



pravahini

Monthly Compendium

SUCCESS MANTRA (GTB Nagar)

PREFACE

It gives us great pleasure to release the monthly edition of the PRAVAHINI – Monthly e-Compendium & Weekly e-Periodicals of Current Affairs. The magazine's members have shown considerable cooperation as well as devotion. We at successmantra.in work tirelessly to create this magazine and bring it to you with a great sense of gratitude.

The PRAVAHINI May-2022 eBook covers the current events that happened in the month of May. Current Affairs is a crucial component of any competitive exams including CLAT, AILET, DU-LLB, HM, CAT, IAS, PCS, SSC, Banking, MBA and various other competitive examinations.

Current Affairs play the bigger role in many competitive and government exams. It holds the power of making or breaking your chance of success. Therefore, the candidates should cover the Current Affairs thoroughly and smartly.

The PRAVAHINI May-2022 eBook is divided into different sections keeping in mind the need of various exams. The sections covered namely International, National, Economy, Ecology and Environment, Science & Technology, Legal Affairs, Sports, States News Makers and few others.

We would also be pleased to receive any suggestion that could assist us with the upcoming editions.

Success Mantra (GTB Nagar, Delhi)

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B. S. Shanti



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LEGAL AFFAIRS

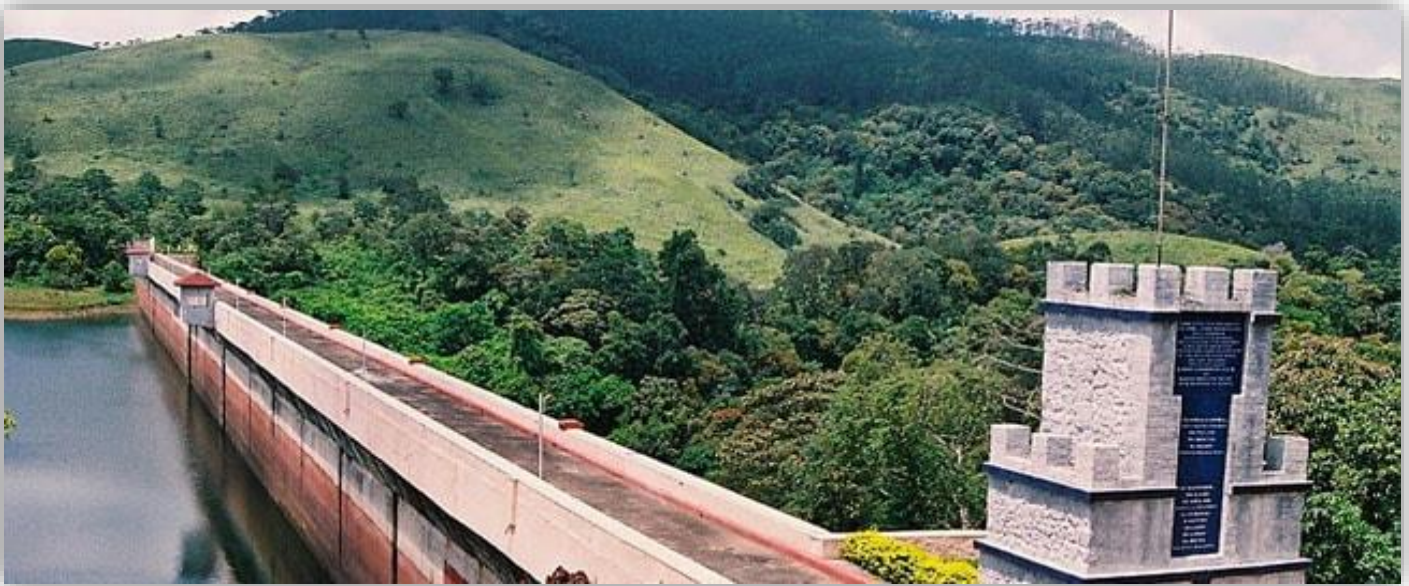
APRIL 2022 & MAY 2022

PRAVAHINI



#MULLAPERIYAR DAM VERDICT: SC

- The Supreme Court in its interim order on April 8, 2022 directed the **reconstituted supervisory committee of Kerala's Mullaperiyar Dam** to carry out all the statutory functions until a regular authority is established. The court ruled that the Supervisory Committee shall be accountable in all matters relating to the safety of the dam till the National Dam Safety Authority is fully functional.
- The **ruling was delivered by a three-judge SC bench headed by Justice AM Khanwilkar**.
- The bench also comprised Justices AS Oka and CT Ravikumar. The bench was hearing pleas raising issues about the **safety of the 126-years old Mullaperiyar Dam**, which was built in 1895 on the Periyar river in the Idukki district of Kerala.



Supervisory Committee on Mullaperiyar Dam

- The reconstituted supervisory committee will include three experts, one from Kerala, one from Tamil Nadu and the third from the Centre. The apex court had earlier asked both Kerala and Tamil Nadu governments to not go into the history of the dam but focus on its future.

Mullaperiyar Dam History

- The **126-years old Mullaperiyar Dam** is located on the **Periyar River in Kerala's Idukki district**.
- **It is, however, managed by the Tamil Nadu government**.
- The century-old dam was built by the British in 1895 to meet the water requirements of Tamil Nadu and Madurai.

What is the Mullaperiyar Dam Dispute?

- The **Mullaperiyar dam has been a point of dispute between the state of Kerala and Tamil Nadu** for a long time.
- A 999-year lease agreement was signed between the Maharaja of Travancore and the British Secretary of State for India in October 1886.
- In 1956, the government of the newly formed Kerala state demanded to renew the agreement. In 1959, Tamil Nadu government began generating power from the dam with Kerala's consent. **A hydro-power project was commissioned in 1965 with four units with 35 megawatts each.**

- In the 1960s, concerns were raised over the safety of the dam and a joint inspection was conducted by Kerala and Tamil Nadu governments in 1964. The dam is located on the upper reaches of the river Periyar, which originates from Tamil Nadu and flows into Kerala.

Tamil Nadu's Stand	Kerala's Stand
The Tamil Nadu government has steadily maintained that the Mullaperiyar is hydrologically, structurally, and seismically safe.	Kerala government has repeatedly raised concerns over the safety of the dam, calling it a threat to millions of people living in downstream of the Periyar River in Kerala.
The state government had proposed to raise the height of the dam, which was opposed by the Kerala Government. The centre had appointed an expert committee in 2000 to review the dam's safety and suggest ideal storage levels.	The state government had amended the Kerala Irrigation and Water Conservation Act, 2003 in March 2006 to bring Mullaperiyar into the schedule of "Endangered Dams" and restrict its storage capacity to 136 ft citing safety concerns. The state government also constituted a Dam Safety Authority.
The Supreme Court of India allowed the Tamil Nadu government to increase the water level in the dam to 142 feet in 2006. The court later stated that the water level could be increased to 152 feet following strengthening work that was recommended by the expert committee.	As per the Kerala state government , if the Mulleperiyar dam collapses at any point, it will wash away almost a 25 km stretch between Mullaperiyar and Idukki dams, destroying human settlements of millions of people.

2014 SC Judgment on Mullaperiyar Dam Dispute

- The Supreme Court of India in 2014 quashed the law passed by the Kerala assembly on the Mullaperiyar dam and ruled that the Tamil Nadu government can maintain water level in the dam at 142 feet and at 152 ft after completion of strengthening work. The court also appointed a three-member committee to supervise its safety aspects.
- This **verdict came following a suit filed by Tamil Nadu against the 2006** law enacted by Kerala to restrict the water level in the Mullaperiyar dam at 136 feet. The Tamil Nadu government had demanded to increase the water level of the dam to meet its agricultural needs.
- The Supreme Court had appointed an **empowered committee led by former Chief Justice of India AS Anand in 2010 to study the safety aspects of the dam.**
- The committee had suggested that the dam was safe structurally and hydrologically and had proposed allowing **Tamil Nadu to raise the water level of the dam from 136 feet to 142 feet after carrying out certain repairs.**

Background

- Kerala Government** had in an affidavit written the **Tamil Nadu government** to maintain the water levels in the dam at 137 feet in October 2021 when there were heavy rains in the state.

#INDIAN ANTARCTIC BILL INTRODUCED IN LOK SABHA

- **Union Minister Jitendra Singh on April 1, 2022, introduced 'The Indian Antarctic Bill'** in Lok Sabha in order to provide a regulatory framework for India's research activities in the Antarctic.
- **A draft resolution was also approved by the Union Cabinet** to provide a regulatory framework for the research activities of India in Antarctica and also for protecting the continent's environment.



Indian Antarctic Bill, 2022

- The **Indian Antarctic Bill, 2022, introduced in Lok Sabha** is pursuant to India's accession to Antarctic Treaty, 1959 as well as the Protocol on Environment Protection (Madrid Protocol) to the Antarctic Treaty.
- Indian Antarctic Bill will also be useful in building credibility and enhancing the status of the country globally.

Indian Antarctic Bill, 2022: Objective

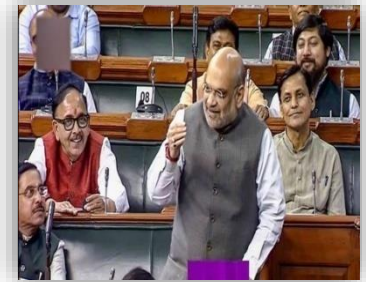
- The Indian Antarctic Bill, 2022 introduced in Lok Sabha aims at providing national measures to protect the Antarctic environment, and the dependent and associated ecosystems.
- **The Indian Antarctic Bill** also aims to give effect to the Antarctic treaty, 1959, the protocol on the **Environmental Protection to the Antarctic Treaty, 1998**, and the Convention on the Conservation of Antarctic Marine Living Resources, 1982
- The latest bill also aims at promoting Antarctica as a natural reserve that is devoted to science and peace and to ensure that the Antarctic does not become the scene of international discord.

India's Antarctic Program: 5 facts about India's expedition to Antarctic

- **The Indian Antarctic Programme** is a multi-institutional, multi-disciplinary programme. It is under the control of the National Centre for Polar and Ocean Research, Ministry of Earth Sciences, Government of India.
- The Indian Antarctic Programme was initiated in 1981 with the first Indian expedition to Antarctica.
- It further gained global acceptance with India's signing of the Antarctic Treaty as well as the construction of the Dakshin Gangotri Antarctic research base in 1983 which was superseded by the Maitri base from 1989. In 2012, the newest Bharati base was commissioned which was constructed out of 134 shipping containers.
- **Under India's Antarctic Programme**, biological, earth, atmospheric, medical sciences, and chemical are studied in India. The country has carried out **30 scientific expeditions to the Antarctic as of October 14, 2010.**

#DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022

- The Lok Sabha has passed the **Delhi Municipal Corporation (Amendment) Bill** so that three municipal corporations of Delhi (MCD) can be merged into a single entity.



Overview:

- This bill has been passed by a voice vote and **various amendments that were moved by the Opposition members have been rejected.**
- The Union Cabinet had approved this bill's presentation. A **"Special officer"** will be appointed to discharge the elected wing of councilors' functions till the new corporation's first meeting is held.
- This amendment bill will be omitting the section **related to local bodies, and directors that govern the MCDs functioning.**

Aim of this bill

- The three municipal corporations will be merged into a single, well-equipped, and integrated entity so that a robust mechanism can be implemented for ensuring optimal **utilization of resources and strategic planning.**

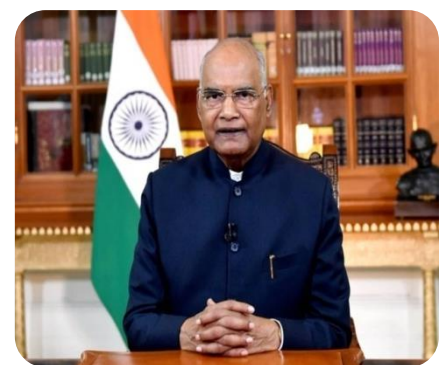
About Municipal Corporation of Delhi

- The **MCD was Delhi's former municipal corporation** and used to govern 8 of the 9 districts which have now increased to 11 districts of Delhi.
- In 2012, this corporation was later replaced by three new bodies, **the South Delhi Municipal Corporation (SDMC), the North Delhi Municipal Corporation (NDMC), and the East Delhi Municipal Corporation (EDMC).**

#16TH PRESIDENTIAL ELECTION TO BE HELD

The tenure of the current President of India is set to end in July 2022, **which is also when the 16th Indian Presidential election will be held to elect his successor.**

How is the President elected?



- The Indian President is elected through **an electoral college system**, wherein the votes are cast by **national and State-level lawmakers.**
- The elections are conducted and overseen by the **Election Commission (EC) of India.**
- The Electoral College is made up of all the **elected members of the Upper and Lower Houses of Parliament** (Rajya Sabha and Lok Sabha MPs), and the **elected Members of the Legislative Assemblies of States and Union Territories (MLAs).**
- Related Constitutional Provisions:**
 - Article 54:** Election of President
 - Article 55:** Manner of election of President.
 - Article 56 :**Term of office of President

- **Article 57:** Eligibility for re-election.
- **Article 58:** Qualifications for election as President

Procedure:

- Before the voting, **comes the nomination stage**, where the candidate intending to stand in the election, files the nomination along with a signed list of 50 proposers and 50 seconders.
- These proposers and seconders can be **anyone from the total members of the electoral college from the State and national level.**
- **The rule for securing 50 proposers and seconders was implemented when the EC noticed, in 1974,** that several candidates, many without even a bleak chance of winning, would file their nominations to contest the polls.
- An elector **cannot propose or second the nomination of more than one candidate.**

What is the value of each vote and how is it calculated?

- A vote cast by each MP or MLA is not calculated as one vote.
- The **fixed value of each vote by an MP of the Rajya Sabha and the Lok Sabha is 708.**
- Meanwhile, the **vote value of each MLA differs from State to State based on a calculation that factors in its population vis-a-vis the number of members** in its legislative Assembly.
- As per the Constitution (Eighty-fourth Amendment) Act 2001, currently, the population of States is taken from the figures of the 1971 Census. This will change when the figures of the Census taken after the year 2026 are published.
- The **value of each MLA's vote is determined by dividing the population of the State by the number of MLAs** in its legislative Assembly, and the **quotient achieved is further divided by 1000.**
- Uttar Pradesh for instance, **has the highest vote value for each of its MLAs, at 208. The value of one MLA's vote in Maharashtra is 175,** while that in Arunachal Pradesh is just 8.

What is required to secure a victory?

- A nominated candidate **does not secure victory based on a simple majority** but through a system of bagging a specific quota of votes. While counting, the EC totals up all the valid votes cast by the electoral college through paper ballots **and to win, the candidate must secure 50% of the total votes cast + 1.**
- Unlike general elections, where electors vote for a single party's candidate, **the voters of the electoral college write the names of candidates on the ballot paper in the order of preference.**
- The President's election **is held in accordance with the system of proportional representation by means of the single transferable vote** and the voting is **by secret ballot.**

Can the President be impeached?

- According to **Article 61**, the President can be removed from his office before the expiry of his term only **on the grounds of violation of the constitution.**
- However, the **Constitution does not define the meaning of the phrase 'violation of the constitution'.**
- The impeachment process **can be started from any house of the parliament by levelling charges against him.**
- The notice bearing the charges against the president must be signed by at least a quarter of the members of the house.

- The resolution to impeach the president **must be passed by a special majority (two-thirds) in the originating house.**
- Next, it is sent to the other house for consideration. The other house acts as the investigating horse. A **select committee is formed** to investigate the charges labelled against the president.
- During the process, the **President of India has the right to defend himself through authorised counsel.** He can choose to defend himself or appoint any person/lawyer or **attorney general of India** to do so.

#SC STRIKES DOWN VANNIYAKULA RESERVATION

Recently, the **Supreme Court struck down the 10.5% internal reservation to Vanniyakula Kshatriya community in Tamil Nadu.**

What did the Supreme Court Held?



- The Supreme Court held that 10.5% internal reservation to Vanniyakula Kshatriya community **violates the fundamental rights of equality, non-discrimination and equal opportunity** of 115 other **Most Backward Communities (MBCs) and De-Notified Communities (DNCs) in Tamil Nadu.**
- The allotment of 10.5% reservation to a single community from within the **total Most Backward Classes (MBC) quota of 20% in the State**, leaving only 9.5% to 115 other communities in the MBC category, was **without "substantial basis".**
- Further, the court said there was **no assessment or analysis done prior to the 2021 Act** to back the claim that the Vanniyakula Kshatriyas were relatively more backward than the other MBCs and DNCs.
- The court underscored that while **caste can be the starting point for internal reservation, it is incumbent on the State government to justify the reasonableness of the decision.**
- Though the court held the 2021 Act and its **percentages of reservation unconstitutional**, it upheld the **legislative competence of the State** to enact a law sub-classifying and apportioning percentages within identified backward classes.

What is Vanniyakula Kshatriya Reservation?

- Reservation in Tamil Nadu **comprises 69% under a 1994 Act** protected under the **Ninth Schedule of the Constitution.**
- Out of the 69%, backward classes, including Christians and Muslims, get 30%, MBCs get 20%, Scheduled Castes 18%, and Scheduled Tribes 1%
- The Vanniyakula Kshatriya reservation was provided under the State within the reservation for the **Most Backward Classes and Denotified Communities Act, 2021.**
- Vanniyakula Kshatriya (including **Vanniar, Vanniya, VanniaGounder, Gounder or Kander, Padayachi, Palli and Agnikula Kshatriya**) community.
- The **second Tamil Nadu Backward Commission in 1983**, held that the population of Vanniyakula Kshatriyas was found to be 13.01% of the State's total population.
- Therefore, provision of **10.5% reservation to a community with a population of 13.01% could not be called disproportionate.**

What is the Ninth Schedule of the Indian Constitution?

- The Ninth Schedule was added by the **first amendment to the Indian Constitution**.
- It was introduced on **10th May 1951** by the **Jawaharlal Nehru Government** to protect land reform laws from being challenged in the courts on the grounds of violation of fundamental rights.
- It was created by the **new Article 31B**.
- Article 31B also has a retrospective operation which means that if laws are inserted in the **Ninth Schedule** after they are **declared unconstitutional**, they are considered to have been in the Schedule since their commencement, and thus valid.
- While most of the laws protected under the **Schedule concern agriculture/land issues**, the list includes other subjects.
- Although **Article 31B excludes judicial review**, the apex court has said in the past that even laws under the Ninth Schedule would be open to scrutiny if they violated Fundamental Rights or the basic structure of the Constitution.

#OLGA TELLIS CASE, 1950

Recently, the Constitution Bench judgment of the **Supreme Court in Olga Tellis vs Bombay Municipal Corporation, in 1985 case**, held that pavement dwellers are different from trespassers may become a game-changer in the **Jahangirpuri (Delhi) case**.

What was the Questions Discussed before the Supreme Court?

- **About the Issue:** The case started in **1981** when the **State of Maharashtra and the Bombay Municipal Corporation** decided that **pavement and slum dwellers in Bombay city should be evicted** and “**deported to their respective places of origin or places outside the city of Bombay.**”
- **Question on Right to Life of Pavement Dwellers:** One of the main questions was whether eviction of a pavement dweller would amount to depriving him/her of their livelihood guaranteed under **Article 21 of the Constitution**.
- Article 21 mandates that “**no person shall be deprived of his life or personal liberty except according to procedure established by law**”.
- Approximately, there are **20 million pavement dwellers** in India.
- **Question of Prior Approval for Anti-Encroachment:** The Constitution Bench was also asked to determine if provisions in the **Bombay Municipal Corporation Act, 1888**, allowing the removal of encroachments without prior notice, were arbitrary and unreasonable.
- **Question on Trespassing:** The Supreme Court also decided to examine the question of whether it was **constitutionally impermissible** to characterize pavement dwellers as trespassers.



What was the Supreme Court's Judgement in Olga Tellis vs Bombay Municipal Corporation, 1985 Case?

- The **Olga Tellis vs Bombay Municipal Corporation** judgment in 1985 ruled that eviction of pavement dwellers using unreasonable force, without giving them a chance to explain is **unconstitutional**.
- It is a **violation of their right to livelihood**.
- The court had emphatically **objected to authorities treating pavement dwellers as mere trespassers**.
- "They (pavement dwellers) manage to find a habitat in places which are mostly filthy or marshy, out of sheer helplessness."
- What was the State Government's Defense?
- **Question of Estoppel:** The State government and the corporation countered that pavement dwellers should be estopped.
- **Estoppel** is a judicial device whereby a court may prevent or "estop" a person from making assertions.
- Estoppel may prevent someone from bringing a particular claim contending that the shacks constructed by them on the pavements cannot be demolished because of their right to livelihood.
- **Public's Right of Way:** They cannot claim any **fundamental right** to encroach and put-up huts on pavements or public roads over which the **public has a 'right of way.'**

What did the Supreme Court rule presently?

- **On Estoppel:** The court rejected the government's argument of Estoppel, saying "**there can be no Estoppel against the Constitution.**"
- The court held that the right to life of pavement dwellers was at stake here.
- **On Right to Livelihood:** The **right to livelihood was an "integral component" of the right to life**.
- If the right to livelihood is not treated as a part of the constitutional right to live, the **easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood** to the point of abrogation.
- **On Prior Notice:** On the second question whether provisions in law allowing statutory authorities to remove encroachments **without prior notice was arbitrary**.
- Such powers are designed **to operate as an "exception" and not the "general rule."**
- The procedure of eviction should lean **in Favour of procedural safeguards which follow the natural principles of justice** like giving the other side an opportunity to be heard.
- The right to be heard gives affected persons an opportunity to participate in the **decision-making process** and also provides them with a **chance to express them with dignity**.
- **On Trespassing:** Finally, the court emphatically **objected to authorities treating pavement dwellers as mere trespassers**.
- The apex court ruled that pavement dwellers live on "**filthy footpaths out of sheer helplessness**" and not with the object of **offending, insulting, intimidating or annoying anyone**.
- They live and earn on footpaths because they have "**small jobs to nurse in the city and there is nowhere else to live.**"

#RAJIV GANDHI ASSASSINATION CASE: ARTICLE 142?

Recently, the Supreme Court has invoked its **extraordinary powers to do complete justice under Article 142 of the Constitution** and ordered the release of A.G. Perarivalan in former **Prime Minister Rajiv Gandhi assassination case**.



- The court protected federalism by holding that States had the power to aid and advice the Governor in case of pleas of pardon under **Article 161** made by convicts in murder cases.
- **Article 161 provides that the Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.**

What is the Supreme Court's Ruling?

- Tamil Nadu Council of Ministers' advice in 2018 to pardon Perarivalan was **binding on the Governor under Article 161** (Governor's power of clemency) of the Constitution.
- The Governor's reluctance to **take a call on the pardon plea has compelled the court to employ its constitutional powers under Article 142** to do justice to Perarivalan.
- The Supreme Court used Article 142 of the Constitution that grants it extraordinary powers to do complete justice, to release Perarivalan.
- The court dismissed **the Centre's argument** that the President exclusively, and not the Governor, had the power to grant pardon in a case under **Section 302 (murder) of the Indian Penal Code**, saying **this contention would render Article 161 a "dead-letter" and create an extraordinary situation** whereby pardons granted by Governors in murder cases for the past 70 years would be rendered invalid.

What is Article 142?

- **Definition:** Article 142 provides **discretionary power to the Supreme Court** as it states that the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it.
- **Constructive Application:** In the early years of the evolution of Article 142, the general public and the lawyers both lauded the Supreme Court for its efforts to bring complete justice to various deprived sections of society or to protect the environment.
- The **Cleansing of Taj Mahal and justice to many undertrials** is a result of the invocation of this article only.
- **In the Union Carbide case**, relating to the victims of the **Bhopal gas tragedy**, the Supreme Court placed itself above the laws made by the Parliament or the legislatures of the States by saying that, to do complete justice, it could even override the laws made by Parliament.
- However, in the **Supreme Court Bar Association v. Union of India**, the Supreme Court stated that Article 142 could not be used to supplant the existing law, but only to supplement the law.
- **Cases of Judicial Overreach:** In recent years, there have been several judgments of the Supreme Court wherein it has been foraying into areas which had long been forbidden to the judiciary by reason of the **doctrine of 'separation of powers'**, which is part of the **basic structure of the Constitution**. One such example is:

- **The ban on the sale of alcohol along national and state highways:** While the notification by the central government prohibited liquor stores along National Highways only, the Supreme Court put in place a ban on a distance of 500 metres by invoking Article 142.

Pardoning Power of the President in India:

- Under **Article 72 of the Constitution**, the **President** shall have the power to grant **pardons, reprieves, respites or remissions** of punishment or to **suspend, remit or commute** the sentence of any person convicted of any offence where the **sentence is a sentence of death**.
- **Limitation:** The President **cannot exercise his power of pardon** independent of the government.
- In several cases, **the Supreme Court (SC)** has ruled that the President has to act on the advice of the Council of Ministers while deciding mercy pleas. These include **Maru Ram vs Union of India in 1980, and Dhananjoy Chatterjee vs State of West Bengal in 1994**.
- **Reconsideration:** Although the President is bound by the Cabinet's advice, **Article 74 (1)** empowers him to return it for reconsideration once. If the Council of Ministers decides against any change, the **President has no option but to accept it**.
- Under **Article 161**, the **Governor** in India too has pardoning powers.

Difference Between Pardoning Powers of President and Governor:

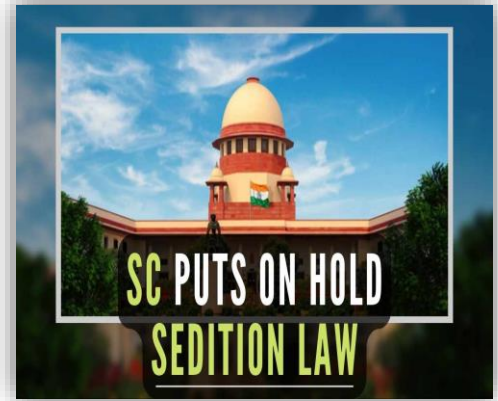
- The scope of the pardoning power of the **President** under **Article 72** is wider than the pardoning power of the **Governor** under **Article 161** which differs in the following two ways:
- **Court Martial:** The power of the **President** to grant pardon extends in cases where the punishment or sentence is by a **Court Martial** but **Article 161 does not provide** any such power to the **Governor**.
- **Death sentence:** The **President** can grant pardon in **all cases** where the sentence given is the sentence of death but the pardoning power of the **Governor** does not extend to **death sentence cases**.

Terms

- **Pardon:** It removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.
- **Commutation:** It denotes the substitution of one form of punishment for a lighter form. For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.
- **Remission:** It implies reducing the period of sentence without changing its character. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.
- **Respite:** It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.
- **Reprieve:** It implies a stay of the execution of a sentence (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.

#HISTORIC JUDGMENT OF SC: SEDITION LAW PUT ON HOLD

- In a **historic judgement**, the **Supreme Court of India** on May 11, 2022, allowed the Central Government to reconsider the provision of Section 124A (sedition) of the Indian Penal Code.
- It is the first time in 162 years that the operation of a provision of sedition has been suspended.
- **After the Supreme Court's judgement, the controversial Sedition law in India will be paused while the Central Government reviews it.** The judgement has impacted hundreds charged under the colonial-era relic and those jailed for sedition can now approach courts for bail.
- **Sedition Law was originally enacted in 17th century England** when the lawmakers believed that only the good opinions of the government should survive. The law was then borrowed and **inserted into Section 124A of IPC in 1870, by the British.**



What is Sedition Law?

- The **Sedition law- Section 124A of IPC states-**"Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life."
- **Sedition meaning-** Sedition is defined as any action that brings or attempts any form of hatred or contempt towards the Indian Government. Sedition has been illegal in India since 1870 and it falls under Section 124A of the IPC.

Sedition Law puts on hold in India: 10 key points

- The Supreme Court has ordered that no new **FIRs will be filed for Sedition** and all the pending cases will be on hold while the Government reconsiders the law.
- The Supreme Court was referring to the petitions that challenged the law alleging its misuse in the cases such as in Maharashtra, **where it was invoked over the chanting of Hanuman Chalisa.**
- The **Chief Justice of India NV Ramana said**, "It will be appropriate not to use this provision of law till further re-examination is over. We hope and expect that Central and State government will desist from registering any **FIR under 124A (Sedition Law)** or initiate the proceeding under the same till re-examination is over."
- Earlier in 2021, the Supreme Court of India had also expressed its concern over enormous power of misuse of the sedition law in the country and **had asked why it should not scrap the colonial law.**
- The Central Government on May 9, 2022, had announced its decision of reviewing the sedition law, however, it argued today that while it reviews the law, it should not be paused.
- The Central Government also suggested that for now, a **police officer of the level of Superintendent or above could decide whether a Sedition charge should be filed.**
- The Government further added that there may be terrorism charges too in the cases filed under Sedition law. These pending cases are not before the government or police but are before the court.

- The **petitioners opposed the government's stand on the law and urged the Supreme Court** to pause the Sedition Law until the government's review is over.
- The senior lawyer Kapil Sibal, who was representing the petitioners said that there were over 800 cases of Sedition across the country and 13,000 people were in jail.

Historical Background of Sedition Law:

- Sedition laws were **enacted in 17th century England** when lawmakers believed that **only good opinions of the government should survive**, as bad opinions were detrimental to the government and monarchy.
- The law was originally drafted in **1837 by Thomas Macaulay, the British historian-politician**, but was **inexplicably omitted when the Indian Penal Code (IPC) was enacted in 1860**.
- **Section 124A was inserted in 1870** by an amendment introduced by **Sir James Stephen** when it felt the need for a specific section to deal with the offence.
- It was one of the many draconian laws enacted to stifle any voices of dissent at that time.

Major Supreme Court Decisions on Sedition Law:

- The SC highlighted debates over sedition in **1950** in its decisions in **Brij Bhushan vs the State of Delhi** and **Romesh Thappar vs the State of Madras**.
- In these cases, the court held that a law which **restricted speech on the ground that it would disturb public order was unconstitutional**.
- It also held that **disturbing the public order will mean nothing less than endangering the foundations of the State** or threatening its overthrow.
- Thus, these decisions prompted the **First Constitution Amendment**, where **Article 19 (2) was rewritten to replace "undermining the security of the State" with "in the interest of public order"**.
- In **1962**, the SC decided on the constitutionality of Section 124A in **Kedar Nath Singh vs State of Bihar**.
- It upheld the constitutionality of sedition, but **limited its application** to "acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence".
- It **distinguished these** from "very strong speech" or the use of "vigorous words" strongly critical of the government.
- In **1995**, the SC, in **Balwant Singh vs State of Punjab**, held that mere sloganeering which evoked no public response did not amount to sedition.

#CONSTITUTIONAL VALIDITY OF SEDITION LAW

The Government sought more time to submit its written response to petitions challenging the **constitutional validity of Section 124A of the Indian Penal Code** dealing with the offense of **sedition**.

- **In the year 2021, the CJI** had questioned **why a colonial law used against Mahatma Gandhi and Bal Gangadhar Tilak continued to survive** in the law book after 75 years of Independence.
- The Chief Justice had said sedition or Section 124A of the Indian Penal Code **was prone to misuse by the government**.

Sedition Law Today:

- **Section 124A IPC:** It defines **sedition as an offence committed** when "any person by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India".
- Disaffection includes disloyalty and all feelings of enmity. However, comments without exciting or attempting to excite hatred, contempt or disaffection, will not constitute an offence under this section.
- **Punishment for the Offence of Sedition:** It is a **non-bailable offence**. Punishment under Section 124A ranges from imprisonment up to three years to a life term, to which a fine may be added.
- A person **charged under this law is barred from a government job**.
- They have to live without their passport and must produce themselves in the court at all times as and when required.

Disregarding Supreme Court's Judgement:

- Supreme Court in **Kedar Nath Singh vs State of Bihar** case 1962, limited application of sedition to "acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence".
- Thus, invoking sedition charges against academicians, lawyers, socio-political activists and students is in disregard of the Supreme Court's order.

Repressing Democratic Values:

- Increasingly, India is being described as an elected autocracy primarily because of the callous and calculated use of sedition law.

What are Recent Developments?

- **In February 2021**, the Supreme Court (SC) protected a political leader and six senior journalists from arrest, for allegedly tweeting and sharing unverified news, in multiple sedition FIRs registered against them.
- **In June 2021**, the SC while protecting two Telugu (language) news channels from coercive action by the Andhra Pradesh government emphasized on defining the limits of sedition.
- **In July 2021**, a petition was filed in the SC, that sought a relook into the Sedition Law,
- The court ruled that "a statute criminalizing expression based on unconstitutionally vague definitions of 'disaffection towards Government' etc. is an unreasonable restriction on the fundamental right to free expression guaranteed under **Article 19 (1)(a)** and causes constitutionally impermissible '**Chilling Effect**' on speech".

#SC RECOGNIZES 'SEX WORK' AS PROFESSION

- Recently, the **Supreme Court** passed an order recognizing sex work as a “**profession**” and said that its practitioners across the country are entitled to equal protection as well as dignity under the law of the nation.

What judgments were passed by the Supreme Court regarding sex workers?

- **Criminal Law:** Under this law, the sex workers of the country are entitled to equal protection of the nation's law and criminal law must be applied in all cases related to them on the basis of consent and age. If a sex worker is an adult and participating with consent, the police must not interfere or take any criminal action against them.



- The court has said that sex workers must not be penalized, arrested, victimized, or harassed whenever the police conduct a raid on any brothel, **as voluntary sex work is not illegal, only the running of the brothel is unlawful.**
- **Medical Care:** Sex workers who are sexually assaulted must be **provided every facility which includes immediate legal and medical care.**
- The court has also instructed the cops not to discriminate against those sex workers who have lodged a complaint against sexual offences against the workers.
- **Right of Child of a Sex Worker:** The children of a sex worker must not be separated from their mother merely on the basis of profession. **Basic protection of dignity and human decency must be provided to the sex workers and their children.**
- Also, if a **minor is found living with a sex worker or in a brothel**, the presumption should not be made that the child was trafficked. In case the sex worker claims a child to be their own, then tests can be done to determine the truth of the claim and in case it is true, **the minor must not be forcibly separated.**
- **Role of Media:** The media must not reveal the identities of sex workers, during raids, arrests, and rescue operations, whether as accused or as victims.
- The media must not also telecast or publish any photos due to which their identities can be disclosed.

The SC invoked its special powers under which article to pass this order?

- **Under Article 142 of the Constitution**, the Supreme Court (SC) invoked its special powers.
- Under Article 142, the SC is given discretionary powers and the apex court can exercise its jurisdiction and pass such order or decree whenever necessary for providing complete justice in any matter.
- In the year 2020, sex workers had been recognized by the **National Human Rights Commission (NHRC) as informal workers**.

What is Article 142?

- **Definition:** Article 142 provides **discretionary power to the Supreme Court** as it states that the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it.
- **Constructive Application:** In the early years of the evolution of Article 142, the general public and the lawyers both lauded the Supreme Court for its efforts to bring complete justice to various deprived sections of society or to protect the environment.
- The **Cleansing of Taj Mahal and justice to many undertrials** is a result of the invocation of this article only.
- **In the Union Carbide case**, relating to the victims of the **Bhopal gas tragedy**, the Supreme Court placed itself above the laws made by the Parliament or the legislatures of the States by saying that, to do complete justice; it could even override the laws made by Parliament.
- However, in the **Supreme Court Bar Association v. Union of India**, the Supreme Court stated that Article 142 could not be used to supplant the existing law, but only to supplement the law.
- **Cases of Judicial Overreach:** In recent years, there have been several judgments of the Supreme Court wherein it has been foraying into areas which had long been forbidden to the judiciary by reason of the **doctrine of 'separation of powers'**, which is part of the **basic structure of the Constitution**.

#LANDMARK JUDGMENT OF ROE V. WADE, 1973

Recently, a leak by political journalism company Politico has revealed that, the US Supreme Court has decided to **overturn** Roe v. Wade, 1973 the court's landmark 1973 judgment that made **abortion a constitutional right**.

What is Roe v. Wade Judgment?

- In 1973, in the **landmark Roe vs Wade judgment**, the Supreme Court of the United States made the **right to abortion a constitutional right**, establishing a benchmark for **abortion laws across the world**.
- In this case, the US Supreme Court struck down laws that **made abortion illegal in several states and ruled** that abortion would be allowed up to the **point of foetal viability**, that is, **the time after which a foetus can survive outside the womb**.
- Foetal viability is often seen as the point at which the **rights of the woman can be separated from the rights of the unborn fetus**.
- Abortion laws across the world rely on this metric but those **opposing abortions argue that this is an arbitrary timeframe** that legislation and the court in Roe adopted.

What is the Present case?

- The current case pertains to challenging the **Mississippi law on abortion**.
- In 2018, the state of **Mississippi banned most abortions after 15 weeks** — much before fetal viability, and sooner than was allowed by Roe — throwing a direct challenge to the **1973 judgment**.
- In 2019, **“heartbeat” abortion law** was passed in Mississippi, an even more restrictive measure that banned most abortions once fetal cardiac activity could be detected — which is about six weeks.
- The **heartbeat law** said that physicians who performed an **abortion after a fetal heartbeat** was detected could have their medical licenses revoked.
- The law made **no exceptions for pregnancies caused by rape or incest**.
- This law too was blocked by a district judge, and in **February 2020, the 5th Circuit Court of Appeals in New Orleans agreed with the decision**.

What are Abortion Laws in India?

- Under the **Indian Penal Code, 1860**, abortion remains a criminal offence under **Section 312**.
- However, the **Medical Termination of Pregnancy Act, 1971 (MTP)** And its amendment simply provides an exception to the criminalization.
- The MTP Act, 1971 allows **abortion until 20 weeks of pregnancy**.
- Through an amendment in 2021, the **ceiling for abortions was raised to 24 weeks**, but only for special categories of pregnant women such as **rape or incest survivors, that too, with the approval of two registered doctors**.
- In the case of fetal disability, **there is no limit to the timeline for abortion**, but that is allowed by a medical board of specialist doctors set up by the governments of states and union territories.

#Medical Termination of Pregnancy Rules

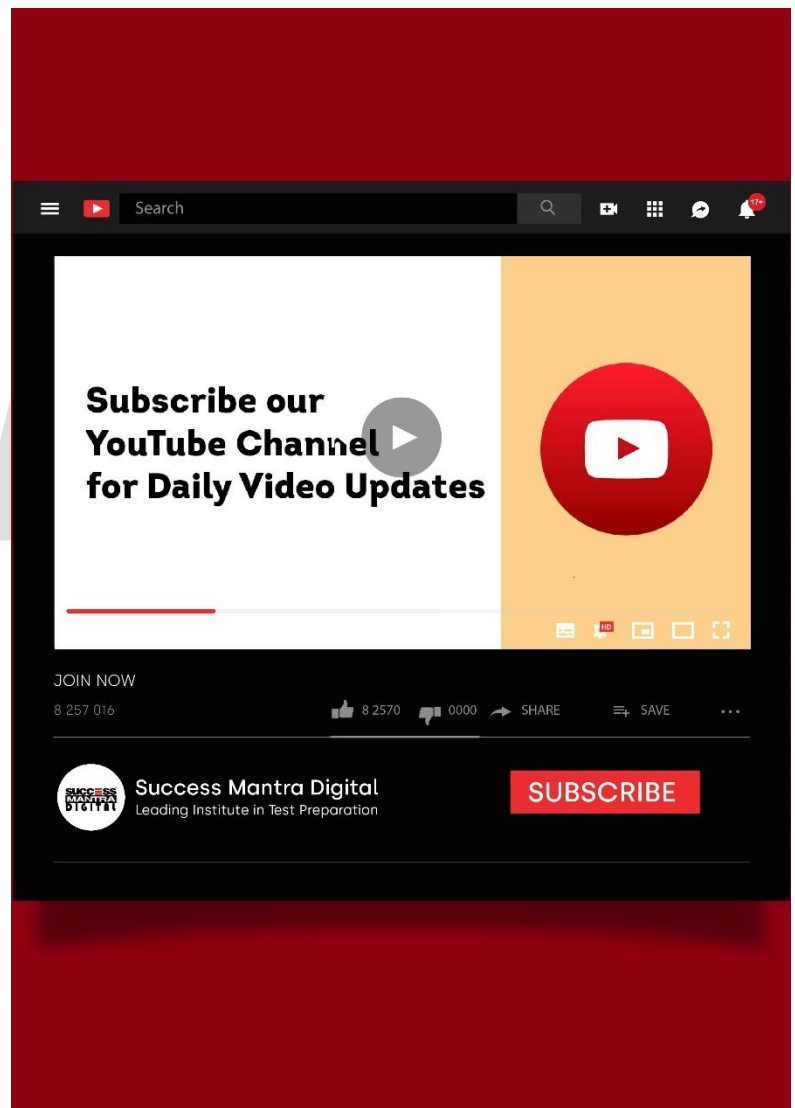
- Recently, the Government has **notified new rules** under the **Medical Termination of Pregnancy (Amendment) Act, 2021**.
- The **2021 Act** was passed **to amend the Medical Termination of Pregnancy (MTP) Act, 1971**.
- **About the Rules**
- **Increased Gestational Limit:** The gestational limit for termination of a pregnancy has been **increased from 20 to 24 weeks for certain categories** of women. The **seven specific categories** are:
 - Survivors of sexual assault or rape or incest.
 - Minors.
 - Change of marital status during the ongoing pregnancy (widowhood and divorce).
 - Women with physical disabilities.
 - Mentally ill women.
 - Foetal malformation that has a substantial risk of being incompatible with life or if the child is born, he/ she may suffer from serious physical or mental abnormalities.
 - Women with pregnancy in humanitarian settings or disaster or emergency situations.
- **State-level Medical Board:** A state-level medical board **will be set up to decide if a pregnancy may be terminated after 24 weeks** in cases of foetal malformation.
- The medical boards are to **either accept or reject** the proposal for medical termination of pregnancy **within three days** of receiving the request.
- The **abortion procedure has to be done with five days** of the board receiving the request for the same.

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