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## Reservation

### Constitutional Provisions/ Data

- ◆ **Article 15(4): Reservation in educational institution** for Socially and Educationally Backward Classes (SEBCs), SCs and STs.
- ◆ **Article 15 (6) and 16(6):** 10% reservation for EWS for admission in educational institutions and public employment. (103rd Amendment Act 2019)
- ◆ **Article 16(4), 16(4A) and 16(4B):** Reservation in posts and services.
- ◆ **Article 46:** Promotion of educational and economic interests of SC, ST and other weaker sections of society.
- ◆ **Article 243D:** Reservation of Seats for SC and ST in Panchayats.
- ◆ **Article 330:** Reservation of seats for SC and ST in House of the People.
- ◆ **Article 332:** Reservation of seats for SC and ST in Legislative Assemblies of States.

### Judgements/Recommendations

- ◆ **Dr Pradeep Jain v Union of India, 1984:** Legislation for sons of soil would be unconstitutional but did not expressly rule on it.
- ◆ **Indra Sawhney v Union of India, 1992:** Reservation under Article 16(4) should in no case exceed 50%, No reservation in promotions; Exclusion of creamy layer from OBCs.
- ◆ **M. Nagaraj v. Union of India, 2006:** 3 conditions for reservation in promotion i.e. State must show
  - ◆ Quantifiable data on backwardness of SCs/STs.
  - ◆ Facts about their inadequate representation in public employment.
  - ◆ Reservations are in the **interest of administrative efficiency.**
- ◆ **Ram Singh and Ors. vs Union of India case, 2015:** SC suggested need for a non-caste-based identification of backward classes.
- ◆ **Jarnail Singh v Lachmi Narain Gupta, 2018: Reservation in promotions does not require state to collect quantifiable data** on backwardness of SCs and STs.
- ◆ **Janhit Abhiyan v Union of India, 2022:** SC upheld 103rd Constitution Amendment Act which provided for EWS reservation, based on economic criteria.



## Citizenship

### Constitutional Provisions/ Data

- ◆ **Article 5:** Citizenship at the commencement of the Constitution.
- ◆ **Article 6:** Rights of citizenship of certain persons who have migrated to India from Pakistan.
- ◆ **Article 7:** Rights of citizenship of certain migrants to Pakistan.
- ◆ **Article 8:** Rights of citizenship of certain persons of Indian origin residing outside India.
- ◆ **Article 9:** Persons voluntarily acquiring citizenship of a foreign State not to be citizens
- ◆ **Article 10:** Continuance of rights of citizenship.
- ◆ **Article 11:** Parliament to regulate the right of citizenship by law.



## Hate Speech

### Constitutional Provisions/ Data

- ◆ **Article 19(2):** Hate speech curtailed on grounds of public order, incitement to offence, and security of State.
- ◆ **Bharatiya Nyaya Sanhita, 2023 (Section 353(2)):** Feelings of enmity, hatred or ill will between different religious groups etc. shall be punished with imprisonment (extend to three years, or with fine, or with both).
- ◆ **RPA, 1951 (Section 8):** Disqualifies candidates convicted for illegitimate use of speech.
- ◆ **Protection of Civil Rights Act, 1955 (Section 7):** Penalizes incitement to untouchability.

### Judgements/Recommendations

- ◆ **Pravasi Bhalai Sangathan vs U.O.I. & Ors, 2014:** Court recognizing the negative impact of hate speech and referred the matter to Law Commission for in depth examination.
- ◆ **Shreya Singhal vs Union of India, 2015:** SC held that **reasonable restrictions under Article 19(2)** on free speech and expression may be **imposed only if it incites violence or leads** to public disorder.
- ◆ **Amish Devgan vs Union of India, 2020:** SC highlights the need to **balance competing interests of free speech and prevent spread of hatred** and communal disharmony.



## Article 142

### Judgements/Recommendations

- ◆ **Bhanwari Devi and Ors. vs State of Rajasthan, 2002:** SC provided "**Vishaka Guidelines**" to address workplace sexual harassment, eventually resulting in **Prevention of Sexual Harassment Act, 2013.**
- ◆ **Vineeta Sharma vs. Rakesh Sharma & Ors., 2020:** SC addressed conflicting judgments on daughters' coparcenary rights under Hindu Succession Act.
- ◆ **The Secretary, Ministry of Defense vs. Babita Puniya, 2020:** SC granted permanent commission to women officers in Indian Army.
- ◆ **Indira Sawheny V. Union of India (1992):** Capped 50% limit on reservation and introduced concept of creamy layer



## Uniform Civil Code

### Constitutional Provisions/ Data

- ◆ **Article 44:** The State shall endeavour to secure for the citizens a uniform civil court throughout the territory of India.

## Judgements/Recommendations

- ◇ **Shah Bano Case (1985):** SC Highlighted need for UCC among religions.
- ◇ **Paulo Coutinho vs Maria Luiza Valentina Pereira (2019):** SC Highlights need for uniform laws for consistency.
- ◇ **Law Commission (2018):** No UCC needed now, amends existing laws.



## Ninth Schedule

### Constitutional Provisions/ Data

- ◇ **First Constitutional Amendment Act, 1951** added a **new Article 31B**.
- ◇ Article 31B states that **none of the acts/regulations mentioned in Ninth Schedule** shall be **considered to be void on ground that they are inconsistent with any rights**.

### Judgements/Recommendations

- ◇ **Waman Rao V Union of India (1981):** SC held that amendment to Constitution which was **made before 24th April 1973** is valid (as per Kesavananda Bharati judgement and evolution of Basic Structure doctrine).
- ◇ **IR Coelho Vs State of Tamilnadu, 2007:** Constitution bench ruled that Ninth Schedule **cannot be challenged for violating fundamental rights**, but can be **challenged for violating basic structure of Constitution**.



## Delimitation

### Constitutional Provisions/ Data

- ◇ **Article 82:** Parliament enacts a **Delimitation Act after every Census** which establishes a delimitation commission.
- ◇ **Article 170:** States get divided into territorial constituencies as per Delimitation Act after every Census.



## Cooperative Federalism

### Constitutional Provisions/ Data

- ◇ **7th Schedule** demarcates central, state and concurrent lists.
- ◇ **Article 312** (All India Services).
- ◇ **Article 263** (Inter- State Council to discuss common interests of Centre and States).
- ◇ **Article 280** (Finance Commission recommending distribution of financial resources between Union and States).



## Fiscal Federalism

### Constitutional Provisions/ Data

- ◇ **Seventh Schedule:** Tax Bases Delineated in Union and State Lists (**Article 246**).
- ◇ **Distribution of Revenue:**
  - ◇ **Article 269:** Taxes levied and collected by Centre, assigned to states.
  - ◇ **Article 269-A:** GST in inter-state trade.
  - ◇ **Article 270:** Taxes distributed between Union and states per Finance Commission.
- ◇ **Article 275:** Financial assistance to States in form of grants-in-aid charged to revenue of India.
- ◇ **Borrowings:**
  - ◇ **Article 292:** Union can borrow domestically or internationally.
  - ◇ **Article 293:** State can only borrow domestically.
- ◇ **Article 280: Finance Commission** constituted to adjudicate sharing of resources between Union and States.



## Inter State Water Disputes (ISWDs)

### Constitutional Provisions/ Data

- ◇ **Seventh Schedule: Water is a State subject** (Entry 17, State List) and **Union Government has constitutional role only in case of Inter-State waters** (Entry 56, Union List)).
- ◇ **Article 262:** Parliament to make laws to provide for adjudication of ISWDs.
- ◇ **National Water Policy 2012:** Addresses water scarcity, **inequities in its distribution** and lack of unified perspective in planning and use of water resources.

### Judgements/Recommendations

- ◇ **National Commission to Review the Working of the Constitution** recommended to define constitution and jurisdiction of river boards to regulate, develop and control all interstate rivers. National Commission to Review the Working of the Constitution recommended to define constitution and jurisdiction of river boards to regulate, develop and control all interstate rivers.



## Governor

### Constitutional Provisions/ Data

- ◇ **Article 163:** Governor is bound by aid and advice of CoM except when required to exercise his/her functions in his/her discretion.
- ◇ **Article 200:** Governor Assent is necessary for a bill to become a law.

## Judgements/Recommendations

- ◆ **Nabam Rebia case (2016):** If a governor exercised his discretion beyond his jurisdiction or power, it would fall under subject matter of judicial review.
- ◆ **State of Punjab Case (2023):** If a Governor decides to withhold assent to a Bill, then he/she has to return bill to legislature for reconsideration. Such bill cannot be kept with Governor indefinitely.
- ◆ **Tamil Nadu Governor case (2023):** SC stated that Governor cannot refer bills to President after Assembly has re-enacted the Bills following the Governor's declaration of withholding the assent.
- ◆ **Sarkaria Commission: Not act as an agent of President;** rarely use discretion, only if Bill contravenes Constitutional provisions, and reserve it for Presidential consideration etc.
- ◆ **Punchhi Commission:** Given a **fixed tenure of five years;** Take decision wrt Bill presented for assent within period of six months etc.



## National Capital Territory of Delhi

### Constitutional Provisions/ Data

- ◆ **Article 239-AA**, inserted by **69th Amendment Act, 1991**, conferred special status on Delhi (on recommendations of S Balakrishnan Committee).
  - ◆ It provides that **NCT of Delhi will have an administrator and a Legislative Assembly.**
  - ◆ **Legislative Assembly** shall have power to make laws wrt any of matters in **State List or Concurrent List except on subjects of police, public order, and land.**
  - ◆ **In case of difference of opinion** between L-G and his Ministers, **L-G shall refer it to President.**



## One nation one language

### Constitutional Provisions/ Data

- ◆ **Under Article 343**, Constitution of India **declared Hindi in Devanagari script** as Official language of India.
- ◆ **Official Languages Act, 1963** provided that English 'may' still be used along with Hindi for official communication.



## Parliamentary Privileges

### Constitutional Provisions/ Data

- ◆ **Article 105** and **Article 194** deals with **powers, privileges of members of Parliament and State legislature** respectively.
- ◆ **Right to Prohibit Publication of Proceedings (Article 105(2), Article 194(2)).**
- ◆ **Article 121** restricts members from discussing conduct of judges of SC and HC.



## Judgements/Recommendations

- ◆ **PV Narasimha Rao vs. State:** SC stated that members need wider protection of immunity against all **civil and criminal proceedings** that bear a nexus to their speech or vote.
- ◆ **M.S.M. Sharma case:** SC stated whenever there is a condition of imbalance between provision of Part V, Article 194(3) (privileges) and fundamental rights conferred by part III, **fundamental right will remain supreme over the others.**



## Office of Speaker

### Constitutional Provisions/ Data

- ◆ **Article 93:** Establishes post of both **Speaker and Deputy Speaker.**
- ◆ **Article 94:** Removal and resignation of Speaker and Deputy Speaker.
- ◆ **Article 96:** Speaker cannot preside Lok Sabha while a resolution for his removal is under consideration.

### Judgements/Recommendations

- ◆ **Nabam Rebia case, 2016:** SC held that a **Speaker or Deputy Speaker facing notice of removal cannot decide disqualification proceedings** against legislators.



## Anti- Defection Law

### Constitutional Provisions/ Data

- ◆ 52nd Amendment Act 1985.
- ◆ Tenth Schedule also known as Anti-defection Law.

### Judgements/Recommendations

- ◆ **Kihoto Hollohan versus Zachillu and Others, 1992:** SC said that **judicial review is applicable on a Speaker's decision** but cannot be available at a stage prior to making of a decision by Speaker/Chairman.
- ◆ **Keisham Meghachandra Singh vs. Hon'ble Speaker Manipur Legislative Assembly & Ors. Case, 2020:** SC held that **disqualification petitions under Tenth Schedule should be decided by Speakers** within three months.
- ◆ **2nd ARC Report titled 'Ethics in Governance' and various other expert committees** recommended that issue of disqualification of members on grounds of defection should be decided by President/Governor on advice of Election Commission.





## Delegated Legislation

### Judgements/Recommendations

- ◆ **Kerala State Electricity Board:** SC held that Delegated legislation, including rules and regulations formed by State and Central authorities should not replace but supplement the parliamentary statute from which it draws power from.
- ◆ **Petition Vivek Narayan Sharma vs Union of India (Demonetisation case), 2016:** SC upheld the validity of delegated legislation by upholding the Centre's 2016 decision on demonetisation.
- ◆ **D. S. Garewal vs State of Punjab and Another:** Court held that **Article 312 of Constitution deals with powers of delegated legislation.**



## Judiciary

### Constitutional Provisions/ Data

- ◆ **Article 20** (Right to protection against conviction of offenses), **Article 21** (Right to life and liberty), **Article 22** (Right to protection against arrest and detention in certain circumstance).
- ◆ **Pendency:** Over 85,000 cases in SC alone (National Judicial Data Grid).
- ◆ **Women in Judiciary: 13.4% and 9.3% of judges** are women in HCs and SC respectively (State of Judiciary Report 2023).
- ◆ **Judicial Appointment (Article 124):** President shall make SC Judges appointments after consulting with CJI and other SC and HC judges as he considers necessary.
- ◆ **Regional Benches (Article 130):** Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.
- ◆ **Judicial Accountability (Article 235):** Constitution provides for '**control**' of **High Court over the subordinate judiciary** clearly indicating the provision of an **effective mechanism to enforce accountability.**
- ◆ **Free legal aid (Article 39A):** Mandates State to ensure justice with equal opportunity, including free legal aid provision.

### Judgements/Recommendations

- ◆ **First Judges Case, 1981 or S P Gupta Case:** SC ruled that recommendation made by CJI to President can be refused for cogent reasons, thereby giving greater say to executive.
- ◆ **Second Judges Case, 1993 (Supreme Court Advocates on Record Association (SCARA) vs Union of India):** CJI only need to consult two senior-most judges over judicial appointments and transfers.
- ◆ **Third Judges Case, 1998:** CJI should consult with four senior-most SC judges to form his opinion on judicial appointments and transfers.





## Tribunal

### Constitutional Provisions/ Data

- ◆ **Article 323A:** Empowered **Parliament to constitute administrative Tribunals** (both at central and state level) for adjudication of matters related to recruitment and conditions of service of public servants.
- ◆ **Article 323B:** Specified certain subjects (**taxation and land reforms**) for which **Parliament or state legislatures** may constitute tribunals by enacting a law.
  - ◆ **In 2010, SC clarified** that subject matters under **Article 323B** are not exclusive, and **legislatures are empowered** to create tribunals on any subject matter under their purview as specified in **7th Schedule**.

### Judgements/Recommendations

- ◆ **Standing Committee on Personnel, Public Grievances, Law and Justice, 2015:** Create National Tribunals Commission (NTC) for tribunal administration.



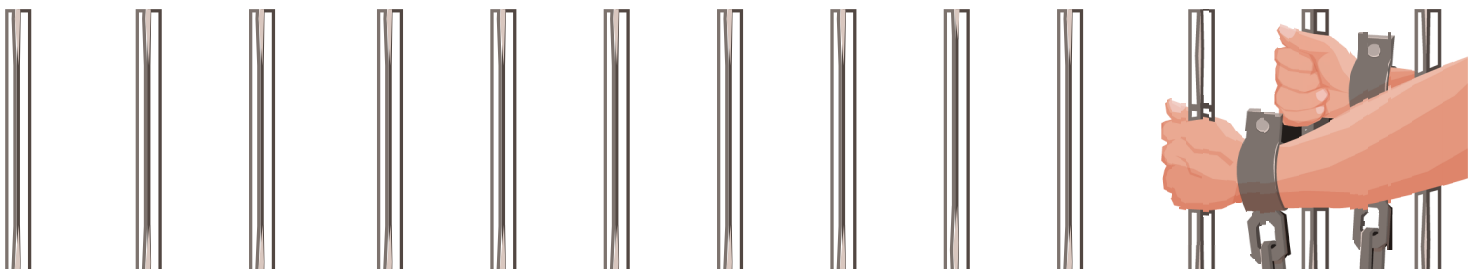
## Prison Reform

### Constitutional Provisions/ Data

- ◆ **Total prisoners:** About **5.73 lakh people** against a capacity of about 4.36 lakh (Prison statistics India, 2022).
- ◆ **Overcrowding:** **77.1%** of all prisoners being undertrials (Prison statistics India, 2022).
- ◆ **Understaffed:** **30%**.
- ◆ **Low representation of women staff:** Only 13.77%.
- ◆ **Prison budget:** Only **0.6%** spent on **vocational/ educational training** of prisoners and **1% on their welfare activities**.

### Judgements/Recommendations

- ◆ **Parliamentary Committee on Home Affairs**
  - ◆ Implement **Support to Poor Prisoners programme**;
  - ◆ **Utilise** technology like **trackable bracelets** to keep **track of prisoners on bail**.
- ◆ **Mulla Committee, 1980 on Jail Reforms**
  - ◆ Setting up **All India Service** called **Indian Prisons & Correctional Service**;
  - ◆ **Press and public to be allowed** inside prisons.





## Inner Party Democracy

### Judgements/Recommendations

- ◆ **Committees like Dinesh Goswami Committee, Tarkunde Committee and Indrajit Gupta Committee:** Argued for more transparent working of political parties in country.
- ◆ **Draft Political Parties (Registration and Regulation of Affairs) Act, 2011:** To regulate constitution, functioning, funding, accounts and audit, and other affairs of political parties participating in elections.



## Criminalization of Politics

### Judgements/Recommendations

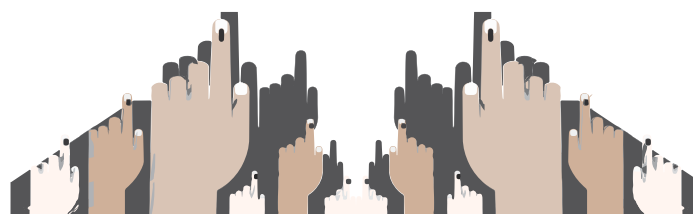
- ◆ **Union of India v Association for Democratic Reforms, 2002:** SC stated that electors have a fundamental right to know the antecedents of candidates.
- ◆ **Peoples Union for Civil Liberties (PUCL) v Union of India, 2004:** SC declared Section 33B of RPA 1951 as unconstitutional and void. This section allowed candidates to furnish information only under Act.
- ◆ **Lily Thomas v Union of India, 2013:** SC ruled that Section 8(4) of RP, 1951 as unconstitutional.
  - ◆ **Earlier, Section 8(4) of RPA** allowed convicted Member of Parliament or Legislature of state to continue in their posts, provided they appealed against their conviction/sentence in higher courts within three months of date of judgment by trial court.
- ◆ **Public Interest Foundation v. Union of India, 2018:** SC ordered political parties to publish criminal records of their candidates on their social media handles, and newspapers.



## Municipal Elections

### Constitutional Provisions/ Data

- ◆ **Composition of Municipalities (Article 243R):** All seats in a Municipality shall be filled by persons chosen by direct election from territorial constituencies in Municipal area.
- ◆ **Reservation of seats (Article 243T):** Seats are reserved for weaker sections, SC/ST, Women, and other groups as per respective municipal Acts.
- ◆ **Duration of Municipalities (Article 243U):** 5 years from date appointed for its first meeting.
- ◆ **State Election Commission (Article 243ZA):** Superintendence, direction and control of preparation of electoral rolls for, and conduct of, all elections to Municipalities shall be vested in SEC.





## Censorship

### Constitutional Provisions/ Data

- ◆ **IT Act, 2000 and IT Rules:** Regulate content on digital media like social media Intermediaries, Over the Top platforms etc.
- ◆ **Cable Television Networks Regulation Act, 1995:** Regulates broadcasting of programmes on television along with bodies like News Broadcasters Association and Indian Broadcasting Foundation.
- ◆ **Central Board of Film Certification:** Regulates the public exhibition of films.
- ◆ **Press Council of India:** Maintains and improves the standards of newspapers and news agencies.



## Constitutionalization of Environmental Issues

### Judgements/Recommendations

- ◆ **Maneka Gandhi vs. Union of India, 1978:** Right to environment, free of danger of disease and infection is inherent in Article 21.
- ◆ **Rural Litigation and Entitlement Kendra vs. State, 1988:** Recognised the right to live in a healthy environment as part of Article 21 of the Constitution.
- ◆ **M.C. Mehta vs. Union of India, 1987:** Treated the right to live in pollution free environment as a part of Article 21.
- ◆ **Vellore Citizens Welfare Forum vs. Union of India, 1996:** Observed that "Precautionary Principle" and "Polluter Pays Principle" are essential features of "Sustainable Development."



## Temple Regulation

### Constitutional Provisions/ Data

- ◆ **Article 25 (1) gives freedom of religion and 25 (2) talks about areas where State may intervene** and make laws or regulate religious institutions.
- ◆ **Article 26 provides for freedom to manage the religious affairs** of citizens and is subject to public order, morality and health.
- ◆ **Entry 28 of List III of Schedule VII empowers both Union and State Legislatures to make law on "Charities and charitable institutions, charitable and religious endowments and religious institutions".**

### Judgements/Recommendations

- ◆ **Seshammal & others versus State of Tamil Nadu, 1972:** SC held that appointment of an Archaka to a temple would be a secular function, and only the performance of religious service by those priests would be an integral part of religion.
- ◆ **Kerala's Padmanabhaswamy Temple Case, 2020:** SC granted erstwhile Travancore royal family the shebaitship rights (right to manage a temple) for properties belonging to Sri Padmanabhaswamy temple in Kerala.



## Finances of Panchayati Raj Institutions

### Judgements/Recommendations

- ◇ **Article 243H:** Provides for **finance for Panchayats** by securing authorization from State Legislatures for grants-in-aid to Panchayats from Consolidated Fund of State.
  - ◆ It empowers **panchayats to impose, collect, and allocate taxes, duties, tolls, and fees.**
- ◇ **Article 243-I:** Setting up a **State Finance Commission every 5 years** to review financial position of Panchayats and make recommendations to improve their financial position.
- ◇ **Article 280(3) (bb):** Mandates **Central Finance Commission to recommend measures needed to augment Consolidated fund of state and supplement panchayat resources** (on basis of recommendations made by Finance Commission of State) to President.



## Nari Shakti Vandan [Constitution (106<sup>th</sup> Amendment)] Act, 2023

### Constitutional Provisions/ Data

- ◇ **Article 330A and Article 332A Inserted:** Reservation of 1/3rd seats for women in **Lok Sabha (LS) and State legislative assembly** respectively.
  - ◆ It also includes **reservation of 1/3rd seats for women belonging to SC/ST** under Article 330 and 332.
- ◇ **Articles 239AA amended:** Reservation of nearly 1/3rd seats for women (including SC seats) in Legislative Assembly of National Capital Territory (NCT) of Delhi.
- ◇ **Article 334A inserted:** Reservations shall come into effect **after delimitation is undertaken** after relevant figures for **first census** (after commencement of act) have been published and cease to have effect after expiration of **15 years**.
  - ◆ **Periodic rotation of seats** reserved for women after each delimitation as Parliament may by law determine.
  - ◆ Provisions of this act **shall not affect any representation in legislative assemblies and Lok Sabha until their dissolution.**



## Internet Shutdown

### Constitutional Provisions/ Data

- ◇ Suspension of telecom services (including internet shutdowns) is governed by **Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017**, notified under **Indian Telegraph Act, 1885**.
  - ◆ It provides for **temporary shutdown of telecom services** in a region on **grounds of public emergency** (up to 15 days at once).
- ◇ Temporary suspension orders are to be issued by **Union/State Home Secretary only**.

## Judgements/Recommendations

- ◇ **Anuradha Bhasin vs. Union of India, 2020:** SC ruled that internet freedom is part of Article 19(1)(a), with restrictions only permissible under Article 19(2). **Court had passed following directions**
- ◇ Suspension can be **utilised for temporary duration only**.
- ◇ Any order of suspending internet is **subject to judicial review**.
- ◇ **Foundation for Media Professionals v. Union Territory of J&K, 2020:** SC recognized that rights to speech, health, education, and business must be balanced with national security concerns.
- ◇ **Parliamentary Standing Committee:**
  - ◆ Putting in place **mechanism to decide merit of an internet shutdown**.
  - ◆ DoT should formulate policy to **selectively restrict OTT services use instead of banning internet as a whole**.



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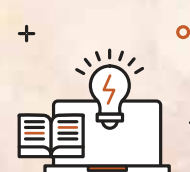
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