



Judges' Impeachment

- 55 Rajya Sabha MPs submitted a motion for the **removal of Allahabad HC Judge** to the Chairman of Rajya Sabha.
- Judicial Ethics and Conduct: Bangalore Principles of Judicial Conduct (2002)** require judges to ensure their actions enhance public confidence in judicial impartiality.
- Articles 124 and 217** of Constitution outline the procedure for the removal of a judge of SC/HC. Removal can occur on the grounds of **'proved misbehaviour' or 'incapacity' after:**
 - A **motion is passed** by a majority of the total membership of both Houses of Parliament.
 - A **special majority** (two-thirds of members present and voting) in the same session.
- Terms 'proved misbehaviour' and 'incapacity' are **not defined in the Constitution**. Incapacity refers to a **medical condition, including physical or mental incapacity**. SC defines misbehaviour as wilful misconduct, corruption, lack of integrity, or any offense involving moral turpitude.
- Justice V. Ramaswami** was **first judge found guilty of misbehaviour** due to misuse of official funds on. He faced impeachment motion in **1993**, but **motion failed** in Lok Sabha due to **205 abstentions**.
- Justice Soumitra Sen** of Calcutta High Court found guilty of **misappropriating ₹33.23 lakh and misrepresenting facts**. Resigned just before the impeachment motion could be tabled in **2011**.
- Judges (Inquiry) Act, 1968:**
 - A motion for removal requires **50 Rajya Sabha members and 100 Lok Sabha members** to sign the notice.
 - The Chairman or Speaker **may admit or refuse the motion** after due consideration.
 - If admitted, a **three-member committee of SC/HC judges** and a distinguished jurist investigates the case.
 - If committee clears judge, motion is dismissed; if found guilty, motion is taken up in **Parliament for voting**.
- In-House Procedure for Addressing Judicial Misconduct:** A procedure adopted in **1999** allows complaints against HC judges to be **addressed to President, CJI, or Chief Justice of the concerned HC**. Serious complaints can be **forwarded for investigation**, with a fact-finding committee consisting of Chief Justices and HC judges. If the committee recommends removal, the judge may be asked to **retire voluntarily or face impeachment**.
- Judges who **resign** before impeachment proceedings are concluded can avoid the accountability process.

In-House Inquiry

- CJI** has **constituted an in-house committee** to conduct an **inquiry into allegations of misconduct** against **Justice Yashwant Varma**. SC has developed **in-house procedure for complaints of alleged misbehaviour** against judges of the **higher judiciary**. **Resolution** for in-house procedures was **adopted in 1999 and made public in 2014**.
- On receiving a complaint against a **High Court judge**, the **CJI** decides if the issue is **frivolous or warrants an inquiry**. If necessary, the **judge's response and comments of the Chief Justice** of the concerned **High Court** are recorded.
- The **CJI** can then form a **three-member committee** of **two Chief Justices of other High Courts and one High Court judge**. It recommend whether **misconduct warrants removal or not serious enough**.
- If **removal is recommended**, the judge is **asked to resign**; if they refuse, **President and PM** are informed to begin **Parliamentary removal**.
- Complaints against **Chief Justice of a High Court** involve a **Supreme Court judge and two Chief Justices**. For complaints against a **Supreme Court judge**, a committee of **three Supreme Court judges** is formed.
- In the present case, the **CJI** constituted a committee comprising: **Chief Justice of Punjab and Haryana High Court, Chief Justice of Himachal Pradesh High Court, Judge of Karnataka High Court**.

Rules on Judicial Transfers

- The **Union government notified the repatriation of Justice Yashwant Varma to Allahabad High Court**. Decision follows **allegations of charred currency notes** being recovered from his **residence after a fire**.
- Article 222(1)** empowers the **President**, in consultation with the **CJI**, to **transfer High Court judges**.
- First Judges Case (1981):** Held that **consultation ≠ concurrence**, giving **executive primacy** in transfers.





4. **Second Judges Case (1993)** – Overturned previous ruling; **collegium system institutionalised**.
 - **CJI's opinion to prevail** in case of disagreement.
 - **Transfers must serve public interest** and **improve administration of justice**.
 - **CJI must consult**: Chief Justice of the concerned High Court, Relevant Supreme Court judges, At least one senior High Court judge or respected member of the Bar.
 - **Judge's consent is not required** for transfer.

Judicial Activism

What:

1. Judicial activism is when judiciary actively interprets laws to uphold constitutional values and social justice.
2. It emerges when judiciary steps beyond legalism to address executive/legislative inaction via Public Interest Litigation (PIL).
3. In **2025**, Supreme Court directed Centre on delayed appointment of Election Commissioners – activism shown.
4. Judiciary in 2025 intervened in Centre's delay in enacting **Data Protection Rules**, citing citizens' rights.

Why Judicial Activism Occurs:

1. Failure of legislature/executive to uphold Fundamental Rights compels judiciary to step in under Article 32.
2. Ensures checks and balances via **judicial review** under Basic Structure Doctrine (Kesavananda Bharati, 1973).
3. Helps actualize **Directive Principles of State Policy** (Part IV), like environmental or labour justice.
4. Responds to citizen's voice through **PIL jurisdiction**, especially in socially sensitive matters.
5. Judicial credibility and independence create space for proactive interpretation of constitutional morality.

Positives of Judicial Activism:

1. Protects Fundamental Rights (Part III), especially for marginalized sections, e.g., LGBTQ+, women, disabled.
2. Fills policy vacuum in governance—E.g., Vishaka guidelines (1997) on sexual harassment.
3. Promotes **constitutionalism** and rule of law—acts as “sentinel on the qui vive.”
4. Revives **public faith** in democratic institutions via timely judicial pronouncements.
5. Encourages legal awareness and civic participation through PILs and suo moto notices.

Negatives of Judicial Activism:

1. May breach **separation of powers** (Article 50), blurring legislative-judicial boundaries.
2. Risks of judicial overreach—unaccountable judges influencing policy matters without public mandate.
3. Undermines efficiency of executive and legislature through excessive intervention.
4. Can slow down governance by creating uncertainty in policy decisions.
5. Lacks democratic legitimacy—judges are unelected, yet dictate governance in key matters.

Way Forward:

1. Define clear contours of activism vs overreach via judicial self-regulation or constitutional conventions.
2. Strengthen institutions (e.g., NHRC, CAG) to reduce over-reliance on judiciary for enforcement.
3. Encourage responsible PILs and discourage frivolous activism—use of judicial restraint.
4. Promote **collaborative constitutionalism**—judiciary supporting but not substituting other organs.
5. Institutionalize **judicial impact assessments** to analyze policy implications of court rulings.

Keywords:

1. Basic Structure Doctrine, PIL, Suo Moto, Separation of Powers, Rule of Law, Constitutional Morality, Judicial Review, Article 32, 226, DPSP (Part IV), Constitutionalism.

POCSO Act





1. SC held that viewing in private, downloading, storing, possessing, distributing or displaying pornographic acts involving children attract **criminal liability under POCSO Act and IT Act**.
2. **Enacted:** 2012, first comprehensive law addressing **child sexual abuse**. **Administered by:** Ministry of **WCD**. **Aim:** Protect children from **sexual assault, harassment, and porn violations**; establish **Special Courts** for trials. **Amendment:** Amended in 2019 to curb child pornography.
3. **Key Provisions: Gender-Neutral:** Defines a child as any person under **18 years**; **Non-reporting Crime:** Institutions must report sexual offences or face punishment; **No Time Limit:** Victims can report abuse at any time; **Confidentiality:** Victim's identity must remain confidential, unless allowed by **Special Courts**.
4. **Appeal against Madras HC:** The **verdict** was based on an appeal filed by **Just Right for Children Alliance**, an NGO, against a **Madras HC decision** that mere possession or storage of pornographic material was not an offence.
5. **Constructive Possession:** SC overturned the **Madras HC** ruling, invoking the doctrine of "**constructive possession**" & held that even **viewing or displaying child sexual content online**, without actual possession or storage, constitutes "**possession**" under law, which is punishable under **Section 15 of POCSO Act**.
6. **Comprehensive Provision under IT Act:** SC drew attention to **Section 67B of IT Act**, describing it as a **comprehensive provision** that penalizes various forms of electronic exploitation & abuse of children.
7. **POCSO Act** criminalizes storage and possession of child pornography. **IT Act** penalizes the use, transmission, publication of obscene materials involving children, including viewing and browsing such content.
8. SC urged **Parliament** to amend the **POCSO Act** by replacing the term "**child pornography**" with "**Child Sexual Exploitative and Abuse Material**" (**CSEAM**).

Right Against Climate Change's Effects

1. SC in **Ranjitsinh Case** extended **rights to life (21) & equality (14)** to include **freedom from climate change effects**
2. **Issues With Renewable Projects:** **Pavagada Solar Park** in Karnataka and Ladakh's 13 GW solar project threaten ecosystems and livelihoods. **Changthang**, Ladakh's proposed 13 GW solar project threatens fragile ecosystems and pastoral livelihoods. A 1,400-acre solar project in **Kachchh, Gujarat**, may damage the **Chhari Dhand Conservation Reserve** and disrupt Maldhari pastoralists. Such renewable projects are exempt from EIA, ignoring their adverse effects. Judgment's core issue involved the **conservation of the Great Indian Bustard** amid mega-energy projects.
3. India currently lacks an overarching climate law; the judgment hints at the necessity of comprehensive law.

Bail vs. Rights

1. SC reaffirmed that bail cannot be denied as a punishment regardless of nature of crime. Court emphasized that **right to a speedy trial** is guaranteed under **Article 21**. SC said "**stay on bail should not be granted except in very rare and exceptional cases.**"
2. SC clarified that **seriousness of charges** alone cannot be grounds to deny bail to undertrials and must be balanced with other factors like the **period of custody suffered** and the likely **period for trial completion**.
3. A provision to Clause (1) of **Section 45 of PMLA, 2002** allows courts discretion to exempt persons aged below 16, women etc from stringent conditions for bail.
4. **Article 15(3) of Constitution** mandates State to make special provisions for women and children, identifying them as vulnerable groups.

Secularism - Basic Structure

1. SC said **secularism** is an indelible and core part of **Basic Structure** while hearing a petition filed by Subramanian Swamy challenging inclusion of words "**socialist**" and "**secular**" in Preamble.





2. **SC:** One should not take meaning adopted in Western countries. Socialism can also mean that there should be **equality of opportunity** and **equal wealth redistribution**.
3. Secularism in Constitution reflects principled equidistance from religions while adapting to societal needs.
4. **"Socialist, secular & integrity"** were inserted in Preamble in **1976** with retrospective effect from Nov 26, 1949.
5. Phrase **"unity of the nation"** was replaced with **"unity and integrity of the nation"**. The changes were made in Preamble through **42nd Constitution Amendment** during Emergency.
6. Originally, text of Preamble declared India as a **"sovereign, democratic republic"**.
7. The **largest Bench (13 judges)** in **Kesavananda Bharati case** had held that **Preamble** was an **integral part** of Constitution, and was **subject to amending power** of Parliament, provided **Basic Structure** was not tinkered with.
8. **Articles ensuring secularism:** 14, 15, 16, 27, 28, 29, 30 and 325.
9. **Debates in the Constituent Assembly:** Prof. K.T. Shah proposed adding **"secular, federal, socialist"** to Article 1. Ambedkar's counter: Directive Principles already reflect socialism; no need for explicit addition.
10. **Kesavananda Bharati Case (1973):** Supreme Court ruled secularism is part of the Constitution's basic structure.
11. **S.R. Bommai Case (1994):** Reaffirmed secularism as part of the basic structure.
12. **42nd (1977):** Inserted "secular" and "socialist" into the Preamble during the Emergency.
13. **44th (1978):** Reversed most changes by the 42nd CAA, except retaining "secular" and "socialist" in the Preamble.
14. The court held that Parliament had an unquestionable power to amend the Constitution **under Article 368**, which extended to Preamble. The court confirmed the retrospective amendment to the Preamble, saying the date of adoption would not curtail power under Article 368.

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Governor - President - Timeline

1. SC in State of TN vs Governor of TN has led to passing of laws without the assent of the Governor or President. The Court invoked Article **142** to do "complete justice" in the case and **fixed a time limit for the gubernatorial and presidential responses (3 months) to the Bills passed by the State legislature**. It declared that these 10 Bills would be deemed to have been assented to on the date when they were re-presented to the Governor.





SC sets time frame for Governors, saying the phrase 'as soon as possible' permeates Article 200 with a sense of expediency

■ A Governor has a maximum of **one month** to withhold assent on the aid and advice of the State Cabinet

■ A maximum of **three months** is given to return the Bill with a message specifying reasons if the Governor withholds assent contrary to the Cabinet's advice

■ The Governor has **three months** to reserve a Bill for the President's consideration against the advice of the Cabinet

■ The Governor 'must' grant assent to a Bill re-passed by the State Legislature under Article 200 within a **maximum of one month**



2. **Constitution does not specify any time limits** for Governors.
3. SC declared that **President ought to seek the Supreme Court's advice on Bills reserved** by a Governor for consideration on grounds of perceived unconstitutionality. The President's recourse to **Article 143** (under which the President can seek advice from the Supreme Court on matters of public importance or legal disputes) palliates any apprehensions of bias or malafides in the Union government's approach to **Bills reserved under Article 200**, the court reasoned.
4. SC: **Governor** would be expected to make a specific and clear reference to the President properly **indicating the reasons. State can argue that the reasons indicated by the Governor in question were wholly irrelevant, malafide, arbitrary, unnecessary, or motivated by extraneous considerations. State government can approach the competent court with a writ of mandamus if a Governor sits on a Bill for a period exceeding the time limit of three months.**
5. SC: **Bill cannot be reserved for the President's consideration once it has been returned to the State legislature, reconsidered and resubmitted** for assent. The only exception is if the Bill, in its second iteration, is materially different from the original version.
6. SC: It clarified that when the Governor, acting on the Cabinet's advice, opts to **withhold assent or reserve a Bill for the President's consideration, such action must be taken forthwith and no later than one month.** If the Governor withholds assent contrary to ministerial advice, the Bill must be **returned within three months**, accompanied by a message detailing the rationale for the decision. If the Bill is re-passed by the State legislature after reconsideration, the **Governor is required to grant assent within one month.**
7. SC drew attention to **Sri Lanka**, where the President referred Bills to the Supreme Court for opinion. "If the Governor is of the opinion that a statute enacted by a provincial council is unconstitutional, then he may refer the Bill to the **President, who in turn is obligated to make a reference to the Supreme Court of Sri Lanka** for obtaining a pronouncement on the constitutional vires of such a Bill. Where the Supreme Court holds the statute to be constitutional, then the Governor is bound to grant assent.
8. It interpreted **Articles 200 and 201** dealing with powers and **laid down principles** governing these provisions. **Article 200** is about the Governor's **duties (not powers)** with respect to the Bills passed by the State legislature. Primarily, when a Bill is placed before her, the **Governor has three ways ahead:** to give assent; to withhold assent (and return the Bill to the Assembly for reconsideration); or to make a reference to the President. Returning the Bill that is withheld, for reconsideration is the next option. Once a Bill so returned is reiterated by the House with or without amendment, the Governor cannot withhold assent any further. The Article also provides for reserving the Bill for presidential clearance in certain cases. Situations of repugnancy, and patent unconstitutionality on account of breach of express constitutional provisions could be reasons for such a course.
9. UoI, in their response contended that the **first proviso to Article 200** provided the Governor an independent, fourth course of action: he could simply withhold his assent to a Bill, without referring it back to the Assembly. In other words, he could perform a **pocket-veto**. But this argument had expressly been **rejected by the Court in State of Punjab vs Principal Secretary to the Governor of Punjab (2023)** which stated that Governor has only one of three options available: to either assent to it, or reserve it for the President's consideration, or withhold the assent, in which case, the Governor must also refer it back to the Assembly for reconsideration.





10. **Article 201** is on the obligations of the **President** on reservation of the Bill for her consideration. She can either give assent or withhold it. Also, she can direct the Governor to return the Bill to the President with a message when it is not a money Bill. Reconsideration of such a returned Bill should happen within six months. On reiteration, the Bill should be again 'reconsidered' by the President.
11. The present verdict imported the **people's right** to enact laws while *Shamsher Singh & Anr vs State Of Punjab* (1974) was more on the **binding nature of the decision of the cabinet** chosen by the voters. The Court could **reject the idea of "unfettered discretion" in referring the Bills to the President**, as laid down in *B.K. Pavitra vs Union of India* (2019).

Criminal Laws

1. IPC and CrPC will run concurrently for pending cases and crimes reported later but committed before July 1. States can amend certain provisions of BNSS as needed.
2. **Bharatiya Nyaya Sanhita**: Replaces the Indian Penal Code; lacks clear definitions for certain terms.
3. **Bharatiya Nagrik Suraksha Sanhita**: Replaces the Code of Criminal Procedure; extends police custody provisions.
4. **Bharatiya Sakshya Adhiniyam**: Replaces the Indian Evidence Act; electronic records as primary evidence.

Key Features of BNSS:	<ul style="list-style-type: none"> • Timeline for Courts: Courts are required to frame charges within 60 days of first hearing and deliver judgments within 30-45 days after completion of arguments. • Forensic Examination: Compulsory for offences with seven years or more punishment; States have till June 2029 to upgrade forensic capabilities.
Key Features of the Bharatiya Sakshya (BS):	<ul style="list-style-type: none"> • Replacement of Indian Evidence Act: Modernisation of evidence management. Mandatory electronic submission of search and seizure recordings to courts. • CCTNS Integration: FIRs to be filed via the CCTNS under NCRB. • e-FIR and Zero FIR: Citizens can file complaints online without visiting police stations, irrespective of jurisdiction. • CCTNS software now supports FIR registration in multiple regional languages. • Data Security: The cloud-based e-sakshya will store forensic and case-related data.

5. Laws are available in all 8 Schedule languages with proceedings also conducted in these languages.
6. Laws aim to prioritize **justice over punishment**, ensuring **resolution** within **three years** of FIR registration.
7. **State-Level Autonomy:** Centre has allowed States to make their own amendments; however, there is uncertainty over timeline for Presidential assent.
8. New provision undermines fundamental rights by allowing police custody beyond first 15 days of arrest.
9. **Jurisdiction:** Police cannot refuse FIR registration due to lack of jurisdiction; must file a **zero FIR** and transfer to respective station (Section 173, BNSS).
10. **Modes of Filing:** FIR can be given orally, in writing, or electronically (signed within three days).
11. **Electronic Filing:** Must be facilitated through CCTNS, police websites, or official email IDs.
12. Info available to judiciary, prosecution, forensic experts under Inter-operable Criminal Justice System.
13. **Restrictions on Arrest:** Approval required for arresting infirm or elderly individuals (above 60 years) for offences with punishment under three years (Section 35(7)).
14. **Use of Handcuffs:** Allowed only in cases of potential escape or harm, in compliance with SC guidelines.
15. **Terrorist Act Definition:** Defined under Section 113 of Bharatiya Nyaya Sanhita (BNS). SP to decide whether to register under BNS or UAPA. Considerations include UAPA investigation time, IO's rank, scrutiny level, and accused's threat level.





16. **Training Modules** developed by Bureau of Police Research & Development (BPR&D). Training courses have been integrated with **Integrated Government Online Training (iGOT) portal**. BPR&D is **nodal agency** connecting **Home Ministry** with all **States** for police-related research and development.
17. **Absence of Section 377 in BNS**: BNS lacks provisions equivalent to Section 377, leaving rape of men, transgender persons, and animals unaddressed. **Navtej Johar Judgment**: SC decriminalized consensual same-gender relationships under Section 377 but retained it for addressing non-consensual acts.
18. BNSS mandates audiovisual recording of search and seizure and mandatory forensic examination in cases with punishment of seven years or more. **eSakshya Mobile Application**:
 - **Development**: Created by the National Informatics Centre (NIC); available to all police stations for download.
 - **Purpose**: Helps **police record** crime scenes, search, seizure, **and upload evidence** to a cloud-based platform.
 - **Features**: Allows **uploading multiple files** for each FIR, with each recording capped at four minutes.
 - **Selfie Requirement**: Police officials must **upload a selfie** post-procedure to ensure accountability.
 - **Connectivity Options**: Police **can record on personal devices** and generate a hash value for later upload.
19. MHA directed the NCRB to ensure integration of the new criminal laws into the **Inter-operable Criminal Justice System (ICJS) 2.0**. ICJS, conceptualised by the SC's e-Committee and implemented by MHA to enable seamless data sharing among criminal justice pillars like police (CCTNS), courts, prisons, forensic labs, and prosecution. It promotes a **"one data, once entry"** system and focuses on **integrating CCTNS with e-Courts** and other databases.

CAA

1. **Citizenship (Amendment) Rules, 2024** were notified by MHA in **2024**, enabling **Citizenship (Amendment) Act (CAA), 2019** implementation.
2. **Eligibility**:
 - Grants citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis, Christians from Afghanistan, Bangladesh, Pakistan.
 - **Illegal Migrants**: Individuals entering without valid documents or overstaying their permitted period.
 - **Cut-off Date**: Migrants entering on or before **December 31, 2014**, are eligible.
3. **Relaxation**:
 - **Residency Requirement**: Reduced from 11 years to 6 years for specified communities.
 - **Legal Exemption**: No prosecution under Foreigners Act, 1946, or Passport Act, 1920.
 - **Immigrant Status**: Applicants are not considered illegal migrants.
4. **Exempted Areas**:
 - Sixth Schedule tribal areas in Assam, Meghalaya, Mizoram, and Tripura.
 - States under "Inner Line Permit" as per Bengal Eastern Frontier Regulations, 1873.
 - MHA is considering easing CAA provision requiring applicants to prove citizenship of Bangladesh, Pakistan, or Afghanistan & may ease Schedule 1A, allowing proof of citizenship to be submitted later. Applicants can provide documents before an **empowered committee** instead of during online application.

Places of Worship Act

1. Civil suit filed against the **Shahi Jama Masjid** in Sambhal triggered violence. Built in the **16th century during Babar's reign**, the mosque is protected by the **ASI**. The petitioners allege the mosque was built on the site of **Hari Har Mandir**, demolished by **Babur** in 1529.
2. **SC** directed the **trial judge** to halt proceedings on the suit until the **Allahabad HC** hears the mosque committee's objections to the survey order.
3. The lower court passed the survey order **without hearing from the mosque's management committee**.
4. **Obligation under Article 51A** to preserve religious harmony and equality of all faiths.





5. **Places of Worship (Special Provisions) Act, 1991:**
 - The Act **freezes the status** of places of worship as of August 15, 1947, barring suits to change their status.
 - The **1991 Act** prohibits courts from examining changes made to places of worship since **August 15, 1947**.
 - **Section 3** of the Act forbids the **conversion** of places of worship from one religious denomination to another, or within different sects of the same religion.
 - **Ayodhya dispute** was exempted from the Act's provisions as it was subjudice at the time of enactment.
6. The **Ajmer Dargah**, **Adhai Din ka Jhonpra**, **Shahi Jama Masjid** (Sambhal), **Teelewali Masjid** (Lucknow), **Shamsi Jama Masjid** (Badaun), and **Atala Masjid** (Jaunpur) are some of the places facing calls for survey.
7. SC has **halted the registration of fresh suits across the country** regarding disputes over places of worship.

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The Waqf Act, 2025

1. **Why in news:** Aims to update the **Waqf Act, 1995** to fix issues in the **management of Waqf properties**.
 - **Focuses on:** Enhancing the **efficiency of Waqf boards**, Updating the **definitions of waqf**, Improving the **registration process** and Increasing the role of **technology in managing Waqf records**.
2. **Wakf (Repeal) Bill, 2025:**
 - Seeks to **remove** the outdated **Mussalman Wakf Act, 1923**
 - **Will:** Ensure **uniform rules** for managing Waqf properties under the **Waqf Act, 1995**, Improve **transparency & accountability** in Waqf management.
3. **Major Issues Identified:**
 - **Irrevocability of Waqf Properties:** The principle "**once a waqf, always a waqf**" has led to disputes, such as claims over **islands in Bet Dwarka**.
 - **Legal Disputes & Poor Management:** The **Waqf Act, 1995**, and its **2013 amendment** have not been effective.
 - **Problems Include:** **Illegal occupation** of Waqf land, **Mismanagement** and **ownership disputes**, **Delays** in property **registration** and **surveys** and Large-scale **litigation cases** and **complaints** to the Ministry.
 - **No Judicial Oversight:** Decisions by **Waqf Tribunals** cannot be challenged in **higher courts**.
 - **Incomplete Survey of Waqf Properties:** **Survey Commissioner's work** has been poor, leading to **delays**.
 - **Misuse of Waqf Laws:** **Section 40** has been misused to **declare private properties as Waqf**, causing **legal battles**.
 - **Constitutional Validity of the Waqf Act:** The Waqf Act applies only to **one religion**, while **no similar law** exists for others. **PIL** has been filed in the **Delhi High Court**, questioning whether the **Waqf Act is constitutional**. The Delhi High Court has asked the **Central Government** to respond to this issue.

Feature	Waqf Act, 1995	Waqf (Amendment) Act, 2025
Name of the Act	Waqf Act, 1995	Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2025
Formation of Waqf	By declaration, user, or endowment (waqf-alal-aulad)	Removes waqf by user; allows only declaration or endowment. Donors must be practicing Muslims for 5+





		years. Waqf-alal-aulad must not deny inheritance to female heirs.
Govt Property as Waqf	No clear provision	Govt. land identified as waqf will cease to be waqf; Collector to resolve disputes, report to the state govt.
Power to Determine Waqf	Waqf Board had power to determine Waqf property	Provision removed.
Survey of Waqf	Conducted by survey commissioners and additional commissioners	Empowers Collectors ; mandates pending surveys under state revenue laws
Central Waqf Council	All members must be Muslims, including 2 women	Includes 2 non-Muslim members; MPs, judges, eminent persons may be non-Muslims. Of Muslim members: 2 must be women
Waqf Board Composition	Elected Muslim members from MPs, MLAs/MLCs, Bar Council; 2 women minimum	Govt. may nominate non-Muslims; must include: 2 non-Muslims, 1 each from Shia, Sunni, Backward Muslims, Bohra, Agakhani; 2 Muslim women
Tribunal Composition	Judge + Additional DM + Muslim law expert	Muslim law expert removed; includes judge + joint secretary
Appeal on Tribunal Orders	Tribunal decisions final; courts barred except special High Court intervention	Allows appeals to High Court within 90 days
Powers of Central Government	States could audit Waqf accounts	Centre empowered to frame rules, publish accounts, proceedings; CAG/designated officer to audit
Separate Waqf Boards for Sects	Allowed for Sunni and Shia if Shia waqf exceeds 15% of waqf properties or income	Also allows separate boards for Bohra and Agakhani sects

Dual Citizenship

1. **External Affairs Minister** highlighted the challenges in providing **dual citizenship** to Indians settled abroad.
2. Mentioned that the **Overseas Citizenship of India (OCI)** initiative is a step toward addressing this demand.

Aspect	NRI (Non-Resident Indian)	PIO (Person of Indian Origin)	OCI (Overseas Citizen of India)
Definition	Indian citizens residing outside India.	Foreign citizens of Indian origin.	Foreign citizens of Indian origin with specific rights.
Citizenship	Holds an Indian passport.	Holds citizenship of another country.	Holds citizenship of another country.
Residency Status	No specific residency status; defined by duration abroad.	No specific residency status; previously valid for 15 years.	Lifelong residency status in India.
Registration with FRRO	Not applicable.	Required if staying in India for more than 180 days.	Not required for any duration of stay.
Duration of Stay	No restrictions on duration but requires a visa.	Up to 15 years, after which it needs renewal or conversion to OCI.	Indefinite stay without restrictions.





Rights and Privileges	Can open NRI accounts and invest in certain sectors.	Limited rights; cannot own agricultural land or vote.	Similar rights to NRIs; cannot own agricultural land or vote.
Political Rights	Section 20A of RPA: NRI can become an elector.	No voting rights in India.	No voting rights in India.
Transition	Not applicable.	Merged into OCI as of 2019; must transition to OCI for continued benefits.	Permanent status; no transition needed from PIO as it has absorbed PIO benefits.

- **D.P. Joshi v. State of Madhya Bharat (1955):** Differentiated between domicile and citizenship.

Uniform Civil Code

1. **Why in news:** Uttarakhand became first Indian state to implement the UCC (Article 44, DPSP, not legally enforceable, they aim to guide the government in policy-making) **post-independence**. The UCC applies to all residents except STs and natives who have migrated out of the state. Currently, **Goa** is the only state in India with a UCC, retaining its common family law, known as the **Goa Civil Code**, after its liberation from Portuguese rule in 1961.
2. **Key Provisions:**
 - Bans practices such as halala, iddat, and talaq under Muslim Personal Law.
 - Ensures equal property and inheritance rights for women.
 - Mandatory online registration of marriages, divorce, and live-in relationships. **Failing to register the relationship** could lead to **prosecution**.
 - Government portal (ucc.uk.gov.in) launched for registration, complaints, and uploading wills.
 - Aadhaar-based verification and AI-based translation into 22 languages.
 - Data integration from 13+ government departments, including police, courts, and civic bodies.
 - UCC also promises to uphold **children's rights** by standardizing **adoption laws**.
 - Encourage daughters and sons for higher education by increasing the age of marriage.
 - **Children born** are considered **legitimate** and women have a right to maintenance if the relationship ends.

Vice-President Removal

1. 60 MPs submitted a notice to the Rajya Sabha Secretary-General seeking the **removal of Vice-President**.
2. The Vice President draws powers under **Article 63** of the Constitution. **Article 64** designates the Vice President as the **ex-officio Chairman of Rajya Sabha**. The process for removal is detailed in **Article 67**.
3. **Term** is of five years unless the Vice President resigns by submitting a letter to the **President**.
4. **Removal:** A resolution passed by a **majority of Rajya Sabha members** and agreed to by the **Lok Sabha**.
5. **Notice Period:** At least **14 days' notice** is required before moving such a resolution.
6. **Approval:** The resolution must pass with a **simple majority** in both Houses.
7. **Resolution** does **not lapse** when session is prorogued. It can be taken up in **next session** or **special session**.
8. As per **Article 92**, the **Chairman** or **Deputy Chairman cannot preside** over proceedings when a resolution for their removal is under consideration. The Chairperson can **speak** and **participate** in proceedings. The Chairperson is **barred from voting** on the resolution or any matter during the proceedings.
9. The motion must first be **accepted by the Deputy Chairperson** for these provisions to apply. Deputy Chairman of the Rajya Sabha **rejected** no-confidence motion & emphasized that NCM requires at least **14 days' prior notice**.

Governor - Discretionary Powers

1. Part VI deals with state executive. State executive consists of the governor, the chief minister, the council of ministers and the advocate-general of state. Governor is nominal head at the state level.





- Governor is appointed by the president under his hand and seal. Oath is administered by Chief Justice of concerned High Court.
- Holds the office for a term of 5 years. However, term is subjected to **pleasure of President**.
- Constitution has not laid down any grounds for **removal** of the governor by president.
- A governor can also hold office beyond term until successor assumes charge.

Money Bill Hearing

- 7-judge Bench of SC will hear arguments on contours of a Money Bill. Reference stems from **Rojer Mathew vs South Indian Bank Ltd. (2019)**, where **Finance Act, 2017**, was challenged for altering tribunals.
- Constitutional Provisions on Money Bill: Article 109 – Exception for Money Bills:** Bill must be approved by both Houses, except in the case of Money Bills, which require only LS's approval. The RS can make recommendations, but these are non-binding. **Article 110(1) – Definition of Money Bill:** A Bill qualifies as a Money Bill only if it deals exclusively with subjects like taxation, borrowing, and withdrawal from CFI. **The word "only" restricts** inclusion of non-financial provisions. **Article 110(3) – Speaker's Authority:** The Speaker of Lok Sabha has the final say in certifying a Bill as a Money Bill. However, judicial review on this determination remains contentious.
- Finance Act, 2017–Beyond Article 110(1):** While it included provisions on salaries from the Consolidated Fund, it also made substantive changes to judicial bodies, exceeding the permissible scope of a Money Bill.
- Other Cases: Puttaswamy vs Uoi (2018)** failed to establish clear rules for reviewing a Speaker's certification of a Money Bill. Court had upheld the **Aadhaar Act as a Money Bill** due to its link to **Consolidated Fund subsidies**, ignoring its broader provisions on biometric data, consent, and regulatory framework.
- Financial Bills (Article 117): Category I:** Includes any of the six core matters in Article 110 along with other matters. **Category II:** Does not include those six matters but involves expenditures from the Consolidated Fund.
- Procedure for a Money Bill (Article 109):** A **money Bill** can only be introduced in the **Lok Sabha**. **Rajya Sabha** has 14 days to provide recommendations, which are not binding. Money Bills require **only Lok Sabha approval**, where the ruling government typically holds a majority. This special procedure originated in the U.K. in 1911, curtailing the **House of Lords'** powers over the Budget. **Speaker of Lok Sabha** certifies a Bill as a money Bill.

South Korea's Constitution vs. Indian Constitution

- South Korea's President announced **martial law** citing a need to protect the nation from **North Korean communist forces** and eliminate **pro-North Korean and anti-state forces**.
- The impeachment process for a president in South Korea** involves several key steps:
 - Article 65 of the South Korean Constitution** allows the National Assembly to impeach the president, prime minister, or other state officials if they violate the Constitution or laws while performing their duties.
 - A two-thirds majority (200 out of 300 members) in the National Assembly** is required.
 - An impeachment motion can be **proposed by any member of the National Assembly**.
 - If the motion receives a **two-thirds majority vote**, the president is immediately suspended from office pending a ruling by the Constitutional Court.
 - The court has a **maximum of 180 days** to decide on the validity of the impeachment. If upheld, the president is permanently removed from office, and **new presidential elections must be held within 60 days**.
 - The court typically consists of **nine justices**; however, it can proceed with fewer justices if necessary. **A minimum of six votes is required** to uphold an impeachment.

Feature	Indian Constitution	South Korean Constitution
Adoption Year	1950	1948 & 1987
Type of Government	Federal parliamentary republic	Unitary presidential republic





Legislature Structure	Bicameral (Lok Sabha and Rajya Sabha)	Unicameral (National Assembly)
Head of State	President (nominal)	President (head of state and government)
Head of Government	Prime Minister (real power)	President (real power)
Length of Constitution	Longest written constitution (448 articles, 25 parts)	Shorter constitution with amendments, currently 10 articles
Amendment Process	Rigid and flexible provisions	Requires 2/3 majority in the National Assembly
Judicial Review	Judiciary has the power to review laws	Judiciary has similar powers; Constitutional Court established
Emergency Provisions	Allows for a state of emergency under specific conditions	Allows for martial law under extraordinary circumstances

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France's Constitution vs. Indian Constitution

Provisions in Indian Constitution Inspired by France:

- Republican form of government**
 - India adopted the idea of a **Republic**—head of state elected, not hereditary (Article 52, President of India).
- Ideals of Liberty, Equality, Fraternity**
 - These are part of the **Preamble** of the Indian Constitution, directly borrowed from the **French Revolution** (1789).
- Secularism**
 - India's secularism echoes France's strict separation of religion and state, with equal respect to all religions.
- Concept of legal equality**
 - Equal protection of laws (Article 14) draws from **French civil law traditions** of *égalité*.
- Uniform Civil Code (UCC) ideal**
 - The push for UCC (Article 44, DPSP) aligns with France's civil law system with no religious personal laws.

Differences:





Feature	Indian Constitution	French Constitution (Fifth Republic, 1958)
Form of Government	Parliamentary system (President is nominal head, PM is executive)	Semi-Presidential system (President + Prime Minister share executive power)
Head of State	Elected President , largely ceremonial	President is directly elected, holds substantial executive powers
Structure of State	Federal structure – power shared between Centre and States	Unitary structure with decentralized administration
Secularism	Equal respect to all religions (positive secularism)	Strict separation of church and state (Laïcité , negative secularism)
Length	Longest written constitution (470+ Articles, 12 Schedules)	Short, concise constitution with fewer Articles
Preamble Ideals	" Justice, Liberty, Equality, Fraternity " – inspired by French Revolution	Same ideals, explicitly stated in the French Republican motto
Legal System	Common law system (Anglo-Saxon legal tradition)	Civil law system (Napoleonic Code tradition)
Judicial Review	Vested in Supreme Court via writs (Articles 32, 226)	Constitutional Council conducts review of laws before promulgation
Amendment Process	Rigid and flexible (Article 368 – special & simple majority)	Amendments passed by Parliament or Referendum depending on nature
Language Policy	Multilingual (Hindi + English + 21 Scheduled Languages)	Primarily monolingual – French is official national language

Local Self-Government / Panchayats

Sl. No.	Key Point	Explanation (with Article/Keyword)
1	Constitutional Status via 73rd Amendment	Enacted in 1992 , gave constitutional status to Panchayati Raj Institutions (PRIs).
2	Article 243 to 243-O	Part IX of the Constitution exclusively deals with Panchayats .
3	Gram Sabha (Art. 243(b))	A body of all registered voters in a village – base of grassroots democracy.
4	Three-tier Structure (Art. 243(b))	PRIs include Village, Intermediate, and District level Panchayats in states with >2M population.
5	Elections Every 5 Years (Art. 243E)	Mandatory regular elections by State Election Commission (SEC) every 5 years .
6	Reservation for SC/ST/Women (Art. 243D)	Reservation of seats and chairpersons , including 1/3rd seats for women (now extended to 50% in many states).
7	State Finance Commission (Art. 243-I)	Constituted every 5 years to recommend financial devolution to Panchayats.
8	Powers and Responsibilities (Art. 243G)	PRIs to prepare plans for economic development and social justice in 29 subjects (Eleventh Schedule).
9	State Election Commission (Art. 243K)	Conducts elections to PRIs; independent constitutional body similar to Election Commission of India.
10	Eleventh Schedule (added in 1992)	Lists 29 functional areas like agriculture, health, education, sanitation, water management, etc. for PRIs.



**Major Issues Facing Local Self-Government (Panchayats & ULBs)**

1. Capacity Deficit in Functionaries: Elected members lack technical, financial, and administrative training to handle decentralized governance effectively.
2. Inadequate Devolution of 3Fs (Functions, Funds, Functionaries): States retain key developmental functions; SFCs not taken seriously, reducing autonomy.
3. Gender Tokenism in Representation: Women leaders often act as proxies (e.g., Sarpanch Pati); patriarchal bias persists.
4. Urban Local Body Neglect: ULBs lack financial powers; property tax underutilized (only 0.2% of GDP vs global 1%).
5. Extra-Constitutional Authorities & Social Conservatism: Khap Panchayats enforce regressive norms; violate Art 14, 15, 21 (e.g., Shakti Vahini v. UOI).
6. Mismatch Between Political Empowerment and Functional Autonomy: Elections occur regularly, but authority to plan and execute remains limited.

Solutions and Way Forward for Strengthening Local Governance

1. Strengthen State Finance Commissions (SFCs) – Make SFCs periodic and binding like Finance Commissions; ensure fiscal decentralization.
2. Capacity Building through Digital Tools and Training – E.g., Mission Antyodaya, e-GramSwaraj to digitally empower PRIs and ensure real-time governance.
3. Grassroots Gender Empowerment – Enforce penalties for proxy politics; promote women's collectives, SHGs for political mentorship.
4. Revamp Urban Local Bodies' Financial Base – Implement municipal bonds (like Pune, Ahmedabad); empower ULBs for town planning.
5. Legal Action Against Parallel Authorities like Khap Panchayats – Strengthen police protection for inter-caste marriages; awareness under Beti Bachao Beti Padhao.
6. Holistic Planning through District Planning Committees (DPCs) – Activate Article 243ZD institutions for integrating rural and urban development agendas.

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75 Years of Indian Constitution: Justice, Liberty, and the Evolving Democratic Journey

1. Supreme Court **reinstated Justice S. Fazl Ali's dissent** from *A.K. Gopalan vs State of Madras* (1950) through *Puttaswamy vs Union of India* (2017), affirming **privacy as a fundamental right**.
2. The *A.K. Gopalan* case had initially upheld **preventive detention** but was later acknowledged as a **judicial error**.
3. **Article 21** guarantees **life and personal liberty**, essential for **individual dignity** and **holistic development**.
4. Despite constitutional safeguards, **preventive detention** and **arbitrary arrests** persist under **anti-terror laws**.
5. Notable examples include **Umar Khalid, Sharjeel Imam, and Gulafsha Fatima**, linked to **anti-CAA protests**.
6. **A.K. Gopalan** himself faced continuous arrests from **1947–1951**, highlighting early misuse of preventive detention.
7. The **Preventive Detention Act, 1950** was legitimized under India's '**rule of law**' regime.
8. Cases like the **Bhima Koregaon arrests** (16 intellectuals) and **Delhi riots detentions** (19 protesters) show a **diminishing urgency** in protecting personal liberty.
9. Advocates the use of '**creative constitutionalism**' (*Upendra Baxi*) to preserve **justice and liberty**.

Foundational Values and the Indian State

1. The **Constitution** was adopted after three years of **Constituent Assembly** debates and came into effect two months later.
2. **Dr. B.R. Ambedkar** (1949) warned of placing **creed above country**.
3. Federal issues include **State-Governor conflicts**, **simultaneous elections**, and **neglect of regional languages** (e.g., Tamil, Kannada, Bengali, Marathi).
4. Tensions in **fiscal federalism** involve the **Finance Commission** and **GST Act**.
5. The upcoming **delimitation exercise** may escalate **Union-State tensions**.
6. The word '**federal**' is absent from the Constitution, despite its essence being **federal**.
7. **S.R. Bommai vs Union of India (1994)** and **NCT of Delhi vs Union of India (2024)** upheld **federalism** as part of the **Basic Structure Doctrine**.
8. Concerns over a **police state** due to laws like **Sedition, UAPA, and PMLA**.
9. **Ambedkar** stressed **fraternity**, and warned that **social and economic inequality** could threaten **democracy**.
10. Recent proposals for an **Indic Constitution** based on **Hindu dharma** seen as threats to **constitutional secularism**.
11. Urges **judges, bureaucrats, politicians, activists, journalists, and citizens** to act as **constitutional guardians**.

The Republican Journey and Civic Virtues

1. On **Republic Day eve**, President **Droupadi Murmu** said the **Constitution is a living document**, rooted in India's **ancient civic traditions**.
2. Paid tribute to **Dr. Ambedkar** and the **Constituent Assembly** for their **visionary drafting**.
3. Emphasized **justice, liberty, equality, and fraternity** as long-standing **civilizational values**.
4. Stated that **India's democracy** has proven **Independence-era sceptics** wrong.
5. Highlighted the **representative nature** of the Constituent Assembly, including **15 women**, and praised **women's contribution to nation-building**.
6. Appreciated the shift from **colonial-era criminal laws** to **new laws** based on **Indian jurisprudence**.
7. Advocated for **simultaneous elections** to **Lok Sabha** and **State Assemblies**, citing **governance efficiency, reduced policy paralysis, and financial savings**.
8. The **draft Bill on simultaneous elections**, introduced by the **Modi government**, is under **Parliamentary review**. **Opposition parties**, especially the **INDIA bloc** and **Mallikarjun Kharge**, oppose the proposal, citing threats to **federalism** and the **Basic Structure**.
9. Critics warn it may lead to "**One Nation, One Party**", weakening **opposition voices**.
10. Concerns were raised about the **President's role** in entering **partisan political debate**.
11. Ended with a call for "**unity without uniformity**" to **strengthen the Republic**.

Parliament Debate Quality & Functioning

Ethics Mains Module 2025

by **Mudit Jain Sir**

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1. **Eroded moral fabric:** MPs have shifted from wit, humour, and intellectual satire to confrontational, adversarial conduct—indicating moral decay in parliamentary discourse.
2. **Disrespecting the Chair:** Speakers and Chairpersons are being made “punching bags” through strategic disruptions, undermining dignity of office.
3. **Politically scripted behavior:** Members openly said they were commanded by party leadership to disrupt proceedings—politicization impairs deliberative space.
4. **“All is not well...”:** Parliament and state legislatures are “functioning under great strain” due to excessive procedural disruptions.
5. **Weaponization of procedures:** Misuse of legislative procedures to stall business—“weaponizing politics”—harms governance and democracy.
6. **Urgent need for introspection:** Calls for all political parties to critically self-assess, emphasizing that discipline and decorum are the heart of democracy.

Private Member’s Bills (PMBs)

1. **Definition & Authority:** A PMB is introduced by any MP **not belonging to the Council of Ministers**, under **Articles 107–111** of the Constitution.
2. **Notice & Scheduling Rules:** A one-month prior notice is mandatory. PMBs are considered during **Friday afternoon sessions** in both Houses.
3. **Limited Success Rate:** Since 1947, only 14 PMBs have become law (last in 1970), none have passed both Houses since; zero in 2024–25.
4. **Declining Relevance:** In the 18th Lok Sabha (2024–25), 64 PMBs were introduced; **none were debated** due to disruptions and priority given to government business.
5. **Noteworthy 2025 Example:** MP **Sujeet Kumar** introduced the **Sustainable Fashion (Promotion & Regulation) Bill, 2025**, and the **Viral Hepatitis (Prevention & Control) Bill, 2025**, reflecting emerging public health and environmental concerns.
6. **Democratic Innovation Potential:** PMBs act as legislative incubators—like the 2014 Transgender Rights Bill and Right-to-Disconnect Bill (2019)—that later influenced government legislation.
7. **Structural Limitations:** Restricted debate time, interruptions, low priority, and party discipline (Anti-defection) hinder PMB progress and diminish cross-party legislative innovation.
8. **Need for Reform:** Experts urge **dedicated slots, procedural safeguards**, cross-party sponsorship model, and public consultations to revitalize PMB mechanism.

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Rajya Sabha

Aspect	Lok Sabha	Rajya Sabha
1. Constitutional Basis	Article 81 – Composition of House of the People	Article 80 – Council of States
2. Tenure	5 years (Article 83(2)), subject to dissolution	Permanent body; 1/3rd members retire every 2 years (Article 83(1))





Aspect	Lok Sabha	Rajya Sabha
3. Strength	Max 552; currently 543 elected members	Max 250; currently 245 members
4. Financial Powers	Money Bills (Article 110) can only be introduced here; final authority	Can only recommend changes; no power to reject Money Bills
5. Representation	Represents people directly, via direct elections	Represents states and UTs , elected by State Legislative Assemblies
6. Role in Joint Sitting	Greater influence in joint sittings (Article 108)	Has less numerical strength, hence lesser influence

Aspect	Lok Sabha	Rajya Sabha
Legislative Productivity	High (148% in 2024 Budget Session)	Moderate-high (137%)
Opposition Role	Strengthened, more combative debates	Slim majority leads to smoother government passage
Disruptions & Suspensions	Extensive suspensions (100 MPs), disruptive sessions	Fewer suspensions, sustained working
Deliberative Depth	Focused on legislative output, less debate on structural issues	Federalism/Delimitation debated actively
Office-bearer Appointments	Speaker elected; Deputy seat vacant	Inclusive leadership appointments under Chairperson

SLAs & Governor

“In light of recent developments, evaluate the role of the Governor in state legislative processes. Discuss the constitutional provisions, controversies, and judicial interventions relating to the summoning and dissolution of the State Legislature.”

Constitutional Provisions

- Article 174** – Governor summons, prorogues, and dissolves the State Legislature at his/her discretion.
- Article 175** – Guarantees that the Governor addresses the Legislature at beginning of sessions.
- Article 200** – Governor’s power to grant, withhold, or reserve assent to bills passed by the Assembly.
- Article 201** – Power to reserve certain bills (money, President’s Rule, etc.) for President’s consideration.
- Article 356 & 365** – Governor’s reports can trigger President’s Rule, effectively dissolving Legislature.

Recent Controversies

- Tamil Nadu (2023)** – Governor delayed summoning Assembly for budget session despite Council clearance, cited “administrative reasons.”
- Uttarakhand (2021)** – Governor refused to call Assembly after floor test; Assembly suspended, leading to President’s Rule.
- Maharashtra (2019)** – Governor held back floor test date, enabling rival claim to form government.
- Arunachal Pradesh (2016)** – Governor preponed Assembly session illegally, facilitating majority realignment.
- Punjab (2024)** – Governor’s delay in granting assent to Anti-Looting Bill sparked Centre–State friction.

Judicial Interventions

- SR Bommai v. Union of India (1994)** – Established that Governor’s report under Article 356 is subject to judicial review.





2. **Nabam Rebia & Bamang Felix (2016)** – SC struck down Arunachal Proclamation and dissolution.
3. **Rameshwar Prasad v. Union of India (2006)** – Courts can examine mala fide use of Article 356 powers.
4. **Pala Panickar v. Union of India (2024)** – Kerala High Court invalidated Governor's delay in summoning session.
5. **Ganesan v. Governor (Madras HC, 2023)** – Held that "administrative reasons" cannot justify arbitrary delay.

Evaluating the Governor's Role

1. **Constitutional Guardian vs. Partisan Actor** – Ideally neutral; often perceived as Centre's agent.
2. **Discretion vs. Convention** – Many powers exercisable on "aid and advice" of Council of Ministers, but conventions remain unwritten.
3. **Impact on Federalism** – Overreach undermines state autonomy and balance of Centre–State relations.
4. **Checks and Balances** – Judicial review (Bommai) has constrained arbitrary summoning/dissolution but incidents persist.
5. **Political Stability vs. Democratic Mandate** – Misuse can subvert electoral verdicts, eroding public trust.

Way Forward

1. **Codify Conventions** – Enshrine key governor conventions (summoning, dissolution) in the Constitution or an Act.
2. **Transparency Mechanisms** – Require public reasons for delay/dissolution to deter arbitrary action.
3. **Enhanced Judicial Oversight** – Fast-track petitions on Governor's discretion under special benches.
4. **Governor's Appointments/Training** – Merit-based selection; orientation on constitutional ethos before office.
5. **Parliamentary Safeguards** – Amend Articles 174/356 to limit unilateral use, require Assembly confidence vote within fixed timeline.

Right to Property

1. **Part III vs Part IV:** Fundamental Rights (Part III) are enforceable, while DPSPs (Part IV) are aspirational goals.
2. In **Mohd. Hanif Quareshi vs Bihar (1958)**, SC asserted FRs cannot be compromised to implement DPSPs. **Golak Nath (1967)**: Fundamental rights cannot be abridged to implement DPSP.
3. **Article 39(b)** in **Part IV** provides that 'ownership and control of material resources of the community are so distributed as best to subserve the common good.'
4. Constitution originally guaranteed right to property and compensation for acquisition as a Fundamental Right under **Articles 19(1)(f)** and 31 respectively. In 1978, **right to property** was omitted from Fundamental Rights & made constitutional right under **Article 300A**.
5. **Article 31C (25th Amendment, 1971)**: Laws made under Articles 39(b) & (c) were given **immunity** from challenges based on Articles 14, 19. Judicial review on whether laws truly served common good was also barred.
6. **Kesavananda Bharati Case (1973)**: Court upheld part of Article 31C but **struck down** clause barring judicial review. **42nd Amendment (1976)**: Extended **Article 31C immunity** to laws made in furtherance of any **DPSP**.
7. **Minerva Mills Case (1980)**: Declared expanded Article 31C unconstitutional, emphasizing balance between fundamental rights (means) and DPSPs (ends).
8. **44th CA** omitted right to property as a fundamental right, but **Article 300A** was inserted, stating that **no person shall be deprived of property except by authority of law**. (Constitutional right). **Procedural safeguards** are part of "authority of law" in **Article 300A**.
9. **Kolkata Municipal Corporation Case**: SC gave **7 procedural rights to citizens under Article 300A**: **Right to notice**: State must inform person of its intention to acquire property, **Right to be heard**: The citizen must have the opportunity to raise objections, **Right to a reasoned decision**: The state must provide a reasoned explanation for acquisition, **Duty of the state** to demonstrate that the acquisition is exclusively for a **public purpose**, **Right to fair compensation** for the citizen, **Duty of the state** to conduct the process efficiently and





within prescribed timelines, **Right of conclusion**: Acquisition is complete only when the state takes **physical possession** of the land.

- Acquisition process is complete only when state takes **actual possession** of land. If possession is not taken, acquisition is not considered complete.

Exceptions to fundamental rights

Considering the inadequate resources with the government and to provide greater flexibility in acquiring land for public welfare, various amendments were carried out curtailing the right to property. Notable among them are exceptions under Articles 31A, 31B and 31C

Article	Amendment & year	Brief explanation
31A	1st amendment, 1951	Provided that laws made for acquisition of estates etc. shall not be void on the ground that it violated fundamental rights including right to property
31B	1st amendment, 1951	Made laws placed under the Ninth Schedule immune from judicial review on the grounds of violating any fundamental right. In Coelho case (2007), the SC held that laws placed in Ninth Schedule after April 1973 would be subject to judicial review
31C	25th amendment, 1971	Provided primacy to the DPSP under Articles 39(b) and (c). Laws made to fulfil these principles shall not be void on the ground that it violated fundamental rights including right to property

acquisition. The court dismissed the idea that the state can acquire private property to serve the "common good".

- To qualify as a 'material resource of community,' a resource must be 'material' and 'of the community.' The key factors determining this include the inherent characteristics of the resource, its impact on community well-being, its scarcity, and the consequences of its concentration in private hands.

OTT Controversy

- Constitution guarantees the right to freedom of speech and expression to all citizens under Article 19(1)(a). This right is not absolute, as the Constitution envisages reasonable restrictions that may be placed on this right by law. Reasonable restrictions on free speech under **Article 19(2) do not recognise offensive speech** as a distinct category. Restrictions are narrowly defined and include security of the state, public order, decency, morality, and other specific grounds. While the language used in the show is highly **objectionable and unpalatable**, it does not necessarily amount to a violation of **decency or morality** under Article 19(2).
- Ambedkar maintained that in interest of the nation, some restrictions were necessary** as long as they remained narrowly defined.
- In **Apoorva Arora v. Govt. of NCT of Delhi (2024)**, Court **quashed criminal prosecutions for foul language** in an OTT show. Court explained that **coarse** language, however distasteful, does not automatically become **obscene**.
- Section 69A of the IT Act, 2000** provides the government with the power to block access to a website. **"Decency and morality" do not fall under the grounds** for blocking websites under Section 69A. Blocking orders aided by the **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**.
- MIB's** push for Broadcasting Bill has received momentum. The Parliamentary Standing Committee of Information Technology, headed by BJP MP Nishikant Dubey, has now urged Ministry to propose new regulations.
- Information Technology Rules, Part III** now covers **digital news media and OTT platforms**.

MIB's Regulations on OTTs:

- Warning over-the-top (OTT) streaming services against transmitting "any content that is prohibited by law", the MIB said they should **ensure "age-based classification of content"** under IT (Intermediary Liability and Digital Media Ethics Code) Rules, 2021.





2. Regulations require streaming services to have a **formal grievance redress system** under which users who are offended by certain content can approach the platform, then a self-regulatory body, and further an inter-departmental committee of Gol.
3. **IT Rules do not completely ban swearing, sex or nudity**; they instead require that shows and films that feature these — along with substance abuse and violence — be **rated** for older audiences.
4. **Other laws to warn streaming providers against content** that features obscenity include; Indecent Representation of Women (Prohibition) Act, 1986; BNS, 2023; the POCSO Act; and IT Act, 2000, wherein publication of obscene/pornographic content is punishable.
5. Ministry also issued an advisory to OTT platforms and self-regulatory bodies, asking them to strictly **adhere to the Code of Ethics prescribed under the IT Rules, 2021** while publishing content. It asked the self-regulatory bodies of OTTs to **take appropriate proactive action in case of violation of the Code of Ethics** by the platforms.
6. MIB issued an advisory cautioning OTTs against streaming content that "**inadvertently promotes, glamorises, or glorifies**" the use of drugs. **Code of Ethics for OTT platforms** prohibits the transmission, publication, or exhibition of content that is prohibited under any law or court order.
7. Content depicting potentially dangerous behavior that may incite criminal acts, including self-harm, and which could be copied by children or young people, should **receive a higher classification**.
8. **Key Regulations:**
 - IT Act serves as the primary legal framework governing digital operations in India. It includes provisions for content regulation, data protection, and privacy. Under Section 79, OTT platforms must observe due diligence to mitigate unlawful activities.
 - **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** categorize digital media into three segments: publishers of news, intermediaries, and OTT platforms.
 - OTT platforms are also subject to the **Cable Television Networks (Regulation) Act, 1995**, which applies to TV-like content on these platforms.
 - **The Consumer Protection Act, 2019** applies to OTT platforms regarding unfair trade practices.
 - **The Indecent Representation of Women (Prohibition) Act, 1986**, and Section 292 of IPC address issues related to obscenity and the representation of women in media (**Section 294 of BNS**).

Right to Union

1. Realisation of **fundamental right** to form a **registered trade union** to collectively bargain for better terms of employment is at the heart of protests by Samsung India workers' in Tamil Nadu.
2. SC in **B.R. Singh Vs Uoi** in 1989 upheld right to **form associations or unions as fundamental right** under **19(1)(c)**.
3. State or the courts could "**reasonably**" restrict formation of unions, associations, cooperative societies under **Article 19(4)** of Constitution only if there is **danger to public order, morality, sovereignty or integrity of India**.
4. It is obligation of State, under 1926 Act, to register trade unions. Even **7 members** could apply for registration of their union. Registrar has to merely examine whether a trade union's rules conform with rules of the Act.
5. A trade union could seek **recognition a year after its registration**. If the company management refused to recognise it, it could appeal to the appropriate committee.
6. '**Collective bargaining**' is defined in **Article 2 of ILO Collective Bargaining Convention of 1981** to determine working conditions and terms of employment. It is **statutorily recognised** in **Industrial Disputes Act, 1947**.
7. **India's 1947 Act**, lists an employer's refusal to "recognise trade unions" as an unfair labour practice.

- **Right to strike** is a **legal right** recognised with certain restrictions under **Industrial Disputes Act**. SC described strikes as a "**form of demonstration**" by workers for their rights.
- 1947 Act does **not** recognise right to strike as **absolute**. Section 22 prohibits strikes in breach of contract or without giving employer **notice within six weeks** before striking or **within 14 days** of giving such notice.





8. **Tamil Nadu Labour Department** approved the registration of **Samsung India Workers' Union (SIWU)**, backed by the **Centre of Indian Trade Unions (CITU)**. The decision follows a **Madras High Court** order.
9. **Joint Commissioner of Labour** issued the registration certificate.

Various **successful candidates of UPSC CSE-24** were part of Ethics/Essay Modules & Other Initiatives. **Some of them, with their clickable feedback, are** AIR-2, 28, [32](#), [35](#), 53, [54](#), [55](#), 57, [61](#), 72, [91](#), [119](#), [217](#), 219, 247, 256, [261](#), 287, [299](#), 328, 351, 450, 525, 579, 590, 728, 813, 871, 905 etc.

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Right to Die with Dignity - Euthanasia

1. **Ministry of Health** released **draft Guidelines for Withdrawal of Life Support in Terminally Ill Patients** to operationalise the Supreme Court's 2018 and 2023 orders on **right to die with dignity for all Indians**.
2. **Guidelines include:**
 - Setting up of **Primary and Secondary Medical Boards** at level of hospital, which will determine when further medical treatment may not be beneficial to a terminally ill patient;
 - Nomination of doctors by district CMO or equivalent to hospital-level Secondary Medical Boards, which will confirm or reject the opinion of the Primary Medical Boards. **Secondary Medical Board** members must be different from those on the Primary Medical Board.
3. There is **no dedicated legislation** in India on withholding/withdrawing life-sustaining treatment. But SC's judgment and these guidelines make it clear that **withholding/withdrawing life-sustaining treatment is legal**.
4. SC in **Common Cause vs Union of India (2018)** recognised **right to die with dignity under Article 21**.
5. Withdrawal of life-sustaining treatment takes place either through informed refusal by a patient with decision-making capacity or through an advance medical directive ('living will'). **SC in its 2018 judgment** also laid down **framework** for making advance medical directives or living wills and simplified it in 2023.
6. Living wills are written documents made **by a person of age 18 years or older** with decision-making capacity, expressing their will on how they would wish to be treated if they lose such capacity.
7. It should detail **at least two surrogate decision-makers** — anyone whom the person trusts, from family to neighbours, who can make decisions on behalf of the person if they lose decision-making capacity. It becomes legal when it is signed in presence of executor and 2 witnesses, and attested before a notary or gazetted officer.
8. The persons nominated by patient must consent to the withholding or withdrawal of treatment.
9. Hospital must notify decisions on withdrawing life-sustaining treatment to the local judicial magistrate.
10. **Government Medical College Hospital (GMCH) in Kerala's Kollam** district opened a '**Living Will Information Counter**' in the out-patient registration to spread awareness & became the **first hospital** in the country to establish such a counter.
11. **Terminally Ill Adults (End of Life) Bill 2024-25 (Assisted Dying Law)** was introduced in British House of Commons to **allow terminally ill adults in England and Wales, with less than 6 months to live**, to seek assistance in ending their lives after approval by two doctors and a high court judge.





Sub-Classification of Castes

1. SC in **State of Punjab vs Davinder Singh** affirmed that **States** have the right to **subclassify Scheduled Castes** listed in the **Presidential List** to provide preferential treatment in public employment and education.
2. Articles 15(4) and 16(4) provide reservation of seats for SC, ST, and OBCs in education and government jobs.
3. **Article 330 & 332** provide for reservation of SC/ST in Parliament and State legislatures.
4. **EWS**: 103rd Constitutional Amendment introduced 10% reservation for EWS in the general category.
5. **Reservation in Educational Institutions**: Central Educational Institutions (Reservation in Admission) Act, 2006 mandates 15%, 7.5%, and 27% reservation for SC, ST, and OBC students in central institutions.
6. The review petitions argue that **President** holds **exclusive power** to identify **SC and ST**. Any changes can only be done by **Parliament** under the **1950 Order**.

Caste-based Census

1. While State could conduct a caste-based census under the Collection of Statistics Act, 2008, the Census Act could override it. Only data collected by Centre under Census Act, 1948, could provide legal protection to State policies.
2. State-collected data through surveys might face legal challenges or court stays, limiting their enforceability.
3. **Census Act** section 3 restricts census activities to Union, making it sole authority for conducting national census.
4. **Collection of Statistics Act, 2008**: This Act allows State governments to collect socio-economic data but does not provide legal backing necessary for a comprehensive caste-based census.
5. First Caste Census was conducted in **1871-72**, classifying groups across 4 regions (NWP, CP, Bengal, and Madras).
6. **1931 Census**: Identified **4,147 castes**, with many communities claiming different identities in different regions.
7. **SECC 2011** reported **46.7 lakh castes/sub-castes** with **8.2 crore acknowledged errors**.

Creamy Layer

1. **OBC quota** was introduced in **1993** with a guiding charter to exclude candidates whose families accumulated **social and economic privileges** over the years, termed as the **creamy layer**.
2. Reservation is provided to **non-creamy layer** candidates based on criteria, including an **income or wealth test**.
3. **DoPT's 1993 charter** had declared some OBC families ineligible on basis of their occupations. Children of people in constitutional posts, senior Central and State gov employees, members of armed forces, and property owners could not avail of the OBC quota for civil services.
4. Exceptions were carved out of these exclusions: for instance, children of MPs and MLAs; government officials who have been promoted, not hired, into senior positions; and owners of unirrigated agricultural land, among others are eligible for OBC quotas, subject to a parental annual income limit of ₹8 lakh.
5. DoPT has discriminated in terms of how income test is applied as exceptional cases mentioned above are allowed to exclude their parents' salaries and agricultural income from the prescribed limit.
6. **DoPT** applies **two different income tests** for different categories of OBC candidates:
 - For certain **exempted cases** (e.g., children of MPs, MLAs, and promoted government officials), **parents' salaries and agricultural income** are excluded from the ₹8 lakh limit.
 - For other OBC candidates (e.g., salaried professionals, business owners, or farmers), **parents' salaries** are included in the ₹8 lakh limit.
7. **Based on Mandal Commission Report (1980)**, OBCs were granted 27% reservation. **Indra Sawhney case (1992)** upheld 27% reservation for OBCs and excluded **creamy layer** to ensure equality. **Ram Nandan Committee (1993)** recommended **creamy layer exclusion criteria** based on parental income & position.

Jurisdiction of the CBI

1. **SC** upheld the maintainability of WB's suit against Union for using CBI to investigate cases after WB withdrew consent. **SC** rejected Centre's objections that CBI is independent and the suit shouldn't be entertained.





- Under Section 6 of DSPE Act, CBI needs State consent to investigate within its jurisdiction. Since policing and public order are State subjects, consent is required, except in Union territories or railway areas.
- General consent** allows CBI to operate seamlessly within states. When a state gives a general consent to CBI for probing a case, agency is not required to seek fresh permission every time.
- Revocation of general consent:** States, including West Bengal, revoked consent, accusing Centre of misusing CBI.
- Impact of revocation:** Without consent, the CBI needs explicit permission from the State to investigate. CBI will not be able to register any fresh case involving central government officials or private persons without prior permission of that state. CBI can continue to investigate cases in a state registered prior to the withdrawal.
- West Bengal filed a suit under Article 131, claiming Union overstepped by involving CBI after State withdrew consent in 2018. Suit, filed under Article 131, seeks Supreme Court's intervention in Centre-State disputes.
- Union Government's Argument:** CBI is independent from Union control. However, Center, later agreed that CBI needs Union permission under Section 5 of the DSPE Act.
- Court found that Union has oversight over CBI & CBI is not independent and operates under Union control.
- CBI derives its powers from the Delhi Special Police Establishment Act of 1946. As per the CVC Act, 2003, the Director of CBI has a fixed tenure of 2 years. DSPE (Amendment) Act, 2021 provides for the extension of the tenure of the Director of CBI from 2 years to up to 5 years.

NHRC

- NHRC's 'A' status accreditation deferred for another year by GANHRI's Sub-Committee on Accreditation, following the initial deferral in 2023 due to lack of transparency in appointments, appointment of police officers to human rights investigations, and inadequate gender and minority representation.
- Vacancies:** Persistent vacancies hinder NHRC's operational efficiency and credibility.
- Impact:** Deferral affects India's participation in Human Rights Council and UN General Assembly bodies.
- Paris Principles**, adopted by UN in 1993, set **six criteria** for national human rights institutions: **mandate, autonomy, independence, pluralism, resources, and investigative powers**.
- NHRC is a **statutory body** created under the Protection of Human Rights Act, 1993.
- Chairperson and Members** are appointed by **President** based on recommendations of committee.
- Selection committee:** Headed by PM and includes: Speaker of Lok Sabha, Minister-in-Charge of Home Affairs, Leaders of Opposition in both Lok Sabha and Rajya Sabha, Deputy Chairman of Rajya Sabha.
- Tenure:** **Chairperson and Members** hold office for a term of **three years** or until the age of **seventy**, whichever is earlier. Both the Chairperson and members are eligible for **reappointment**.
- Removal:** By the **President** on grounds of **proven misbehavior or incapacity**. Such removal can only occur after **consultation with the Supreme Court**.
- Powers of NHRC:** NHRC holds the powers of a **civil court** as per the Code of Civil Procedure, 1908, particularly **Summoning and enforcing** the attendance of witnesses and examining them under oath; **Discovery and production** of documents; **Receiving evidence** through affidavits; **Requisitioning public records** or copies from any court or office; **Issuing commissions** for examination of witnesses or documents.

Finance Commission

- Finance commission:** It is a **constitutional body** established under **Article 280** of the Indian Constitution; It is constituted by the **President of India every five years**, or earlier if deemed necessary; The first commission was established in **1951**; It consists of a **chairman and four other members**.
- 16th Finance Commission**, chaired by Arvind Panagariya, was constituted in Dec 2023. It has five members and will submit recommendations by 2025 for five years from April 2026.
- Constitutional Body.** Centre is not legally required to implement its suggestions.
- Fiscal Distribution:** Finance Commission, under **Article 280**, recommends tax-sharing and grants distribution.
- Discretionary Grants:** Special grants under **Article 282** often bypass Finance Commission recommendations.





6. **Centre's Role in Transfers:** While Finance Commission transfers are fixed, other Central transfers allow discretion.
7. **Vertical Devolution:** Decides States' share in Centre's net tax revenue. **13th (32%), 14th (42%), 15th (41%).**
8. **Horizontal Devolution:** Finance Commission determines State shares based on: Income distance (gap from richest State), Population, demographic performance, forest cover, area, and tax efficiency.
9. **Local Governance:** Post 73rd and 74th amendments, sub-clauses 280 (3) (bb) and (c) mandate recommendations for augmenting State consolidated funds to support panchayats and municipalities.
10. **Finance Ministry now has complete control over grants to States**, raising concerns of **bias**.
11. **14th and 15th Finance Commissions** recommended 42% and 41% devolution, excluding J&K and Ladakh, which would otherwise total 42%.
12. **State Autonomy:** Non-statutory grants form 12.6% of gross tax revenue and must be spent on specific schemes.
13. **Cess and surcharge impact:** These collections, which are not shared with States, rose. **GST Compensation Cess was excluded** as it was meant to compensate States for GST revenue losses.
14. **Expansion of CSS and CSec Schemes:** CSS increased, requiring States to co-fund.
15. Global economic shifts such as "**friendshoring**" (It involves sourcing materials and manufacturing from countries that are considered geopolitical allies) and "**reshoring**" (It refers to the practice of bringing manufacturing and production back to the home country) are reshaping international trade.
16. 15th FC's devolution was only **33.16%** of the Union's gross tax revenue due to cess and surcharges.
17. State Finance Commission is a constitutional body established under **Article 243-I** to ensure the financial health of local bodies like Panchayati Raj Institutions and Urban Local Bodies. It recommends distribution of state revenues and evaluates financial needs to enhance service delivery. SFCs are constituted **every five years** to strengthen local governance.

Public Accounts Committee

1. Performance review of "regulatory bodies established by Act of Parliament", such as SEBI & TRAI.
2. PAC will audit "fees, tariffs, user charges, and so on" levied on the use of public infrastructure such as airports.
3. Recently, PAC notified 161 subjects for deliberations during its term, most of them based on CAG reports.
4. PAC has picked **5 subjects suo motu**: Reforms in the banking and insurance sectors; Review of implementation of CSS; Policy underway for transition in energy sector; Performance review of regulatory bodies established by Acts of Parliament; Levy and regulation of fees, tariffs, user charges, on public infrastructure and other public utilities.
5. Its functions can go "**beyond formality of expenditure to its wisdom, faithfulness, and economy**".
6. PAC is responsible for auditing revenue and expenditure of government & is one of the oldest Parliamentary committees that has its **roots in Financial Committee** established in **1921**, following **Montagu Chelmsford Reforms**. It is constituted every year under Rule 308 of **Rules of Procedure & Conduct of Business in Lok Sabha**.
7. **Members:** 22 (15-LS, 7-RS). A minister cannot be elected as a member of the committee.
8. **Term:** One year. **Chairperson:** Appointed by Speaker of Lok Sabha.
9. **Elected by:** Members are elected **by Parliament** from amongst its members according to **principle of proportional representation** by means of **single transferable vote**.
10. **Source of Authority:** Article 105 and Article 118 of the Constitution.
11. **Standing Committees:** PAC is one of the three Financial Parliamentary Standing committees, the other two are the Estimates Committee and the Committee on Public Undertakings.
12. **Function:** It examines annual audit reports of CAG, which are laid before the Parliament by the President.
13. **Recommendations:** Advisory and not binding on the government. Only Parliament can make final decisions.
14. **CAG of India** is known as the "**friend, philosopher, and guide**" of the PAC.
15. 3 things distinguish the PAC from the other parliamentary committees.
 - One, it was the first and original committee formed to counter the government of the day.
 - Second, it has greater ambit than any department-related Parliamentary Standing Committee.





- PAC is empowered to call any person in connection to its investigations.

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National Commission for Women (NCW)

Role of National Commission for Women (NCW):

1. **Statutory Body under NCW Act, 1990:** Formed under the National Commission for Women Act, 1990 to safeguard women's constitutional rights.
2. **Advisory Role to Government:** Recommends legal amendments in laws like IPC, Dowry Prohibition Act, and Maternity Benefit Act.
3. **Grievance Redressal Mechanism:** Investigates individual complaints of gender-based violence, sexual harassment, and domestic violence across states.
4. **Monitoring and Research:** Conducts countrywide studies on female foeticide, trafficking, workplace safety, and women's health indicators.
5. **Awareness and Capacity Building:** Initiates programs on legal literacy, digital safety (like #WeThinkDigital), and women's entrepreneurship.

Critical Analysis of NCW:

1. **Limited Powers – Recommendatory Nature:** Cannot enforce decisions; lacks powers of a civil court unlike NHRC or SC/ST Commission.
2. **Politicisation of Appointments:** Chairperson often appointed by ruling party; undermines independence and neutrality in decision-making.
3. **Underfunded & Understaffed:** Low budget allocation and inadequate human resources hinder outreach and prompt grievance resolution.
4. **Urban Bias in Functioning:** Focus often urban-centric; rural women's intersectional issues remain underrepresented or unheard.
5. **Successes but No Enforcement Mechanism:** Despite initiatives like Mahila Police Volunteers or helplines, implementation relies on state support.

Special Status - Ladakh & Others

1. Climate activist Sonam Wangchuk demanded Sixth Schedule status for Ladakh.
2. **'Partially excluded' & 'excluded' areas** under Government of India Act, 1935."
3. **Fifth Schedule** is applicable to **'scheduled areas'**, declared **by President**. Guiding norms for declaring an area as a 'scheduled area' include preponderance of tribal populations, compactness of area, a viable administrative unit like a district or block, and economic backwardness. At present, **10 States** have such 'scheduled areas.'"
4. **Sixth Schedule** is applicable to what are called as **'tribal areas'** in **4 States** of Assam, Meghalaya, Mizoram and Tripura. There are **10 such 'tribal areas'** at present in four States.

Features and Powers of Fifth Schedule Areas	Features and Powers of Sixth Schedule Areas
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<ul style="list-style-type: none"> • Tribes Advisory Councils (TAC): Set up in specific states with max 20 members, 3/4th tribal MLAs. • Role: TAC advises on welfare and advancement of Scheduled Tribes (STs). • Governor's Powers: Can make land allotment and transfer regulations for STs, regulate money-lenders in scheduled areas, and modify parliamentary or state laws in these areas (with Central govt. approval). 	<ul style="list-style-type: none"> • Autonomous District Councils (ADCs): Formed in tribal areas; 30 members (up to 4 nominated by Governor, rest elected). • Legislative Powers: Can make laws on land management, shifting cultivation, inheritance, marriage/divorce, and social customs (with Governor's approval). • State Laws: Not applicable in tribal areas unless extended by ADCs. Administrative Functions: Can establish/manage primary schools, dispensaries, roads, waterways; assess/collect land revenue; impose trade and profession taxes; issue mineral extraction licenses. • Judicial Powers: ADCs can set up village and district courts for disputes involving ST members within the district
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5. 'Tribal areas' included within Sixth Schedule enjoy greater autonomy through ADC with more executive, legislative, judicial and financial powers than 'scheduled areas' of Fifth Schedule."
6. The regulations made by Governor in 'scheduled areas' are subject to approval by Central government. Similarly, laws made by ADCs in 'tribal areas' are subject to approval of Governor of State.
7. Apart from Fifth and Sixth Schedules, there are special provisions applicable to many of northeastern States under **Part XXI of the Constitution**. These are contained in Articles 371A (Nagaland), 371B (Assam), 371C (Manipur), 371F (Sikkim), 371G (Mizoram) and 371H (Arunachal Pradesh).
8. They provide for: **Protection of local customary laws** and practices with respect to Nagaland and Mizoram; Mandates **committees of MLAs** from 'Tribal Areas' and 'Hill areas' in Assam and Manipur respectively; and Lists out **special responsibilities of Governors** of Sikkim and Arunachal for development/maintenance of law-order.
9. There are numerous ST habitations across the country — both within the 10 States under Fifth Schedule and other States — that are not notified as 'scheduled areas.'

Ladakh's Issues:

1. **Abrogation of Article 370 & 35A:** On August 5, 2019, Parliament revoked J&K's special status and split it into Union Territories of J&K and Ladakh.
2. Ladakh lost protections under Article 370 and Article 35A, impacting land, jobs, and identity.
3. **Key Demands:** Statehood, Sixth Schedule inclusion, job reservations, and enhanced parliamentary representation (two Lok Sabha seats, one Rajya Sabha seat).
4. **Public Service Commission Abolished:** No gazetted recruitment has been completed since Ladakh became a UT.
5. **Ladakh Resident Certificate (LRC) Issues:** Lack of clarity on making LRC mandatory for jobs.

J&K:

1. J&K was split into two UTs in 2019 and its special constitutional status under provisions of Article 370 abrogated.
2. Article 3 specifies the power of Parliament to form a **new State out of an existing State or by uniting two or more States/territories or by joining any territory to a State**. It does not, however, mention carving a full-fledged State into UT to bring it directly under control of Centre. **Explanation 1 under Article 3** says that the 'state' mentioned in that Article, except the proviso, includes Union territory. Thus, according to this explanation, Parliament can form a new UT by separating a part of a state but cannot convert a whole state into a UT.





- J&K Police will continue to function directly under Centre & not elected government as J&K Reorganisation Act brought the J&K Police under Centre. Chief Secretary changing the “transaction of business rules” to shift more authority to the Lt. Governor. J&K Cabinet pressed for Statehood.
- J&K LG is **appointed by the President** of India under **Article 239** & acts as the **representative of the President** and is responsible for ensuring that **central policies are implemented effectively** in the territory.
- J&K Delimitation Commission**, in 2022, increased seats in Assembly by 7, taking total number of seats to 90, under **Delimitation Act, 2002** and **J&K Reorganisation Act, 2019**. Jammu now has 43 seats, and Kashmir 47.
- LG has powers to nominate five members — **two women, two Kashmiri Pandits and a displaced person from POK**— to the Assembly, increasing the total number of seats to 95. These five MLAs “will hold full legislative powers and privileges, just like elected representatives”.

New districts for Ladakh

- 5 new districts** Zaskar, Drass, Sham, Nubra and Changthang would be created in the UT of Ladakh for “bolstering governance in every nook and cranny”. **Ladakh now has two districts**, Leh and Kargil with autonomous hill development councils. **How are new districts carved?**
- The power to create new districts or alter or abolish existing districts rests with the State governments. This can either be done through an executive order or by passing a law in the State Assembly. Many States prefer the executive route by simply issuing a notification in the official gazette.
- Centre has no role to play in the alteration of districts or creation of new ones. States are free to decide. MHA comes into the picture when a State wants to change the name of a district or a railway station.
- State government’s request is sent to other departments and agencies such as the Ministry of Earth Sciences, Intelligence Bureau, Department of Posts, Geographical Survey of India Sciences and the Railway Ministry seeking clearance. A no-objection certificate may be issued after examining their replies.
- State government is empowered under the Land Revenue Act to create or abolish a district.** (Different states have their own Land Revenue Acts, and many of these Acts explicitly empower state governments to reorganize administrative units such as districts, taluks, and villages through notifications).

President’s Rule

- Seventh Schedule** of Constitution divides powers between **Union & State**, with law & order being State subject.
- A **notification from the MHA** stated that President was satisfied that “a situation has arisen in which the government of that State cannot be carried on in accordance with the provisions of the Constitution.”
- Emergency provisions, **inspired by the German** Constitution and **outlined in Part XVIII** protect India’s sovereignty, unity and security. Constitution provides for **three types of emergencies** — national (Article 352), State (Article 356) and financial (Article 360).
- In Manipur, the President has proclaimed a “**state emergency**” — **popularly known as “President’s Rule” or “Constitutional Emergency”** — by exercising powers under Article 356. This fulfils **Union’s obligation under Article 355** to protect States against ‘external aggression’ and ‘internal disturbance’ and to ensure that State governments **operate as per the Constitution**.
- Commissions such as the **Sarkaria (1987)**, **NCRWC (2002)**, and **Punchhi (2010)** emphasized that Article 355:
 - Not only places a duty on Union but also grants it **powers** to ensure effective governance in States.
 - Highlighted the need for the Union to act responsibly and avoid overstepping in States’ affairs.
- When a State’s “constitutional machinery” fails due to non-performance or malperformance, Article 356(1) empowers the President to issue a proclamation— **upon receiving a report from the Governor or otherwise**. **Ambedkar said** “I think as a necessary consequence to introduction of **article 277-A**, we must also give liberty to President to act even when there is no report by Governor.”
- This **transfers all executive functions** of the State to the Centre and **legislative functions** to Parliament while leaving the High Court’s (HC) powers unaffected.





8. Additionally, **Article 365 provides that if a State fails to comply with any Union directions** under constitutional provisions, the President may declare a “Constitutional Emergency.”
9. As per **Clause 3 of Article 356**, the **proclamation must be laid before each House** of Parliament, and unless approved by a ‘**simple majority**’ in both Houses, it ceases after **2 months**. Once approved, it remains **effective for 6 months** from proclamation date, with further 6-month extensions requiring additional Parliamentary approval.
10. **Renewal beyond 1 year** is allowed only if 2 conditions are met; Emergency has been declared in country or any part of the State & if EC certifies that President’s rule is necessary due to difficulties in conducting State elections.
11. **In no case can the proclamation remain effective for more than three years**, and the President may revoke or vary it at any time by a subsequent proclamation.
12. **Article 352** governs the proclamation of a “**national emergency**,” which has been invoked thrice — during the 1962 India-China war, the 1971-armed conflict with Pakistan, and in 1975 on grounds of “internal disturbance.”
13. Proclaiming a “national emergency” requires that the President be satisfied that **India’s security — or any part of its territory** — is threatened by war, external aggression, or armed rebellion.
14. **44th amendment (1978) introduced multiple safeguards** to prevent misuse. It **replaced “internal disturbance” with “armed rebellion”**, mandated a written recommendation from the Cabinet (rather than just the Prime Minister), and **shortened the parliamentary approval window from two months to one month. Articles 20 and 21 cannot be suspended**, and that the President must **revoke the proclamation if the Lok Sabha passes a resolution** disapproving it. Crucially, the amendment restored judicial review of the President’s satisfaction.
15. **National emergency has no time limit**. While the President’s rule (Article 356) requires a ‘simple majority’ for parliamentary approval, a national emergency needs a ‘**special majority**’.
16. In national emergency, **State executive & legislature continue to function**, whereas under President’s Rule, State executive is dismissed, and legislature is suspended or dissolved. **Manipur Assembly is placed under “suspended animation”**. Assembly is temporarily “paused”, allowing its revival if ‘political stability’ is restored.
17. **President’s rule does not affect citizens’ fundamental rights**, unlike a national emergency, where under Article 358, freedoms under Article 19 become inoperative, and the President may suspend other fundamental rights, except Articles 20 and 21.
18. Under President’s Rule, the President acquires extraordinary powers, with the **Governor, on her behalf, administering the State with assistance from the Chief Secretary or advisers** appointed by the President. Article 357 allows Parliament to confer legislative power on the President and authorise delegation to another authority while also giving the President power to sanction expenditure from the State’s Consolidated Fund.
19. President’s rule has been imposed nearly 134 times across 29 States and UTs. **1st application of Article 356 occurred in June 1951 in Punjab**. Manipur is tied with UP for the most frequent imposition of President’s Rule, at 10 each. Manipur’s latest imposition bringing its total to 11. The longest President’s Rule in Manipur lasted two years and 157 days (1969–1972). J&K holds record for longest cumulative duration, over 12 years (4,668 days).
20. **S.R. Bommai case (1994)**: SC restricted misuse, stating that Article 356 should only be imposed in cases of a **constitutional breakdown**, not for political purposes or due to minor law and order issues. It also ruled that the imposition of President’s Rule is subject to **judicial review**, adding a check on its political misuse.
21. SC clarified that the President cannot dissolve the assembly without Parliament’s approval and that the Centre must first issue a warning notice to the erring State, seeking an explanation.

Features of RPA

1. **Section 8(3) of the RPA** states that a person **convicted** of an offence and sentenced to imprisonment **for at least 2 years** is disqualified from contesting elections **for 6 more years after their release**. However, this does not apply to undertrials, who have not been convicted.





- Section 8(1)** further stipulates that a person convicted under criminal laws for **heinous crimes** like rape; the Protection of Civil Rights act for preaching or practice of untouchability; UAPA for unlawful association; PoCA etc., will be **disqualified irrespective of the period of their sentence and six years after release**.
- One of the qualifications as per the act to **contest elections** is that a person should be an 'elector.' **Section 62(5) stipulates that a person in jail is not eligible to vote in elections.** The court interpreted that persons who are under trial prisoners, therefore cease to be 'electors' and hence not qualified to contest elections. However, the **Parliament amended the act in 2013 to overturn this judgment.**
- In **Lily Thomas (2013)**, the court struck down **section 8(4) of the RP Act, 1951**, that allowed a sitting legislator to continue as a member even after being convicted if they filed an appeal, as unconstitutional and against political justice. After this judgment, a sitting legislator is disqualified immediately after the sentencing for a conviction.
- Section 11 of the RP Act, 1951 provides that EC may remove any disqualification or reduce the period of disqualification** of a convicted person.
- As per **Section 29A of RPA**, political party must submit its **memorandum/constitution** to the **ECI** to be registered. The document must declare **allegiance to Constitution**, and uphold principles of **socialism, secularism, democracy, and sovereignty, unity, and integrity of India.**
- Section 33(7) of RPA** allows candidates to **contest from two constituencies.** However, **Section 70** mandates **holding only one seat** if elected from multiple constituencies.
- Section 33 of RPA** outlines nomination requirements. For filing nomination in a constituency, candidate from a **recognised political party** requires **one proposer**, candidate from an **unrecognised party or independent** needs **ten proposers**, all proposers must be **electors of the same constituency.**
- Rule **93(2)(a)** of the **1961 Conduct of Election Rules** has been amended to restrict public access to certain election-related documents. **Previous Rule:** "All other papers relating to election shall be open to public." **Amended:** "All other papers as specified in these rules relating to election shall be open to public."

Voter ID - Aadhaar Link

- Possessing more than one voter ID is against the law** and can lead to **imprisonment for up to a year, a fine, or both.** EC **urges citizens to update their voter ID address using Form 8A.** Linking Voter IDs with Aadhaar would eliminate **duplicate voter IDs.**
- But, **Aadhaar is not proof of citizenship**, meaning non-citizens with lawful entry can also possess Aadhaar cards. The responsibility of verifying citizenship rests with the **ECI.**
- 2015:** EC launched **National Electoral Roll Purification and Authentication Programme (NERPAP)** to remove **duplicate entries** in electoral rolls by linking EPIC with Aadhaar.
- August 2015:** SC **stayed mandatory Aadhaar use**, limiting it to welfare schemes and PAN linking.
- 2018:** SC upheld the Aadhaar Act in **Puttaswamy case**; EC sought amendments to **RP Act, 1950.**
- 2021:** Parliament amended RP Act and **Registration of Electors Rules, 1960**, allowing EPIC-Aadhaar linking.
- Aadhaar can be provided for voter authentication via **Form 6 (new voter)** or **Form 6B (existing voter).**
- Linking Aadhaar is voluntary**, and no voter application can be denied due to lack of Aadhaar.

Various **successful candidates of UPSC CSE-24** were part of Ethics/Essay Modules & Other Initiatives. **Some of them, with their clickable feedback, are AIR-2, 28, [32](#), [35](#), 53, [54](#), [55](#), 57, [61](#), 72, [91](#), [119](#), [217](#), 219, 247, 256, [261](#), 287, [299](#), 328, 351, 450, 525, 579, 590, 728, 813, 871, 905 etc.**

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75 Years of Election Commission

1. **75th anniversary** of ECI was observed on **January 25**, also celebrated as **15th National Voters Day**.
2. It is a **constitutional body** to oversee and ensure free and fair elections in the country. Formed in 1950. HQ in Nirvachan Sadan, New Delhi. It comprises a Chief Election Commissioner (CEC) and 2 other Election Commissioners, who are appointed by the **President of India**.
3. Operates under the provisions of **Article 324**, which outlines its structure, powers, and functions.
4. **Key functions of the ECI include:** Determining electoral constituencies based on the Delimitation Commission Act; Preparing and revising electoral rolls to register eligible voters; Notifying election schedules and scrutinizing nomination papers; Granting recognition to political parties and allocating election symbols; Enforcing MCC.
5. **The ECI is responsible for conducting elections** for Lok Sabha, Rajya Sabha, Legislative Assemblies & offices of the President and Vice-President. It has the authority to **supervise the entire election process**, including setting limits on campaign expenditures and appointing election observers. The ECI also manages various technological tools like **EVMs** and voter registration systems.
6. It **does not oversee elections for local bodies such as municipalities or panchayats**; these are managed by SECs.
7. **National Voters Day:** The inaugural celebration took place on January 25, **2011**, to promote voter registration and participation; Celebrations include **distributing Elector Photo Identity Cards (EPIC) to new voters** and organizing awareness campaigns at national, state, district, and polling booth levels; Theme for 2025 is **"Nothing Like Voting, I Vote for Sure,"** emphasizing the importance of voting.
8. **Best Electoral Practices Awards** were presented to **22 recipients** for contributions to election management, security, voter education, and inclusivity. **Best Performing State Award** was given to the **Chief Election Officers** of Jammu and Kashmir, Jharkhand, and Maharashtra.

Form 17C - Voter Turnout Data

1. Petition seeks a direction to **ECI** to upload **polling station-wise voter turnout data** within **48 hours** of the conclusion of polling for each phase of the **Lok Sabha elections**.
2. **Form 17C** contains key voter data, including **EVM identification numbers, total electors, voters in the register, and votes recorded per EVM**. Part I of **Form 17C** provides vital information, while Part II contains **counting results**. This form is used by candidates to **verify the results on counting day**.
3. As per **Rule 49S** and **Rule 56C (2)** of the **Conduct of Election Rules, 1961**, the **Presiding Officer** is required to prepare an **account of votes in Form 17C (Part I)** format.
4. EC is not legally bound to publish vote counts online, as polling agents can verify same using Form 17C but it released vote counts for 1st 5 election phases even as SC declined to direct disclosure of Form 17C details.

