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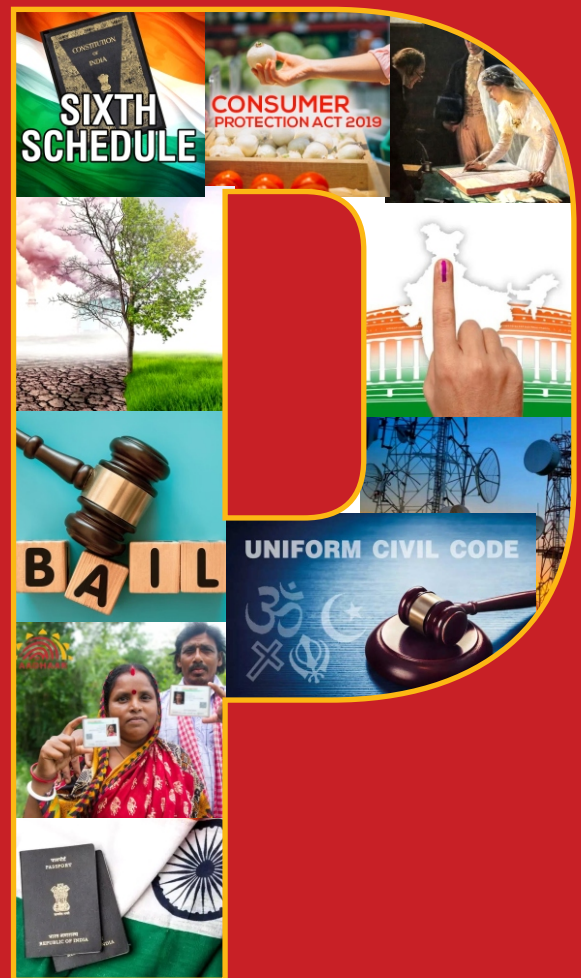
FOR UPSC CSE 2025



CAPSULE MODULE FOR
**LAST MINUTE
REVISION**

Topics covered:

- Election Related Topics
- Indian Constitutional and Legal Provisions
- Citizenship and Rights
- Legal and Judicial Framework
- Legal Doctrines and Concepts
- Criminal Reforms Acts in News
- Various Acts and their Provisions
- Miscellaneous Topics



POLITY & GOVERNANCE

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As you gear up for **UPSC CSE Prelims 2025**, **Prelims Express 2025** is your strategic companion, meticulously crafted to give you an edge in the final leg of your preparation. It is not a compilation of current affairs or textbook summaries, but **a focused resource covering high-probability topics**. Designed to **plug critical gaps**, it brings together scattered yet essential content into one accessible guide. Use it as **a smart supplement** that strengthens your preparation to **boost your score** and **move closer to your goal**.

Wishing you all the best!



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ELECTION RELATED TOPICS

State Election Commission (SEC)



Recently, the Comptroller and Auditor General (CAG), in its Karnataka report, highlighted how the **disempowerment of SECs** leads to delays in local body elections.

The State Election Commission (SEC) is an autonomous constitutional authority responsible for administering elections to Local Self-Government bodies, including Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs). The 73rd and 74th Constitutional Amendment Acts, 1992, mandated the establishment of SECs, a recommendation also made by the Gadgil Committee. The SEC's functions include delimiting constituencies to ensure fair representation, preparing and revising electoral rolls, overseeing reservation of seats for SCs, STs and OBCs, deciding disqualification disputes and advising the Governor on election-related matters.

Delimitation Commission



Recently, in the Kishorchandra Chhanganlal Rathod case (2024), the Supreme Court ruled that constitutional courts can review orders of the Delimitation Commission if they are manifestly arbitrary.

The Delimitation Commission is a **statutory body** responsible for **fixing the number of seats and boundaries of territorial constituencies** in each state for the Lok Sabha and Legislative Assemblies. As per **Article 82**, delimitation is conducted by an authority determined by **Parliament through law**. India has had **four Delimitation Commissions** (1952, 1963, 1973 and 2002). The Commission's decisions are **final and cannot be challenged in any court**. Its orders are placed before the Lok Sabha and respective State Legislative Assemblies, but no modifications are permitted. The Delimitation Commission of India is **made up of a Supreme Court judge, the Chief Election Commissioner and state election commissioners**. The commission is established by the Delimitation Act, which is empowered by the Constitution of India.

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Model Code of Conduct (MCC)



Recently, the ECI directed political parties to adhere to ethical social media use in response to MCC violations during the Lok Sabha elections.

MCC is a set of guidelines issued by the Election Commission of India to ensure free and fair elections. The MCC was first introduced in the 1960 Kerala Assembly elections and is framed with the consensus of political parties. Though the Constitution does not explicitly mention MCC, the ECI derives its authority from Article 324, which grants it superintendence, direction and control over elections. The MCC applies to political parties, candidates, polling agents, the government in power and government employees, remaining in force from the announcement of elections until results are declared (upheld in *Harbans Singh Jalal v. Union of India*, 1997). Since the MCC lacks statutory backing, violations are not directly prosecutable but can be enforced through laws like the Representation of the People Act (RPA), 1951 and *Bhartiya Nyaya Sanhita* (BNS), 2023. For example, publishing false statements about a candidate is a corrupt practice under Section 123(4) of RPA, 1951, while impersonation of voters is an electoral offence under Section 172 of BNS.

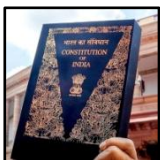
Lok Sabha Elections



The 2024 Lok Sabha Elections were recently held, highlighting India's parliamentary democracy.

Lok Sabha elections follow the territorial representation system, where each constituency elects a single representative through a first-past-the-post system, meaning the candidate with the highest votes wins. The Lok Sabha's tenure is five years, after which it automatically dissolves, but the President can dissolve it earlier, a decision that cannot be challenged in court. During a national emergency, its term can be extended by one year at a time, but not beyond six months after the emergency ends. The elections are governed by Articles 324 to 329 (Part XV of the Constitution), which lay down the framework for conducting free and fair elections in the country.

Article 329(b)



Recently, the Election Commission of India (ECI) invoked Article 329(b) of the Constitution before the Supreme Court to limit judicial intervention in the electoral process.

According to Article 329(b), no election to Parliament or a State Legislature can be questioned except through an election petition filed as per the law prescribed by the appropriate Legislature. The Supreme Court, in *N. P. Ponnuswami vs Returning Officer, Namakkal Constituency & Ors.* (1952), upheld that once the ECI officially notifies the election process, courts cannot intervene. Furthermore, under Section 80 of the Representation of the People Act (RPA), 1951, the validity of an election can only be challenged through an election petition, which is filed in the respective state's High Court having original jurisdiction, with appeals lying before the Supreme Court. Such petitions can be filed by candidates or electors (voters entitled to vote in the concerned election).

Nomination in Election



Recently, a candidate was elected **unopposed** to the Lok Sabha after the **nomination papers** of the opposing candidate were rejected by the **Returning Officer**.

As per **Section 33 of the Representation of the People Act (RPA), 1951**, a **valid nomination** requires that a candidate from a **recognised political party** must have **one proposer**, while candidates from **independent and unrecognised parties** must have their nomination subscribed by **ten proposers**, all of whom must be **electors from the respective constituency**. **Section 33** also governs the **presentation of valid information** during nomination. Recently, the **Supreme Court** ruled that election candidates have a **right to privacy** concerning matters **irrelevant to public life or voter concern**. Additionally, **Section 36 of the RPA, 1951** empowers the **Returning Officer** to scrutinize nominations and **reject them** if they contain defects of **substantial character**.

One Candidate, Multiple Constituencies (OCMC)



In News: If 'one person, one vote' is the core democratic principle for voters, it should be 'one candidate, one constituency' for politicians.

The **Constitution** empowers **Parliament** to regulate elections and the provision for **One Candidate, Multiple Constituencies (OCMC)** is governed by the **Representation of the People Act (RPA), 1951**. Before **1996**, there was no limit on the number of constituencies a candidate could contest from. However, **Sub-section 33(7) of RPA, 1951**, introduced through an **amendment in 1996**, allows a candidate to contest from a **maximum of two seats**. Meanwhile, **Section 70 of RPA, 1951** states that a candidate **can hold only one seat at a time**, necessitating a **by-election** for the vacated seat if a candidate wins from multiple constituencies.

Home Voting



The **Election Commission of India (ECI)** introduced **home voting** for the first time in the **2024 Lok Sabha Elections**, aligning with its motto "**No voter is left behind.**"

Home Voting facility allows **PwDs (with 40% benchmark disability)** and **senior citizens above 85 years** to vote from home via **postal ballot**, ensuring secrecy with polling staff and security personnel present. To enhance **inclusive voting**, the ECI has also abolished **Form-M for Kashmiri migrants**, implemented **SVEEP** for voter awareness, proposed **Multi-Constituency Remote Electronic Voting Machines (RVMS)** for migrant voters and facilitated **postal and proxy voting** for special categories, including **service voters and electors under preventive detention**. Note: A **service voter** is a voter with **service qualification under Section 20(8) of the RPA, 1950**, including **armed forces personnel, forces under the Army Act, state armed police serving outside their state and Government of India employees posted abroad**.

Form 17C



Form 17C consists of two parts: the first part records details such as the number of **eligible voters assigned to the booth**, electors in the register, voters who abstained and those not allowed to vote. The second part contains **candidate names and the total votes they received**. This form plays a crucial role in ensuring transparency and accuracy in the electoral process.

The Election Commission informed the Supreme Court that **Form 17C** data cannot be shared with any entity apart from polling officials, as per the **Conduct of Election Rules, 1961**.

Braille signage



Aim is to facilitate **independent and confidential voting** for visually impaired voters. This initiative enhances inclusivity in the electoral process. However, as per **Rule 49N of the Conduct of Election Rules, 1961**, visually impaired electors can still choose to bring a companion if they require assistance.

The Election Department of Puducherry will introduce **Braille signage** in English and Tamil on **Electronic Voting Machines (EVMs)** across all 967 polling stations.

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INDIAN CONSTITUTIONAL AND LEGAL PROVISIONS

Internal Emergency



The year 2024 marks the 50th anniversary of the imposition of Internal Emergency on June 25, 1975.

The provision for suspending **fundamental rights** during an emergency was influenced by the **Weimar Constitution of Germany**. **Emergency provisions**, outlined in **Articles 352 to 360** under **Part XVIII** of the Indian Constitution, were incorporated to safeguard the **sovereignty, unity, integrity and security** of the country. The **proclamation of Emergency** must be approved by both Houses of Parliament within a month and can be extended indefinitely with **parliamentary approval every six months** (as per the **44th Amendment Act, 1978**). A **special majority** is required for approval and in case of **Lok Sabha's dissolution**, the proclamation survives up to 30 days after the first sitting of the newly constituted Lok Sabha if Rajya Sabha has approved its continuation. The **President** can revoke the Emergency anytime and **Lok Sabha** can also disapprove it by a **simple majority**. The **44th Amendment Act, 1978**, introduced key changes: Emergency can now be **proclaimed only on written advice of the Cabinet**, **Articles 20 and 21 remain enforceable**, **Lok Sabha's term was restored to five years** and **Article 275A was removed**, which had allowed the Centre to deploy armed forces in states for law and order. Additionally, **judicial review** of presidential and vice-presidential elections was placed under the Supreme Court's jurisdiction.

Types of Emergencies

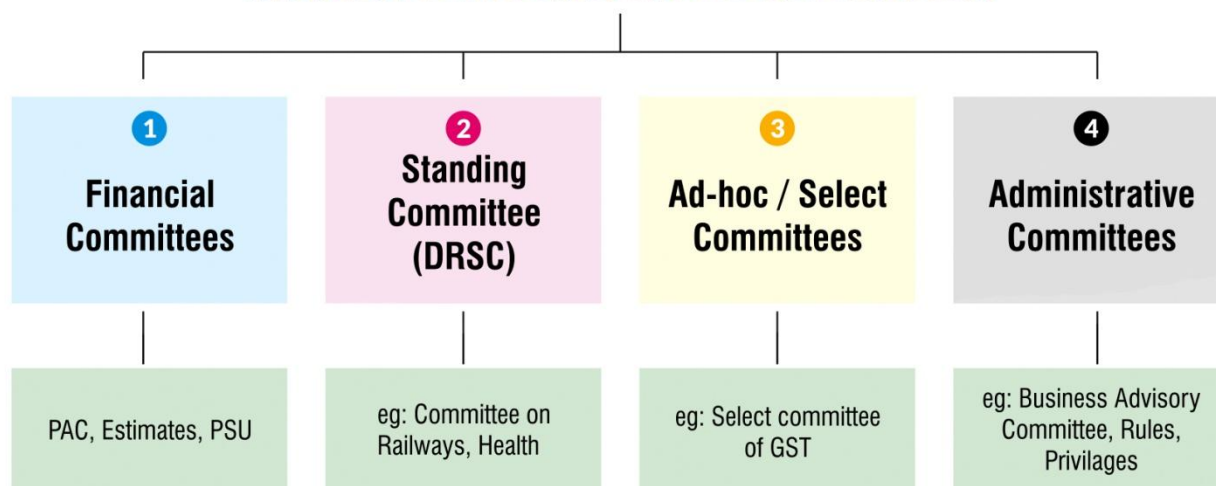
Basis of classification	National Emergency	President's rule	Financial Emergency
Constitutional Provisions	Article 352	Article 356	Article 360
Grounds of Declaration	War External aggression Armed rebellion	Failure of constitutional machinery	Financial instability
Parliamentary approval	Approval by both houses by special majority within 1 month of issue of proclamation	Approval by both houses by special majority within 2 months of issue of proclamation.	Approval by both houses by simple majority within 2 months of issue of proclamation
Revocation of proclamation	By president By resolution of Lok Sabha	By President	By President
Implementation	It has been invoked three times in India during 1962, 1971 and 1975	President's rule has been invoked more than 100 times in India	Not yet invoked

Parliamentary Committees (PCs)

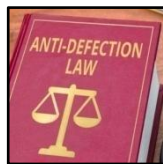


Recently, the Lok Sabha moved motions to form the Public Accounts Committee (PAC) and Estimates Committee, highlighting the significance of Parliamentary Committees (PCs) in legislative scrutiny.

These committees, appointed or elected by the **Speaker**, function under the **Lok Sabha Secretariat** and draw authority from **Article 105** (privileges of MPs) and **Article 118** (Parliament's rule-making power). Among the key committees, the **PAC**, established in **1921**, audits government revenue and expenditure with **22 members** (15 Lok Sabha, 7 Rajya Sabha), while the **Estimates Committee**, formed in **1950**, examines public spending and policy efficiency with **30 Lok Sabha members**. The **Parliamentary Committee on Official Languages (PCOL)**, set up in **1976**, reviews the use of **Hindi in governance** and consists of **30 members** (20 Lok Sabha, 10 Rajya Sabha). The **Committee of Privileges of Rajya Sabha**, with **10 nominated members** (15 in Lok Sabha), investigates breaches of **parliamentary privileges**. Additionally, **Cabinet Committees**, though **extra-constitutional**, operate under the **Government of India (Transaction of Business) Rules, 1961**, facilitating **policy decisions**. Key committees like **Political Affairs, Economic Affairs and Appointments Committees** are chaired by the **Prime Minister**, while the **Parliamentary Affairs Committee** is chaired by the **Home Minister**. These committees primarily include **Cabinet Ministers**, though non-cabinet ministers may also be members.



Anti-Defection Law (ADL)



The **Supreme Court** recently dismissed a writ petition challenging the constitutionality of the **10th Schedule**, which governs the **Anti-Defection Law**.

Introduced through the **52nd Amendment Act, 1985**, ADL provides for the **disqualification** of MLAs who **voluntarily give up their party membership** or vote against the party's direction without condonation within **15 days**. Independent members are disqualified if they **join a political party** post-election, while nominated members face disqualification if they do so **after 6 months** of taking their seat. The law allows **merger** of a party if **2/3rd of its legislators** support it and provides an exception for the **Speaker or Chairman**, allowing them to **resign from their party** while in office and rejoin later. The **presiding officer** of the House decides on disqualification cases, but **no time limit** is prescribed for the decision.

First-Past-The-Post

Experts in India have recently called for considering **Proportional Representation (PR)** for Lok Sabha and State Assembly elections, instead of the current **First-Past-The-Post** system.

In FPTP, the country is divided into **small constituencies**, each electing **one representative** and the candidate with the **highest votes wins**, even without a majority. This system, used in **India, the U.S., the U.K. and Canada**, is simple and promotes **stable governments**, but may lead to **over or under-representation** of parties and inadequate minority representation. In contrast, **PR** allocates seats **in proportion to votes received**, with voters voting for a **party** rather than a candidate. Used in **Israel and the Netherlands**, PR ensures **fairer representation** and reduces **wasted votes**, but can lead to **fragmented legislatures** and **unstable coalition governments**.

Three main types of electoral systems

Electoral system	How it works	Advantages	Disadvantages
1 Proportional representation (PR) system	If a political party wins 40% of the votes in the election, it gets 40% of the seats in parliament	This system is very fair and encourages a diversity of parties to be elected to parliament It often results in coalition governments (which the FW de Klerk Foundation views as a good thing) It is a good system for a diverse society and can be the most suitable to ensure everyone is represented in parliament	Elected representatives are appointed by their party — making them more accountable to their political party than to the electorate (voters) Even where political parties make a closed list of their candidates public, as in SA's case, this can be abused — as pointed out by former Deputy Justice Minister, John Jeffery, in his article showing how the MK Party did just this
2 First-past-the-post majority system	Voters in a geographical district are presented with the names of the nominated candidates for that district and vote for one of the candidates. The candidate with the most votes wins the seat in Parliament to represent that district	This system makes elected representatives directly accountable to their electorate, resulting in greater accountability	It often results in a parliament that is not diverse, with minorities often not being fairly represented and tends to give rise to a single-party government
3 Mixed-member proportional system	Combines the above two systems — some of the seats in Parliament are for geographical districts and some are for national proportional representation	This is not a new system — it is already used in South Africa's local government elections It combines proportionality with direct geographical representation. That is, it reduces any disproportionality that may result from the district results	It currently results in the votes for direct representatives counting less than the proportional representation vote. This creates two classes of representatives in the legislature, with the PR representatives holding greater influence in practice

Parliament Secretariat



As the Indian Parliament completes 75 years, the Parliament Secretariat has played a vital role in preserving procedures, precedents and legislative knowledge of both Houses.

Article 98 mandates separate secretarial staff for each House, with provisions for common posts, while Article 187 provides for State Legislature Secretariats. Established in 1952 and renamed in 1954, the Lok Sabha and Rajya Sabha Secretariats handle legislative, executive, administrative and reporting functions. The Speaker and Chairman can create new posts, but Class I and II posts require Finance Ministry consultation. The Secretary-Generals hold ranks equivalent to the Cabinet Secretary but are placed lower in the Table of Precedence.

Key Functions of Parliament Secretariat

- **Support to MPs:** Provides information, research, amenities and debate assistance.
- **Research & Publishing:** Prepares reference materials, publications and briefs.
- **Parliamentary Committees:** Assists in committee functioning.
- **Recruitment:** Manages personnel and appointments.
- **Record-Keeping:** Maintains daily parliamentary proceedings.
- **Other Roles:** Ensures smooth legislative functioning, advises on parliamentary matters and manages official passes and access.

Secretariat Structure

The Lok Sabha Secretariat, led by the Speaker, follows the 1955 Rules, while the Rajya Sabha Secretariat, under the Chairman, follows the 1957 Rules, both governed by presidential consultation.

Cabinet Secretary



The Appointments Committee of the Cabinet (ACC) has approved the appointment of a new Cabinet Secretary for a two-year tenure from August 30, 2024.

The Cabinet Secretary (CS) is appointed by the ACC on a seniority-cum-merit basis and is responsible for overseeing the Government of India (Allocation of Business) Rules, 1961 and the Government of India (Transaction of Business) Rules, 1961. The CS coordinates inter-ministerial affairs, resolves disputes among ministries and serves as the ex-officio Chairman of the Civil Services Board (CSB). However, the CS has no direct authority over working departments and is regarded as *primus inter pares* (first among equals) among Union Government Secretaries.

President's Address to Parliament



The President addressed the joint sitting of Parliament following the formation of the 18th Lok Sabha.

Under **Article 86**, the President can address either House or both together, though this has never been exercised. **Article 87** mandates a **special address** in two cases: (i) **at the beginning of the first session after each general election** and (ii) **at the start of the first session of each year**. Initially, **Article 87(1)** required the President to address **every session**, but the **First Constitutional Amendment (1951)** revised this to its current form.

Oath of Members of Parliament



Newly elected MPs of the 18th Lok Sabha took oath as per Article 99.

Article 99 mandates that MPs subscribe to an oath before the **President** or a person appointed by him. The oath forms are specified in the **Third Schedule**. **Article 104** imposes a **penalty** on members sitting in the House without taking the oath, except for **ministers**, who can participate in proceedings without voting rights. Oaths can be taken in **English** or any of the **22 Scheduled Languages**.

CITIZENSHIP AND RIGHTS

Citizenship



The **Supreme Court** recently upheld the validity of **Section 6A** of the **Citizenship Act, 1955**.

The Act provides five ways to acquire citizenship: **birth, descent, registration, naturalization and incorporation of territory**. It does not allow **dual citizenship**, unlike the **US, UK and Pakistan**. **Section 6A**, introduced via the **Citizenship Amendment Act, 1985**, granted citizenship to migrants from **East Pakistan (now Bangladesh)** to **Assam** between **January 1, 1966 and March 24, 1971**, after a **10-year period** from being identified as foreigners, as per the **Assam Accord**. The **Citizenship Amendment Act (CAA), 2019**, further modified the 1955 Act.

Foreigners Tribunal: The **Supreme Court** overturned an **Assam Foreigners Tribunal** ruling, declaring a resident as an **Indian citizen**. **Foreigners Tribunals**, set up under the **Foreigners (Tribunals) Order, 1964**, function as **quasi-judicial bodies** under the **Foreigners Act, 1946**. Only these tribunals can declare a person a **foreigner** and exclusion from the **NRC** does not automatically mean foreigner status. They also exercise **civil court powers** under the **Code of Civil Procedure, 1908**.

Citizenship (Amendment) Rules, 2024



The Ministry of Home Affairs has amended the Citizenship Rules, 2009, notifying the Citizenship (Amendment) Rules, 2024 to implement the Citizenship Amendment Act (CAA), 2019.

The rules allow citizenship by **registration/naturalization** for persons of **Indian origin, spouses, minor children, or parents of Indian citizens, OCI cardholders** and those whose **parents were citizens of Independent India**. Applicants must submit an **affidavit**, have an **Indian citizen testify to their character** and demonstrate **knowledge of one of the 8th Schedule languages**. Proof of nationality can be established through **20 different documents**, including **visas, permits, census slips and Aadhaar**. Applicants must also submit a **declaration renouncing their previous citizenship** upon approval. Applications are processed **electronically under Section 6B of the Citizenship Act, 1955**, through **District-Level Committees** to the **Empowered Committee**. The CAA, 2019 provides that **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians** from **Afghanistan, Bangladesh, or Pakistan** who entered **before December 31, 2014** and are not residing in **Sixth Schedule tribal areas or Inner Line Permit (ILP) areas**, will not be treated as **illegal migrants**. It also exempts them from penal provisions of the **Passport (Entry into India) Act, 1920** and **Foreigners Act, 1946**. The **naturalization period** for these migrants has been **reduced from 11 years to 5 years** and the Act empowers the government to **cancel OCI registration** on five specific grounds.

Criteria for Cancellation of OCI Card Registration	Registration of OCI was done through fraud/false representation or hiding any material fact.
	Has shown non adherence to the Constitution of India.
	Traded or communicated with the enemy during a war that India is involved in.
	Is sentenced to imprisonment of more than two years, within 5 years of registering as OCI card holder.
	India is required to cancel the OCI registration in view of: preserving sovereignty and integrity of the country, security, possible effect on friendly relationship with other countries or in interest of general public.

Affirmative actions



Recently, several **U.S. states** have imposed restrictions or bans on **diversity programs** on university campuses, raising debates on **affirmative action**.

Affirmative actions are positive measures aimed at increasing the representation of historically **oppressed or underrepresented groups** in areas like **education and employment**. In **India**, affirmative action is constitutionally backed and primarily functions through **reservation policies** for **Socially and Educationally Backward Classes, Scheduled Castes, Scheduled Tribes and Economically Weaker Sections**. Articles **15(4)** and **16(4)** empower the state to make **special provisions** for their advancement. The **Supreme Court's Indra Sawhney judgment** set an **upper ceiling of 50%** for reservations. In contrast, in the **United States**, affirmative action is not explicitly mentioned in the **Constitution** but has been interpreted under the **Equal Protection Clause of the 14th Amendment**. It began through an **executive order in 1961**, later gaining legal backing via the **Civil Rights Act of 1964**. Unlike India's **quota-based system**, the **U.S. follows Diversity, Equity and Inclusion (DEI) programs**, targeting groups like **African Americans, Hispanics and Asian Americans**,

with **no fixed upper limit** on affirmative action policies. However, recent legal and political developments in the U.S. indicate a **growing pushback against these measures**, particularly in **universities and public institutions**.

Sub-Classification of Scheduled Castes



The **Supreme Court** in *State of Punjab & Others v. Davinder Singh & Others* upheld the **sub-classification of Scheduled Castes (SCs)**, allowing separate quotas for more backward groups within the SC category.

The Court ruled that **SCs are heterogeneous groups** with varying degrees of **backwardness** and sub-classification does not violate **Article 341(2)**, as castes are not included or excluded from the SC list arbitrarily. The objective is to ensure **substantive equality**, meaning affirmative action must account for **historical injustices and varying levels of deprivation**. The **State** can sub-classify SCs based on **inadequate representation** but must provide **empirical data** to justify such classifications in government services. However, the Court clarified that the **State cannot reserve 100% of seats** for a particular **sub-class** and that decisions are subject to **judicial review** to prevent misuse for political gain. The ruling aligns with **Article 342A**, which permits the **sub-classification of Socially and Educationally Backward Classes (SEBCs)**, reinforcing the principle of targeted affirmative action.

Uniform Civil Code (UCC)



Recently, the **Chief Minister of Uttarakhand** announced its **implementation from January 2025**, making it the first state to adopt such a code in modern times.

The UCC aims to establish a **common set of personal laws** applicable to all citizens, **irrespective of religion**. It covers matters such as **marriage, divorce, maintenance, inheritance, adoption and succession of property**. **Article 44** of the **Directive Principles of State Policy (DPSP)** mandates the State to **work towards securing a UCC** across India. Currently, **personal laws in India are religion-specific**, with Hindus, Sikhs, Jains and Buddhists governed by the **Hindu Succession Act (1956)**, Muslims by **Muslim Personal Law** and Christians, Parsis and Jews by the **Indian Succession Act (1925)**. However, Goa already follows a **common civil code** under the **Portuguese Civil Code of 1867**. While proponents see UCC as a step toward **legal uniformity and gender justice**, critics argue it may impact **religious freedom and cultural diversity**.

Places of Worship (Special Provisions) Act, 1991



Recently, the **Supreme Court** barred civil courts from registering new suits or ordering surveys of disputed religious sites until further notice.









The **Places of Worship (Special Provisions) Act, 1991** was designed to preserve the religious character of places of worship as they existed on **August 15, 1947**, the day India gained independence. The Act prohibits the conversion of any place of worship from one religion to another and imposes a positive obligation on the **State** to maintain the religious character of such places. It also mandates that any ongoing suits or proceedings related to changing the character of a place of worship, pending on **August 15, 1947**, will be abated once the law is enforced. However, **exceptions** include the **Ayodhya dispute** and sites covered under the **Ancient Monuments and Archaeological Sites and Remains Act, 1958**. The law provides penalties, including imprisonment of up to **three years** and a fine, for those violating its provisions.

Preventive detention



The **Supreme Court**, in the **Jaseela Shaji vs Union of India (2024)** case, emphasized the rights of detainees

Preventive detention refers to the detention of an individual without trial or conviction by a court, based on a reasonable apprehension that their actions may pose a threat to public order. While **Article 22** of the **Constitution** provides protections against arrest and detention, these protections are not available to individuals detained under preventive detention laws, as specified in **Article 22(3)**. Laws such as the **National Security Act (NSA)**, **UAPA** and **COFEPOSA** permit preventive detention. The grounds for such detention typically include **state security**, **foreign relations**, **maintenance of public order** and the **defense** of the nation.

Constitutional Provisions related to Preventive Detention	Judicial pronouncements related to Preventive detention
<p> Article 22 (1): No person can be detained in custody without being informed of grounds of arrest nor shall be denied right to consult or be defended by legal practitioner.</p>	<p> AK Gopalan Vs State of Madras (1950): The Court gave a green flag to the Preventive Detention Act, 1950</p>
<p> Article 22 (2): Every person who is arrested/detained in custody shall be produced before magistrate within 24 hours of such an arrest.</p>	<p> Shibban Lal v. State of Uttar Pradesh (1954): SC stated that a courtroom is not competent to enquire into reality or in any case of the facts which are referenced as grounds of detainment.</p>
<p> Article 22 (3): Above two clauses will not apply to a person who is detained in accordance to a law providing for preventive detention.</p>	<p> Shambhu Nath Shankar Vs State of West Bengal: Court held sometimes state must take such extreme steps to maintain the security of the country.</p>
<p> Article 22 (4): No person can be detained for more than a period of 3 months unless an advisory board confirms that there is sufficient cause for continuation of such detention.</p>	
<p> Article 22 (7): A person can be preventively detained for more than 3 months without opinion of an advisory board if Parliament by law provides-</p> <ul style="list-style-type: none"> ➤ Maximum period of such detention. ➤ Circumstances, classes of persons and classes of cases to which such a law may apply. 	

Enemy Property



An enemy property in Uttar Pradesh, linked to the ancestors of Pakistan's former President Pervez Musharraf, has been directed for sale.

The **Enemy Property Act of 1968** defines an 'enemy' as a nation or its citizens that have committed external aggression against **India**, such as **Pakistan** and **China**. **Enemy property** refers to assets belonging to or managed on behalf of an enemy. An amendment in **2017** broadened the definition of 'enemy' to include the legal heirs or successors of an enemy, irrespective of their citizenship. The **Custodian of Enemy Property of India**, under **Ministry of Home Affairs**, is responsible for managing, preserving and selling such properties.

Right to be Forgotten (RTBF)



The **Supreme Court** will review the issue of the 'right to be forgotten' concerning **digital privacy**.

Known as the '**right to erasure**,' this concept grants individuals control over how their **personal data** is used by organizations. The right traces its origins to **French jurisprudence's** 'right to oblivion.' However, **RTBF** is not an absolute right. In the landmark **2017 Justice K.S. Puttaswamy case**, the **Supreme Court** recognized it as part of the **right to life** under **Article 21**. Although not mentioned in the **Digital Personal Data Protection Act, 2023**, the right to be forgotten is covered under **Europe's GDPR law**.

LEGAL AND JUDICIAL FRAMEWORK

Inner Line Permit (ILP)



The **Nagaland** government has approved the implementation of the **Inner Line Permit (ILP)** in the districts of **Chumoukedima**, **Niuland** and **Dimapur**.

The **ILP** is a travel document issued by the government that allows **Indian citizens** to visit protected areas for a limited time. The **ILP system**, rooted in the **Bengal Eastern Frontier Regulations of 1873**, helps regulate movement near **India's** international borders, particularly to safeguard **tribal cultures** in northeastern states. The **ILP** is applicable in **Arunachal Pradesh**, **Mizoram**, **Nagaland** and **Manipur**. **Foreigners**, **NRIs** and **OCI holders** are not eligible for an **ILP** and must apply for a **Protected/Restricted Area Permit** instead.

Special Category Status (SCS)



Special Category Status (SCS) has recently been demanded by Bihar and Andhra Pradesh.

SCS is a classification granted by the **Centre** to assist in the development of states facing geographical and socio-economic disadvantages. Introduced in **1969** based on the recommendations of the **Fifth Finance Commission**, SCS was initially granted to states like **Jammu & Kashmir**, **Assam** and **Nagaland**, with others such as **Sikkim** and **Tripura** following suit. States with SCS used to receive grants based on the **Gadgil-Mukherjee formula**. Although the **Constitution** does not include provisions for SCS, it provides special provisions for states under **Articles 371** and related sub-articles. As per the recommendations of the **14th Finance Commission**, SCS was phased out and no new SCS has been granted since then. The current funding patterns for **Northeastern** and **Himalayan** states are based on the **Sub-Group of Chief Ministers' recommendations** rather than the SCS framework.

Criteria for Special Category Status

Ministry of Commerce & Industry	Planning Commission
<ol style="list-style-type: none"> 1. Geographical isolation 2. Inaccessible terrain 3. Poor resource base 4. Remoteness to larger market 5. Poor infrastructure 	<ol style="list-style-type: none"> 1. Hilly & difficult terrain 2. Low population density 3. Strategic location along the borders with neighboring countries 4. Economic and infrastructural backwardness 5. Non-viable nature of state finance

Special Packages



The demand of Andhra Pradesh and Bihar for special packages could potentially increase the fiscal burden on the Centre.

Special Packages refer to financial assistance provided to states facing significant **geographical** and **socio-economic challenges**. These packages offer additional support but are **discretionary** in nature and may not necessarily be need-based. They are governed under **Article 282** of the **Constitution**, which allows both the **Centre** and states to allocate grants for any public purpose, even outside their legislative competence. While **Special Packages** may be needed for states, the need alone is not the determining factor for granting them. These packages are designed to address specific challenges and offer states additional financial assistance, but they are not tied to the earlier **SCS** framework.

Sixth Schedule



There is an increased demand for the **inclusion of Ladakh** in the Sixth Schedule of the Indian Constitution.

The **Sixth Schedule** (under **Article 244(2)**) was established based on the recommendations of the **Bardoloi Committee** and empowers the **Governor** to create **Autonomous District Councils (ADCs)** and **Autonomous Regional Councils (ARCs)** in areas with significant tribal populations. ADCs consist of no more than **30 members**, with **4 nominated by the Governor** and **26 elected**. Presently, there are **10 such ADCs** across four states. ARCs cater to specific tribes within an autonomous district. These councils have the authority to make laws on matters such as **forest management, agriculture, inheritance, marriage and social customs**. They can also regulate land revenue, impose taxes and collect royalties from mineral extraction. The **Sixth Schedule** offers a more extensive set of powers compared to the **Fifth Schedule**, which primarily focuses on protecting tribal areas in different parts of India.

Mediation Act 2023



The **Mediation Act 2023**, recently granted assent by the **President of India**, aims to establish mediation as a preferred mode of **Alternative Dispute Resolution (ADR)** in India.

It defines mediation as a process where parties attempt to resolve disputes with the assistance of a **mediator** and includes forms like **pre-litigation mediation, online mediation** and **community mediation**. The Act introduces **voluntary pre-litigation mediation**, allowing parties to resolve **civil or commercial disputes** before approaching courts. However, certain disputes, such as those involving **minors, unsound minds, criminal prosecution, or third-party rights**, are excluded from mediation. The Act sets a timeline for completing mediation within **120 days**, extendable by **60 days** with mutual consent. Mediation must take place within the **territorial jurisdiction** of a **court or tribunal**, unless agreed otherwise or conducted online. It also establishes the **Mediation Council of India (MCI)**, which will oversee **mediation service providers** and ensure the conduct of **court-annexed mediation**. Agreements resulting from mediation are enforceable like **court judgments** but can be challenged within **90 days** on grounds like **fraud or impersonation**.

Tribunal System in India



The Tribunal System in India aims to reduce the judiciary's caseload while providing subject-specific expertise in technical matters.

Tribunals are **quasi-judicial bodies** established by **acts of Parliament** under **Articles 323A and 323B** of the Indian Constitution. The **Central Administrative Tribunal (CAT)**, established under **Article 323A**, deals with disputes related to recruitment and service conditions of public service employees. While **tribunals** are designed to provide faster and more specialized adjudication, they operate with a mix of **judicial members** and **experts** with relevant subject knowledge. They follow the **principles of natural justice** but are not bound by the formal procedures of traditional courts. On the other hand, **courts** are established by the **Constitution** of India and are primarily responsible for interpreting the law and maintaining order. Unlike tribunals, courts are bound by **specific procedural codes** and have a **judicial-only** composition. In some cases, tribunals have appellate jurisdiction and appeals from them are typically heard by the **concerned High Court**. However, recent rulings, such as the **Allahabad High Court** decision, specify that appeals against orders from the **Central Administrative Tribunal (CAT)** under the **Administrative Tribunals Act, 1985** can only be made to the **Supreme Court** and not the High Courts.

Bail



The **Supreme Court of India** recently reaffirmed the principle that "bail is the rule, jail is the exception" in the **Jalaluddin Khan v. Union of India** case, even in special statutes like the **UAPA 1967**.

The court emphasized that denying bail in deserving cases violates **Article 21**, which guarantees the right to life and personal liberty.

Legal provisions for bail in India, particularly under the **Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023**, state that the maximum detention period for undertrial prisoners should not exceed half of the maximum imprisonment period, with first-time offenders being eligible for bail if detained for over a third of the maximum period. Additionally, **special laws** like the **POCSO Act (2012)** and the **Protection of Women from Domestic Violence Act (2005)** include provisions for bail.

To streamline the bail process, **plea bargaining** has been introduced under **Section 290 of BNSS**, allowing for time-bound negotiations between the prosecution and defendant within 30 days of charge framing. However, plea bargaining applies only to offenses punishable by up to seven years, with restrictions on crimes involving women, children, or socio-economic offenses. The **E-prisons software** further aids authorities in efficiently managing inmate data.

Curative Petition



SC quashed arbitral award
against Delhi Metro Rail
Corporation.

A **curative petition** is a legal remedy available when a **review petition** under **Article 137** of the Constitution is dismissed by the **Supreme Court**. It originated from the case **Rupa Ashok Hurra v. Ashok Hurra & Anr.** and its primary objective is to prevent the miscarriage of justice. A petitioner can file a curative petition if there is a violation of **natural justice**, failure to disclose connections by the **judge**, or any indication of **bias** in the judgment. This mechanism provides an opportunity to rectify grave errors in the judicial process.

Fast-Track Special Courts (FTSCs)



Report released by India Child
Protection on FTSCs.

Fast-Track Special Courts (FTSCs) have been established to expedite the legal process for cases of sexual offenses, particularly under the **Protection of Children from Sexual Offences (POCSO) Act**. Launched in **2019**, these courts are funded by the **Nirbhaya Fund** and aim to ensure swift justice for victims. As of now, **755 FTSCs**, including **410 exclusive POCSO courts**, are operational across India. These courts are linked to the **National Judicial Data Grid**, enhancing their efficiency in processing cases.

Zero FIR



Zero FIR case against a former
minister.

A **Zero FIR** refers to a police report filed regardless of the location of the offense, enabling victims to register complaints promptly without territorial limitations. Once filed, the FIR is transferred to the appropriate **police station** for investigation. This concept was introduced under **Section 531(1)** of the **BharatiyaNagrik Suraksha Sanhita, 2023**, based on the recommendations of the **Justice Verma Committee** following the **2012 Nirbhaya case**. It ensures victims' access to justice without delays due to jurisdictional issues.

LEGAL DOCTRINES AND CONCEPTS

Doctrine of Coverture



The **Doctrine of Coverture**, rooted in **English common law**, places a married woman under the legal control of her **husband**, treating them as a single entity. This doctrine historically restricted a woman's rights to own **property**, enter **contracts** and exercise legal agency after marriage. The **Supreme Court's** ruling in **Joseph Shine v. Union of India** (2018) deconstructed the **marital rape exception (MRE)**, asserting that this doctrine is unconstitutional, recognizing a married woman's independence and legal existence.

Supreme Court (SC) is to hear petitions challenging Marital Rape Exception (MRE).

Doctrine of Harmonious Construction



The **Doctrine of Harmonious Construction** is used to reconcile conflicts between two laws by interpreting them in a way that preserves the essence and spirit of both. This legal principle ensures that contradictions between laws are harmonized, allowing for consistent application. Traced back to the first amendment in **Shankari Prasad v. Union of India**, the doctrine emphasizes that courts should interpret laws in a manner that maintains their integrity while addressing their intended purposes.

SC laid down principles to provide harmonious construction to Sections 3 and 5 of Limitation Act, 1963.

CRIMINAL REFORMS ACTS IN NEWS

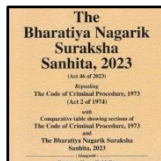
Bharatiya Nyaya Sanhita 2023



The three new criminal laws passed by Parliament in 2023 will come into effect on 1st July 2024.

- Replaces the Indian Penal Code (IPC) 1860. IPC had a history dating back to pre-1857, drafted by Thomas Babington. Several amendments were recommended in the past, including on offenses against women, food adulteration and the death penalty.
- Community service as punishment for petty offences.
- Gang rape victim threshold raised to 18 years.
- Criminalizes sexual intercourse through deceit or false promises.
- Removes sedition, replaces it with penalties for activities endangering sovereignty and integrity of India. Defines organized crime including cybercrime and land grabbing.
- Group-based crimes related to caste, race, sex, etc., punishable by death or life imprisonment.

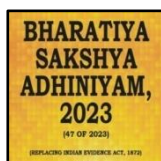
Bharatiya Nagarik Suraksha Sanhita 2023



Replaces the Criminal Procedure Code (CrPC) of 1973, which governs arrest, prosecution and bail procedures.

- The CrPC was first enacted in 1861 under British rule and had undergone significant amendments.
- Undertrials released after serving one-third of maximum sentence (except for serious offenses like death or life imprisonment).
- Mandatory medical examination and forensic investigation for certain crimes.
- Empowered Magistrate to request specimen signatures, handwriting, finger impressions and voice samples.
- Timelines for procedures such as submission of medical reports, investigation progress and framing charges.

Bharatiya Sakshya Adhiniyam 2023



Replaces the Indian Evidence Act, 1872, which governs the admissibility of evidence in court.

- The Evidence Act was enacted to consolidate laws relating to evidence.
- Electronic/digital records treated as legal evidence.
- Allows oral evidence to be presented electronically.
- Joint trials for multiple accused, including absconders or those with warrants.

VARIOUS ACTS AND THEIR PROVISIONS

Digital Personal Data Protection (DPDP) Act, 2023



The President of India granted assent to the DPDP Bill, 2023.

- **Scope & Applicability:** Regulates personal data processing within India and by entities offering services to Indian citizens globally.
- **Consent:** Data can only be processed after obtaining explicit consent. Certain exemptions include government services and medical emergencies.
- **Rights & Duties of Data Principals:** Includes rights to access, correction and grievance redressal of personal data.
- **Obligations of Data Fiduciaries:** Ensure data accuracy, implement security safeguards and inform authorities in case of data breaches.
- **Data Protection Board of India (DPBI):** To ensure compliance and penalize violations.
- **Penalties:** Severe fines for non-compliance, with penalties up to Rs 250 crore for breaches.
- **Exemptions:** For national security, law enforcement and certain categories of data fiduciaries.

Public Examination (Prevention of Unfair Means) Rules, 2024



The Union Ministry of Personnel, Public Grievances and Pensions notified rules under the **Public Examinations Act**.

- **Definition of Unfair Means:** Includes unauthorized access to exam papers, assisting candidates, or conducting fake exams.
- **Punishments:** Imprisonment (3-5 years) and fines for unfair means.
- **Role of Venue-in-Charge:** Ensures prompt action, including FIR filings.
- **Service Providers:** Must also face penalties for offenses or organized crimes.
- **Cognizability of Offenses:** All offenses under this law are cognizable, non-bailable and non-compoundable.

Telecommunications Act, 2023



Multiple sections of the Act came into effect.

- **Repeal of Old Laws:** Repeals Indian Telegraph Act 1885 and Indian Wireless Telegraphy Act 1933.
- **Spectrum Allocation:** Via auction and administrative basis for specific uses like defense, disaster management and satellite services.
- **Right of Way (RoW):** Facilitates infrastructure building across private/public land.
- **User Protection:** Measures to prevent unsolicited messages and user malware reports.
- **Universal Service Obligation Fund:** Expanded into Digital Bharat Nidhi for R&D funding.
- **Powers of Interception:** The government can intercept communications for security purposes.
- **Regulation of OTTs:** OTT platforms are not regulated under this Act.

Consumer Protection Act (CPA), 2019



The Supreme Court overruled a previous decision on legal services being under CPA.

- **Broadened Definition of Consumer:** Includes consumers buying goods/services online.
- **Central Consumer Protection Authority (CCPA):** Promotes and enforces consumer rights.
- **Streamlined Dispute Redressal:** Introduction of mediation, alternative dispute resolution and e-filing.
- **Penalties for Misleading Ads:** Up to Rs 10 lakh fine and imprisonment for advertisers promoting illegal activities.
- **Product Liability Action:** Holds manufacturers/service providers accountable.

Post Office Act, 2023



The **Post Office Act, 2023** came into effect, repealing the **India Post Office Act, 1998** and introduces several key changes.

- **Director General of Postal Services (DGPS):** The Act designates the DGPS to head **India Post**, granting them the authority to regulate various matters, including the **charges for postal services** and the **supply and sale of postage stamps**.
- **Powers to Intercept Postal Articles:** The government is authorized to **intercept postal articles** on specified grounds. These grounds include concerns related to **national security, friendly relations with foreign states**, public order, emergencies, or public safety.
- **Exemption from Liability:** The **Post Office** is exempt from any liability related to its services, except in cases where specific liabilities are prescribed for particular services.
- **No Penal Provisions:** The Act does not include any **penal provisions**, meaning that there are no penalties or fines specified for non-compliance with its regulations.

MISCELLANEOUS TOPICS

Aadhaar



The **Aadhaar** system, recently in the news due to the **Supreme Court's** observation that while it can establish identity, it is not an authoritative proof for date of birth, continues to be a significant identity verification tool in India.

It provides a **12-digit unique identification number**, issued by the **Unique Identification Authority of India (UIDAI)**, linked to an individual's biometrics, ensuring no duplication. The system does not capture sensitive details like caste, religion, or income and is only used as **proof of address and identity** for Indian residents, not as proof of citizenship or domicile. The **Aadhaar system** also enables **electronic benefit transfers**, allowing government subsidies and benefits to be directly remitted to individuals. The **Aadhaar Act, 2016** mandates its use for availing benefits under government schemes funded by the **Consolidated Fund of India**. In terms of its constitutionality, the **Supreme Court** upheld the **Aadhaar Act** in 2018, emphasizing that it does not violate fundamental rights. However, it placed restrictions on data storage, mandating that **Aadhaar metadata** should not be stored for more than six months and limited its use for **bank accounts** or **mobile connections**, while prohibiting the sharing of data with private companies, citing privacy concerns.

International Centre for Audit of Local Governance



The auditing of local bodies has been in the news recently with the inauguration of the **International Centre for Audit of Local Governance (iCAL)** in Rajkot, Gujarat.

iCAL is the **first such center** in the country, designed as a **collaborative platform** for policymakers and auditors, aiming to enhance the **independence** of auditors and improve **financial performance** assessments and **service delivery**. Additionally, it will serve as a **knowledge hub** to address governance issues at grassroots levels.

Regarding **local self-governance**, the **73rd and 74th Constitutional Amendment Acts of 1992** laid the foundation for local self-governance in India. In 2020, the **Ministry of Panchayati Raj** developed the **AuditOnline application** to facilitate the online audit of panchayat accounts, ensuring accountability in fund utilization at the ground level. The **Audit Online** platform was recognized with the **World Summit on Information Society Prize 2023** at the **International Telecommunication Union (ITU)** in Geneva.

The **current auditing mechanism** for local bodies involves the **Comptroller and Auditor General of India (CAG)**, which supervises and controls the auditing of accounts for all levels of **Panchayati Raj Institutions (PRIs)** and **Urban Local Bodies (ULBs)** under the **CAG (Duties, Powers and Conditions of Service) Act, 1971**. The auditing is carried out by the **Examiner of Local Fund Accounts (ELFA)** or the **Director of Local Fund Accounts (DLFA)** in most states, working under the technical guidance of the **CAG** to audit the utilization of funds granted to local bodies by the state government.

Right to be Free from the adverse effects of Climate Change



SC recently ruled that the right to be free from the adverse effects of climate change should be recognized under Articles 14 (right to equality) and 21 (right to life) of the Indian Constitution.

This judgment was made in the writ petition **M.K. Ranjitsinh and Others v. Union of India and Others**, which focused on the protection of the **Great Indian Bustard** and its habitat. The ruling is significant as it highlights the Court's role in expanding the scope of **fundamental rights** to include environmental protection, particularly through **Article 21**, which guarantees the **right to life**. This is an example of the SC's use of its power to broaden the interpretation of fundamental rights, aligning them with contemporary challenges like **climate change** and **environmental conservation**.

Diplomatic Passport



Recently, an incumbent **Member of Parliament** fled to Germany using a **diplomatic passport** amidst allegations of sexual abuse.

A **diplomatic passport** is issued to individuals authorized by the **Government of India**, such as government officials on diplomatic assignments or those granted diplomatic status. The passport is typically valid for up to **5 years** and offers several privileges. These include **immunity from arrest, detention** and certain legal proceedings under international law, along with **exemption from visa requirements** in countries with visa waiver agreements, such as **Germany** and **33 other nations**, allowing visits for up to 90 days.

In India, the issuance of **passports** is governed by the **Passports Act of 1967**, which mandates that all individuals departing India must possess a valid passport, although the **Central Government** may exempt certain people. There are three types of passports in India: **Ordinary (blue)**, **Diplomatic (white)** and **Official (maroon)**.

Co-Districts Initiative



Assam has introduced a **Co-Districts Initiative**, a first-of-its-kind concept replacing the existing system of **civil sub-divisions** within district administration.

This initiative creates **smaller administrative units** below the district level, each headed by an officer with the rank of **Assistant District Commissioner**. These officers are entrusted with powers and responsibilities similar to those of **District Commissioners**. The **Co-Districts Initiative** aims to **decentralize administration**, improve **governance** and provide **citizen-centric services**, bringing services **closer to the people** for more effective delivery.

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