foreign state is public interest.
- It was observed that the **Section 8(2) of the RTI Act manifests a legal revolution** that has been introduced in that, **none of the exemptions declared under sub-section(1) of Section 8 or the Official Secrets Act, 1923 can stand in the way of the access to information if the public interest in disclosure overshadows, the harm to the protected interests.**
- **Section 24 of the RTI Act** also highlights the **importance attached to the unrelenting crusade against corruption and violation of human rights.**

- Ability to secure **evidence forms the most important aspect in ensuring the triumph of truth and justice**. It is **imperative** therefore that **Section 8(2) must be viewed in the said context. Its impact on the operation on the shield of privilege is unmistakable**

Section 8 (2) of the RTI Act provides for disclosure of information exempted under the Official Secrets Act, 1923 if the larger public interest is served.

Official Secret Act Vs RTI

- The OSA was enacted in 1923 by the British to keep certain kinds of information confidential, including, but not always limited to, information involving the affairs of state, diplomacy, national security, espionage, and other state secrets.
- Whenever there is a conflict between the two laws, the provisions of the RTI Act override those of the OSA.
- Section 22 of the RTI Act states that its provisions will have effect notwithstanding anything inconsistent with them in the OSA.
- Similarly, under Section 8(2) of the RTI Act, a public authority may allow access to the information covered under the OSA, “if the public interest in disclosure outweighs the harm to the protected interest”.

Reservation in promotion is not a fundamental right

Court's Views

- The Supreme Court has ruled that **reservation in promotion is not a fundamental right and the states cannot be compelled to make laws in this regard for Scheduled Castes (SC) and Scheduled Tribes (ST)**.
- **Article 16 (4) and 16 (4A) of the Constitution are in the nature of enabling provisions, vesting a discretion on the state government to consider providing reservation, if the circumstances so warrant.**
- It is **settled law that the state cannot be directed to give reservations for appointments in public posts.**
- It further added that the **state is not bound to make a reservation for SCs and STs in matters of promotions**. However, if the state wishes to exercise its discretion and make such provision, it has to **collect quantifiable data showing 'inadequacy of representation of that class in public services'**.
- Articles 16 (4) and 16 (4-A) of the Constitution did not confer individuals with a fundamental right to claim reservations in promotion.
- The Articles empower the State to make reservations in matters of appointment and promotion in favour of the Scheduled Castes and Scheduled Tribes only “if in the opinion of the State they are not adequately represented in the services of the State”.

- Thus, the **State government has discretion “to consider providing reservations, if the circumstances so warrant”.**

Dismissal of Nirbhaya Rapist’s Review Petition

The Supreme Court (SC) dismissed the Nirbhaya gang rape and murder case convict Akshay Kumar Singh’s review plea. The top court said that there are no grounds to reconsider his death penalty.

Court’s Views:

- The three-judge bench headed by Justice R. Banumathi said there are no grounds to review the apex court’s 2017 verdict and that the contentions raised by convict Singh were already considered by the top court in the main judgment.
- It was observed that the review petition is not re-hearing of appeal over and over again. The court had already considered the mitigating and aggravating circumstances while upholding the death penalty to the convict in the 2017 verdict.
- It observed that it found “no error” on the face of the main judgment requiring any review.

Chief Justice of India under Right to Information

- Justice Sanjiv Khanna said the **independence and accountability go hand in hand and that independence of the judiciary can’t be ensured only by denying information.**
- The office of the Chief Justice of India will come under the ambit of the Right to Information Act as CJI is **a public authority under the RTI Act.**

What is the Public Authority?

- Under **Section 2(f) of the RTI Act**, information means “any material in any form, including records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force”.
- **“Public authority”** means any authority or body or institution of self-government established or constituted by or under the Constitution; by any other law made by Parliament/State Legislature and by a notification issued or order made by the appropriate Government.

Few highlights from the ruling

- Independence and accountability go hand in hand and that independence of the judiciary cannot be ensured only by denying information.

- There should be a **balance between RTI and privacy**, and that information-seeking should be calibrated.
- **Principal consideration should be public interest** and that **judges are not above the law**. The Information Officer should weigh competing claims and decide.
- On the issue related to the appointment of judges, the Supreme Court held that **only the names of the judges recommended by the Collegium for the appointment can be disclosed, not the reasons**.

Ayodhya verdict

The centre was directed (**November 2019**) by five-member bench headed by former CJI Ranjan Gogoi to form within given time (three months) a trust, which will build a temple at the disputed site in Ayodhya. SC directed the Centre to allot a 5-acre plot to the Sunni Waqf Board for building a mosque.

The verdict in detail

- The **Ram Janmabhoomi-Babri Masjid land** title case was awarded in favour of “the deity of Lord Ram” who was held to be a “**juristic person**”.
- The court directed that the disputed 2.7-acre land is to be handed over to a trust formed by the Central Government. This trust will build a temple on the disputed property.
- The Muslim party is to be given a five-acre piece of land “either by the Central Government out of the acquired land or by the Government of Uttar Pradesh **within the city of Ayodhya**.”
- The court directed that the Centre will, within three months, form the scheme of setting up a board for trust, which will formulate rules and powers for the construction of the temple.
- The possession of the inner and outer courtyard is to be handed over to the trust for the management and development of the temple. A “statutory receiver” will be in possession of the land till completion of the scheme.
- The court directed the State and Centre to act in consultation with each other to adhere to the orders of the court and for the formulation and maintenance of the trust.

The issue in brief

- A section of Hindus claims that the disputed land in the present-day Ayodhya, Uttar Pradesh is the site of Rama’s birthplace where the Babri Masjid once stood.
- The mosque was constructed during 1528-29 by demolishing the Hindu shrine by **Mir Baqi, a commander of the Mughal Emperor Babur**.
- The political, historical and socio-religious debate over the history and location of the Babri Mosque, and whether a previous temple was demolished or modified to create it, is known as the Ayodhya dispute.
- In 1992, the demolition of Babri Masjid by Hindu nationalists triggered widespread Hindu-Muslim violence.
- Since then, the archaeological excavations have indicated the presence of a temple beneath the mosque rubble, but whether the structure was a Rama shrine (or a temple at all) remains disputed.

Some facts related to the case

- In 1934, a riot took place in Ayodhya and Hindus demolished a portion of the structure of the disputed site. The portion was rebuilt by the Britishers.
- On July 1, 1989, a suit was filed by former **Allahabad High Court Judge Deoki Nandan Agarwal as “next friend” of Ram Lala Virajman (the deity, deemed a minor legal person)** before the civil judge in Faizabad.
- It prayed that the whole site is handed over to Ram Lala for the construction of a new temple. In 1989, the Shia Waqf Board also filed a suit and became a defendant in the case.
- On October 7 and 10, 1991, the BJP state government acquired premises in dispute along with some adjoining area (total 2.77 acres of land) to develop it for tourism purposes under the land acquisition Act.
- This acquisition was challenged by Muslims through six writ petitions. The acquisition was quashed by the High Court on December 11.
- On December 6, 1992, the mosque was demolished despite interim orders passed by the Supreme Court and the High Court.
- In July 2003, the Allahabad High Court ordered excavation at the disputed site.
- The Archaeological Survey of India (ASI) did the excavation and submitted its report on August 22, 2003. In its report, ASI said that there was a massive structure beneath the disputed structure and there were artifacts of Hindu pilgrimage.
- On September 30, 2010, the three-judge bench of Justice Dharamveer Sharma, Justice Sudhir Agarwal and Justice SU Khan of the Allahabad High Court gave its judgment in the title suit.
- It divided the disputed land into three parts, **giving one each to Ram Lala, Nirmohi Akhada, and Sunni Waqf Board.**
- All the parties — Ram Lala Virajman, Sunni Waqf Board and Nirmohi Akhada — appealed in the **Supreme Court against the Allahabad High Court judgment.**

Article 142, invoked by SC to give land for a mosque

- The Supreme Court, implicitly referring to the demolition of the Babri Masjid at the disputed site, said that it was invoking Article 142 “to ensure that a wrong committed must be remedied”.
- Article 142(1) states that “The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe”.

SC upholds constitutional validity of Insolvency and Bankruptcy Code

The verdict

- The court upheld the constitutional validity of the code **“in its entirety”**. The court not only upheld the ban on promoters’ bids for the defaulting company undergoing the insolvency process but also rejected pleas to treat operational creditors at par with financial creditors.

- The Supreme Court's verdict furthermore upheld Section 29A of the IBC that bars promoters of bankrupt companies - as well as people related to them - from bidding to regain control of their assets at a discount.
- Specifically, **section 29A dictates that promoters of companies, which have been classified as non-performing assets for over a year can't participate in the resolution process of any company unless the dues are repaid.**

The issues related to the Insolvency and Bankruptcy Code

- **Operational creditors**, such as the **suppliers of products and services to bankrupt companies** and contractors, have long complained of landing a raw deal under the IBC.
- Currently, the **Committee of Creditors (CoC)** constituted for bankrupt firms **only comprise all financial creditors, like banks**. And since operational creditors don't have a place in the CoC, **they have no voting rights when the committee decides on what to do with an asset.**
- That's why several operational creditors had previously moved to the court arguing that the bankruptcy code violates Article 14.
- The petitioners against IBC had argued that in the event of liquidation of the company or its sale, the dues of operational creditors rank below those of financial creditors, which was violative of the Article 14 of the constitution.
- SC said that if an intelligible differentiation can be established between two classes of creditors, then legislation is not violative of Article 14.
- Further, SC said that deciding the threshold to allow withdrawal of the insolvency case pertains to the domain of legislature. Moreover, the Act already contains provisions to set aside arbitrary decisions of CoC through NCLT/NCLAT.

Illegal to appeal to the religion and caste of both candidates and voters in elections or Seeking votes on the religious basis a corrupt act: SC

More from the judgment

- The Supreme Court reaffirmed the secular character of the Indian state, ruling that **election candidates cannot seek votes on the grounds of the religion, caste, creed, community, or language of voters.**
- It has ruled that an election **could be annulled if candidates seek votes in the name of their religion or that of their voters.** The apex court's view has enlarged the scope of the Representation of People Act 1951.
- The court observed that the Constitution forbids the state from mixing religion with politics.
- It was also observed by the court that the **state being secular** in character **cannot identify itself with any one of the religions or religious denominations.** This necessarily implies that religion will not play any role in the governance of the country which must at all times be secular in nature.

- **Election is a secular exercise** just as the functions of the elected representatives must be secular in both outlook and practice.
- The **court interpreted Section 123(3) of the Representation of People Act** to mean that this provision was brought in with intent "to clearly proscribe appeals based on sectarian, linguistic or caste considerations".
- **Section 123(3) defines "corrupt practice" appeals made by a candidate or his agents to vote or refrain from voting for any person on the ground of "his" religion, race, caste, community or language.**

Background

- The case reached the apex court after there were claims that several candidates **elected in the 1992 Maharashtra assembly polls** had appealed to voters on religious grounds.
- Similar cases were also brought before the apex court in 1996. However, that bench decided to refer the case to a larger bench. The five-judge bench set up in 2014, in turn, referred it to a seven-judge bench.
- The landmark judgment came while the court revisited earlier judgments, including one from 1995 that equated Hindutva with Hinduism and called it a "way of life" and said a candidate was not necessarily violating the law if votes were sought on this plank.

Private property is a human right: Supreme Court

More from the judgment

- The state **cannot deprive citizens of their property without the sanction of law** in a democratic polity governed by the rule of law.
- The court ruled that to forcibly dispossess citizens of their private property, without following the due process of law, would be to violate a human right, as also the constitutional right under Article 300A of the Constitution.
- **The Doctrine of Adverse Possession:** The state cannot trespass into the private property of a citizen and then claim ownership of the land in the name of 'adverse possession.
- **Grabbing private land** and then claiming it as its own **makes the state an encroacher.**

The Case

- The case was of an 80-year-old woman whose 3.34-hectare land was forcibly taken by the Himachal Pradesh Government in 1967, for constructing a road.
- The Court used its jurisdiction under **Article 136 and Article 142 of the Constitution** to direct the government to pay the woman compensation of 1 crore rupees.

Note

- **The right to private property was previously a fundamental right' under Article 31 of the Constitution.**
- **It ceased to be a fundamental right with the 44th Constitution Amendment in 1978.**

No Double Jeopardy Bar If There was No Trial

More from the judgment

- In a recent judgment (**State of Mizoram vs. Dr. C. Sangnghina**), SC has held that the bar of double jeopardy will not apply if the person was discharged due to lack of evidence.
 - ▶ SC held that, where the accused has not been tried at all and convicted or acquitted, the principles of “double jeopardy” cannot be invoked at all.
 - ▶ The principle of Double Jeopardy: Double Jeopardy is a legal term and it means that a person cannot be punished for the same offense more than once.
 - ▶ Both Article 20(2) of the Constitution of India and Section 300 of the Criminal Procedure Code say that no person shall be prosecuted and punished for the same offense more than once.

MAJOR AMENDMENTS TO THE CONSTITUTION OF INDIA

First Amendment Act, 1951

Amended Provisions of the Constitution

- Empowered the state to make **special provisions for the advancement of socially and economically backward classes.**
- Added Ninth Schedule to protect the land reform and other laws included in **it from the judicial review.**
- Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Also, **made the restrictions "reasonable" and thus, justiciable in nature.**
- Provided that state trading and nationalisation of any trade or business by the state is **not to be invalid on the ground of violation of the right to trade or business.**

Note:

- The Constitution was first amended **for the welfare of scheduled castes, tribes and backward classes.**

- It inserted the **provisions of fully securing the constitutional validity of zamindari abolition laws in general and certain specified State Acts in particular.**

Fourth Amendment Act, 1955

Amended Provisions of the Constitution

- Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
- Authorised the state to nationalise any trade.
- Included some more Acts in the Ninth Schedule.
- Extended the scope of Article 31 A (savings of laws).

Seventh Amendment Act, 1956

Amended Provisions of the Constitution

- **Abolished the existing classification of states into four categories** i.e., Part A, Part B, Part C and Part D states, and reorganised them into 14 states and 6 union territories.
- Extended the jurisdiction of high courts to union territories.
- Provided for the **establishment of a common high court for two or more states.**
- Provided for the **appointment of additional and acting judges of the high court.**

NOTE:

- The Constitution was amended **to implement the scheme of States reorganisation.**
- It also sought **amendments** to certain provisions of the **Constitution relating to the High Courts and High Court Judges, the executive power of the Union and the States, and a few entries in the legislative lists.**

Eleventh Amendment Act, 1961

Amended Provisions of the Constitution

- Changed the procedure of election of the vice-president by providing for an electoral college instead of a joint meeting of the two Houses of Parliament.
- Provided that the election of the president or vice-president cannot be challenged on the ground of any vacancy in the appropriate electoral college.

Fourteenth Amendment Act, 1962

Amended Provisions

- Incorporated Puducherry in the Indian Union.
- Provided for the **creation of legislatures and council of ministers for the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Puducherry.**

Sixteenth Amendment Act, 1963

Amended Provisions

- Empowered the state to impose further restriction on the rights to freedom of speech and expression, to assemble peaceably and to form associations in the interests of sovereignty and integrity of India.
- Included sovereignty and integrity in the forms of oaths or affirmations to be subscribed by contestants to the legislatures, members of the legislatures, ministers, judges and CAG of India

Seventeenth Amendment Act, 1964

Amended Provisions

- Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
- Included 44 more Acts in the Ninth Schedule.

Twenty-Fourth Amendment Act, 1971

Amended Provisions of the Constitution

- Affirmed the **power of Parliament to amend any part of the Constitution including fundamental rights.**
- Made it **compulsory for the president to give his assent to a Constitutional Amendment Bill.**

NOTE:

- It was introduced to amend **article 368 suitably for the purpose** and made it clear that article 368 provides for amendment of the Constitution as well as procedure therefore.
- It was also introduced **to amend article 13 of the Constitution to make it inapplicable to any amendment** of the Constitution under article 368.

Background

- The Supreme Court in the well-known Golak Nath's case [1967] reversed, by a narrow majority, its own earlier decisions upholding the power of Parliament to amend all parts of the Constitution including Part III relating to fundamental rights.
- The result of Golak Nath's case was that Parliament was considered to have no power to take away or curtail any of the fundamental rights guaranteed by Part III of the Constitution even if it becomes necessary to do so for giving effect to the Directive Principles of State Policy and for the attainment of the objectives set out in the Preamble to the Constitution.

Twenty-Fifth Amendment Act, 1971

Amended Provisions of the Constitution

- **Curtailed the fundamental right to property.**
- Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.

Thirty-Fifth Amendment Act, 1974

Amended Provisions of the Constitution

- **Terminated the protectorate status of Sikkim and conferred on it the status of an associate state** of the Indian Union.
- The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union.

Thirty-Eighth Amendment Act, 1975

Amended Provisions of the Constitution

- Made the declaration of emergency by the president **non-justiciable**.
- Made the **promulgation of ordinances** by the president, governors and administrators of union territories **non-justiciable**.
- Empowered the president to declare different proclamations of national emergency on different grounds simultaneously.

Fortieth Amendment Act, 1976

Amended Provisions of the Constitution

- Empowered the Parliament to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.
- Included 64 more Central and state laws, mostly relating to land reforms, in the Ninth Schedule.

Forty-Second Amendment Act, 1976

Amended Provisions of the Constitution

- Added three new words** (i.e., socialist, secular and integrity) **in the Preamble.**
- Added Fundamental Duties** by the citizens (new Part IV A).
- Made the **president bound by the advice of the cabinet.**
- Provided for administrative tribunals and tribunals for other matters (Added Part XIV A).
- Froze the seats in the Lok Sabha and state legislative assemblies on the basis of 1971 census till 2001.
- Made the **constitutional amendments beyond judicial scrutiny.**
- Curtailed the power of judicial review and writ jurisdiction** of the Supreme Court and high courts.
- Raised the tenure of Lok Sabha and state legislative assemblies from 5 to 6 years.
- Provided that the **laws made for the implementation of Directive Principles cannot be declared invalid by the courts on the ground of violation of some Fundamental Rights.**
- Empowered the Parliament to make laws to deal with anti-national activities and such laws are to take precedence over Fundamental Rights.
- Added **three new Directive Principles** viz., equal justice and free-legal aid, participation of workers in the management of industries and protection of environment, forests and wild life.
- Facilitated the **proclamation of national emergency in a part of territory of India.**
- Extended the one-time duration of the **President's rule** in a state **from 6 months to one year.**
- Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.
- Shifted five subjects from the state list to the concurrent list, viz, education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the high courts.
- Did away with the requirement of quorum in the Parliament and the state legislatures.
- Empowered the Parliament to decide from time to time the rights and privileges of its members and committees.
- Provided for the **creation of the All- India Judicial Service.**
- Shortened the procedure for disciplinary action by taking away the right of a civil servant to make representation at the second stage after the inquiry.

NOTE:

- The most comprehensive amendment made so far to the Constitution; it is known as "Mini-Constitution"; it gave effect to the recommendations of **Swaran Singh Committee**.)

Background

In the **Kesavananda Bharati case** (1973), the Supreme Court declared the second provision of **Article 31C as unconstitutional and invalid** on the ground that judicial review is a basic feature of the Constitution and hence, cannot be taken away. However, the first provision of Article 31C was held to be constitutional and valid.

Article 31C

- No law which seeks to implement the socialistic Directive Principles specified in Article 39 (b)²² and (c)²³ shall be void on the ground of contravention of the Fundamental Rights conferred by Articles 14, 19, 31
- No law containing a declaration for giving effect to such policy shall be questioned in any court on the ground that it does not give effect to such a policy.

The 42nd Amendment Act (1976) extended the scope of the first provision of Article 31C by including within its protection any law to implement any of the Directive Principles and not merely those specified in Article 39 (b) and (c).

Forty-Fourth Amendment Act, 1978

Amended Provisions of the Constitution

- Restored the original term of the Lok Sabha and the state legislative assemblies.
- Omitted the reference to the British House of Commons in the provisions pertaining to the parliamentary privileges.
- Gave constitutional protection to publication in newspaper of true reports of the proceedings of the Parliament and the state legislatures.
- Empowered the president to send back once the advice of cabinet for reconsideration. But the reconsidered advice is to be binding on the president.
- Deleted the provision which made the satisfaction of the president, governor and administrators final in issuing ordinances.
- Replaced **the term "internal disturbance" by "armed rebellion"** in respect of national emergency.
- Made the **President to declare a national emergency only on the written recommendation of the cabinet.**
- Made certain procedural safeguards with respect to national emergency and President's rule.
- **Deleted the right to property from the list of Fundamental Rights** and made it only a legal right.
- Provided that the **fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency.**
- Omitted the provisions which took away the power of the court to decide the election disputes of the president, the vice-president, the prime minister and the Speaker of the Lok Sabha.

NOTE:

- Enacted by the Janata Government mainly **to nullify some of the other distortions introduced by the 42nd Amendment Act, 1976.**

Fifty-Second Amendment Act, 1985

Amended Provisions of the Constitution

- Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.

NOTE:

- To stop defection and the politics of 'Aaya Ram, Gaya Ram'. **It is popularly known as Anti- Defection Law.**

Ninety-First Amendment Act, 2003

- The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of legislature party was deleted. It means that the defectors have no more protection on grounds of splits.

Sixty-First Amendment Act, 1989

Amended Provisions of the Constitution

- Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.

Sixty-Ninth Amendment Act, 1991

Amended Provisions of the Constitution

- Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi. The amendment also provided for the creation of a 70-member legislative assembly and a 7-member council of ministers for Delhi.

Seventy-Third Amendment Act, 1992

Amended Provisions of the Constitution

- Granted constitutional status and protection to the **Panchayati raj institutions**. For this purpose, the Amendment has **added a new Part-IX entitled as "the panchayats"** and a **new Eleventh Schedule** containing 29 functional items of the panchayats.

Seventy-Fourth Amendment Act, 1992

- Granted constitutional status and protection to the **urban local bodies**. For this purpose, the Amendment has added a new Part IX-A entitled as "**the municipalities**" and a new **Twelfth Schedule** containing 18 functional items of the municipalities

NOTE:

- **The 73rd and 74th CAA has given a practical shape to Article 40 of the Constitution.** To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).

Seventy-Seventh Amendment Act, 1995

Amended Provisions of the Constitution

- Provided for reservation in promotions in government jobs for SCs and STs. This amendment nullified the Supreme Court ruling with regard to reservation in promotions.

Background

- In order to nullify the ruling with regard to reservation in promotions, the 77th Amendment Act was enacted in 1995. It added a new provision in Article 16 that empowers the State to provide for reservation in promotions of any services under the State in favour of the SCs and STs that are not adequately represented in the state services.
- Again, the 85th Amendment Act of 2001 provides for 'consequential seniority' in the case of promotion by virtue of rule of reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995.

Seventy-Eighth Amendment Act, 1995

Amended Provisions of the Constitution

- Included 27 more land reforms Acts of various states in the Ninth Schedule. With this, the total number of Acts in the Schedule increased to 282. But the last entry is numbered 284.

Seventy-Ninth Amendment Act, 1999

Amended Provisions of the Constitution

- Extended the **reservation of seats for the SCs and STs** and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 2010)

Eightieth Amendment Act, 2000

Amended Provisions of the Constitution

- Provided for an **"alternative scheme of devolution" of revenue between the Centre and states.** This was enacted on the basis of the **recommendations of the Tenth Finance Commission** which has recommended that out of the total income obtained from Central taxes and duties, twenty-nine per cent should be distributed among the states

Eighty-First Amendment Act, 2000

Amended Provisions of the Constitution

- Empowered the state to consider the **unfilled reserved vacancies of a year as a separate class of vacancies to be filled up** in any succeeding year or years. Such class of vacancies are not to be combined with the vacancies of the year in which they are being filled up to determine the ceiling of 50 per cent reservation on total number of vacancies of that year. **In brief, this amendment ended the 50 per cent ceiling on reservation in backlog vacancies.**

Background

It was in 1990 that the V.P. Singh Government declared reservation of 27% government jobs for the OBCs.

In the **famous Mandal case (1992)**, though the Supreme Court upheld the constitutional validity of 27% reservation for the OBCs but it gave certain conditions:

- No reservation in promotions; reservation should be confined to initial appointments only. Any existing reservation in promotions can continue for five years only (i.e., upto 1997).
- The total reserved quota should not exceed 50% except in some extraordinary situations. This rule should be applied every year.
- The 'carry forward rule' in case of unfilled (backlog) vacancies is valid. But it should not violate 50% rule.
- A permanent statutory body should be established to examine complaints of over-inclusion and under-inclusion in the list of OBCs.

With regard to the above rulings of the Supreme Court the government took following actions:

- Ram Nandan Committee was appointed.
- The 77th Amendment Act was enacted in 1995
- 81st Amendment Act of 2000 was enacted
- The 76th Amendment Act of 1994 has placed the Tamil Nadu
- Reservations Act of 1994 in the Ninth Schedule

Eighty-Second Amendment Act, 2000

Amended Provisions of the Constitution

- Provided for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the states.

Eighty-Fourth Amendment Act, 2001

Amended Provisions of the Constitution

- Extended the ban on readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026) with the same objective of encouraging population limiting measures. In other words, the number of seats in the Lok Sabha and the assemblies are to remain same till 2026.
- It also provided for their adjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census.

Eighty-Sixth Amendment Act, 2002

Amended Provisions of the Constitution

- **Made elementary education a fundamental right.** The newly-added **Article 21-A** declares that “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine”.
- **Changed the subject matter of Article 45 in Directive Principles.** It now reads— “The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”.
- Added a **new fundamental duty under Article 51-A** which reads— “It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years”.

Eighty-Seventh Amendment Act, 2003

Amended Provisions of the Constitution

- Provided for the re-adjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 2001 census and not 1991 census as provided earlier by the 84th Amendment Act of 2001.

Eighty-Ninth Amendment Act, 2003

Amended Provisions of the Constitution

- Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes and National Commission for Scheduled Tribes.

Ninety-First Amendment Act, 2003

Amended Provisions of the Constitution

- The total number of ministers, including the Prime Minister, in the Central Council of Ministers **shall not exceed 15% of the total strength of the Lok Sabha.**
- A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister.
- The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the legislative Assembly of that state. But, the number of ministers, including the Chief Minister, in a state shall not be less than 12.
- A member of either House of a state legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister.
- A member of either House of Parliament or either House of a State Legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to hold any remunerative political post.
- The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of legislature party has been deleted.

Ninety-Second Amendment Act, 2003

Amended Provisions of the Constitution

- Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22.

Ninety-Third Amendment Act, 2005

Amended Provisions of the Constitution

- Empowered the state to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions (whether aided or unaided by the state), **except the minority educational institutions.**

Background

- This amendment added a provision in Article 15(c) (mentioned above). In order to give effect to this provision, the Centre enacted the Central Educational Institutions (Reservation in Admission) Act, 2006, providing a quota of 27% for candidates belonging to the Other Backward Classes (OBCs) in all central higher educational institutions including the Indian Institutes of Technology (IITs) and the Indian Institutes of Management (IIMs).
- In April 2008, the Supreme Court upheld the validity of both, the Amendment Act and the OBC Quota Act. But the Court directed the central government to exclude the 'creamy layer' (advanced sections) among the OBCs while implementing the law.

Reservation for EWSs in Educational Institutions (103rd Amendment Act of 2019).

- It added a new provision to Article 15 i.e. The state is empowered to make any special provision for the advancement of any economically weaker sections of citizens. Further, the state is allowed to make a provision for the reservation of up to 10% of seats for such sections in admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions. This reservation of up to 10% would be in addition to the existing reservations. For this purpose, the economically weaker sections would be notified by the state from time to time on the basis of family income and other indicators of economic disadvantage.
- In order to give effect to this provision, the central government issued an order (in 2019) providing 10% reservation to the Economically Weaker Sections (EWSs) in admission to educational institutions.

Ninety-Seventh Amendment Act, 2011

Amended Provisions of the Constitution

Gave a constitutional status and protection to co-operative societies. In this context, it made the following three changes in the constitution:

- It made the **right to form co-operative societies a fundamental right**.
- It included a **new Directive Principle of State Policy** on promotion of cooperative societies.
- It added a new **Part IX-B in the constitution which is entitled as "The Co-operative Societies"**

Ninety-Eighth Amendment Act, 2012

Amended Provisions of the Constitution

- Provided for special provisions for the Hyderabad- Karnataka region of the State of Karnataka.
- **The special provisions aim to establish an institutional mechanism for equitable allocation of funds to meet the development needs over the region, as well as to enhance human resources and promote employment from the region by providing for local cadres in service and reservation in educational and vocational training institutions.**

Ninety-Ninth Amendment Act, 2014

Amended Provisions of the Constitution

- Replaced the collegium system of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC).

NOTE:

- **However, in 2015, the Supreme Court has declared this amendment act as unconstitutional and void. Consequently, the collegium system became operative again.**

One Hundredth Amendment Act, 2015

Amended Provisions of the Constitution

- Gave effect to the acquiring of certain territories by India and transfer of certain other territories to Bangladesh (through exchange of enclaves and retention of adverse possessions) in pursuance of the Land Boundary Agreement of 1974 and its Protocol of 2011.
- For this purpose, this amendment act amended the provisions relating to the territories off our states (Assam, West Bengal, Meghalaya and Tripura) in the First Schedule of the Constitution.

One Hundred and First Amendment Act, 2016

Amended Provisions of the Constitution

- Paved the way for the introduction of the **goods and services tax (GST) regime in the country**. The GST shall replace a number of indirect taxes being levied by the Union and the State Government. The proposed Central and State GST will be levied on all transactions involving supply of goods and services, except those which are kept out of the purview of the GST. Accordingly, the amendment made the following provisions:
 - ▶ Conferred concurrent taxing powers upon the Parliament and the State Legislatures to make laws for levying GST on every transaction of supply of goods or services or both.
 - ▶ Dispensed the concept of "declared goods of special importance" under the constitution.
 - ▶ Provided for the levy of Integrated GST on inter-state transactions of goods and services.
 - ▶ Provided for the establishment of a Goods and Services Tax Council by a presidential order.
 - ▶ Made the provision of compensation to the states for loss of revenue arising on account of introduction of GST for a period of five years.
 - ▶ Substituted and omitted certain entries in the Union and State Lists of the Seventh Schedule.

One Hundred and Second Amendment Act, 2018

Amended Provisions of the Constitution

- Conferred a constitutional status on the National Commission for Backward Classes which was set-up in 1993 by an Act of the Parliament.
- Relieved the National Commission for Scheduled Castes from its functions with regard to the backward classes.
- Empowered the President to specify the socially and education ally backward classes in relation to a state or union territory.

One Hundred and Third Amendment Act, 2019

Amended Provisions of the Constitution

- Empowered the state to make any special provision for the advancement of any economically weaker sections of citizens.
- Allowed the state to make a provision for the reservation of up to 10% of seats for such sections in admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions. This reservation of up to 10% would be in addition to the existing reservations.
- Permitted the state to make a provision for the reservation of upto 10% of appointments or posts in favour of such sections. This reservation of upto 10 % would be in addition to the existing reservation.

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3	6	10	11	16	17	21	22	28			
30	33	38	39	42	44	46	53	54	59	66	69
70	72	77	78	80	82	84	86	87	94	97	98

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CSE 2018

2	3	5	7	27	36	37	40	44	49		
51	52	56	58	62	74	81	89	92	94	98	100

TOP 100
ALL INDIA RANKING
CSE 2017

3	10	19	31	33	35	40	41	44	45	48		
97	100	54	57	63	64	68	71	75	77	80	83	93

TOP 100
ALL INDIA RANKING
CSE 2016

5	6	9	15	26	29	43	48	53	59	67
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TOP 100
ALL INDIA RANKING
CSE 2015

9	13	26	34	39	75	77	78	89	91
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