

Article

Case

Subject

Judgement

(2)

Rafique Bhiham
vs
UOI (2012)

Haj Subsidy

Not unconstitutional
but govt should
phase out into govt.

TSR Sulwanarum
vs
UOI (2013)

Parliament must enact comprehensive
civil service law under Art-309.
Establishment of civil service board to
manage the whole gamut of civil service personnel
management.

Bharat Shantilal
Case

even if form & layout of two laws is
diff, but outcome is same, then State
law cannot be struck down.

Balrural Parate case
(1959)

Separate State of Madh, Guj &
Ben as UT

Both the cases
Apex Court stated
that there is no need
to refer the altered
bill again to parent State.

Pradip Singh case

Re organisation of UK

Suavogacy

Manji's case

(Japanese Baby)
German couple case

Commercial Suavogacy was permitted.
=> Issue regarding citizenship of the baby.

Section
66A & 69A
of IT Act

Shreya Singhal
vs
UOI

Constitutionality of Sec 69A of IT Act, 2000
& relevant blocking rules were upheld by SC.

Sec 66A was declared ultra vires, said
66A - open ended & undefined.

Art 25 (1)
const validity
of Anti-
Conversion law
of MP & Orissa

Rev. Stainislaus
vs
State of MP
(1977)

SC upheld the constitutional validity
of anti conversion legislation of
MP & Orissa.

5 judge
Bencher (1958)

Constitutionality of
Cattle Slaughter laws
in Bihar, MP, UP

except cows of all ages & calves of both
cows & buffaloes not capable of milch
or draught can be slaughtered.

7 judge
bench
(2005)

Gujrat total ban
on Cattle Slaughter.

overruled 1958 verdict & upheld the
ban regardless of whether the cow
is useless or useful.

Anura Sharma Bang case - SC turned down plea for mercy killing of vegetative Anura Sharma Bang, saying that only hospital could make such a request.

Sec 436A (introduced in 2005) - Undertrial should be released on personal bond if he or she has undergone detention for a period extending to one half of max^m period of imprisonment specified for that offence.

PUCI v UOI (2013) - recommending NOTA, SC said that act of non-participation is an expression, just as voting is. Thus making voting mandatory is against democratic freedom.

Salonam Hashmi Case (2014) :- Apex court gave Salonam Hashmi the right to adopt under JJ Act even as Sharia law does not allow it & only recognized guardianship rights over the adopted child.

Vineet Naurin Judgement :- SC struck down single directive as being arbitrary and violative of the guarantee of equal treatment and equal protection of the law for all officers under Art-14.

Vishaka & others
vs State of
Rajasthan (1997)

at work places.

S.C. laid down the
norms
guidelines regarding the
sexual harassment of women

Sakshi v Union of India:-
(2004)

SC categorically said that
incorporating foreign laws and
precedents which treat marital
rape as rape, would not be suitable for India.

SC on a PIL filed in the wake of the removal of
the governors of UP, GJ, HR & GOA in 2004:-

said that governor was neither an employee
nor agent of the union govt. It held that a
change in the govt at the centre was not a
ground for removal of governors to make way for
others favoured by the new govt.

{ Unlawful Activities Prevention Act (1967)

Foreign Exchange Management Act (1999)

Prevention of Money Laundering Act (2002)

Income tax Act (1961)

Foreign Contribution Regulation Act (FCRA)

→ SC: in the D.C. Wadhwa case termed
re-promulgation of ordinances as 'ordinance law'.

→ on an avg, 10.3 ordinances have been issued
per year since 1952.

S.R. Bommai vs. UOI!. SC's view on imposition of
Art. 356

- ground on which 356 can be applied (Secularism,
365, Subversive
agenda)
- ground on which 356 can not be impose
- Open to judicial review, if malafide
decision status quo ante can be restored.

Lily Thomas vs UOI

SC struck down section 8(4) of Representation
of People, Act, saying under Art 102(1)
same law uniform common law should
be applied to both for member of parliament
& outsider. Thus convicted member for
2 yrs or more must be disqualified.

A.V. Dicey - Rule of Law

James Madison & Montesque - Separation of
powers.

Imp Articles.

Art 44 :- The state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

Art 53 :- The executive power of the union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him.

Art 154 :- The executive power of the state shall be vested in the governor & shall be - - -

Art 74 :- There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President, who shall, in the exercise of his funcⁿ, act in accordance with such advice.

Art 163 :- There shall be a Council of Ministers with CM as the head to aid & advise the governor in the exercise of his function, except in so far as he is by or under this constitution required to exercise his funcⁿ or any of them in his discretion.

Art 156(1) :- Governor shall hold the office during the pleasure of the President.

19(1)(a) :- Freedom of speech & expression

19(2) :- State can impose reasonable restriction on following grounds

i) Sovereignty & integrity of India.

ii) Security of the state

iii) friendly relation with the foreign states

iv) Public order

v) decency or morality

vi) Defamation

vii) Incitement to an offence.

Section 124(A) :- (IPC) is a pre-independence provision

which covers sedition charges against

public order.

SC (1962) upheld 124A & held that it struck a "correct balance" between fundamental rights & the need for public order.

Art. 22(3) :- provides that if a person is

arrested or detained under a law providing for preventive detentions, then the protection against arrest & detention under

Art. 22(1) & 22(2) shall not be available.

Grounds :-

- Security of state
- Maintenance of public order
- Maintenance of supplies and essential services & defence.

• Foreign affairs or security of India.

State list :- Entry 17 :- Water - water supply, irrigation & canals, drainage and embankments, water storage & water power subject to provision of entry 56 of Union list

Union list :- entry 56 :- Regulation & development of inter-state rivers & river valleys under the control of union, as declared by Parliament.

Sarkaria Comm :- Bringing water to concurrent list would be unnecessary move.

Art 249! RS can pass resolution to empower Parliament to enact law on state subject.

Art 312 :- RS can pass resolution to create a new All India Service.

Art 95! If both the seats of Speaker & deputy speaker are vacant, duties of the speaker shall be performed by such member of the house, as the president may appoint.

But in case of absence, by such person as determined by the house.

Art 122 (2) :- The proceeding of parliament & the conduct of speaker for regulating procedure can not be questioned in any court.

Art - 110 → Money Bill

Art - 112 → Union Budget

Art 202 → State Budget

Public Accounts Comm - 15 LS + 7 RS

Estimate Comm - 30 LS

Comm on Pub Undertaking - 15 LS + 7 RS

Business advisory Comm
Rules Comm } Presiding officers
are ex-officio chairpersons

Comm on welfare of SC & ST - 20 LS + 10 RS

" " Empowerment of Women - - do -

No confidence motion = Rule - 198 (L.S)

{ Resolution vs Motion



Must be voted

All Resolutions are types of substantive motion

{ Rule - 184 → Followed by voting

{ Rule - 193 → does not followed by voting

→ Calling attention notice / motion

Leader of opposition - Statutory Status in 1977

Art - 105 : Power & Privileges of members of Parliament -

Civil Society → Complement
Subplement
Question
Confront
Substitute } government.

- Agitate
- service provider
- Generate awareness
- Bridge
- limit state power.

Social Justice → to provide material goods & address poverty (western)

↓
along with this remove caste discrimination,
social exclusion & untouchability.

ICT → S → Simple

M → Moral

A → Accountable

R → Responsive

T → Transparent.

④ National Policy on the Voluntary Sector - 2007

- i) Consultation between state & voluntary sector at Centre, State & local level.
- ii) Strategic collaboration over social mobilization over long term.
- iii) Project funding thru standard schemes.
 - Partnership in development
 - Ensure self regulation, transparency & accountability
 - Establishing an enabling environment.

(+) Public expen. on health 1-2% of GDP compare to 7% in USA.

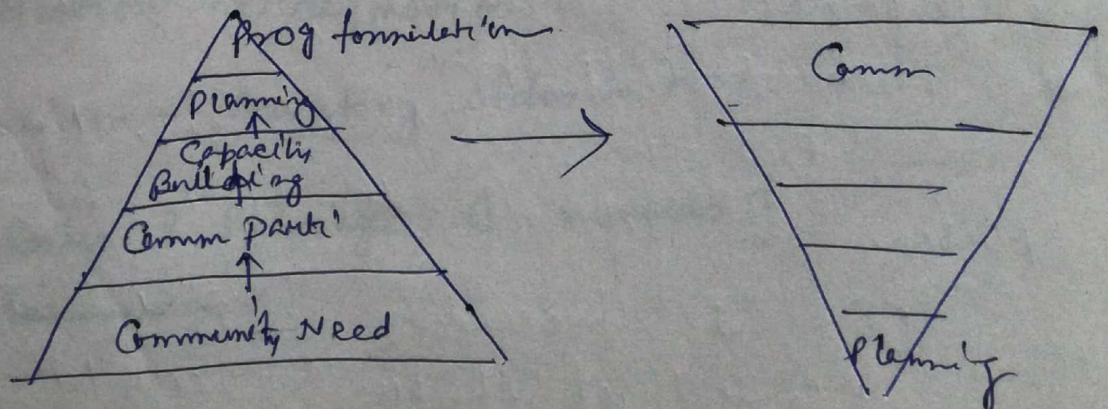
↳ ANUSHT

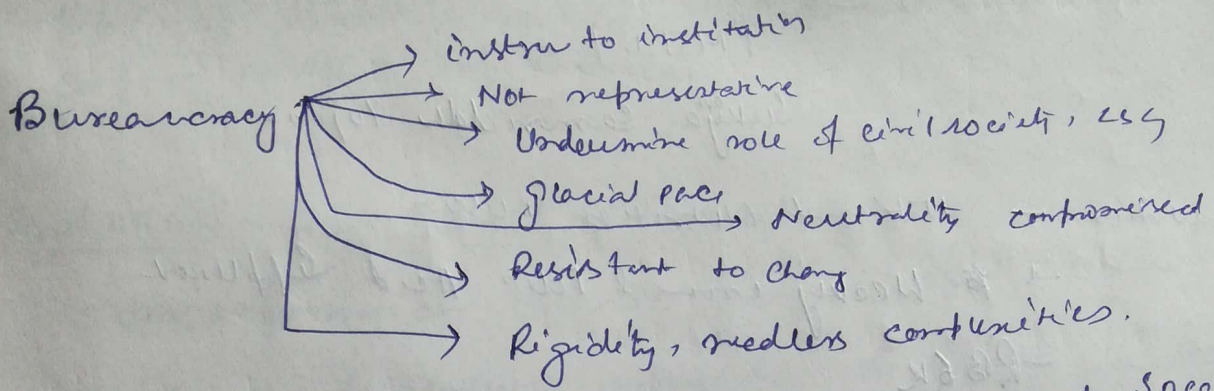
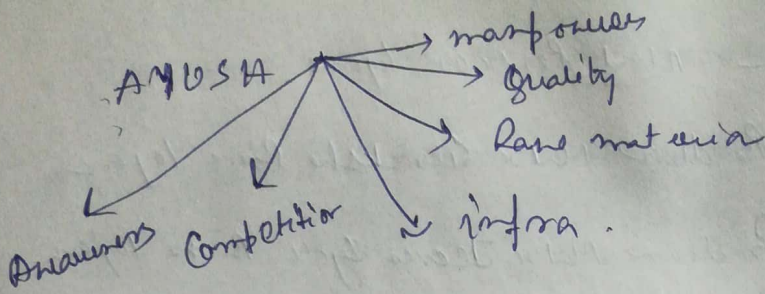
Poverty
 Tendulkar Comm - 2005 - Multiple deprivation based poverty
 Rangarajan - include fat, protein.

(Working gr. of RC (1962)
 Alghu Comm
 Lakshminarayana
 ↳ min consumption expenditure

Govt Sc - AS TR, Mizo, Megha.
 Admin, Ind, Ene.

Demand Driven Approach → Bottom up Accountability





Citizen Participation — RTI, Citizen Report Card, Social audit
 ↓
 MGNREGS

Gram Sabha, Citizen feedback & survey
 ↓
 Bangalore agenda & task force

Citizen charter.

Social media — Twitter
 → my gov. in

- Asking info
- Suggestion & feedback
- ensuring Acc.
- Participation



6-Cs of Digital Governance — Content, Compatibility, Communication, Cyber security, Conformity.

Neonatal & Pregnant

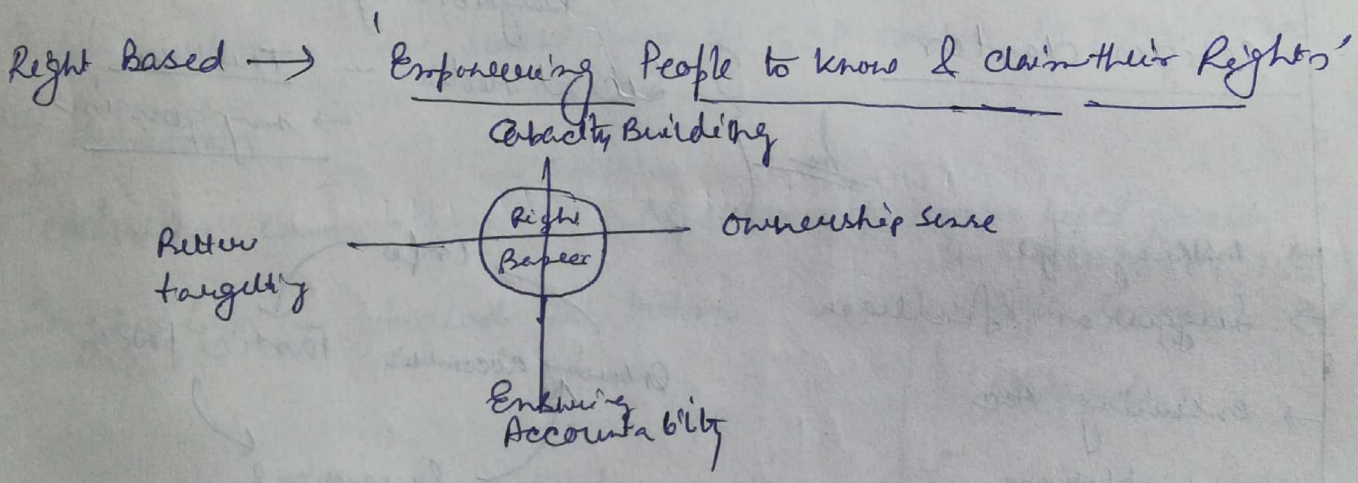
- ~~JSSK~~ JSSK
- JSY
- ASHA

↳ 6000 under NFSA

- Mobile tracking
- RMNCHA+
- Folic acid, Zinc supplement
- Indian Newborn Action Plan

Social Security Schemes — Atal Pension Yojana
 Pradhan Mantri Suraksha Bima Yojan
 Pradhan Mantri Jeeva Jyoti Bima Yojan
 PMJDY ..
 Sukya Samridhi Yojana.

Malnutrition — National Nutrition Mission
 → Weekly Iron & Folic Acid Supplement
 - RBSK
 - Iron & vitamin A Supplement
 - Iron rich crop — pearl millet.



NGOs → Baapan Bachao Andolan
 Akshay Patra (providing nutritional food)
 |
 Challenges → Poonj (channeling donation)

- Leadership
 - inadequate funding
 - Corruption
 - Lack of transparency
 - acted on behalf of corporate interest
 - lack of infra & organisational resources
- Maunji Suzuki
+
Sulabh International

'Universalisation without Quality' 'U without Q'

ASER report of PRATHAM - Class 5 student cannot read class 2 text

→ 4.6% of India's workforce has formal skill training compare to 9% of S. Korea.

2nd ARC - OSA should be repealed.

An information can be provided if 'Public interest in disclosure outweighs the harm to the protected interest'

HUNGAMA report - 42% children are underweight ^{at} by age of 42 months
58% are stunted

Article - 169 - Creation & Abolition of State Leg's Council

Sarla Mudgal
Banshidhar Prasad Sahasrabudhe } UCC
Removal of governor - { Art - 155 - appointment -
Venkatesh Chelappa Comm - CM consult.
K.G. Balakrishnan -
Sarkaria
Puneche' Comm.

Puneche' → equal representation of States in R.S.
9 States just 1 mem in R.S.

PIL - under Art - 32 S.C
Art 226 H.C

Sec 2(n) of RTI - Define public Authority

Tribunal - 323 A

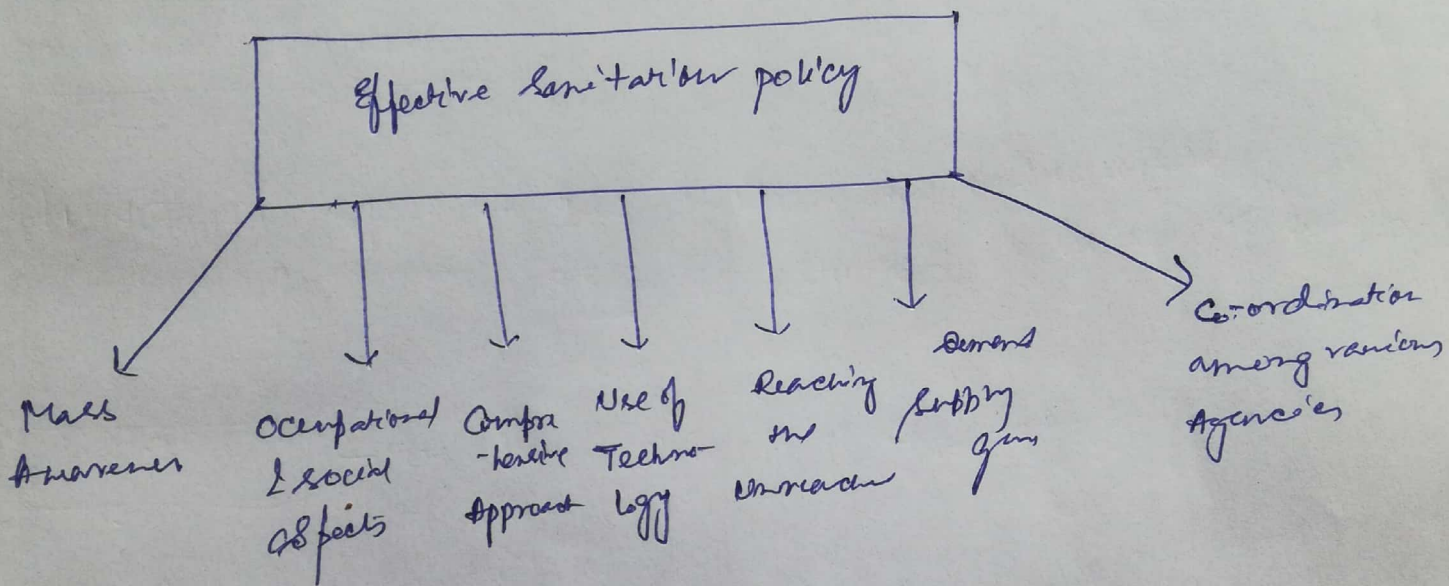
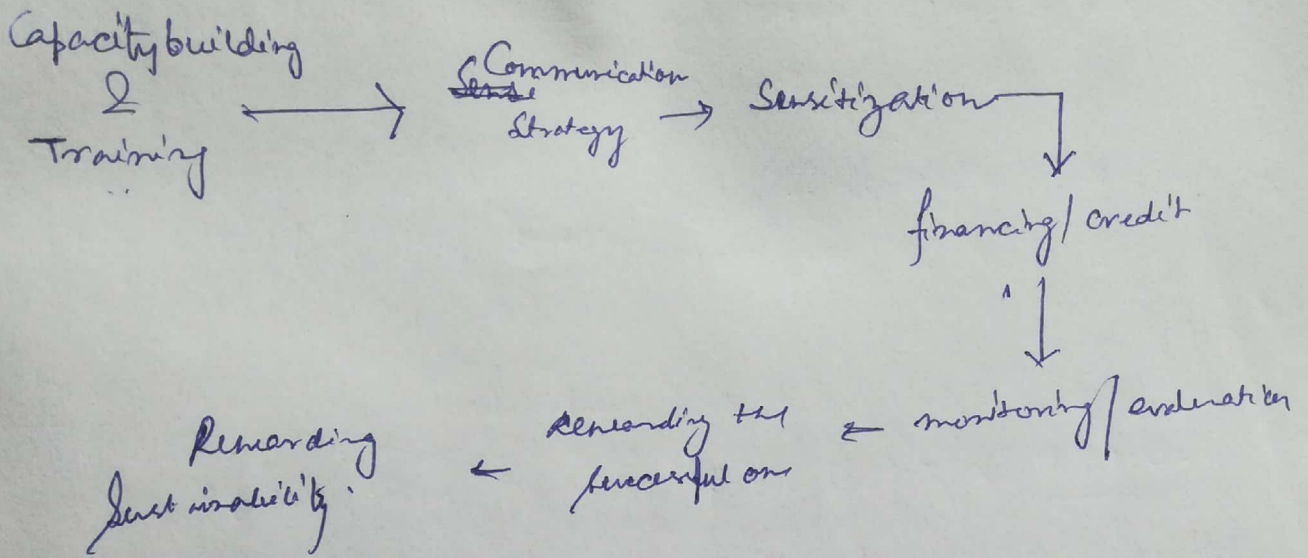
323 B
Chandra Kumar vs UOI, tribunal judgement can be
Challenged in H.C also.

A

&

'MATA BHUMI PUTROHAM PRITHIVYA'

means 'Earth is my mother, I am her
son.'



59.4% of Rural } don't have latrine facility
 8% of Urban }

