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Caste Census

- ◇ **Article 246** and **Seventh Schedule (Entry 69)** make the census a Union subject.
- ◇ **Article 340** mandates a commission to examine backward classes.
- ◇ The **Census Act, 1948** and **Census Rules, 1990** govern the process.
- ◇ The **Justice Rohini Commission** submitted a report on the sub-categorization of OBCs.



Citizenship

- ◇ **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 8:** Rights of citizenship of certain persons of Indian origin residing outside India.
- ◇ **Article 11:** Parliament to regulate the right of citizenship by law.



Uniform Civil Code (UCC)

- ◇ **Article 44:** Directs the state to strive for a UCC.
- ◇ **Article 25** (Freedom of Religion): Used as an argument against UCC.
- ◇ **Shah Bano Begum (1985) and Sarla Mudgal (1995)** highlight the need for UCC.
- ◇ **21st Law Commission (2018)** found a UCC to be neither necessary nor desirable at present.



Property Rights

- ◇ **Article 300A:** Right to property is a constitutional right. Originally a fundamental right (Articles 19(1)(f) & 31),
 >> The 44th Amendment (1978) removed property as a fundamental right.
- ◇ **Property Owners Association v. State of Maharashtra:** SC limited state powers in acquiring private property.
- ◇ **T.N. Godavarman v. Union of India:** State as trustee manages resources for public benefit (Public Trust Doctrine).



State Autonomy

- ◇ **Rajamannar Committee (1969):** Recommended for a **High Power Commission** to be constituted for the redistribution of the three lists.
- ◇ **Anandpur Sahib Resolution (1973):** Demanded **Centre's powers to be restricted only to defence, foreign affairs, communication, currency, etc.,** with all other powers vested in the **states**.
- ◇ **West Bengal Memorandum (1977):** Demanded the removal of **Article 356** (President's Rule) and the inclusion of the word "**Federal**" in the Constitution.





Demand for New States

- ♦ **Article 3:** Empowers Parliament to form new states, alter boundaries, or rename existing states through ordinary legislation.
- ♦ **S.K. Dhar Commission (1948):** Advocated reorganization based on administrative convenience, not language.
- ♦ **JVP Committee (1948):** Rejected language as a basis for reorganization.
- ♦ **Fazl Ali Commission (1953):** Recommended reorganization based on Unity and security of the country; Linguistic and cultural homogeneity; Financial, etc.
- ♦ **Berubari Union case (1960):** SC held that ceding territory requires a constitutional amendment.



Decline in Parliamentary and State Productivity (PRS Report)

Parliament

- ♦ **17th Lok Sabha functioning at 88% and Rajya Sabha at 73% of the scheduled time.**
- ♦ **18th Lok Sabha (Winter 2024),** productivity further dropped to **54.5% and 40% in Lok Sabha and Rajya Sabha** respectively.

State Legislature

- ♦ **Declined in Average Number of Sitting Days:** from 28 in 2017 to **20 in 2024.**
- ♦ **Limited Debate:** 51% Bills passed in a day; only 4% sent to committees.



Anti-defecation Law

- ♦ Introduced through **52nd Amendment Act, 1985**, adding the **Tenth Schedule** to the Constitution
- ♦ **Kihoto Hollohan v. Zachillhu (1992):** Courts should have the power of judicial review to intervene if the Speaker delays action.
- ♦ **Karnataka MLAs' disqualification case (2020):** Consider transferring disqualification powers from the Speaker to an independent tribunal.



Office of Deputy Speaker

- ♦ **Article 93 (Election):** As per a **long-standing convention**, the post of DS has been offered to the **Opposition.**
- ♦ **Article 94:** Deals with **vacation, resignation and removal** (by a resolution passed by a majority of all then members of the House).
- ♦ **Article 95:** He performs the duties of Speaker in case of vacancy, absence, etc.



Representation of Women in Legislature

- ♦ **18th Lok Sabha (LS):** Representation of women saw a **slight dip to 74** (from **78 in 17th LS**), making 13.6% of total members.
- » Globally, share of women in national parliaments is **26.9%.**

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Criminal Justice System in India

- ♦ **Low Conviction Rates:** Murder – 43.8%, Rape – 27.4% (NCRB, 2022).
- ♦ **Case Pendency:** 4.7 crore cases pending across courts.
- ♦ **Undertrials** constitute 75.8% of India's prison population.
- ♦ The **national prison occupancy rate** is 131.4%
- ♦ **Poor Extradition Rate:** Only 1 in 3 fugitives successfully extradited
- ♦ **Manpower Shortage:** 192 police per lakh vs. UN norm of 222
- ♦ **Low Judge–Population Ratio:** Only 21 judges per million.



Legal Aid

- ♦ **M.H. Hoskot v. State of Maharashtra (1978):** Established prisoners' right to free legal assistance under Article 21.
- ♦ **Hussainara Khatoon v. State of Bihar (1979):** Affirmed the right to a speedy trial under Article 21, emphasizing access to legal aid.



Prison Reforms

- ♦ **Model Prison Manual, 2016 and Model Prisons and Correctional Services Act, 2023:** Provides guidance to states to incorporate best modern practices related to prisons.
- ♦ **Ramamurthy vs state of Karnataka case 1996:** Supreme Court emphasised upon the need to replace Prisons Act, 1894.



Tribunals in India

- ♦ **Article 323A:** Empowers Parliament to set up administrative tribunals for public service matters.
- ♦ **Article 323B:** Allows legislatures to create tribunals for specific subjects like taxation, land reforms, etc.
- ♦ **L. Chandra Kumar Case (1997):** Recommended a National Tribunals Commission (NTC) to oversee all tribunals.



Internal Democracy in Political Parties

- ♦ **46% of the** newly elected **Lok Sabha members** have **criminal cases** against them (**ADR**).
- ♦ **Tarkunde Committee (1975), Dinesh Goswami Committee (1990), and Indrajit Gupta Committee (1998)** strongly **argued for more transparent working of the political parties** in the country.
- ♦ **Law Commission (255th Report):** Give ECI power to de-register a party in certain cases of non-compliance.



Criminalisation of Politics

- ♦ **ADR Case (2002):** Voters have a right to know candidate background
- ♦ **PUCI Case (2004):** struck down sec 33B RPA 1951, upholding full disclosure
- ♦ **Lily Thomas Case (2013):** Held that membership of convicted parliamentarian no longer protected under section 8(4) of RPA, 1951



Freebies

- ♦ **Subramaniam Balaji Case (2013):** Court upheld state distribution of items like TVs and laptops as aligned with DPSP.
- ♦ **Ashwini Kumar Upadhyay v Union of India (pending):** Court is reviewing challenges to freebies in election campaigns.



Election Commission of India

- ♦ **Article 324:** Power of superintendence, direction and control of elections to **Parliament, State Legislatures**, offices of **President** and **Vice-President** with the ECI.
- ♦ **Goswami Committee (1990):** recommended that CEC and ECs should not be eligible for any further office under government
- ♦ **255th Law Commission Report:** Article 324(5) should be amended to equate the removal procedures of ECs with that of CEC.



State Election Commission

- ♦ **73rd and 74th Amendment Act, 1992** provides for constitution of SEC (on Gadgil Committee recommendation).
- ♦ **Article 243K (1) & 243ZA:** SEC has control over electoral rolls and conduct of Panchayat and Municipality elections.
- ♦ **Article 243K (2):** Governor decides service conditions and tenure of the State Election Commissioner.
- ♦ **2nd ARC:** Appoint State Election Commissioners via a **collegium** (Chief Minister, Speaker, and Leader of Opposition).



Delimitation Commission

- ♦ **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.
- ♦ **Kishorchandra Chhanganlal Rathod Case:** SC held that **constitutional courts have the power to review orders of the Delimitation Commission** if an order is manifestly arbitrary and irreconcilable to constitutional values.



Participative Governance

- ♦ **Land Acquisition Act, 2013:** Social impact assessment study in collaboration with affected families.
- ♦ **Forest Rights Act, 2006:** Gram Sabha as the statutory institution due to its participatory and democratic nature.
- ♦ **Nagoya Protocol on Access and Benefits Sharing:** Benefits arising from the use of traditional knowledge be shared with indigenous communities.



Obscenity on Digital Format

- ♦ **Ranjit D. Udeshi v. State of Maharashtra (1964):** SC used the Hicklin test—anything that could “deprave and corrupt” was obscene.
- ♦ **Aveek Sarkar v. State of West Bengal (2014):** SC adopted the community standards test, judging obscenity by current social norms.



Constitutionalization of environmental issues

- ♦ **M.K. Ranjitsinh and Others v. Union of India and Others (2024):** SC stated that the **right to be free from the adverse effects of climate change** should be recognised by **Articles 14 and 21** of the Constitution.
- ♦ **M.C. Mehta vs. Union of India (1986)** – SC recognized pollution-free environment as part of Article 21 (Right to Life).
- ♦ **Maneka Gandhi vs. Union of India (1978): Right to environment**, free of danger of disease and infection is inherent in **Article 21**.



NGOs

- ♦ **Vijay Kumar Committee (2017):** Light regulation, modernized registration, nodal body for oversight, accreditation, database for transparency, promoting volunteerism.
- ♦ **2nd ARC Recommendations:** Decentralize FCRA implementation, balanced legislative interpretation.



Devolution

- ♦ **243G:** State endows Panchayats with powers to function **as institutes of self-governments**.
- ♦ **243H:** State Legislatures **can authorize Panchayats to collect taxes, duties, tolls, fees**.
- ♦ **243I: State Finance Commission (SFC)**, every five years, transfers resources to Panchayats.
- ♦ **243ZD: District Planning Committee** consolidates Panchayat, Municipality plans into district development plan.



CBI

- ♦ **Common Cause vs Union of India (2019):** CBI Director's appointment to be recommended by a committee comprising:
 - » Prime Minister (Chairperson)
 - » Leader of Opposition (Lok Sabha) or Leader of the largest opposition party
 - » Chief Justice of India or a nominated Supreme Court Judge
- ♦ **CPIO CBI v. Sanjiv Chaturvedi (2024):** Delhi High Court ruled that CBI is not fully exempt from the RTI Act; must disclose information on corruption and human rights violations.



Internet Shutdown

- ♦ **CrPC, 1973:** Before 2017, under Section 144 (now 163 of BNSS).
 - » Allowed Magistrates to curb gatherings/activities.
- ♦ **Telecommunications Act, 2023:** Empowers temporary suspension of internet services to maintain law and order, public safety etc. except for natural disaster or public emergency.
- ♦ **Faheema Shirin v. State of Kerala:** Kerala HC recognized internet as **Fundamental Right (Art. 21)**
- ♦ **Anuradha Bhasin v. union of India:** SC reaffirmed internet freedom as Fundamental under **Article 19(1)(a)**.



Cooperatives in India

- ♦ **Genesis:** Started with the **Cooperative Credit Societies Act, 1904.**
- ♦ **Status:** India holds 27% of world's cooperatives.
- ♦ **Top 3 Sectors:** Housing, Dairy & Primary Agriculture Credit (PACS).
- ♦ **Leading States:** Maharashtra (25%), Gujarat, Telangana, MP, Karnataka.
- ♦ **Constitutional Status:** 97th Amendment, 2011 added following
 - » **Fundamental Right:** Article 19(1)(c)
 - » **Directive Principle:** Inserted **Article 43B**
 - » **New Part IXB:** Articles 243ZH-243ZT
- ♦ **Governance:**
 - » **Multi-State:** Union List Entry 44; **Multi-State Cooperative Societies Act, 2002.**
 - » **State:** State List Entry 32; respective State Acts.



Right to Information (RTI)

- ♦ **People's Union for Civil Liberties v. Union of India (2004):** Declared RTI a fundamental right under Article 19(1)(a), paving the way for the RTI Act, 2005.
- ♦ **Namit Sharma v. Union of India (2013):** Held the Information Commission as a quasi-judicial tribunal, similar to a court, under the RTI Act.
- ♦ **Recommendations of 2nd ARC:** National Coordination Committee (NCC); Awareness campaigns, etc.
- ♦ **Justice BN Srikrishna Committee (2018):** Recommended **narrowly tailored exemptions under Section 8(1)(j)**, permitting **non-disclosure** only where there is a **risk of grave harm**. E.g. identity theft, discrimination.

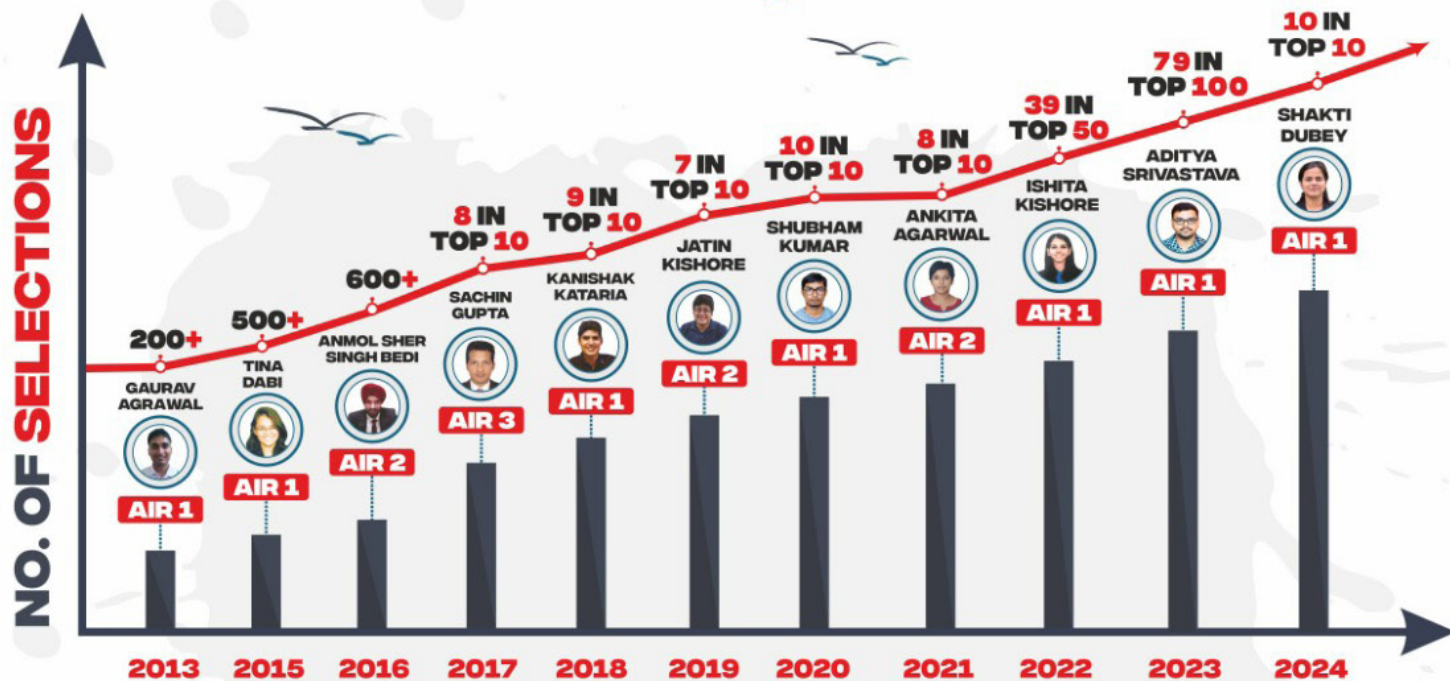


Minorities Educational Institutions

- ♦ **Article 30 (1)** provides for linguistic & religious minorities a fundamental right to establish & administer educational institutions of their choice.
- ♦ **National Commission for Minority Educational Institutions (NCMEI) Act** has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution



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