

All-Inclusive Current Affairs for Prelims 2022

Polity Class-6

Minorities

MINORITIES

Definition not given in Constitution

Religious

- ❖ Determined at National level
- ❖ National Commission for Minorities
- ❖ Statutory body, set up under NCM Act 1992
- ❖ M,S,C,B,J,P are minorities as notified under NCM Act 1992

Linguistic

- ❖ Determined separately for each state
- ❖ National Commission for Linguistic Minorities (1957)
- ❖ Constitutional body, set up under 350(B) (7th Constitutional Amendment, 1956)

PM's 15 point programme?

for socio-economic development of six notified minorities

RTE Act 2009 doesn't apply to MEI
e.g. 25% reservation in private schools to weaker sections

Minority Educational Institutions:

- For benefit of minorities
- Established / administered by minority
- No SC/ST/OBC/EWS reservation
- Can reserve 50% seats for own community

National Commission for Minority Educational Institutions:

- Statutory body under NCMEI Act, 2004
- For **religious** minorities (notified by Centre)
- Decides disputes regarding affiliation of MEI to a university
- Chairman (retired HC Judge); 3 members (nominated by Govt)

TMA Pai case 2002: SC said that minorities must be identified at state-level

2017: some plea in SC to declare Hindus minority in some hilly states as per judgement

2022 March: Centre in affidavit says states free to declare religious minorities

2022 May: Centre in affidavit says only Centre can declare religious minorities

Religion

Article 26 gives us freedom to manage our religious affairs

Article 25 gives me right to practice religion. Article 17 prohibits untouchability.

- ❖ Prohibition of menstruating women from worshipping is not an **essential religious practice**.
- ❖ Exclusion due to menstruation is a type of **untouchability**.
- ❖ **Constitutional morality** of Article 25 is violated by ban.



The word '**MORALITY**' used in Articles 25 and 26, refers to **constitutional morality**. It includes the values of **justice, liberty, equality and fraternity**. To pass Constitutional muster, religious practices must meet these four tests. Practices excluding the entry of women into temples do not withstand legal scrutiny on this point.

Right to Freedom of Religion

25. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

Shirur Mutt case 1954. SC held that the term "**RELIGION**" in Article 25 covers all rituals and practices that are integral to it. With time, the Judiciary developed the 'essential religious practice' test. Only those **practices 'essential' to the religion** were deemed deserving of **Constitutional protection**.

Anti-conversion laws

- by **X** Centre ✓ States
- Bans religious conversion? No
- Bans conversion by fraud, force, etc.

Mass religious conversion

- In 1935, Dr. B. R. Ambedkar said that he was born a Hindu but would not die a Hindu.
- In October 1956, he converted to Buddhism with > 5 lakh people
- In December 1956 he died as a Buddhist.

Sacrilege / Blasphemy

- Disrespecting religious place / object
- IPC section 295:** intentional damage to any religious object
- IPC section 295A:** words that insult religious sentiments

Hate Speech

- Not defined** in any law
- Existing laws can be used
- IPC section 153A and 153B** punishes acts that cause **hatred** between two groups

I read I forget, I see I remember

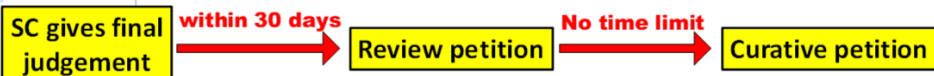
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| | | | | |
|--|--|---|---------|---------------------|
| <p>Tribunal Reforms Act 2021</p> <p>Dissolves certain existing appellate bodies</p> <p>Central govt will frame rules for appointment, removal, etc.</p> | <p>Also see page-55</p> <p>Chair / Members: Term: 4 years Minimum age: 50 Retirement age: 70 / 67</p> | <p>Selection committee:</p> <ul style="list-style-type: none"> - CJI as chairperson - Chairperson of Tribunal - Two Secretaries to govt - Secretary of concerned ministry | | |
| <p>Regional benches of SC</p> <p>Article 130: (Regional Benches of SC)</p> <ul style="list-style-type: none"> ▪ Delhi is the seat of SC ▪ CJI can set up regional benches after President's approval ▪ Constitutional amendment is not needed to set them up | | <p>Popular proposal:</p> <ul style="list-style-type: none"> ▪ Set up four National Court of Appeals ▪ Let SC hear only Constitutional issue ▪ Will need Constitutional amendment <p>HCs have regional benches like:</p> <p>Bombay HC: Bombay, Nagpur, Aurangabad, Goa Allahabad HC: Allahabad, Lucknow</p> | | |
| <p>All India Judicial Service</p> <p>All India Service:</p> <ul style="list-style-type: none"> 1947: Indian Administrative Service 1947: Indian Police Service 1966: Indian Forest Service 1976: 42nd amendment made provision for creation of AIJS <p>Article 233:</p> <ul style="list-style-type: none"> ❑ District judges are appointed by Governor in consultation with HC <p>Article 312:</p> <ul style="list-style-type: none"> ❑ Parliament can create AIJS if RS passes resolution by 2/3rd majority | <p>Female Judges</p> <ul style="list-style-type: none"> ❑ Currently 4; 11 till now ❑ Fathima Beevi: first 1989 ❑ Indu Malhotra: first directly from BCI ❑ BV Nagarathna: may be CJI in 2027 | | | |
| <p>Fast Track Courts</p> <p>Fast Track Courts:</p> <ul style="list-style-type: none"> ▪ 2000: 11th FC recommended 1734 FTCs, for 5 years ▪ 2005: scheme extended till 2011 on SC directions ▪ 2011: some states continued FTCs as a permanent feature | <p>Fast Track Special Courts:</p> <ul style="list-style-type: none"> ❑ Centrally Sponsored Schemes ❑ Set up 1023 FTSCs (650 now) ❑ For one year, may be continued ❑ For rape and POCSO cases | | | |
| <p>NJIA</p> <p>National Judicial Infrastructure Authority of India</p> <ul style="list-style-type: none"> ❑ Central body, headed by CJI, for better infra in courts ❑ States are responsible to develop court infra ❑ Centre helps by a centrally sponsored scheme since 1993 <p>Development of Infrastructure Facilities for Judiciary</p> | <p>Miscellaneous</p> <p>National Litigation Policy: to reduce govt litigations</p> <p>Legal Info Mgmt & Briefing System LIMBS portal to monitor govt litigations</p> | | | |
| <p>National Mission for Justice Delivery and Legal Reforms 2011: Increase access to justice, reduce delays, enhance accountability</p> | <p>eCourts project: portal providing case status, cause list, orders, etc. of district and Taluka courts</p> | | | |
| <p>Administrative Mechanism for Resolution of Disputes: for resolution of Inter-Ministerial/Departmental disputes</p> | <p>Re-engineering committees in HCs: eliminate redundant processes and make court process ICT enabled.</p> | | | |
| <p>National Judicial Data Grid: Web portal to show number of cases pending in any court in the country</p> | <p>Interoperable Criminal Justice System:</p> <ul style="list-style-type: none"> ❑ Central Sector Scheme; lead by NCRB ❑ integrate e-courts, e-prison, CCTNS, e-prosecution, e-forensic, etc. | | | |
| <p>FASTER: Fast & Secured Transmission of Electronic Records To transmit e-copies of stay orders, bail orders, etc</p> | <p>Sentinel on the qui vive SC's role to guard democracy and rights</p> | | | |
| <p>SUVAAS: SC Vidhik Anuvaad Software AI tool to translate SC judgments to vernacular languages</p> | <p>I read I forget, I see I remember See explanation of this PDF on YouTube www.youtube.com/c/allinclusiveias</p> | | | |
| Prelims 2022 | Current Affairs | Polity | Page-58 | © All Inclusive IAS |

Review vs Curative petition

Basis of **Review** petition is Article **137**

Basis of **Curative** petition is SC judgement in Roopa Hurra v Ashok **Hurra (2002)**



1. Grounds for filing curative petition?

- Violation of principle of **natural justice**
- judge failed to disclose facts that raise the **apprehension of bias**

2. Who decides if Curative petition should be admitted?

- Majority of **three senior-most judges** of SC and the judges who passed the order.

3. If admitted, who hears the curative petition?

- The **same bench** that passed the order, as far as possible.

4. Constitutional validity of Curative petition?

- Under **Article 137** Supreme Court shall have power to review any judgment pronounced or order made by it.

Article 145:

Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court.

Gram Nyayalayas

Mobile village court

DPSP Article 39-A: justice should not be denied due to economic reason or other disability

All states have still **not** created GNs (only 11-12 have set up)

Types of cases heard:

- **Civil** cases
- **Criminal** cases (No death penalty, No life imprisonment)

- Follow principles of **natural justice**, not bound by Evidence Act, 1872
- **Social activist** is allowed as mediator
- **6 months** is deadline to decide on case
- **Appeal** lies at **district** level court (District court, Sessions court)

Gram Nyayalaya Act 2008:

- Set up for every Panchayat at **intermediate level**
- Target 5000, currently ~208
- State govt** in consultation with **HC** decides
 - Area under GN
 - Presiding **officer** (Judicial Magistrate of 1st class)

| | Level | 3-tier Panchayati Raj System | Justice System |
|--|--------------------|------------------------------|-------------------------------|
| | District level | Zila Parishad | District court, Session court |
| | Intermediate level | Panchayat Samiti | Gram Nyayalaya |
| | Village level | Village Panchayat | Nyaya Panchayat |

* The above is only a broad outline. Variations exist across states.

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Prison

UN Convention against Torture 1985

India signed it in 1997, but not yet ratified

- Undertrials:** 69% of inmates are undertrials
- Plea bargaining:** accept guilt, get lighter punishment
- Open Prisons:** inmates free to go out to earn; 29/63 in Rajasthan
- Nelson Mandela rules:** another name of UN Standard Minimum Rules for Treatment of Prisoners

- Prison is in **State list**
- MHA issues guidelines
- Prisons Act 1894 empowers states to frame rules on parole, furlough, etc.

- Parole**
- Released for short time
 - For specific reason
 - to attend wedding/cremation/etc
 - With suspension of sentence
 - Can be denied for various reasons

- Furlough**
- Released for short time
 - After number of years to maintain social relations
 - With remission of sentence
 - Can be denied for various reasons

Prelims 2021 With reference to India, consider the following statements:

1. When a prisoner makes out a sufficient case, **parole cannot be denied** to such prisoner because it becomes a matter of his/her right.
2. **State Governments** have their own Prisoners Release on **Parole Rules**.

Which of the statements given above is/are correct?

- (a) 1 only **(b) 2 only** (c) Both 1 and 2 (d) Neither 1 nor 2

Look Out Notice

- To prevent someone from leaving the country
- Can be issued by various officers in various agencies

Preventive detention

- CrPC Section 151:** Detain on the basis of **suspicion** that wrong actions may be done
- Article 22 of Constitution:** protection against arrest & detention in certain cases

Default bail / Compulsive bail / Statutory bail

When police fail to complete investigation within a specified period

Related to police reforms

- ✓ Madras Torture Commission 1854
- ✓ Frazer Commission 1902
- ✓ Gore Committee 1971
- ✓ Ribeiro Committee 1998
- ✓ Padmanabhaiah committee 2000
- ✓ Malimath Committee 2001
- ✓ Soli Sorabjee Committee 2005
- ✓ Prakash Singh judgement 2006

Prakash Singh case 2006:

- To shield police from political influence (**1996** PIL; **2006** judgement)
- officer made **DGP** should have at least **6 months** to retire; be given **2 year term**
- Est. **Security commissions** at centre & states, **police establishment board**, etc

Issue:

- Delhi CP appointed 4 days before retirement.

Delhi HC in October 2021:

- Centre is right in appointing Rakesh Asthana as Delhi CP
- 1) Prakash Singh judgement does not apply to UT
- 2) No talented officer in AGMUT cadre

Extra info: (can be ignored for Prelims)

- Madras Torture Commission 1854:**
 - Collectors tortured peasants on failure to pay taxes on time.
 - **Gazulu Lakshminarasu Chetty** asked HD Seymour (British MP) to raise matter in Parliament.
 - Sir Charles Wood appointed the Commission to investigate the matter.
- Frazer Commission 1902:** recommended appointment of Indians at officer level in police
- Gore Committee 1971:** police training from constable to IPS
- Ribeiro Committee 1998:** to review NPC 1977 recommendation
- Padmanabhaiah committee 2000:** Focused on three things: (a) Politicisation and Criminalisation of Police, (b) Control over Police, (c) Accountability of Police
- Malimath Committee 2001:** Criminal Justice System, investigation, prosecution, judiciary, etc.
- Soli Sorabjee Committee 2005:** to draft model police act.

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Constituent Assembly

- Dr Sachchidananda Sinha** presided over the first sitting (temporary President as he was eldest member)
- Dr Rajendra Prasad** chaired sittings of the House when it met as Constituent Assembly
- GV Mavalankar** presided over as Speaker when the House met as Legislature

Article 245 and 246

- Article 245:** SLA makes law for state, Parliament makes law for whole territory of India (or o/s territory)
- Article 246:** Union list: Parliament, State list: SLA, Concurrent list: both

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> 245 → gives power to make laws <input type="checkbox"/> 246 → tells subjects | <ul style="list-style-type: none"> <input type="checkbox"/> Which article gives power to repeal/amend laws? Article 245 <input type="checkbox"/> Because laws are repealed by creating a law! <input type="checkbox"/> First time done in 1950 (72 laws were repealed) |
|--|---|

Motion of Thanks

Motion of Thanks:

- President's address is discussed in each house.
- Motion of thanks moved by govt, can be amended.
- Its failure in LS amounts to defeat of govt.
- Govt will then have to prove majority

Article 86:

President can **address and send messages** to either/both Houses

Article 87:

Special address by President to both Houses assembled together:

- First session of each **year**
- First session after **general election**

SLC

Don't learn functions of SLC, simply think of RS

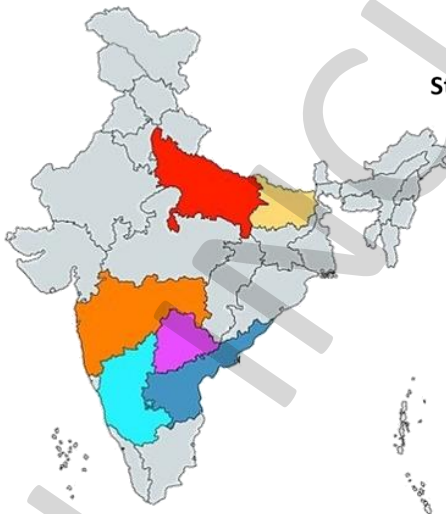
Rajya Sabha → State Legislative Council (Vidhan Parishad)

Lok Sabha → State Legislative Assembly (Vidhan Sabha)

Can CM be from upper house? Yes

Procedure for formation/abolition

- SLA → special majority
- Parliament → simple majority



State Assembly

1/3

Elected by members of State Legislative Assembly

Local bodies

1/3

Elected by members of local bodies like municipalities

Nominated

1/6

Nominated by Governor

Teachers

1/12

Elected by Teachers of three years standing in the state, not lower in standard than secondary school

Graduates

1/12

Elected by graduates of three years standing and residing within the state

Miscellaneous

Sunset clause:

- Setting **expiry date** for a law
- e.g. two years for TADA Act 1985
- It was renewed repeatedly, and finally expired in 1995

MeghRaj: Cloud service for Govt provided by NIC

National e-Vidhan (NEVA)

Digitize functioning of legislative assemblies
Ministry of Parliamentary Affairs

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Elections

Election Laws (Amendment) Bill, 2021

- Link electoral roll with **Aadhaar**
- Four qualifying dates** for name in rolls:
January 1, April 1, July 1, October 1
- Replace 'wife' with '**spouse**', will help in postal ballot

RPA 1950

- Qualification of **voters**
- Preparation of electoral **rolls**.
- **Delimitation** of election constituencies.
- Allocation of **seats** in LS, SLA, SLC
(RS is as per 4th schedule)

RPA 1951

- Qualifications and disqualifications for **legislators**
- Registration of political **parties**
- Actual **conduct** of elections
- **Corrupt practices** and electoral offences
- **Disputes** regarding elections
- **Bye-elections** and time limit for filling vacancies.

EVM / VVPAT

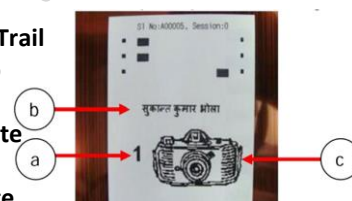
VVPAT

Voter Verifiable Paper Audit Trail

Slip visible for 7 seconds

Slip contains:

- a) serial number of candidate
- b) name of candidate
- c) party symbol of candidate



Electronic Voting Machine

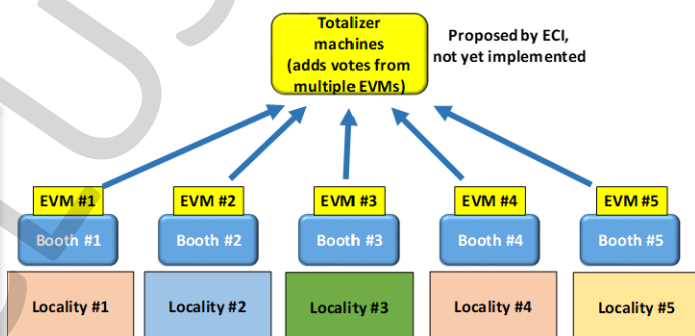
1982: by-election in Paravur (Kerala)

1999: Assembly elections in Goa

2014: every General election since 2014

Floating Constituency

- no geographical boundary
- only a particular group can contest and vote
- India's only FC is Sangha in Sikkim for Buddhist monks from Sikkim's 51 monasteries



Special Category Status

Special Assistance Measure:

- given by Centre to Andhra, in lieu of SCS
- But many differences

- Who gives this status? earlier NDC, now **Centre**.
 - For states with geographic/socio-economic disadvantage
- Started in **1969** on recommendation of **5th FC**:
 - Assam, Nagaland, J&K. Later extended to others.
- It was based on **Gadgil formula**:
 - hills, borders, low population density, etc.
- 14th FC restricted it to **only NE and three hill states**

Benefits of SCS:

- Centre's pays 90% (not 60% or 75%) of funds in centrally-sponsored scheme
- Unspent money does not lapse and is carried forward.
- Certain exemptions in customs duties, income tax and corporate tax

One Rank One Pension

Same pension for personnel retiring at same rank with same length of service, regardless of date of retirement. But some exception/anomalies, so details not relevant for Prelims.

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See page-45

Lokpal

50% shall be judicial members
50% shall be SC/ST/OBC/women/minority

- Complaint can be filed against **PM**? **Yes**
- Complaint can be filed under **Army/Navy/AF/CG Act**? **No**
- Foreigners** can file complaint? **Yes**
- Complaint must be in **English**? **No**

Lokpal has **power** of superintendence and direction **over any central investigation agency** including CBI for cases referred to them by the Lokpal.

Miscellaneous

Good Governance Index

- by **DARPG** under MoP,PG,P
 - Released biannual (once in two years)
 - Good Governance Day is celebrated on 25th December
- DARPG:** Dept of Administrative Reforms & Public Grievances
MoPPGP: Min of Personnel, Public Grievances & Pensions

WTO agreement on Govt Procurement 1979

- For national treatment, etc.
- India** has **not** signed it, has observer status.

Cooling Off period for govt servants

- 1 year** for commercial employment (private sector)
- Not** required for **re-employment** in govt.
- Not** applicable to **judges**

Corruption Perceptions Index

- perceived level of public sector corruption
- by **Transparency International**
- India 85/180

Press Council of India

Press Council of India

- Autonomous, quasi-judicial, **statutory** body under Press Council Act, 1965
- Set up in 1966 on recommendation of **First Press Commission 1954**

- Chair+28 (3 year term)
- Chairman: usually retired SC judge
- 20** from press nominated by press organisations
- 05** nominated from LS/RS
- 03** represent cultural, literary, legal fields
nominees of Sahitya Academy, UGC, Bar Council

Yellow journalism:

Use of eye-catching headlines and sensationalism, instead of well researched news.

CBFC

Central Board of Film Certification (CBFC):

- Regulates public exhibition of films under **Cinematograph Act 1952**
- Statutory body under **Ministry of Information & Broadcasting**
- Chairman and non-official members (all appointed by Central Govt)



Unrestricted Public Exhibition



Unrestricted Public Exhibition - but with a word of caution that discretion required for children below 12 years



Restricted to adults



Restricted to any special class of persons

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CBI

Works under:

- CVC (in corruption cases)
- DoPT (for all other matters)

Director:

- Appointed as per **Lokpal Act 2013**
- Selection Committee: PM, LoP, CJ

CBI:

- 1941:** Special Police Establishment against corruption in War & Supply department during WW-II
- 1946:** Delhi Special Police Establishment **Act** 1946
 - CBI derives powers from this act
 - But CBI is **"not"** statutory body
- 1963:** named as CBI by a Home Ministry resolution

Consent:

- CBI needs state govt consent, for new cases, from that state.
- General consent:
 - no need to take consent each time
 - Many states have withdrawn it, alleging misuse for political purpose.
- Consent not needed:
 - if directed by SC/HC
 - for UTs

ED

Enforcement Directorate: (1956)

- under Dept of Revenue, **FinMin**
- to investigate money laundering and foreign exchange violations
- It enforces laws:
 - Prevention of Money Laundering Act, 2002
 - Foreign Exchange Management Act, 1999
 - Fugitive Economic Offenders Act, 2018

Term of Directors of CBI & ED:

- Both have term of **2 years**
- Since 2021, they can be given **three extensions** of one year each.
- So, they can now remain as Director for 5 years max.

Civil Service Board

- In 2013, SC asked all states to create CSB
 - All states have not formed CSB
 - In 2020, Punjab was 20th
- Headed by:
 - Centre: **Cabinet Secretary**
 - States: **Chief Secretary**
- Decides on postings, transfers, etc.

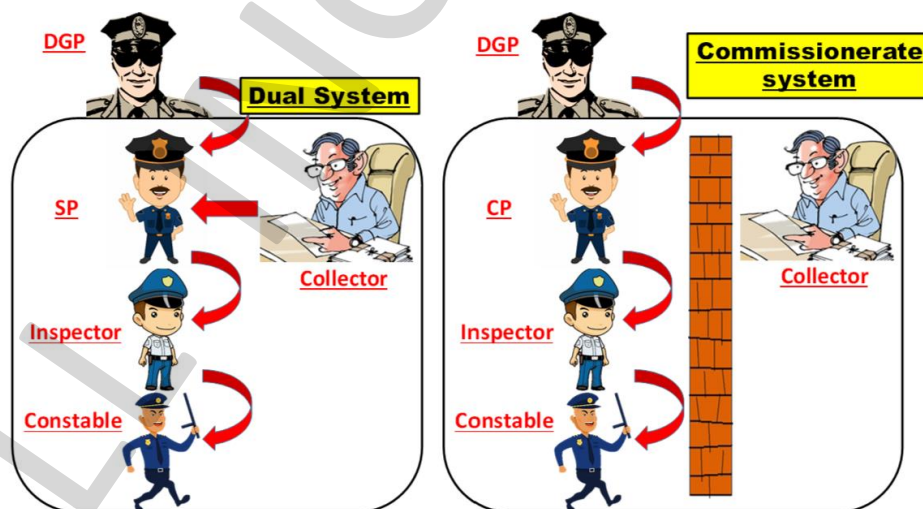
Prelims 2016:

Consider the following statements

1. The Chief Secretary in a State is appointed by the Governor of that State.
 2. The Chief Secretary in a State has a fixed tenure
- Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Commissionerate system



First introduced in **Kolkata** during colonial times.
Today, more than 70 cities in 15 states have this system.